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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF ALAMEDA

BY FAX

07347405

10 TONY L. HOANG and CHARLES C.
11 STRONG, individually and on behalf of all
12 others similarly situated,
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14 Plaintiffs,

15 v.

16 AXIOM WORLDWIDE, LLC., a Florida
17 corporation; AXIOM WORLDWIDE, INC., a
18 Florida corporation; JAMES GIBSON; NICK
19 EXHAROS; and DOES 1-50,

20 Defendants.

Case No. _____

CLASS ACTION COMPLAINT FOR

- 1.) Violation of Business & Professions Code Section 17200 et seq.
- 2.) Negligent Misrepresentation
- 3.) Fraudulent Misrepresentation
- 4.) Negligent Supervision

JURY TRIAL REQUESTED

THIS IS A CLASS ACTION

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22 1. This is a class action brought on behalf of all medical providers who have leased
23 or purchased any of the "spinal decompression" machines manufactured by Axiom Worldwide,
24 LLC. These medical providers include, but are not limited to, chiropractors (DCs), medical
25 doctors (MDs), and doctors of osteopathy (DOs). These individuals are similarly situated under
26 California Code of Civil Procedure §382. Plaintiffs seek to recover the purchase price of the
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1 machine, interest paid on lease payments, penalties, interest, punitive damages, and attorney's
2 fees and costs for themselves and all other present and former purchasers similarly situated. The
3 Plaintiffs allege that they and other class members were fraudulently induced to purchase
4 Axiom's "spinal decompression" machines based upon the negligent and fraudulent
5 misrepresentations made by Axiom and its agents, including but not limited to such
6 misrepresentations that the machines were FDA approved, were patented, had an 86% success
7 rate, were based on NASA "space-age" technology, and that the treatments were covered and/or
8 reimbursable by most insurance companies and Medicare.
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11 2. The Plaintiff Dr. Tony L. Hoang is a citizen and resident of the State of
12 California. At all times relevant Dr. Hoang has resided in the County of Monterey. Dr. Hoang
13 purchased one of Axiom's DRX 9000 machines in 2005. The Plaintiff Charles C. Strong is a
14 citizen and resident of the State of California. At all times relevant Dr. Strong has resided in the
15 County of Monterey but has his office in Santa Cruz County. Dr. Strong purchased one of
16 Axiom's DRX 9000 machines in 2005.
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19 3. The Plaintiffs are but two of hundreds of medical providers who, over the past
20 seven years, have purchased or leased spinal decompression machines from Axiom. The
21 Superior Court has jurisdiction because this is a class action which involves hundreds of
22 individuals who were fraudulently induced to purchase these spinal decompression machines
23 based upon Axiom's fraudulent and negligent misrepresentations and the monetary damages
24 sought by Plaintiffs exceed the minimal jurisdictional limits of the Superior Court and will be
25 established according to proof at trial. Venue is proper in Alameda because the Defendants,
26 Axiom Worldwide, LLC. and Axiom Worldwide, Inc., are not licensed with the California
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