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11 **UNITED STATES DISTRICT COURT**

12 **CENTRAL DISTRICT OF CALIFORNIA**

13 FOCUS INDUSTRIES MED, LLC,
14 an Oregon limited liability company,

15 Plaintiff,

16 v.

17 SNS GLOBAL PHARMA
18 CORPORATION, a California
19 corporation; ASAP
20 INTERNATIONAL SDN BHD, a
21 Malaysian company; and DOES 1 to
22 120 inclusive,

23 Defendants.

CASE NO.:

COMPLAINT FOR:

- 1 (1) **BREACH OF CONTRACT;**
- 2 (2) **STRICT LIABILITY;**
- 3 (3) **BREACH OF IMPLIED**
- 4 **WARRANTY;**
- 5 (4) **FRAUD / DECEIT – FALSE**
- 6 **PROMISE;**
- 7 (5) **NEGLIGENT INTERFERENCE**
- 8 **WITH PROSPECTIVE**
- 9 **ECONOMIC ADVANTAGE;**
- 10 (6) **NEGLIGENCE**

DEMAND FOR JURY TRIAL

24 Plaintiff, FOCUS INDUSTRIES MED, LLC, an Oregon limited liability
25 Company, herein files its Complaint allege as follows:

PARTIES

26 1. Plaintiff, FOCUS INDUSTRIES MED, LLC, (hereafter “FOCUS”),
27 is an Oregon limited liability company, with its principal place of business in Gold
28 Beach, Oregon and with warehouses in Gold Beach, Oregon and in Los Angeles,

1 California. Josh Richards is, and at all relevant times was, a resident and citizen of
2 the County of Orange, State of California, and the Chief Executive Officer of
3 FOCUS.

4 2. Defendant, SNS GLOBAL PHARMA CORPORATION, (hereafter
5 “SNS”), is a California corporation with its principal place of business in Camarillo,
6 California.

7 3. Defendant, ASAP INTERNATIONAL SDN BHD, (hereafter
8 “ASAP”), is a foreign company who is located in Selangor, Malaysia where it
9 conducts its manufacturing and shipping business. At all relevant times, ASAP
10 maintained and maintains a mailing address and American office in Pinole,
11 California with a California business phone number of 707-553-6191, representing
12 as a Northern California area code and phone number. The California phone number
13 is listed on its website as being “For Customer Service or Product Inquiry.”

14 4. Plaintiffs are ignorant of the true names and capacities of Defendants
15 sued hereunder as DOES 1-120, inclusive, and therefore sue these Defendants by
16 such fictitious names. These Defendants, and each of them, are, and at all times
17 herein mentioned were the predecessors, successors, agents, employees, alter-egos,
18 co-conspirators, and/or have otherwise been involved with the wrongdoings alleged
19 herein and their identities or involvement are unknown or unclear, and thus they are
20 sued by such fictitious names, and their true names will be substituted at a later date
21 as they become known.

22 5. Defendants and each of them, are in a principal-agent relationship, or
23 are co-conspirators or are otherwise jointly responsible with respect to all of the
24 causes of action set forth herein.

25 **JURISDICTION AND VENUE**

26 1. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1332(a)
27 because this is a civil action wherein the matter in controversy exceeds the sum or
28 value of \$75,000.00, exclusive of interest and costs and punitive damage claims,

1 and is between citizens of different states, i.e. Plaintiff is a citizen of Oregon with
2 its principal place of business in Oregon; and has a warehouse in Los Angeles,
3 California; and Defendants are citizens of California and Malaysia. Therefore, this
4 Court has subject matter jurisdiction based on complete diversity of citizenship of
5 the parties. 28 U.S.C § 1332(a).

6 2. This court has personal jurisdiction over Defendants pursuant to and
7 consistent with the 14th Amendment Due Process Clause in that Defendants, acting
8 through their agents or apparent agents, engaged in one or more of the following:

9 a) the transaction of business within this state; b) the making of the contract at issue
10 within this state; and c) the commission of tortious acts within this state as more
11 fully alleged herein. Requiring Defendants to litigate these claims in California
12 would not offend traditional notions of fair play and substantial justice and is
13 permitted by the United States Constitution. All of Plaintiffs' claims arise from
14 conduct Defendants purposefully directed to California which caused damage to
15 Plaintiffs in California. At all relevant times, Defendants have transacted and
16 conducted business in the State of California and derived substantial benefit and
17 revenue from such business and transacted with Plaintiffs in the State of California.

18 3. Venue is properly set in this District pursuant to 28 U.S.C. § 1391(b)
19 since a substantial part of the events giving rise to the claims at issue occurred
20 within this judicial district.

21 GENERAL ALLEGATIONS

22 4. FOCUS is a company who purchases and then sells PPE equipment
23 to hospitals, medical/health clinics and to fire and rescue departments, and other
24 customers, who require PPE equipment for their respective healthcare businesses.

25 5. SNS is a company who purchases PPE from PPE-manufacturers and
26 who subsequently sells the product to companies that then sell PPE equipment to
27 healthcare businesses in the United States. It holds itself out as a manufacturer and
28 distributor of medical devices, pharmaceuticals, and health supplements.

1 6. ASAP is a company who manufacturers PPE and ships this product to
2 customers around the world. Among its PPE lineup, ASAP manufactures surgical
3 latex powdered gloves and surgical latex powder free gloves.

4 7. ASAP is an acronym for “Art & Science of Amazing Protection.”

5 8. On its website, <https://whyasap.com/>, ASAP represents and advertises
6 the following information about its philosophy, standards, and its PPE gloves:

7 “ASAP stands for art & science of amazing protection. Each piece of
8 ASAP product combines elements of art and science which aims to
9 provide superior protection, satisfying the needs of every individual
10 users.”

11 “ASAP is synonymous with dynamism, top-grade products and
12 providing solutions to the ever-evolving concerns of Personal
13 Protective Equipments (PPE).”

14 “ASAP honours and cares for every element of life as well as the
15 importance of protecting them in everything that we do.”

16 “ASAP Surgical Gloves are manufactured in a totally integrated
17 facility and are packaged to allow aseptic donning. These gloves
18 provide exceptional cleanliness and confirmation of sterility. Our
19 surgical gloves inherent the physical properties of natural rubber which
20 offers flexibility and elasticity with excellent comfort.” The powdered
21 gloves are advertised to “assure you of nothing less than top-notch
22 performance” and the non-powdered gloves “will no doubt protect you
23 against blood and cross-contamination.”

24 “Our products are made to fit in a wide range of industries, from
25 medical to industrial and more. Explore our vast range of gloves and
26 face masks for various industries, available in a wide range of different
27 colors that will match your usage and industry.”

28 9. On its website, <https://smsgph.com/>, SNS represents and advertises
the following information about its philosophy and standards:

 “Our Mission Statement - To provide quality medical products with

1 superior value to global healthcare providers, importers, distributors,
2 and end-users, improving patient care and enhancing the quality of
3 peoples' lives.”

4 “We take pride in our commitment to providing fast, safe, and secure
5 delivery, and offer competitive prices on all our products. Our
6 customer care is exceptional as we value our clients' needs as our own,
7 and offer the highest level of ethics. Getting the medical supplies you
8 need should be timely, hassle-free, and cost-effective. SNS Global
9 Pharma strives to deliver all this and more.”

10 “We deliver the highest quality pharmaceuticals, medical devices,
11 health supplements, and technical services in a sustainable and cost-
12 effective fashion.”

13 “SNS Global Pharma supplies gloves, syringes, diagnostic kits, etc.
14 directly from the largest and best quality manufacturers in the world.”

15 “With our global partners, we import and export from our local and
16 international markets. We distribute to clientele in an ethical, efficient,
17 and professional manner, by partnering with manufacturers and
18 distributors around the globe.”

19 10. SNS advertises that it supplies ASAP Nitrile Examination Disposable
20 Gloves on its website, <https://smsgph.com/product/asapnitrile/>.

21 11. Between January and March 2021, FOCUS purchased over
22 \$2,000,000 of ASAP nitrile gloves from SNS. The purchases are reflected in the
23 Parties' invoices: Invoice No. SNS10292020-98, SNS02022021-26 and
24 SNS03182021-12, (collectively “**Exhibit 1**” and collectively referred to herein as
25 the “ASAP Product”). Following receipt of the product, FOCUS stored the goods
26 in its warehouses and began selling the ASAP product to its customers in August
27 2021.

28 12. Shortly after August 2021, FOCUS received a litany of customer
complaints regarding the ASAP Product. Namely, customers complained that the
gloves were soiled with dirt, grease, rust, contained holes and were inconsistent in

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