

EXHIBIT A

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

ADVANCED TEAR DIAGNOSTICS, LLC, a Delaware limited liability company [see Attachment]

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

INNOVATIVE MEDICAL SUPPLIES, LLC, a California limited liability company

ELECTRONICALLY FILED
Superior Court of California,
County of San Diego
07/27/2021 at 03:58:27 PM
Clerk of the Superior Court
By Melissa Valdez, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

CASE NUMBER: (Número del Caso):
37-2021-00032000-CU-FR-CTL

San Diego Superior Court, Hall of Justice, 330 W. Broadway, San Diego, CA 92101

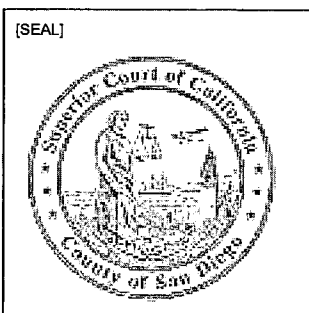
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Benjamin Galdston, Esq., OMNUM LAW APC, 9333 Genesee Avenue, Suite 110, San Diego, CA 92121; Tel: (858) 539-9767

DATE: 07/27/2021
(Fecha)

Clerk, by *M. Valdez*, Deputy
(Secretario) M. Valdez (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify): Advanced Tear Diagnostics, LLC, a Delaware limited liability company
 under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify): Limited Liability Company - California Corporation Code 17061
4. by personal delivery on (date): 10/7/2021

Form Adopted for Mandatory Use
Judicial Council of California

SUMMONS

Page 1 of 1
Code of Civil Procedure §§ 412.20, 465

SHORT TITLE: INNOVATIVE MEDICAL SUPPLIES, LLC v. ADVANCED TEAR DIAGNOSTICS, LLC	CASE NUMBER: 37-2021-00032000-CU-FR-CTL
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INSTRUCTIONS FOR USE

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff
 Defendant
 Cross-Complainant
 Cross-Defendant

MARCUS W. SMITH, an individual
 And
 DOES 1-5

ADDITIONAL PARTIES ATTACHMENT
Attachment to Summons

For your protection and privacy, please press the Clear
 This Form button after you have printed the form.



07/27/2021 at 03:58:27 PM

Clerk of the Superior Court
By Iwelissa Valdez, Deputy Clerk

1 Benjamin Galdston (SBN 211114)
2 OMNUM LAW APC
3 9333 Genesee Avenue, Suite 110
4 San Diego, California 92121
5 Tel.: (858) 539-9767

6 *Counsel for Plaintiff*

7
8 SUPERIOR COURT FOR THE STATE OF CALIFORNIA
9 COUNTY OF SAN DIEGO

10 INNOVATIVE MEDICAL
11 SUPPLIES, LLC, a California
12 limited liability company,

13 Plaintiff,

14 v.

15 ADVANCED TEAR
16 DIAGNOSTICS, LLC, a Delaware
17 limited liability company, and
18 MARCUS W. SMITH, an
19 individual;

20 And DOES 1-5,

21 Defendants.

Case No.: 37-2021-00032000-CU-FR-CTL

COMPLAINT FOR:

- (1) **FRAUD;**
(2) **CONSPIRACY TO DEFRAUD;**
(3) **MONEY HAD AND RECEIVED;**
(4) **CONVERSION;**
(5) **ACCOUNTING; and**
(6) **UNJUST ENRICHMENT/
CONSTRUCTIVE TRUST**

JURY TRIAL DEMANDED

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