

DISTRICT COURT CIVIL COVER SHEET XV

Clerk County, Nevada
 Case No. _____
 (Assigned by Clerk's Office)

I. Party Information (provide both home and mailing addresses if different)	
Plaintiff(s) (name/address/phone): Harry Reid and Landra Gould, Plaintiffs	Defendant(s) (name/address/phone): Hygenic Intangible Property Holding Company, a domestic corporation, The Hygenic Corporation, a foreign corporation, and Performance Health, LLC, and Performance Health, LLC a foreign limited liability company, Defendants
Attorney (name/address/phone): LANZONE MORGAN, LLP 3753 Howard Hughes Pkwy, Suite 200 Las Vegas, NV 89169	Attorney (name/address/phone): TBD

II. Nature of Controversy (please select the one most applicable filing type below)

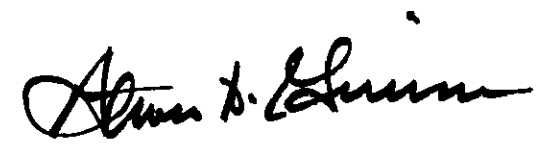
Civil Case Filing Types		
Real Property	Torts	
Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property	Negligence <input type="checkbox"/> Auto <input type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice	Other Torts <input checked="" type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort
Probate	Construction Defect & Contract	Judicial Review/Appeal
Probate (select case type and estate value) <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500	Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract	Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal
Civil Writ		Other Civil Filing
<input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrantum <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ		<input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters

Business Court filings should be filed using the Business Court civil coversheet.

October 6, 2015
 Date

[Signature]
 Signature of initiating party or representative

See other side for family-related case filings.



CLERK OF THE COURT

1 **COMPJD**
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2 Nevada Bar No.: 12826
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3 3753 Howard Hughes Parkway, Suite 200
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4 Telephone: (702) 784-7621
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In pro per person

6 Attorneys for Plaintiffs

8 DISTRICT COURT
9 CLARK COUNTY, NEVADA

10 Harry Reid and Landra Gould) Case No.: **A-15-725704-C**
11 Plaintiffs,)
12 vs.) Dept. No.: **XV**
13) **COMPLAINT**
14 Hygenic Intangible Property Holding Company,)
a domestic corporation, The Hygenic)
15 Corporation, a foreign corporation, and)
Performance Health, LLC, a foreign limited)
16 liability company)
Defendants.)

17
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19 **COMES NOW**, Plaintiffs, HARRY REID and his wife, LANDRA GOULD, by and
20 through their undersigned attorney, and sues the Defendants, HYGENIC INTANGIBLE
21 PROPERTY HOLDING COMPANY, a domestic for-profit corporation, THE HYGENIC
22 CORPORATION, a foreign for-profit corporation, and PERFORMANCE HEALTH, LLC, a
23 foreign for-profit limited liability company, and states:

1 5. Defendants, HYGENIC INTANGIBLE PROPERTY HOLDING COMPANY,
2 THE HYGENIC CORPORATION and PERFORMANCE HEALTH, LLC are inextricably
3 intertwined. The Officers of HYGENIC INTANGIBLE PROPERTY HOLDING COMPANY on
4 file with the State of Nevada include, President, Marshall Dahneke and Secretary and Treasurer,
5 Niels Lichti. The contact address for both men is 1245 Home Ave., Akron, Ohio, 43310. This is
6 also the address where THE HYGENIC CORPORATION and PERFORMANCE HEALTH,
7 LLC, are located.

8
9 6. Upon information and belief, at all relevant times material hereto, Defendants,
10 HYGENIC INTANGIBLE PROPERTY HOLDING COMPANY, THE HYGENIC
11 CORPORATION and PERFORMANCE HEALTH, LLC (hereinafter "Defendants"), combined
12 to create, manufacture and market a defective product called TheraBand or Thera-Band exercise
13 band (hereinafter "TheraBand").

14 7. TheraBand devices are elastic resistance bands designed to help prevent injury,
15 enhance performance and rehabilitate muscles after injury or surgery. They have been used to
16 provide avenues for strength training without the cost and space required for more bulky
17 equipment. They are designed to allow a user to manually exercise based solely on the resistive
18 action provided by the band.

19
20 8. Plaintiff, HARRY REID is and was at all times material a resident of the State of
21 Nevada. He was injured, while exercising at his home in Henderson, Nevada, on or about the
22 morning of January 1, 2015, as the result of a defective product, TheraBand, designed,
23 manufactured and distributed by Defendants.

1 9. Plaintiff, LANDRA GOULD is and was at all times material a resident of the
2 State of Nevada and the spouse of Plaintiff, HARRY REID. Plaintiffs, HARRY REID and
3 LANDRA GOULD have been married since 1959.

4 10. Plaintiff, HARRY REID is Nevada's senior United States Senator and has served
5 in the U.S. Senate since January 3, 1987. During his political career, he has at various times
6 served as the Senate Minority Leader, Senate Majority Leader, Senate Majority Whip, Senate
7 Minority Whip, Member of the U.S. House of Representatives from Nevada's First District, and,
8 Lieutenant Governor of Nevada.

9 11. On or about the morning of January 1, 2015, Plaintiff, HARRY REID was using a
10 TheraBand, heavy resistance exercise band, to exercise in his home. The TheraBand was
11 mounted to a sturdy object in his bathroom. While in use, the TheraBand broke or slipped out of
12 Mr. Reid's hand, causing him to spin around and strike his face on a cabinet.

13 12. As a result of the TheraBand breaking or slipping out of his hand, Plaintiff,
14 HARRY REID has suffered and continues to suffer from severe pain and injuries, including, but
15 not limited to, loss of vision in his right eye, a concussion, broken orbital bones, severe
16 disfigurement and bruising to his face, hand injuries, facial lacerations, scarring, and broken ribs.

17 13. On or about the morning of January 1, 2015, Plaintiff, HARRY REID was
18 seventy-five (75) years old.

19 14. Nevada Revised Statutes 427A.122 defines "elderly person" as a person who is 60
20 years of age or older.

21 15. On March 14, 2013, Defendants submitted Patent Application 13/827,445, and
22 stated the following within their patent application:

23 FIELD OF THE INVENTION
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1 The present invention generally relates to an exercise device. More particularly, the
2 present invention pertains to an elastic resistive exercise band.

3 BACKGROUND OF THE INVENTION

4 Resistive exercising has long been incorporated into athletic training and therapeutic
5 regimens in order to help prevent injury, enhance performance, and rehabilitate muscles
6 after injury or surgery. Conventional isometric or isotonic exercise devices have been
7 used to provide avenues for strength training and muscle therapy without the cost and
8 space required with more bulky equipment. In particular, many types of single loop bands
9 or single strip bands of elastic material have been developed that allow a user to manually
10 exercise based solely on the resistive action provided by the band. For example, the user
11 may exercise with an endless loop band by holding the band toward one end with a hand
12 or a foot and attaching the other end of the band to a stationary object, such as a door, or
13 holding the other end with another hand or foot. Often, in order to obtain and maintain a
14 proper grip on conventional bands, a user must loop the band multiple times around their
15 hand or foot, or tie knots at an appropriate location in the band. These methods to provide
16 effective handles at appropriate locations along a conventional band often result in
17 damage to the band and/or a localized pressure on the hand or foot area, i.e., a cutting in
18 of the band, due to a significant narrowing of the band in and around the area of the knot.
19 To avoid this digging-in effect of the knotted band, the user may rely almost entirely on a
20 finger grip, for example, rather than mounting the band over a larger portion of an
21 extremity, such as a wrist or ankle. Some users, such as the elderly or those with
22 extensive damage to the muscles of the hands or feet, for example, may not be able to
23 effectively grip the bands and thus may deviate from a therapeutic regimen prescribed by
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1 a physician to strengthen and/or rehabilitate damaged muscles and/or cause additional
2 injury to themselves. To alleviate this discomfort, some users may rely on special handles
3 that have to be separately attached to the exercise device, resulting in additional cost and
4 complexity that can be discouraging to users.

5 There is a need for an exercise device that permits easy and efficient use without the need
6 to reconfigure the device with knots or constricting loops, wherein an isotropic nature of
7 the material used to make the device allows the device to easily contour to the shapes of
8 surfaces, providing reduced slip when mounting to various objects, for example, while
9 simultaneously being capable of shaping to the contours of a user's anatomy for added
10 comfort.

11
12 16. At all times material, Defendants knew or had constructive knowledge that
13 TheraBand users may exercise with the resistance band by holding the band toward one end with
14 a hand or a foot and attaching the other end of the band to a stationary object.

15 17. At all times material, Defendants were aware that in order to obtain and maintain
16 a proper grip on TheraBands, a user must loop the band multiple times around their hand or foot,
17 or tie knots at an appropriate location in the band in order to maintain a grip on the TheraBand.

18 18. At all times material, Defendants knew or had constructive knowledge that
19 TheraBands were dangerous for use by the elderly, and those with extensive damage to the
20 muscles of the hands or feet, because they may not be able to effectively grip the bands and thus
21 may deviate from a therapeutic regimen prescribed by a physician to strengthen and/or
22 rehabilitate damaged muscles and/or cause additional injury to themselves.
23

1 19. At all times material, Defendants knew or had constructive knowledge of the
2 danger of injury to consumers, especially to the elderly, as a result of TheraBands breaking or
3 slipping out of their hands while mounted to various sturdy objects.

4 20. Despite Defendants' knowledge of the danger of the likelihood of TheraBands
5 breaking or slipping out of the hands of its users, particularly the elderly and individuals with
6 hand and/or foot muscle damage, Defendants did not include warnings, either general or specific,
7 regarding said dangers in the packaging insert in the TheraBand box owned by Plaintiff,
8 HARRY REID.

9 21. At all material times, Defendants knew or had constructive knowledge that a safe
10 alternative design was feasible.

11 22. Upon information and belief, Defendants jointly marketed the defective,
12 unreasonably dangerous TheraBand and were jointly involved in the enterprise by which
13 TheraBand is brought to market and jointly controlled or had the ability to control the design,
14 manufacture or quality of TheraBand and failed to warn consumers and learned intermediaries of
15 the danger of the bands' likelihood of breaking and of causing injuries to the elderly and those
16 with extensive damage to the muscles or the hands or feet, due to their difficulty in effectively
17 gripping the TheraBand.
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19 23. Upon information and belief, Defendants market and sell TheraBand directly to
20 consumers in the public.

21 24. Upon information and belief, Defendants market and sell TheraBand as a medical
22 device.

23 25. Upon information and belief, Defendants market and sell TheraBand directly to
24 learned intermediaries.
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26. Upon information and belief, Defendants are not bulk manufacturers.

27. Upon information and belief, the TheraBand used by Plaintiff, HARRY REID had a defect rendering it unreasonably dangerous; the defect existed at the time the product left the manufacturer and the defect caused his injuries. *Rivera v. Philip Morris, Inc.*, 125 Nev. 18, 209 P.3d 271, 275 (2009); *Fyssakis v. Knight Equipment Corp*, 108 Nev. 212, 214, 826 P.2d 570, 571 (1992); *Yamaha Motor Co., Inc.*, 114 Nev. 233, 238-239, 955 P.2d 661, 665 (1998).

28. Upon information and belief, an appropriate warning provided by Defendants would have prompted Plaintiff, HARRY REID to take precautions to avoid his injuries. *Rivera v. Philip Morris, Inc.*, 125 Nev. 18, 209 P.3d 271, 275 (2009).

29. Upon information and belief, Defendants did not adequately communicate the dangers that may result from the use or foreseeable misuse of TheraBands to consumers in the public and learned intermediaries. *Fyssakis v. Knight Equipment Corp.*, 108 Nev. 212, 826 P.2d 570 (1992).

30. As a result of the foregoing, Defendants' product, the TheraBand, did not perform in keeping with the reasonable expectations of a reasonable consumer, in this instance, Plaintiff, HARRY REID, causing severe damages to the consumer.

COUNT I- NEGLIGENCE

31. Plaintiff, HARRY REID re-asserts and re-alleges the allegations contained in paragraphs 1 through 30 of this Complaint, as if each were fully set forth herein.

32. At all times material, Defendants owed a duty to the general public, and particularly, to Plaintiff, HARRY REID to design, manufacture, distribute and sell the subject resistance band in a reasonably safe condition free from dangerous hazards and not to design,

1 manufacture, distribute and sell inherently dangerous products, and to warn the public of known
2 dangers in using the subject resistance band.

3 33. Defendants breached their duty and the aforementioned accident occurred solely
4 as a result of the carelessness, recklessness, negligence and culpable conduct of Defendants, their
5 agents, servants and/or employees, in failing to design, manufacture, distribute and sell the
6 subject resistance band in a reasonably safe condition free from dangerous hazards; in designing,
7 manufacturing, distributing and selling inherently dangerous products; in failing to take any
8 precautions under the circumstances which would have prevented the occurrence of this accident
9 in reckless disregard of the safety of others; in placing Plaintiff, HARRY REID in a dangerous
10 and perilous condition; in endangering the life and limb of Plaintiff, HARRY REID; in
11 designing, manufacturing, distributing and selling the subject resistance band in a dangerous,
12 defective and/or hazardous condition; in failing to remedy the defective and inherently
13 dangerous, defective and/or hazardous condition of the subject resistance band despite having
14 actual and/or constructive notice of same; in failing to warn Plaintiff, HARRY REID that the
15 resistance band was dangerous, defective and/or hazardous at any time prior to the subject
16 accident; in designing, manufacturing, distributing and selling a product that is inherently and/or
17 unreasonably dangerous; in designing, manufacturing, distributing and selling a product that was
18 inherently and/or unreasonably dangerous but was not inspected and/or tested; by breaching
19 certain express warranties; by breaching the implied warranty of merchantability; by breaching
20 the implied warranty of fitness for a particular purpose; and in other ways acting in a careless,
21 reckless and negligent manner.

24 34. It was reasonably foreseeable that Defendants' breaches would result in injury to
25 Plaintiff, HARRY REID. Yet, Defendants, failed to warn the elderly, those with extensive

1 damage to their hands and feet, of the increased risk of the danger of using TheraBand by that
2 demographic population.

3 35. As a direct and proximate result of the carelessness and negligence of the
4 Defendants, Plaintiff, HARRY REID was seriously injured and suffers significant injury, pain
5 and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of
6 life, expense of hospitalization, medical and nursing care and treatment, future medical care,
7 exacerbation of pre-existing injuries, loss of earnings, loss of ability to earn money. The losses
8 are either permanent or continuing and Plaintiff, HARRY REID will continue suffering these
9 losses in the future.
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11 WHEREFORE, Plaintiff, HARRY REID, demands judgment against the Defendants for
12 damages as stated above, including general, special and punitive damages and further demands a
13 trial by jury, together with such other and further relief as this Court deems appropriate.
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15 COUNT II- STRICT LIABILITY

16 36. Plaintiff, HARRY REID re-asserts and re-alleges the allegations contained in
17 paragraphs 1 through 35 of this Complaint, as if each were fully set forth herein.

18 37. At all times material, Defendants owed a duty to the general public, and
19 particularly, to Plaintiff, HARRY REID to design, manufacture, distribute and sell the subject
20 resistance band in a reasonably safe condition free from dangerous hazards and not to design,
21 manufacture, distribute and sell inherently dangerous products, and to warn the public of known
22 dangers in using the subject resistance band.

23 38. TheraBand, the subject resistance band, had a defect which rendered it
24 unreasonably dangerous to the elderly and those with extensive damage to the muscles of their
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1 hands and feet, due to the inability of TheraBand to be securely grasped by individuals in that
2 demographic population. This defect existed at the time Defendants manufactured the product.

3 39. At the time of the subject incident, Plaintiff, HARRY REID was using the
4 resistance band in a manner and for a purpose reasonably foreseeable to the Defendants.

5 40. It was reasonably foreseeable that the dangerous, defective, and/or hazardous
6 design of the TheraBand would result in injury to users of the TheraBand, especially elderly
7 users like the Plaintiff, HARRY REID as a result of the product breaking or slipping out of their
8 hand. Yet, Defendants, failed to warn the elderly, and those with extensive damage to their hands
9 and feet, of the increased risk of the danger of using TheraBand by that demographic population.

10 41. Defendants breached their duty and the aforementioned accident occurred solely
11 as a result of the carelessness, recklessness, negligence and culpable conduct of Defendants, their
12 agents, servants and/or employees, in failing to design, manufacture, distribute and sell the
13 subject resistance band in a reasonably safe condition free from dangerous hazards; in designing,
14 manufacturing, distributing and selling inherently dangerous products; in failing to take any
15 precautions under the circumstances which would have prevented the occurrence of this accident
16 in reckless disregard of the safety of others; in placing Plaintiff, HARRY REID in a dangerous
17 and perilous condition; in endangering the life and limb of Plaintiff, HARRY REID; in
18 designing, manufacturing, distributing and selling the subject resistance band in a dangerous,
19 defective and/or hazardous condition; in failing to remedy the defective and inherently
20 dangerous, defective and/or hazardous condition of the subject resistance band despite having
21 actual and/or constructive notice of same; in failing to warn Plaintiff, HARRY REID that the
22 resistance band was dangerous, defective and/or hazardous at any time prior to the subject
23 accident; in designing, manufacturing, distributing and selling a product that is inherently and/or
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1 unreasonably dangerous; in designing, manufacturing, distributing and selling a product that was
2 inherently and/or unreasonably dangerous but was not inspected and/or tested; by breaching
3 certain express warranties; by breaching the implied warranty of merchantability; by breaching
4 the implied warranty of fitness for a particular purpose; and in other ways acting in a careless,
5 reckless and negligent manner.

6 42. Plaintiff, HARRY REID's injuries occurred solely as a result of the actions and/or
7 inactions of the Defendants, their agents, servants and/or employees.

8 43. As a direct and proximate result of the carelessness and negligence of the
9 Defendants, Plaintiff, HARRY REID was seriously injured and suffers significant injury, pain
10 and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of
11 life, expense of hospitalization, medical and nursing care and treatment, future medical care,
12 exacerbation of pre-existing injuries, loss of earnings, loss of ability to earn money. The losses
13 are either permanent or continuing and Plaintiff, HARRY REID will continue suffering these
14 losses in the future.

15 44. As a result of the foregoing, Defendants are strictly liable for Plaintiff, HARRY
16 REID's damages.

17 WHEREFORE, Plaintiff, HARRY REID, demands judgment against the Defendants for
18 damages as stated above, including general, special and punitive damages and further demands a
19 trial by jury, together with such other and further relief as this Court deems appropriate.

20 **COUNT III- FAILURE TO WARN**

21 45. Plaintiff, HARRY REID re-asserts and re-alleges the allegations contained in
22 paragraphs 1 through 44 of this Complaint, as if each were fully set forth herein.
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1 46. At all times material, Defendants owed a duty to the general public, and
2 particularly, to Plaintiff, HARRY REID to design, manufacture, distribute and sell the subject
3 resistance band in a reasonably safe condition free from dangerous hazards and not to design,
4 manufacture, distribute and sell inherently dangerous products, and to warn the public of known
5 dangers in using the subject resistance band.

6 47. Defendants breached their duty and the aforementioned accident occurred solely
7 as a result of the carelessness, recklessness, negligence and culpable conduct of Defendants, their
8 agents, servants and/or employees, in failing to design, manufacture, distribute and sell the
9 subject resistance band in a reasonably safe condition free from dangerous hazards; in designing,
10 manufacturing, distributing and selling inherently dangerous products; in failing to take any
11 precautions under the circumstances which would have prevented the occurrence of this accident
12 in reckless disregard of the safety of others; in placing Plaintiff, HARRY REID in a dangerous
13 and perilous condition; in endangering the life and limb of Plaintiff, HARRY REID; in
14 designing, manufacturing, distributing and selling the subject resistance band in a dangerous,
15 defective and/or hazardous condition; in failing to remedy the defective and inherently
16 dangerous, defective and/or hazardous condition of the subject resistance band despite having
17 actual and/or constructive notice of same; in failing to warn Plaintiff, HARRY REID that the
18 resistance band was dangerous, defective and/or hazardous at any time prior to the subject
19 accident; in designing, manufacturing, distributing and selling a product that is inherently and/or
20 unreasonably dangerous; in designing, manufacturing, distributing and selling a product that was
21 inherently and/or unreasonably dangerous but was not inspected and/or tested; by breaching
22 certain express warranties; by breaching the implied warranty of merchantability; by breaching
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1 the implied warranty of fitness for a particular purpose; and in other ways acting in a careless,
2 reckless and negligent manner.

3 48. It was reasonably foreseeable that Defendants' breaches would result in injury to
4 Plaintiff HARRY REID. Yet, Defendants, failed to warn the elderly, and those with extensive
5 damage to their hands and feet, of the increased risk of the danger of using TheraBand by that
6 demographic population.

7 49. As a result of the foregoing, Defendants are liable for Plaintiff, HARRY REID's
8 damages.

9 50. As a direct and proximate result of the carelessness and negligence of the
10 Defendants, Plaintiff, HARRY REID was seriously injured and suffers significant injury, pain
11 and suffering, disability, disfigurement, mental anguish, loss of capacity for the enjoyment of
12 life, expense of hospitalization, medical and nursing care and treatment, future medical care,
13 exacerbation of pre-existing injuries, loss of earnings, loss of ability to earn money. The losses
14 are either permanent or continuing and Plaintiff will continue suffering these losses in the future.

15 WHEREFORE, Plaintiff, HARRY REID, demands judgment against the Defendants for
16 damages as stated above, including general, special and punitive damages and further demands a
17 trial by jury, together with such other and further relief as this Court deems appropriate.
18

19 **COUNT IV- LOSS OF CONSORTIUM**

20 51. Plaintiff, LANDRA GOULD, re-alleges and adopts Paragraphs 1 through 50 as if
21 each were fully set forth herein.

22 52. At the time of the accident complained of in this Complaint, Plaintiffs were
23 married and continue to be married.
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1 53. As a result of the negligent act(s) of the Defendants, Plaintiff, LANDRA
2 GOULD, was caused to suffer, and will continue to suffer a loss of consortium.

3 54. All of the aforesaid injuries and damages were caused solely and proximately by
4 the negligence of the Defendant.

5 WHEREFORE, Plaintiff, LANDRA GOULD, demands judgment against the Defendants
6 for damages as stated above, including general, special and punitive damages and further
7 demands a trial by jury, together with such other and further relief as this Court deems
8 appropriate.

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10 **COUNT V- PUNITIVE DAMAGES**

11 55. Plaintiffs, HARRY REID and LANDRA GOULD re-assert and re-allege the
12 allegations contained in paragraphs 1 through 54 of this Complaint, as if each were fully set forth
13 herein.

14 56. In failing to warn the elderly and individuals with extensive damage to hand
15 and/or foot muscles, of the dangers of injury from the use of TheraBand, Defendants acted
16 fraudulently for the purposes of financial gain.

17 57. Defendants' aforementioned actions were committed with malice and with
18 conscious disregard for the rights and safety of Plaintiff, HARRY REID. In committing the
19 aforesaid actions, Defendants had knowledge of the probable harmful consequences of their
20 actions and willfully and deliberately failed to act to avoid those consequences, justifying an
21 award of punitive damages.

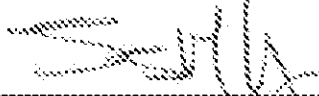
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23 WHEREFORE, Plaintiffs, HARRY REID and LANDRA GOULD demand judgment
24 against the Defendants for damages as stated above, including general, special and punitive
25

1 damages and further demand a trial by jury, together with such other and further relief as this
2 Court deems appropriate.

3 DATED this 10th day of October, 2015.

5 LANZONE MORGAN, LLP

6 James M. Morgan, Esq.
7 NV Bar No. 12826
8 3753 Howard Hughes Pkwy., Suite 200
9 Las Vegas, NV 89169
10 (888) 887-9777 (tel.)

11 By: 
12 James M. Morgan, Esq.

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Attorneys for Plaintiffs

DISTRICT COURT
CLARK COUNTY, NEVADA

Harry Reid and Landra Gould
Plaintiffs,

vs.

Hygenic Intangible Property Holding Company,
a domestic corporation, The Hygenic
Corporation, a foreign corporation, and
Performance Health, LLC, a foreign limited
liability company
Defendants.

CASE NO.:
DEPT NO.:

INITIAL APPEARANCE FEE DISCLOSURE (NRS CHAPTER 19)

Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are submitted for parties appearing in the above entitled action as indicated below:

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New Complaint Fee	1 st Appearance Fee
<input type="checkbox"/> \$1530 <input type="checkbox"/> \$520 <input type="checkbox"/> \$299 <input type="checkbox"/> \$270.00	<input type="checkbox"/> \$1483.00 <input type="checkbox"/> \$473.00 <input type="checkbox"/> \$223.00

Name: _____

Landra Gould \$30

_____ \$30

_____ \$30

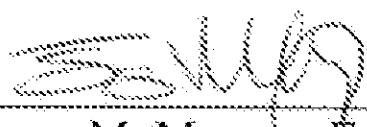
_____ \$30

Total of Continuation Sheet Attached \$_____

TOTAL REMITTED: (Required) Total Paid \$ 300.00

DATED: October 6, 2015

LANZONE MORGAN LLP

By: 

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