

1 Laurence M. Rosen, Esq. (SBN 219683)  
2 **THE ROSEN LAW FIRM, P.A.**  
3 355 South Grand Avenue, Suite 2450  
4 Los Angeles, CA 90071  
5 Telephone: (213) 785-2610  
6 Facsimile: (213) 226-4684  
7 Email: lrosen@rosenlegal.com

8 *Counsel for Plaintiff*

9 **UNITED STATES DISTRICT COURT**  
10 **CENTRAL DISTRICT OF CALIFORNIA**

11 LEE WENZEL, Individually and on  
12 behalf of all others similarly situated,

13 Plaintiff,

14 v.

15 SEMICONDUCTOR  
16 MANUFACTURING  
17 INTERNATIONAL CORPORATION,  
18 ZIXUE ZHOU, HAIJUN ZHAO, and  
19 MONG SONG LIANG,

20 Defendants.

**Case No:**

**CLASS ACTION COMPLAINT FOR  
VIOLATIONS OF THE FEDERAL  
SECURITIES LAWS**

CLASS ACTION

JURY TRIAL DEMANDED

21 Plaintiff Lee Wenzel (“Plaintiff”), individually and on behalf of all other  
22 persons similarly situated, by Plaintiff’s undersigned attorneys, for Plaintiff’s  
23 complaint against Defendants (defined below), alleges the following based upon  
24 personal knowledge as to Plaintiff and Plaintiff’s own acts, and information and  
25 belief as to all other matters, based upon, inter alia, the investigation conducted by  
26 and through her attorneys, which included, among other things, a review of the  
27 Defendants’ public documents, announcements, public filings, wire and press  
28

1 releases published by and regarding Semiconductor Manufacturing International  
2 Corporation (“SMIC” or the “Company”), and information readily obtainable on the  
3 Internet. Plaintiff believes that substantial evidentiary support will exist for the  
4 allegations set forth herein after a reasonable opportunity for discovery.

5  
6 **NATURE OF THE ACTION**

7 1. This is a class action on behalf of persons or entities who purchased or  
8 otherwise acquired publicly traded SMIC securities between April 23, 2020 and  
9 September 26, 2020, inclusive (the “Class Period”). Plaintiff seeks to recover  
10 compensable damages caused by Defendants’ violations of the federal securities laws  
11 under the Securities Exchange Act of 1934 (the “Exchange Act”) and Rule 10b-5  
12 promulgated thereunder.

13 **JURISDICTION AND VENUE**

14 2. The claims asserted herein arise under and pursuant to §§10(b) and 20(a)  
15 of the Exchange Act (15 U.S.C. §78j(b) and §78t(a)) and Rule 10b-5 promulgated  
16 thereunder by the SEC (17 C.F.R. §240.10b-5).

17 3. This Court has jurisdiction over the subject matter of this action under  
18 28 U.S.C. §1331 and §27 of the Exchange Act.

19 4. This Court has jurisdiction over each defendant named herein because  
20 each defendant has sufficient minimum contacts with this judicial district so as to  
21 render the exercise of jurisdiction by this Court permissible under traditional notions  
22 of fair play and substantial justice.

23 5. Venue is proper in this District pursuant to §27 of the Exchange Act and  
24 28 U.S.C. §1391(b) as Defendants conducts business in this District and a significant  
25 portion of the Defendants’ actions and the subsequent damages took place within this  
26 District.  
27  
28



1           13. Defendants Zhou, Zhao, and Liang are collectively referred to herein as  
2 the “Individual Defendants.”

3           14. Each of the Individual Defendants:

4           (a) directly participated in the management of the Company;

5           (b) was directly involved in the day-to-day operations of the Company at the  
6 highest levels;

7           (c) was privy to confidential proprietary information concerning the  
8 Company and its business and operations;

9           (d) was directly or indirectly involved in drafting, producing, reviewing  
10 and/or disseminating the false and misleading statements and  
11 information alleged herein;

12           (e) was directly or indirectly involved in the oversight or implementation of  
13 the Company’s internal controls;

14           (f) was aware of or recklessly disregarded the fact that the false and  
15 misleading statements were being issued concerning the Company;  
16 and/or

17           (g) approved or ratified these statements in violation of the federal securities  
18 laws.  
19

20           15. The Company is liable for the acts of the Individual Defendants and its  
21 employees under the doctrine of *respondeat superior* and common law principles of  
22 agency because all of the wrongful acts complained of herein were carried out within  
23 the scope of their employment.

24           16. The scienter of the Individual Defendants and other employees and  
25 agents of the Company is similarly imputed to the Company under *respondeat*  
26 *superior* and agency principles.  
27  
28

1 17. The Company and the Individual Defendants are referred to herein,  
2 collectively, as the “Defendants.”

3 **SUBSTANTIVE ALLEGATIONS**

4 **Materially False and Misleading Statements**

5 18. On April 23, 2020, SMIC filed its 2019 Annual Report with the Stock  
6 Exchange of Hong Kong (the “HKEX”). The 2019 Annual Report included a “Letter  
7 to Shareholders” which was signed by Defendants Zhou, Zhao, and Liang, and stated  
8 the following regarding SMIC’s overseas relationships and business:  
9

10 . . . Over the past two years, through strenuous corporate reform, we  
11 have built up stronger and more competent R&D, operations, supporting  
12 teams, and management, while successfully developing and preparing a  
13 variety of technology platforms. *We also have strengthened mutual  
14 trust and cooperation with domestic and oversea customers and  
15 suppliers. The foundation laid by these vigorous efforts has further  
strengthened our confidence in the future.*

16 We would like to again express our sincere gratitude to our shareholders,  
17 customers, suppliers, and employees for their continued care and support  
18 of SMIC.

19 (Emphasis added.)

20 19. The 2019 Annual Report stated the following, in pertinent part,  
21 regarding its overseas business:  
22

23 With an expanded manufacturing base, well-balanced technology  
24 portfolio and one-stop shop service offerings, *the Group is well  
25 positioned with its global operations to serve both domestic and  
26 worldwide customers.*

27 \* \* \*

1                   **CUSTOMERS AND MARKETS**

2                   The Group continues to serve a broad global customer base comprising  
3                   leading integrated device manufacturers, fabless semiconductor  
4                   companies and system companies. Geographically, customers from the  
5                   North America contributed 26.4% of the Group’s overall revenue in  
6                   2019, compared to 31.6% in 2018. Leveraging on the Group’s strategic  
7                   position in China, our China revenue contributed 59.5% of the Group’s  
8                   overall revenue in 2019, compared to 59.1% in 2018. Eurasia  
9                   contributed 14.1% of the overall revenue in 2019, compared to 9.3% in  
10                  2018.

11                  (Emphasis added.)

12                  20.    The 2019 Annual Report stated the following, in pertinent part,  
13                  regarding SMIC’s business in China, without disclosing its ties to the Chinese  
14                  military:

15                  Notably, as indicative of future revenue growth, we continued to see new  
16                  designs using both specialty technology and advanced technology, in  
17                  particular on 0.18µm, 0.11/0.13µm, 55/65nm, 40/45nm, 28nm and 14nm  
18                  FinFET process technologies. The Group has, in each of its sales  
19                  regions, customers utilizing its most competitive specialty technology  
20                  and advanced node technology. We believe China is rapidly closing the  
21                  gap with the rest of the world in terms of innovation and design  
22                  capabilities. ***To fully leverage the market growth potential in China,***  
23                  ***the Group plans to continue to deepen its collaboration with Chinese***  
24                  ***customers while broadening relationships with its global customers***  
25                  ***and enable their success in China*** and various emerging markets, such  
26                  as mobile computing, automotive electronics, IoT, high performance  
27                  computing, 5G, industrial, security and surveillance, Artificial  
28                  Intelligence (“AI”), and edge computing related applications.

29                  ***SMIC’s role in the China ecosystem is becoming increasingly***  
30                  ***important as we work hard to provide expanded technology, capacity,***  
31                  ***and solutions to address growing market demands.*** We are pleased to  
32                  see growth from both existing and new customers. Meanwhile, we  
33                  continue our focus to serve an international market, while having the

1 natural advantage of being close to the largest IC market. *SMIC's aim is*  
2 *to be the first-choice in China for a comprehensive range of foundry*  
3 *services.* We are gaining confidence in our ability to steadily climb, with  
4 focused prudent efforts, to become a respected provider in the advanced  
node foundry market.

5 (Emphasis added.)

6  
7 21. The 2019 Annual Report stated the following, in pertinent part,  
8 regarding the Company's controls, risks, and compliance:

9 The Group has implemented Internal controls and other risk  
10 management measures designed to mitigate the principal risks which the  
11 Group faces in its financial condition and operations, including but not  
12 limited to the cyclical nature of the semiconductor manufacturing industry,  
13 fluctuations in purchase price of raw materials, fluctuations in global  
14 financial markets and currencies, inability to keep up with technology  
migration and difficulty to attract and retain technical and managerial  
talents.

15 \* \* \*

16  
17 **RISK MANAGEMENT AND INTERNAL CONTROLS**

18 The Board is responsible for ensuring that the Group maintains sound  
19 and effective risk management and internal control systems and for  
20 overseeing management in the operating of such systems on an ongoing  
21 basis. Under the Corporate Governance Code issued by HKEX,  
22 management should provide a confirmation to the Board on the  
23 effectiveness of such systems. *The successful risk management and*  
24 *internal control systems are designed to ensure the achievement of*  
25 *business objectives in operations, financial reporting and compliance*  
26 *with applicable laws and regulations.* They are also designed to  
27 manage, rather than completely eliminate, risks impacting the Group's  
28 ability to achieve its business objectives. Accordingly, the risk  
management and internal control systems can only provide reasonable  
but not absolute assurance that the financial statements do not contain a  
material misstatement or loss.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Based on the Enterprise Risk Management — Integrated Framework issued by the Committee of Sponsoring Organizations of the Treadway Commission (“COSO”), the Board supervises the management’s designing, implementing and monitoring the risk management system to ensure the effectiveness of the risk management programs. The implementation methods of the management are as follows:

- identifying risks, such as operational risk, strategy risk, market risk, legal risk and financial risk, etc.;
- assessing the identified risks by considering the impacts (including financial, reputation, business continuity & operational) and likelihoods of their occurrence;
- designing, operating and monitoring internal control systems, and evaluating the effectiveness of implementation to mitigate and control such risks; and
- monitoring the risk early warning index on the material risks.

*The Board has reviewed the effectiveness of risk management and internal control systems of the Group once a year and has required strengthening the comprehensive anti-fraud mechanism ensured that the risk management and internal control systems in place are effective.*

\* \* \*

**SOCIAL RESPONSIBILITY**

*At SMIC, we comply with strict legal requirements for corporate governance, financial accounting, and transparent reporting. Our business practices also are ethical, safe, environmental friendly, and fair to our employees, in accordance with all the laws, rules, and regulations of the countries where we operate. In addition to obeying the letter and mandates of such laws, we seek to promote their spirits.*

Through our CSR Program ([http://www.smics.com/en/site/responsibility\\_social](http://www.smics.com/en/site/responsibility_social)), we hope to advance social, environmental, and ethical responsibility according to internationally recognized standards.

(Emphasis added.)



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

internationally recognized standards. In short, we intend to remain worthy of our inclusion in the Hang Seng Corporate Sustainability Index Series as a company that has “attained a high standard of performance in the environmental, social and corporate governance areas”.

\* \* \*

**Regulatory Compliance**

**Export Compliance Management**

SMIC establishes an internal compliance program (ICP) to ensure our compliance with international export control laws and treaties on high-technology products. *The United States and many other countries have joined the international export control system.* Suppliers and customers in these countries generally need to obtain export licenses to transport controlled items (such as equipment, parts, materials, software, or technology) to China. *We, as well as relevant suppliers and customers, strictly abide by the restrictions and regulations of these export licenses.* We incorporate the internal compliance program into the ICP handbook, including policies and procedures to ensure compliance with all legal requirements. Our ICP handbook contains 10 elements[.] [Chart omitted.]

In order for all employees to fully understand our internal compliance obligations, the CEO issues an export compliance policy statement that must be acknowledged and signed by all employees. Our ICP team conducts regular training and maintains the ICP web page on our company intranet. Meanwhile, our ICP compliance is verified in regular audits by vendors and government officials.

(Emphasis added.)

24. The 2019 Corporate Social Responsibility Report stated the following, in pertinent part, regarding the Company’s supply chain and suppliers:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Responsible Business Alliance**

In 2013, we began assessing our environmental, health, safety, labor, and ethical management using the Responsible Business Alliance Online Risk Assessment (RBA-ON) system, and developing a continuous improvement plan for the existing risks. In 2019, the Company and its plants were rated at low risk upon assessment. We will continue to make improvement and try to keep the risk at a lower level as far as possible. Besides adhering to the RBA Code itself, SMIC also requires suppliers to comply with the Code and fulfill their social responsibility. Key suppliers must sign an undertaking to this effect. According to the implementation performance of suppliers, we conducted on-site audit on major domestic suppliers in 2019, and once again promoted the Code.

\* \* \*

**Supply Chain Management**

**Supply Chain Overview**

Integrated circuit manufacturing is in the middle of the entire integrated circuit industry and is connected with both upstream and downstream industries. *As a large local company in China, we procure a wide variety of products and materials including production equipment, maintenance parts, raw materials, factory facilities, firefighting facilities, and professional services. We strive for mutually beneficial cooperation with suppliers to help improve overall social responsibility management capabilities in our supply chain, reduce risk,* safeguard stable production and operation, and ensure high-quality customer service.

\* \* \*

**Supplier Management Mechanism**

SMIC has established a sound supplier management system, specially to manage key links in our supply chain. These include supplier access regulations, supplier evaluation regulations and supplier promotion regulations.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**Supplier Admittance**

We have developed an access assessment mechanism for new and alternative suppliers. The departments involved in the supplier admittance assessment the Quality Management Department, Environmental/Safety/ Hygiene Department, CSR Department, Procurement Department, and user organizations. They assess suppliers in areas including product quality parameters, supplier quality, supplier environmental/ safety/hygiene, human rights, business ethics, warehousing/logistics, after-sales service management, production, and product usage. Suppliers can be included in our approved vendor list and considered for contracts only after they meet our relevant qualification requirements with a satisfactory score.

**Supplier Assessment and Evaluation**

**Supplier Quality and Business Assessment and Evaluation**

*We monitor supply chain risks using an assessment and evaluation mechanism for contracted suppliers.* We score them every six months based on scoring indexes covering areas including quality, cost, delivery, service, safety, and environmental performance. For projects that fail to reach the standards, the supplier must provide an improvement plan and make improvements within a certain period.

(Emphasis added.)

25. On August 6, 2020, SMIC filed with the HKEX its Unaudited Results for the Three Months Ended June 30, 2020 which quoted Defendants Zhao and Liang touting the Company’s Chinese and international business: “SMIC is committed to innovation and development, *capturing domestic and international opportunities, providing quality products and services to an increasing number of customers locally and globally*, and driving the company’s continued growth.” (Emphasis added.)





1 Plaintiff at this time and can be ascertained only through appropriate discovery,  
2 Plaintiff believes that there are hundreds, if not thousands of members in the  
3 proposed Class.

4 34. Plaintiff's claims are typical of the claims of the members of the Class as  
5 all members of the Class are similarly affected by defendants' wrongful conduct in  
6 violation of federal law that is complained of herein.

7 35. Plaintiff will fairly and adequately protect the interests of the members  
8 of the Class and has retained counsel competent and experienced in class and  
9 securities litigation. Plaintiff has no interests antagonistic to or in conflict with those  
10 of the Class.

11 36. Common questions of law and fact exist as to all members of the Class  
12 and predominate over any questions solely affecting individual members of the Class.  
13 Among the questions of law and fact common to the Class are:

- 14 • whether the federal securities laws were violated by Defendants' acts as  
15 alleged herein;
- 16 • whether statements made by Defendants to the investing public during  
17 the Class Period misrepresented material facts about the financial  
18 condition, business, operations, and management of the Company;
- 19 • whether Defendants' public statements to the investing public during the  
20 Class Period omitted material facts necessary to make the statements  
21 made, in light of the circumstances under which they were made, not  
22 misleading;
- 23 • whether the Individual Defendants caused the Company to issue false  
24 and misleading public statements during the Class Period;
- 25 • whether Defendants acted knowingly or recklessly in issuing false and  
26 misleading public statements during the Class Period;

- 1 • whether the prices of the Company's securities during the Class Period
- 2 were artificially inflated because of the Defendants' conduct complained
- 3 of herein; and
- 4 • whether the members of the Class have sustained damages and, if so,
- 5 what is the proper measure of damages.

6 37. A class action is superior to all other available methods for the fair and  
7 efficient adjudication of this controversy since joinder of all members is  
8 impracticable. Furthermore, as the damages suffered by individual Class members  
9 may be relatively small, the expense and burden of individual litigation make it  
10 impossible for members of the Class to individually redress the wrongs done to them.  
11 There will be no difficulty in the management of this action as a class action.

12 38. Plaintiff will rely, in part, upon the presumption of reliance established  
13 by the fraud-on-the-market doctrine in that:

- 14 • Defendants made public misrepresentations or failed to disclose material
- 15 facts during the Class Period;
- 16 • the omissions and misrepresentations were material;
- 17 • the Company's securities are traded in efficient markets;
- 18 • the Company's securities were liquid and traded with moderate to heavy
- 19 volume during the Class Period;
- 20 • the Company's securities traded on the OTCQX market, and was
- 21 covered by multiple analysts;
- 22 • the misrepresentations and omissions alleged would tend to induce a
- 23 reasonable investor to misjudge the value of the Company's securities;
- 24 and
- 25 • Plaintiff and members of the Class purchased and/or sold the Company's
- 26 securities between the time the Defendants failed to disclose or
- 27 misrepresented material facts and the time the true facts were disclosed,
- 28 without knowledge of the omitted or misrepresented facts.

1 39. Based upon the foregoing, Plaintiff and the members of the Class are  
2 entitled to a presumption of reliance upon the integrity of the market.

3 40. Alternatively, Plaintiff and the members of the Class are entitled to the  
4 presumption of reliance established by the Supreme Court in *Affiliated Ute Citizens of*  
5 *the State of Utah v. United States*, 406 U.S. 128, 92 S. Ct. 2430 (1972), as Defendants  
6 omitted material information in their Class Period statements in violation of a duty to  
7 disclose such information, as detailed above.

8  
9 **COUNT I**

10 **Violation of Section 10(b) of The Exchange Act and Rule 10b-5**  
11 **Against All Defendants**

12 41. Plaintiff repeats and realleges each and every allegation contained above  
13 as if fully set forth herein.

14 42. This Count is asserted against the Company and the Individual  
15 Defendants and is based upon Section 10(b) of the Exchange Act, 15 U.S.C. § 78j(b),  
16 and Rule 10b-5 promulgated thereunder by the SEC.

17 43. During the Class Period, the Company and the Individual Defendants,  
18 individually and in concert, directly or indirectly, disseminated or approved the false  
19 statements specified above, which they knew or deliberately disregarded were  
20 misleading in that they contained misrepresentations and failed to disclose material  
21 facts necessary in order to make the statements made, in light of the circumstances  
22 under which they were made, not misleading.

23 44. The Company and the Individual Defendants violated §10(b) of the 1934  
24 Act and Rule 10b-5 in that they:

- 25 • employed devices, schemes and artifices to defraud;
- 26 • made untrue statements of material facts or omitted to state material
- 27 facts necessary in order to make the statements made, in light of the
- 28 circumstances under which they were made, not misleading; or

- 1 • engaged in acts, practices and a course of business that operated as a  
2 fraud or deceit upon plaintiff and others similarly situated in connection  
3 with their purchases of the Company's securities during the Class  
4 Period.

5 45. The Company and the Individual Defendants acted with scienter in that  
6 they knew that the public documents and statements issued or disseminated in the  
7 name of the Company were materially false and misleading; knew that such  
8 statements or documents would be issued or disseminated to the investing public; and  
9 knowingly and substantially participated, or acquiesced in the issuance or  
10 dissemination of such statements or documents as primary violations of the securities  
11 laws. These defendants by virtue of their receipt of information reflecting the true  
12 facts of the Company, their control over, and/or receipt and/or modification of the  
13 Company's allegedly materially misleading statements, and/or their associations with  
14 the Company which made them privy to confidential proprietary information  
15 concerning the Company, participated in the fraudulent scheme alleged herein.

16 46. Individual Defendants, who are the senior officers and/or directors of  
17 the Company, had actual knowledge of the material omissions and/or the falsity of  
18 the material statements set forth above, and intended to deceive Plaintiff and the other  
19 members of the Class, or, in the alternative, acted with reckless disregard for the truth  
20 when they failed to ascertain and disclose the true facts in the statements made by  
21 them or other personnel of the Company to members of the investing public,  
22 including Plaintiff and the Class.

23 47. As a result of the foregoing, the market price of the Company's  
24 securities were artificially inflated during the Class Period. In ignorance of the falsity  
25 of the Company's and the Individual Defendants' statements, Plaintiff and the other  
26 members of the Class relied on the statements described above and/or the integrity of  
27 the market price of the Company's securities during the Class Period in purchasing  
28

1 the Company's securities at prices that were artificially inflated as a result of the  
2 Company's and the Individual Defendants' false and misleading statements.

3 48. Had Plaintiff and the other members of the Class been aware that the  
4 market price of the Company's securities had been artificially and falsely inflated by  
5 the Company's and the Individual Defendants' misleading statements and by the  
6 material adverse information which the Company's and the Individual Defendants did  
7 not disclose, they would not have purchased the Company's securities at the  
8 artificially inflated prices that they did, or at all.

9 49. As a result of the wrongful conduct alleged herein, Plaintiff and other  
10 members of the Class have suffered damages in an amount to be established at trial.

11 50. By reason of the foregoing, the Company and the Individual Defendants  
12 have violated Section 10(b) of the 1934 Act and Rule 10b-5 promulgated thereunder  
13 and are liable to the Plaintiff and the other members of the Class for substantial  
14 damages which they suffered in connection with their purchases of the Company's  
15 securities during the Class Period.

16 **COUNT II**

17 **Violation of Section 20(a) of The Exchange Act**  
18 **Against The Individual Defendants**

19 51. Plaintiff repeats and realleges each and every allegation contained in the  
20 foregoing paragraphs as if fully set forth herein.

21 52. During the Class Period, the Individual Defendants participated in the  
22 operation and management of the Company, and conducted and participated, directly  
23 and indirectly, in the conduct of the Company's business affairs. Because of their  
24 senior positions, they knew the adverse non-public information regarding the  
25 Company's business practices.

26 53. As officers and/or directors of a publicly owned company, the Individual  
27 Defendants had a duty to disseminate accurate and truthful information with respect  
28 to the Company's financial condition and results of operations, and to correct

1 promptly any public statements issued by the Company which had become materially  
2 false or misleading.

3 54. Because of their positions of control and authority as senior officers, the  
4 Individual Defendants were able to, and did, control the contents of the various  
5 reports, press releases and public filings which the Company disseminated in the  
6 marketplace during the Class Period. Throughout the Class Period, the Individual  
7 Defendants exercised their power and authority to cause the Company to engage in  
8 the wrongful acts complained of herein. The Individual Defendants therefore, were  
9 “controlling persons” of the Company within the meaning of Section 20(a) of the  
10 Exchange Act. In this capacity, they participated in the unlawful conduct alleged  
11 which artificially inflated the market price of the Company’s securities.

12 55. Each of the Individual Defendants, therefore, acted as a controlling  
13 person of the Company. By reason of their senior management positions and/or being  
14 directors of the Company, each of the Individual Defendants had the power to direct  
15 the actions of, and exercised the same to cause, the Company to engage in the  
16 unlawful acts and conduct complained of herein. Each of the Individual Defendants  
17 exercised control over the general operations of the Company and possessed the  
18 power to control the specific activities which comprise the primary violations about  
19 which Plaintiff and the other members of the Class complain.

20 56. By reason of the above conduct, the Individual Defendants are liable  
21 pursuant to Section 20(a) of the Exchange Act for the violations committed by the  
22 Company.

23 **PRAYER FOR RELIEF**

24 **WHEREFORE**, Plaintiff demands judgment against Defendants as follows:

25 A. Determining that the instant action may be maintained as a class action  
26 under Rule 23 of the Federal Rules of Civil Procedure, and certifying Plaintiff as the  
27 Class representative;

28

1 B. Requiring Defendants to pay damages sustained by Plaintiff and the  
2 Class by reason of the acts and transactions alleged herein;

3 C. Awarding Plaintiff and the other members of the Class prejudgment and  
4 post-judgment interest, as well as their reasonable attorneys' fees, expert fees and  
5 other costs; and

6 D. Awarding such other and further relief as this Court may deem just and  
7 proper.

8  
9 **JURY TRIAL DEMANDED**

10 Plaintiff hereby demands a trial by jury.

11 Dated: December 10, 2020

Respectfully submitted,

12  
13 **THE ROSEN LAW FIRM, P.A.**

14 /s/ Laurence M. Rosen

15 Laurence M. Rosen, Esq. (SBN 219683)

16 355 S. Grand Avenue, Suite 2450

17 Los Angeles, CA 90071

18 Telephone: (213) 785-2610

19 Facsimile: (213) 226-4684

20 Email: lrosen@rosenlegal.com

21 *Counsel for Plaintiff*