



CALIFORNIA CHIROPRACTIC ASSOCIATION

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**Contact: Bill Howe
916-648-2727, ext. 133**

CCA REAFFIRMS PURSUIT OF CLAIMS AGAINST ASHP

On October 20, 2005, the San Diego County Superior Court denied CCA standing to bring class allegations for injunctive relief against ASHP. Judge William R. Nevitt's decision was premised upon a finding that Proposition 64's new standing requirements should be applied retroactively to CCA's ongoing case against ASHP. (Proposition 64 was approved by California voters in 2004 and limits lawsuits under the state Unfair Competition Act to situations where the party bringing suit has suffered actual injury or financial loss due to unfair, unlawful and/or fraudulent acts.) Although Judge Nevitt's decision means that CCA cannot proceed with a class litigation against ASHP, CCA has reserved its right to appeal any and all of the claims that have previously been dismissed by Judge Nevitt and, as such, dismissal of those claims is not final. Additionally, the California Supreme Court has yet to finally decide the issue of whether Proposition 64 can be applied retroactively. As such, Judge Nevitt's decision might still be overturned by the California Supreme Court. Lastly, several arbitable claims - including CCA's monetary claims - have been stayed pending litigation. Since CCA and several individual doctors of chiropractic have every intention of arbitrating these claims on their behalf and on behalf of a class, this case remains far from over. CCA knew when we launched this action in 2001 it would be a long process. We are prepared to continue this cause for as long as it takes on behalf of the public seeking chiropractic care and doctors of chiropractic.

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