

PLAINTIFF/PETITIONER: REDACTED	CASE NUMBER:
DEFENDANT/RESPONDENT: Association of American Medical Colleges	21WCSC00565

DECLARATION

(This form must be attached to another form or court paper before it can be filed in court.)

SC-105, Item 3 (originally filed on 05/07/2021)

Order the Defendant refrain from claiming its Medical College Admission Test (MCAT) product be capable of assessing problem solving, critical thinking, and knowledge of natural, behavioral, and social science concepts and principles prerequisite to the study of veterinary, podiatric and/or osteopathic medicine.

SC-105, Item 4 as amended (originally filed on 05/07/2021)

The Defendant failed to include any veterinary or podiatric medical students in any of its MCAT postmarketing research, necessary to prove the MCAT's validity in these markets.

The Defendant's MCAT product contains content materially irrelevant to veterinary, podiatric and osteopathic medicine. Despite what the Defendant may feel, concepts and principles pertaining to human psychology are materially irrelevant to veterinary, podiatric and osteopathic medical practice. It would be considered a departure from standards of care if any veterinarian, podiatrist or osteopathic physician attempted to provide psychological services without a license to practice psychology in every state in the US. Despite what the Defendant may feel, concepts and principles pertaining to sociology are materially irrelevant to veterinary, podiatric and osteopathic medical practice. Neither the North American Veterinary Licensing Examination, American Podiatric Medical Licensing Examination nor Comprehensive Osteopathic Medical Licensing Examination of the United States contain sociology content.

The Defendant's MCAT product includes a Critical Analysis and Reasoning Skills section where the Defendant claims an answer is correct on the basis of whatever the Defendant feels is the best answer. The Defendant has failed to exercise any due diligence to cite/reference any standardized sources necessary to prove answers the Defendant claims are correct in this section. Despite what the Defendant may feel, an answer is not correct because the Defendant feels it is the best answer. An answer is correct because the Defendant can prove it so, by citing standardized sources. The Defendant is aware it has developed an inordinately arbitrary test product, where the Defendant's unproven claims an answer is correct or incorrect has injured hundreds of thousands of test-taking consumers' reputations.

The Defendant is aware claims its MCAT product is capable of assessing concepts and principles prerequisite to the study of veterinary, podiatric and/or osteopathic medicine remain unproven.

The Defendant is aware MCAT scores it publishes about test-taking consumers to schools of veterinary, podiatric or osteopathic medicine may have a tendency to injure a test-taking consumer's reputation. Pursuant the California Consumers Legal Remedies Act and California Civil Code § 45, intentionally publishing unproven claims about (or within) a product or service which has a tendency to injure the reputation of a consumer is illegal. The Defendant has failed to exercise any due diligence in limiting unproven claims it makes about (or within) its MCAT product, injuring the reputation of its test-taking consumers.

[Serial number 202105091051]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: 05/10/2021

REDACTED

(TYPE OR PRINT NAME)

(SIGNATURE OF DECLARANT)

- Attorney for Plaintiff Petitioner Defendant
- Respondent Other (*Specify*):