

8/20/2020

Kaiser Mail Order Pharmacy  
9521 Dalen St  
Downey, CA 90242  
Attn: Alexis Morgan, Mail Order Pharmacy MGR  
866-523-6059

Via Certified Mail

Delivered on Friday, 8/28/20 at 11:58 AM

It took 8 days (6 Business Days) to deliver a standard size first class mail letter from Denver to Los Angeles

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[http://www.mkgappraisal.com/letter2020\\_01.htm](http://www.mkgappraisal.com/letter2020_01.htm)

Breach of Contract Demand Letter

This letter is formal notice of breach of contract, and my demand for your immediate action to rectify the breach.

My demand is based on the following:

Fact 1

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On Thursday, 7/23/20 6:30 AM

I placed an Internet order for 90 phentermine tablets with the Kaiser Mail Order Pharmacy.

Fact 2

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Monday 7/27/20, 9:44 AM

Chat with a Pharmacist #1

JR Campbell (presumably an authorized Kaiser representative) promises that Kaiser Pharmacy will ship me 90 phentermine and charge me \$14.55

Joseph B Campbell, a/k/a JR Campbell  
Colorado Pharmacy Technician License Phat 0004381

Fact 3

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Monday 7/27/20, 9:51 AM

Chat with a Pharmacist #2

Christinne Schooler (presumably an authorized Kaiser representative)

offers to ship me 90 phentermine tablets and charge me \$14.55

Christine Schooler  
Colorado Pharmacy License PHA0014989

Fact 4

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Monday 7/27/20, 9:52 AM  
Chat with a Pharmacist #2 (continued)  
I advise Christinne Schooler that I accept her offer to ship 90 phentermine tablets at a cost of \$14.55. At 9:54 AM she advises me that she will immediately proceed.

Fact 5

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At 9:54 AM on Monday, 7/27/20, acting in good faith, I believe we have a contract. Am I wrong?

Fact 6

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Sometime in the very early morning hours of Wednesday, 7/29/20, Kaiser shipped a quantity of 30 tablets, and made an unauthorized charge to my credit card in the amount of \$8.18.  
RX 3078 0141 7186, dated 7/28/20.  
Authored by: JEANNE VOGEL NP. Claim RX 4004081169. The container says "1 refills by 1/21/2021", which sounds wrong to me.

Fact 7

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Between Monday, 7/27/20, 9:54 AM (the contract) and the early morning hours of Wednesday, 7/29/20, (the shipment), there was no communication. Kaiser made changes to the price charged and the quantity shipped without my consent. I had no way of knowing.

Fact 8

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From the order (Thursday 7/23/20 at 6:30 AM) to shipment (Wednesday 7/29/20) took 6 days.  
6 Days.  
This would take 30 minutes at a retail pharmacy.

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Those are the facts.  
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Now the Law:

The Law: According to Huong Le, PharmD (presumably an authorized Kaiser representative)

Huong thi thanh Le, a/k/a Huong Le  
Colorado Pharmacy License PHA0018486

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Wednesday, 7/29/20, 9:07 AM (post shipment)  
Huong Le, PharmD

"I want to point out that this is a controlled medication, and Mail Order can only process 30 tablets and have that shipped to you because they are located in California and per California state law, they can only process and ship 30 tablets of a controlled medication at a time."  
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The Law: According to Philip G Rice:

I agree that phentermine is a "controlled substance".

California State law is silent on the quantity that may be initially dispensed for prescriptions (controlled substances and non-controlled).

To say it another way:

There is no law that prevents Kaiser from dispensing 90 phentermine tablets to me.  
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Commentary:

It's not complicated. One of us is right and one of us is wrong. If you want to prove me wrong, you know what to do. Provide me with a citation so that I can read the law. Show me the law. If you can.

We have a contract. Kaiser has the burden of proof.

If you are unable to show me the law, I demand that you immediately:

Ship 60 phentermine tablets to me.

At the time of our contract, I insisted on a shipment of 90 tablets. This is consistent with DOCTOR'S ORDERS. The quantity of 90 is consistent with similar prior phentermine prescriptions that have been sent to me

by Kaiser Mail Order Pharmacy (3078 0102 8948). I am not asking you to do anything you haven't done before.

Upon shipment of the 60 tablets, Kaiser Mail Order Pharmacy is authorized to charge my credit card \$6.37 (\$14.55 minus \$8.18) -- if you have the nerve. But ship the 60 tablets immediately as an act of good faith. You can do this. Anything less than your very best effort in this regard is just going to make you look even worse than you already do. The tablets should arrive at my mail box (or my front door) no later than Sunday 8/30/20, because on Monday morning, 8/31/20, 9:00 AM, I am going to be out of the medicine I need.

My position is that you screwed it up. You need to fix it. Unless, of course, you can show me the law.

Phil Rice  
11268 E Linvale Dr  
Aurora, CO 80014

Health Record Number 427582802, DOB 4/25/53

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