

**SUMMONS
(CITA CION JUDICIAL)**

NOTICE TO DEFENDANT:
(A VISO AL DEMANDANTE):

Air Jamaica Ltd., Frontier Airlines, JetBlue Airways Corp., Mexicana Airlines, Midwest Air Group Inc. (a.k.a. Midwest Airlines), Southwest Airlines Co., (Additional Parties Attachment form is attached)

YOU ARE BEING SUED BY PLAINTIFF:
(Lo EsTA DEMANDANDO EL DEMANDANTE):
Environmental World Watch, Inc., in the public interest

SUM-100

*FOR COURT USE ONLY
(SOLD PARA USO DE LA CORTE)*

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form If you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 WAS DE CALENDARIO despu6s de qua ls entreguen asto citeci6n y papeles legales pars presentar Una respuesto par ascrito an esta carte y hacer qua as entregue Una copia a/ demandante. Una carts a Una llamada tolef6nica no lo protegen. Su respuesta par escrito tiene quo astar an formato legal correcto si desea qua procallion su caso an ls carte. Es posible qua hays un formulario que usted puedausarpararespuesta. Puede encontrarestos fonnularios de la corteymills informaci6n an al Centro deAyuda dales Caries de California (www.courtinfo.ca.gov/selfhelpspanol), an is biblioteca do leyes; de su condado a on la carte qua le quads mills carca. Si no puede pagar is cuota de prosentaci6n, pida a/ secretario do la carte qua ls d6 un formulado de exenci6n de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder a/ caso, par incumplimiento y is carte ls podrh quiter su sueldo, dinero y biones sin mds advertencia.

May otras requisitas legaies. Es *recamendabie qua* 11ame a un abogado Inmediatamente. Si no conoce a un abagado, puede Hamer a un servicio de remisi6n a abogadas. Si no puede pagar a un abogado, as posible quo cumple con los *requisitos*; pare obtener servicios legales gratuitas de un programa, de servicios isgales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro an al sitio web de California Legal Services, (www.lawhelpcalifornia.org), on al Centro de Ayuda de las Carlos de California, (www.courtinfo.ca.gov/selfhelpspanol) a ponidndose on contacto con ls carte a a/ colegio de abogados locales.

;

he name and address of the court is:

(El nombre y diracci6n de la corte as):

CASS NUMBERS

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05447903

U

Superior Court of the State of California for the County of San Francisco
Civic Center Courthouse
400 McAllister Street, San Francisco, CA 94102-4514

The name, address, and telephone number of plaintiffs attprney, or plaintiff without an attorney, is:
(El nombre, la direcci6n y a/ n0mero de telftno del abogado de/ demandante, o del demandante qua no tiene abogado, as):

CD Reuben Yeroushalmi, Yeroushalmi & Associates, 3 700 Wilshire 131vd., Suite 480, Los Angeles, CA 90010,
213-382-3183

DATE:
(Fecha)

GORDON PAM14". ~ L1
K

- Clerk, by

Jun Paniiia

, Deputy

(Secretaria)

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. _____ as an individual defendant,

2. _____ as the Person sued under the fictitious name of (specify):

3. = on behalf of (specify):

under: _____ GOP 416.10 (corporation) _____ GOP 416.60 (minor)
_____ GOP 416.20 (defunct corporation) _____ GOP 416.70 (conservatee)

_____ GOP 416.40 (association or partnership) _____ GOP 416.90 (authorized person)

other (specify):

4. = by personal delivery on (date):

Page 1 of 1

Form Adopted for Mandatory Use
Judicial Court '11 of California
SUM-10D rRev.r January 1, MI

Code of civil procedure 1§ 412-20,466

SUMMONS

DEC 9 1 2005

SEAL

CASE NUMBER:

CASE NUMBER:

C 0

SHORTTITLE:

Environmental World Watch, Inc. v. Air 7Jamaica Ltd.

=CG

CGC 05447903

544

INSTRUCTIONS FOR USE This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons. If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party):

= Plaintiff

F7V Defendant

= Cross-Complainant

= Cross-Defendant

Aeromexico, Aerolitoral, Asiana Airlines, All Nippon Airways, Air Tahiti Nui, Cathay Pacific Airways, Ltd., Aloha Airlines, TACA International Airlines, S.A., WestJet Airlines Ltd., Horizon Air Industries, Inc., Mesa Air Group, Inc., ATA Airlines, Sky West, Inc., American Eagle, Sun Country Airlines, Cargolux Airlines International, S.A., Airnautic France, Kitty Hawk, Inc., FedEx Corporation, United Parcel Service, Inc., and DOES 1-100

page

of 2

Form Adopted by Rule 982(a)(9)(A)
Judicial Council of California
982(a)(9)(A) [New January 1, 1993]

**ADDITIONAL PARTIES ATTACHMENT
Attachment to Summons**

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REUBEN YEROUSHALIVII (SIBN 193981)
DANIEL D. CHO (SBN 105409)
BEN YEROUSHALNE (SBN 232540)
YEROUSHALNU & ASSOCIATES
3700 WILSHIRE BLVD., SUITE 480
LOS ANGELES, CA 90010
213-392-3183

Attorneys for Plaintiff,
Environmental World Watch, Inc,

CASE MANAGEMENT CONFERENCE SET

MAY 26 20 - 9 0 AM

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

**ENDORSED
FILED**

\$or" Fronailloo county supe

DEC 2 12005

GORDON PARK-LI
BY:

Der

JUN R PANEL

Environmental World
Watch, Inc., in the public
interest,

Case No. =05 tt T 9 03

Action is an unlimited civil case (amount
demanded exceeds \$25,000)

Plaintiff,

v.

Air Jamaica Ltd., Frontier Airlines,
JetBlue Airways Corp., Mexicana
Airlines, Midwest Air Group
Inc. (a.k.a. Midwest Airlines),
Southwest Airlines Co., Aeromexico,
Aerolitoral, Asiana Airlines,
All Nippon Airways, Air Tahiti Nui,
Cathay Pacific Airways, Ltd.,
Aloha Airlines, TACA International
Airlines, S.A., WestJet Airlines Ltd.,
Horizon Air Industries, Inc.,
Mesa Air Group, Inc., ATA Airlines,
Sky West, Inc., American Eagle,
Sun Country Airlines, Cargolux
Airlines International, S.A.,
Airnautic France, Kitty Hawk, Inc.,
FedEx Corporation,
United Parcel Service, Inc., and
DOES 1-100,

COMPLAINT FOR VIOLATION OF PROPOSITION 65, THE SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986 (HEALTH AND SAFETY CODE SECTIONS 25249.5, ET SEQ.)

I

COMPLAINT FOR VIOLATION OF PROPOSITION 65, THE SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986 (HEALTH AND SAFETY CODE SECTIONS 25249.5, ET SEQ.)

for Court

1. Clerk

County Clerk

COPY

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28 DEPARTMENT 212

2

Defendants.

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4

GENERAL ALLEGATIONS

6

1. Plaintiff Environmental World Watch, Inc. ("Plaintiff") is a corporation qualified to do

7

8 business in the State of California. It brings this action in the public
interest as deftd

9

under Health and Safety Code section 25249.7, subdivision (d).

10

2. Plaintiff is ignorant of the true n am es and capacities of defendants Does I -100, and
therefore sues these defendants by such fictitious names, Plaintiff will amend this

12

complaint to allege their true names and capacities when ascertained.

13

Plaintiff is

14

informed, believes, and thereon alleges that each fictitiously named

15

defendant is

16

responsible in some manner for the occurrences herein alleged and the

17

damages caused

thereby.

17

3. At all times mentioned herein, "Defendants" include Air Jamaica Ltd., Frontier Airlines,

18

JetBlue Airways Corp., Mexicana, Airlines, Midwest Air Group Inc.

19

(a.k.a. Midwest

20

Airlines), Southwest Airlines Co., Aeromexico, Aerolitoral, Asiana

21

Airlines, All Nippon

Airways, Air Tahiti Nui, Cathay Pacific Airways, Ltd., Aloha Airlines,

22

TACA

International Airlines, S.A., WestJet Airlines Ltd., Horizon Air Industries, Inc., Mesa Air

23

Group, Inc., ATA Airlines, Sky West, Inc., American Eagle, Sun Country Airlines,

24

Cargolux Airlines International, S.A., Airnautic France, Kitty Hawk, Inc.,

25

FedEx

Corporation, United Parcel Service, Inc., and Does 1-100.

26

4. At all times mentioned each defendant was a "[p]erson in the course of doing business"

27

within the meaning of Health and Safety Code section 25249.11,

28

subdivision (b).

1 Plaintiff is informed, believes, and thereon alleges that at all times mentioned herein each
2 defendant had ten or more employees.

3
4 5. The Court has jurisdiction over this lawsuit pursuant California
5 Constitution Article VI,
6 Section 10, which grants the Superior Court original jurisdiction in all causes except
7 those given by statute to other trial courts.

CAUSE OF ACTION

8
9 **(BY ENVIRONMENTAL WORLD WATCH, INC. AGAINST DEFENDANTS AIR
JAMAICA LTD., FRONTIER AIRLINES, JETBLUE AIRWAYS CORP., MEXICANA**

AIRLINES, MIDWEST AIR GROUP INC. (A.K.A. MIDWEST AIRLINES),

**SOUTHWEST AIRLINES CO., AEROMEXICO, AEROLITORAL, ASIANA AIRLINES, ALL NIPPON
AIRWAYS, AIR TAHITI NUI, CATHAY PACIFIC AIRWAYS, LTD.,**

**ALOHA AIRLINES, TACA INTERNATIONAL AIRLINES, S.A., WESTJET AIRLINES LTD., HORIZON
AIR INDUSTRIES, INC., MESA AIR GROUP, INC., ATA AIRLINES, SKYWEST, INC., AMERICAN
EAGLE, SUN COUNTRY AIRLINES, CARGOLUX**

**AIRLINES INTERNATIONAL, S.A., AIRNAUTIC FRANCE, KITTY HAWK, INC.,
14 FEDEX CORPORATION, UNITED PARCEL SERVICES, INC., AND DOES 1-100 FOR**

**VIOLATION OF PROPOSITION 65, THE SAFE DRINKING WATER AND TOXIC SUBSTANCE ENFORCEMENT ACT
OF 1986 (HEALTH AND SAFETY CODE SECTIONS 25249.5, ET SEQ.)**

17 6. Plaintiff ENVIRONMENTAL WORLD WATCH, INC. repeats and incorporates by
18 reference the previous paragraphs of this complaint as though fully set forth herein.

19 7. Defendants Air Jamaica Ltd., Frontier Airlines, JetBlue Airways Corp., Mexicana
20 Airlines, Midwest Air Group Inc. (a.k.a. Midwest Airlines), Southwest Airlines Co.,

21 Aeromexico, Aerolitoral, Asiana Airlines, All Nippon Airways, Air Tahiti Nui, Cathay
22 Pacific Airways, Ltd., Aloha Airlines, TACA International Airlines, S.A., WestJet
23 Airlines Ltd., Horizon Air Industries, Inc., Mesa Air Group, Inc., ATA Airlines, Sky
24

25
26 West, Inc., American Eagle, Sun Country Airlines, and Does 1-50 (referred hereinafter

collectively as the "Passenger Airline Defendants") are and at all times mentioned herein 27

28 were airlines that flew airplanes in and out of airports located in California. Between

1 January 4, 2001, and the filing date of this Complaint, the Passenger Airline Defendants
2 exposed their employees to jet engine exhaust. The exposures of employees to jet engine
3
4 exhaust took place when the Passenger Airline Defendants landed their airplanes, during
5 the process of refueling, while employees exited the airplanes, while employees
6 performed maintenance on the airplanes, while employees boarded the Passenger Airline
7 Defendants' airplanes, while the Passenger Airline Defendants' airplanes taxied upon
8
9 landing, and during take-off, or any other time while Passenger Airline Defendants
10 operated their airplanes on or near the ground. The exposed employees include baggage
11 handlers, maintenance workers, pilots, flight attendants, cleaning personnel, ticket agents
12 and all other employees working at the gate, warehouse workers, and all other airline
13 crew and personnel working at the Passenger Airline Defendants' respective gates or
14
15 terminals where airplanes dock. Passenger Airline Defendants exposed these employees
16 to chemicals designated to cause cancer or reproductive toxicity, pursuant to California
17 Code of Regulations, title 22, section 12000 ("Covered Chemicals"), contained in jet
18 engine exhaust without first giving clear and reasonable warning of such pursuant to
19 Health and Safety Code sections 25249.5, et seq. ("Proposition 65"). The sources of
20
21 exposures included inhalation caused by the exposed employees inhaling and breathing
22 the ambient air, which contained jet engine exhaust, while the airplanes were on the
23 runway, at the terminal, and while the airplanes taxied at the airports listed in Exhibit A
24 applicable to each respective defendant, as specified therein. Exposures occurred at each
25 of the airports listed in Exhibit A applicable to each respective defendant, as specified
26
27 therein.
28

1 . 8. Defendants Cargolux Airlines International S.A., Airnautic France, Kitty Hawk, Inc.,
2 FedEx Corporation, United Parcel Service, Inc., and Does 51-100 (referred to herein

3
collectively as the "Cargo Airline Defendants") are and at all times mentioned herein

4
5 were airlines that flew airplanes in and out of airports located in California...Between
6 January 4, 2001, and the filing date of this Complaint, the Cargo Airline Defendants
7 exposed their employees to jet engine exhaust. The exposures of employees to jet engine
8 exhaust took place when the Cargo Airline Defendants landed their airplanes, during the
9 process of refueling, while employees exited the airplanes, while employees performed
10 maintenance on the airplanes, while employees boarded the Cargo Airline Defendants'
11 airplanes, while the Cargo Airline Defendants' airplanes taxied upon landing, and during
12 take-off, or any other time while the Cargo Airline Defendants operated their airplanes on
13 or near the ground. The exposed employees include baggage handlers, maintenance
14 workers, pilots, cleaning personnel, warehouse workers, and all other airline crew and
15 personnel working at the airports where the Cargo Airline Defendants' airplanes dock.
16 The Cargo Airline Defendants exposed these employees to the Covered Chemicals
17 contained in jet engine exhaust without first giving clear and reasonable warning of such
18

19
20 pursuant to Proposition 65. The sources of exposures included inhalation caused by the

21
22 exposed employees inhaling and breathing the ambient air, which contained jet engine
23 exhaust, while the airplanes were on the runway, at the terminal, and while the airplanes
24 taxied at the airports listed in Exhibit A applicable to each respective defendant, as

25
26 specified therein. Exposures occurred at each of the airports listed in Exhibit A

27
28 applicable to each respective defendant, as specified therein. 27

1 9. The Passenger Airline **Defendants are and at all times mentioned herein were** airlines that
2 flew airplanes in and out of airports located in California. Between January 4, 2001, and
3

4 the filing date of this Complaint, the Passenger Airline Defendants exposed persons to jet

5 engine exhaust. The Passenger Airline Defendants caused exposures when the Passenger
6 Airline Defendants landed their airplanes, during the process of refueling, while
7 passengers exited and boarded the Passenger Airline Defendants' airplanes, while the
8 airplanes taxied, and during take-off. Exposed persons included people visiting and
9

10 working at the airports listed in Exhibit A, including passengers, well-wishers, children,
11 pregnant women, taxi and shuttle drivers, catering and food service delivery personnel,
12 police and security personnel, airport employees and ground crews, neighborhood
13 residents, and passersby. The Passenger Airline Defendants exposed these persons to the

14 Covered Chemicals contained in jet engine exhaust without first giving clear and

15 reasonable warning of such pursuant to Proposition 65. The sources of exposures
16 included inhalation caused by the exposed persons inhaling and breathing the ambient air
17 containing jet engine exhaust while traversing runway areas and jet bridges at the airports
18 found in Exhibit A. Some of the exposures for which a warning is required occurred near
19
20

21 the gate or terminal where the Passenger Airline Defendants dock their airplanes.

22 Exposures occurred at each of the airports listed in Exhibit.A.

23 10. The Cargo Airline Defendants are and at all times mentioned herein were airlines that
24 flew airplanes in and out of airports located in California. Between January 4, 2001, and
25 the filing date of this Complaint, the Cargo Airline Defendants exposed persons to jet
26

27 engine exhaust. The Cargo Airline Defendants caused exposures when the Passenger

28 Airline, Defendants landed their airplanes, during the process of refueling, while

passengers exited and boarded the Cargo Airline Defendants' airplanes, while the airplanes taxied, and during take-off. Exposed persons included people visiting and working at the airports listed in Exhibit A, police and security personnel, airport employees and ground crews, neighborhood residents, and passersby. The Cargo Airline Defendants exposed these persons to the Covered Chemicals contained in jet engine exhaust without first giving clear and reasonable warning of such pursuant to Proposition

65. The sources of exposures included inhalation caused by the exposed persons inhaling and breathing the ambient air containing jet engine exhaust while traversing runway areas and jet bridges at the airports found in Exhibit A. Exposures occurred at each of the airports listed in Exhibit A.

11. Jet engine exhaust contains the following Covered Chemicals.

Benz[a]anthracene

Formaldehyde

(gas)

Chrysene

Acetaldehyde

Benzo[a]pyrene

Naphthalene

1,3-Butadiene

Benzo[b]fluoranthene Benzo[k]fluoranthene

To

noxide

|

Indeno[1,2,3-cd]pyrene

Benzene

Dibenz[a,h]anthracene

12. On July 1, 1987, Benz [a] anthracene first appeared on the Governor's Proposition 65 list of Chemicals known to cause developmental toxicity. (Cal. Code Regs., tit 22, § 12000, subd. (b).) Pursuant to Health and Safety Code section 25249.9 (hereinafter "§25249.9"), twenty months after first appearing on the Governor's Proposition 65 list, Benz[a]anthracene became subject to Proposition 65 warning requirements.

13. On January 1, 1990, Chrysene first appeared on the Governor's Proposition 65 list of Chemicals known to cause cancer. (Cal. Code Regs., tit 22, § 12000, subd. (b).) Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list, Chrysene became subject to Proposition 65 warning requirements.

1 14. On July 1, 1987, Benzo[a]pyrene first appeared on the Governor's Proposition 65 Est of
2 Chemicals known to cause cancer. (Cal. Code Regs., tit 22, § 12000, subd. (b).) Pursuant
3
4 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,
5 Benzo [a]pyrene became subject to Proposition 65 warning requirements.

6 15. On January 1, 1988, Indeno[1,2,3-cd]pyrene first appeared on the Governor's Proposition
7 65 list of Chemicals knoNxm to cause cancer. (Cal. Code Regs., tit 22, § 12000, subd. (b).)

8
9 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition

10 65 list, Indeno[1,2,3-cd]pyrene became subject to Proposition 65 warning requirements.

11 16. On January 1, 1988, Formaldehyde (gas) first appeared on the Governor's Proposition 65
12 list of Chemicals known to cause cancer. (Cal. Code Regs., tit 22, § 12000, subd. (b).)

13 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition

14
15 65 list, Formaldehyde (gas) became subject to Proposition 65 warning requirements.

16 17. On April 1, 1988, Acetaidehyde first appeared on the Governor's Proposition 65 list of

17 Chemicals known to cause cancer. (Cal. Code Regs., tit 22, § 12000, subd. (b).) Pursuant

18 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,

19 Acetaldehyde became subject to Proposition 65 warning requirements.
20

21 18. On April 19, 2002, Naphthalene first appeared on the Governor's Proposition 65 list of

22 Chemicals known to cause cancer, (Cal. Code Regs., tit 22, § 12000, subd. (b).) Pursuant

23 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,

24 Naphthalene became subject to Proposition 65 warning requirements.

25

19. On February 27, 1987, Benzene first appeared on the Governor's Proposition 65 list of

26

Chemicals known to cause cancer, and on December 26, 1997, for male reproductive

27

28 toxicity. (Cal. Code Regs., tit 22, § 12000, subd. (b).) Pursuant to §25249.9, twenty

8

COMPLAINT FOR VIOLATION OF PROPOSITION 65, TI-M SAFE DRINKING WATER AND TOXIC
ENFORCEMENT ACT OF 1986 (HEALTH AND SAFETY CODE SECTIONS 25249.5, ET SEQ.)

1 months after first **appearing on** the Governor's Proposition 65 list, Benzene became
2 subject to Proposition 65 warning requirements.
3

4 20. On-April 1, 1988, 1,3-Butadiene first appeared on the Governor's Proposition 65 Est of
5 Chemicals Icaown to cause cancer. (Cal. Code Regs., tit 22, §12000, *subd. (b).*) Pursuant
6 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,
7 ^{1,33}-Butadiene became subject to Proposition 65 warning requirements.

21. On July 1, 1987, Benzo[b]fluoranthene first appeared on the Governor's Proposition 65
list of Chemicals Imown to cause cancer. (Cal. Code Regs., tit 22, § 12000, subd. (b).)

10 Pursuant to §2-5249.9, twenty months after first appearing on the Governor's Proposition
11 65 list, Benzo[b]fluoranthene became subject to Proposition 65 warning requirements.

12 22. On July 1, 1987, Benzo[k]fluoranthene first appeared on the Governor's Proposition 65
13 list of Chemicals known to cause cancer. (Cal. Code Regs., tit 22, § 12000, subd. (b).)
14

15 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition
16 65 list, BenzoDc]fluoranthene became subject to Proposition 65 warning requirements.
17

is 23. On January 1, 1988, Dibeliz[a,h]anthracene first appeared on the Governor's Proposition
19 65 list of Chemicals knwarn to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).)

20 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition
21

22 65 list, Dibenz[ah]anthracene became subject to Proposition 65 warning requirements.

23 24. On January 1, 1991, Toluene first appeared on the Governor's Proposition 65 list of
24 Chemicals known to cause reproductive toxicity. (Cal. Code Regs., tit 22, § 12000, subd.
25 (b).) Pursuant to §25249.9, twenty months after first appearing on the Governor's
26

27 Proposition 65 list, Toluene became subject to Proposition 65 war mig requirements.
28

1 25. On January 1, 1989, Carbon Monoxide first appeared on the Governor's Proposition 65
2 list of Chemicals Icaown to cause reproductive toxicity. (Cal.
Code Regs., tit 22, § 12000,
3
4 subd. (b).) Pursuant to §25249.9, twenty months after first appearing on the Governor's
5 Proposition 65 list, Carbon Monoxide became subject to
6 Proposition 65 warning
7 requirements.

8 26. At least sixty days prior to commencing this action by the filing of this complaint,
9 Plaintiff gave notices of alleged violations of Proposition 65 subject to a private action to
10 the Attorney General and applicable district attorneys and city
11 attorneys in whose
12 jurisdictions the violations allegedly occurred, and to each
13 named defendant.

14 27. Plaintiff gave these notices and filed this action more than twenty months after each of
15 the chemicals listed in Paragraph 11 of this Complaint first
16 appeared on the Governor's
17 Proposition 65 list, and after such chemicals became subject to Proposition 65 warning
18 requirements.

19 28. Each of Plaintiff's respective notices of the alleged violations included a certificate of
20 merit executed by the attorney for the noticing party, Plaintiff.
21 The certificate of merit
22 stated that the attorney for Plaintiff who executed the certificate
23 had consulted with at
24 least one person with relevant and appropriate expertise who had reviewed data regarding

25 the exposure to the chemicals listed in Paragraph 11 of this
26 Complaint that are subjects of
27 this action.]Based on that information, the attorney for Plaintiff
28 who executed the
certificate believed there was a reasonable and meritorious case
The attorney for Plaintiff attached to the certificate of merit
General information sufficient to establish the basis of the certificate of merit.

1 29. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
2 any applicable district attorney or city attorney, has commenced and is diligently
3 prosecuting an action against the alleged violations.

4
5 30. At all times relevant to this action, Defendants knew they were exposing their employees
6 and people visiting and working at the airports, including passengers, police and security
7 personnel, catering personnel, and food service delivery personnel to the chemicals listed
8 in Paragraph I I of this Complaint without first giving **clear** and reasonable warning of

9
10 such to the persons exposed. The State of California has designated that these chemicals
11 cause cancer and/or developmental toxicity. Therefore, between January 4, 2001, and the
12 filing date of this complaint, Defendants, without first giving clear and reasonable
13 warning, knowingly and intentionally exposed the aforementioned persons to the
14

15 chemicals listed in Paragraph I I of this Complaint and known to the State of California
16 to cause cancer and/or developmental toxicity.

17 31. The route of exposure for the chemicals listed in Paragraph 11 of this Complaint included
18 inhalation caused by the exposed persons inhaling and breathing the ambient air
19 containing jet engine exhaust while traversing runway areas, terminals, jet bridges, and
20 other areas at the airports found in Exhibit A.

21 32. Individuals exposed to the chemicals listed in Paragraph 11 of this Complaint suffered
22 and continue to suffer irreparable harm due to exposure to such chemicals without prior
23 clear and reasonable warning.
24

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26
27 **PRAY|CIR FOR RELIE F**

28 Plaintiff demands against each defendant as follows:

COMPLAINT FOR VIOLATION OF PROPOSITION 65, THE SAFE DRINMG WATER AND TOXIC
ENFORCE~ENT ACT OF 1986 (I-MALTH AND SAFETY CODE SECTIONS 2S249.5, ET SEQ.)

- 1 1. A permanent injunction;
- 2 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b) of
- 3 \$2,500.00 per day per violation;
- 4
- 5 3. Costs of suit;
- 6 4. Reasonable attorney's fees and costs; and
- 7 5. Any further relief that the court may deem just and equitable,

8

Dated:

YEROUSHALNff & ASSOCIATES

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13

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Environmental World Watch, Inc.

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EXHIBIT A

EXMIT A

The alleged violations by Defendant Air Jamaica Ltd. took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.3000N- ESTIMATED
Airport Longitude: 122-22-29.6000W

The alleged violations by Defendant Jet-Blue Airways Corp. took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

Long Beach Airport/Daugherty Field
4100 Donald Douglas Dr.
Long Beach, CA 90808
Airport Latitude: 33-49-03.8000N ESTIMATED
Airport Longitude: 11 8-09-05.8000W

Metropolitan Oaldand International Airport
.I Airport Drive
Oaldand, CA 94621
Airport Latitude: 37-43-16.6470N ESTIMATED
Airport Longitude: 122-13-14.5800W

Sacramento International Airport
6900 Airport Blvd.
Sacramento, CA 95837
Airport Latitude: 3 8-41-43.5000N ESTIMATED
Airport Longitude: 121-35-26.8000W

San Francisco International Airport San Francisco, CA 94128-8097

Airport Latitude: 37-37-08.3000N ESTIMATED Airport Longitude: 122-22-29.6000W

San Diego International Airport-Lindbergh Field 3225 N. Harbor Drive

San Diego, CA 92101-1022

Airport Latitude: 32-44-00.8000'N ESTIMATED Airport Longitude: 117-11-22.8 0 OOW

Norman Y. Mineta San Jose International Airport 2077 Airport Blvd.

San Jose, CA 95110

Ahport Latitude: 37-21-45.4500N ESTIMATED Airport Longitude: 121-55-44.4300W

Ontario International Airport 2900 East Airport Dr

Ontario, CA 91761

Airport Latitude: 34-03-21.6000N ESTEAATED Airport Longitude: 117-3 6-04.3 OOW

Burbank-Glendale-Pasadena (Bob Hope) Airport 2627 Hollywood Way

Burbank, CA 91505

Airport Latitude: 34-12-02.4000N ESTIMATED Airport Longitude: 118-21-31.2000W

The alleged violations by Defendant Mexicana Airlines took place at the following locations:

Los Angeles International Airport I World Way

Los Angeles, CA 90045-5830

Airport Latitude: 37-37-08.3000N ESTIMATED Airport Longitude: 122-22-29.6000W

San Francisco International Airport San Francisco, CA 94128-8097

Airport Latitude: 37-37-08.3000N ESTIMATED Airport Longitude: 122-22-29.6000W

The alleged violations by Defendant Midwest Air Group Inc., (a.k.a) Midwest Airlines took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5930
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

John Wayne-Orange County Airport
3160 Airway Ave
Costa Mesa, CA 92626
Airport Latitude: 33-40-32.400ON ESTIMATED
Airport Longitude: 117-52-05.600OW

The alleged violations by Defendant.Southwest Airlines Co. took place at the following locations:

Burbank-Glendale-Pasadena (Bob Hope) Airport
2627 Hollywood Way
Burbank, CA 91505
Airport Latitude: 34-12-02.400ON ESTIMATED
Airport Longitude: 117-52-05.600OW

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

Metropolitan Oakland International Airport
I Airport Drive
Oakland, CA 94621
Airport Latitude: 37-43-16.647ON ESTIMATED
Airport Longitude: 122-13-14.580OW

Sacramento International Airport
6900 Airport Blvd.
Sacramento, CA 95837

Airport Latitude: 38-41-43.500ON ESTIMATED
Airport Longitude: 121-3 5-26.800OW

San Diego International Airport-Lindbergh Field
3225 N. Harbor Drive
San Diego, CA 92101-1022
Airport Latitude: 32-44-00.800ON ESTIMATED
Airport Longitude: 117-11-22.800OW

Nonnan Y. Mineta San Jose International Airport
2077 Airport Blvd,
San Jose, CA 95110
Airport Latitude: 37-21-45.450ON ESTIMATED
Airport Longitude: 121-55-44.430OW

John Wayne-Orange County Airport
3160 Airway Ave
Costa Mesa, CA 92626
Airport Latitude: 33-40-32.400ON ESTIMATED
Airport Longitude: 117-52-05.600OW

Ontario International Airport
2900 East Airport Dr
Ontario, CA 91761
Airport Latitude: 34-03-21.600ON ESTIMATED
Airport Longitude: 117-3 6-04.3 00OW

The alleged violations by Defendant Aeromexico took place at the following locations:

Los Angeles International Airport
1 World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

San Diego International Airport-Lindbergh Field
3225 N. Harbor Drive
San Diego, CA 92101-1022
Airport Latitude: 32-44-00.800ON. ESTIMATED
Airport Longitude: 117-11-22.800OW

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED

A-ir.nort Longitude: 122-22-29.600OW

Ontario International Airport
2900 East Airport Dr
Ontario, CA 91761
Airport Latitude: 34-03-21.600ON ESTIMATED
Airport Longitude: 117-36-04.300OW

Norman Y. Mineta San Jose International Airport
2077 Airport Blvd.
San Jose, CA 95110
Airport Latitude: 37-21-45.450ON ESTIMATED
Airport Longitude: 121-55-44.430OW

The alleged violations by Defendant Aerolitoral took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport. Longitude: 122-22-29.600OW

The alleged violations by Defendant Air Tahiti Nui took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

San Francisco International Airport
San Francisco, CA 94129-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

The alleged violations by Defendant All Nimon Airways took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

The alleged violations by Defendant Asiana Airlines took place at the following locations:

Los Angeles International Airport
1 World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

The alleged violations by Defendant Cathwy Pacific Airwgys, Ltd., took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

The alleged violations by Defendant Frontier Airlines took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 33-7-3 7-0 8.3 00ON ESTIMATED
Airport Longitude: 122-22-29.600OW

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

San Diego International Airport-Lindbergh Field
3225 N. Harbor Drive
San Diego, CA 92101-1022
Airport Latitude: 32-44-00.800ON ESTIMATED
Airport Longitude: 117-11-22.800OW

Norman Y. Mineta San Jose International Airport
2077 Airport Blvd.
San Jose, CA 95110
Airport Latitude: 37-21-45.4500N ESTIMATED
Airport Longitude: 121-55-44.430OW

John Wayne-Orange County Airport
3160 Airway Ave
Costa Mesa, CA 92626
Airport Latitude: 33-40-32.400ON ESTIMATED
Airport Longitude: 117-52-05.600OW

Sacramento International Airport
6900 Airport Blvd.
Sacramento, CA 95837
Airport Latitude: 38-41-43.500ON ESTIMATED
Airport Longitude: 121-35-26.800OW

Ontario International Airport
2900 East Airport Dr
Ontario, CA 91761
Airport Latitude: 34-03-21.600ON ESTIMATED
Airport Longitude: 117-36-04.3 00OW

The alleged violations by Defendant TACA International Airlines, S.A., took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

The alleged violations by Defendant WestJet Airlines Ltd., took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

The alleged violations by Defendant Horizon Air Industries, Inc., took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

Arcata Airport
3561 Boeing Ave.
Mckinleyville, CA 95519
Airport Latitude: 40-58-41.215ON ESTIMATED
Airport Longitude: 124-06-31.0277W

Redding Municipal Airport
6751 Woodrum Circle
Redding, CA 96002
Airport Latitude: 40-3 0-32.341 ON ESTIMATED
Airport Longitude: 122-17-36.247OW

The alleged violations by Defendant Mesa Air Group, Inc. took place at the following locations:

Los Angeles International Airport
1 World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

Fresno Yosemite International Airport
4995 E. Clinton Way
Fresno, CA 93727
Airport Latitude: 36-46-34.300ON ESTIMATED
Airport Longitude: 119-43-05.300OW

The alleged violations by Defendant Sky West, Inc. took place at the following locations:

Fresno Yosemite International Airport
4995 E. Clinton Way.
Fresno, CA 93727 -
Airport Latitude: 36-46-34.300ON ESTIMATED
Airport Longitude: 119-43-05.300OW

Monterey Peninsula Airport
200 Fred Kane Dr.
Monterey, CA 93940
Airport Latitude: 36-35-13.200ON ESTIMATED
Airport Longitude: 121-50-34.600OW

The alleged violations by Defendant ATA Airlines took place at the following locations:

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

The alleged violations by Defendant Aloha Airlines took place at the following locations:

Burbank-Glendale-Pasadena (Bob Hope) Airport
2627 Hollywood Way
Burbank, CA 91505
Aj-rport Latitude: 34-12-02.400ON ESTIMATED
Airport Longitude: 118-21-3 1.200OW

Metropolitan DaIdand International Airport
I Airport Drive .
Oaldand, CA 94621
Airport Latitude: 3 7-43-16.647ON ESTIMATED
Airport Longitude: 122-13-14.580OW

Sacramento International Airport
6900 Airport Blvd.
Sacramento, CA 95837
Airport Latitude: 38-41-43.500ON ESTIMATED
Airport Longitude: 121-35-26.800OW

San Diego International Airport-Lindbergh Field
3225 N. Harbor Drive
San Diego, CA 92101-1022
Airport Latitude: 32-44-00.800ON ESTIMATED
Airport Longitude: 117-11-22.800OW

John Wayne-Orange County Airport
3160 Airway Ave
Costa Mesa, CA 92626
Airport Latitude: 33-40-32.400ON ESTIMATED
Airport Longitude: 11 7-52-05,600OW

The alleged violations by Defendant American Eagle took place at the following locations:

Fresno Yosemite International Airport
4995 E. Clinton Way
Fresno, CA 93727
Airport Latitude: 36-46-34.300ON ESTIMATED
Airport Longitude: 11 9-43-05.300OW

Monterey Peninsula Airport
200 Fred Kane Dr.
Monterey, CA 93940
Airport Latitude: 36-35-13.200ON ESTIMATED
Airport Longitude- 121-5.0-34..600OW

San Diego International Airport-Lindbergh Field
3225 N. Harbor Drive
San Diego, CA 92101-1022
Airport Latitude: 32-44-00.800ON ESTIMATED
Airport Longitude: 117-11-22-900OW

Los Angeles International Airport
1 World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

John Wayne-Orange County Airport
3160 Airway Ave
Costa Mesa, CA 92626
Airport Latitude: 33-40-32.400ON ESTIMATED
Airport Longitude: 11 7-52-05.600OW

San Luis County Regional Airport
903-5 Airport Drive
San Luis Obispo, CA 93401
Airport Latitude: 35-14-12.600ON ESTIMATED
Airport Longitude: 120-3 8-3 0.700OW

Santa Barbara Municipal Airport
601 Firestone Rd.
Goleta, CA 93117
Airport Latitude: 34-25-34.363ON ESTIMATED
Airport Longitude: 119-50-25.344OW

The alleged violations by Defendant Sun Country Airlines took place at the following locations:

Metropolitan Oakland International Airport
I Airport Drive
Oakland, CA 94621
Airport Latitude: 37-43-16.647ON ESTIMATED
Airport Longitude: 122-13-14.580OW

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

The alleged violations by Defendant Cargolux Airlines International, S.A., took place at the following locations:

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.6600W

The alleged violations by Defendant Airnauc France took place at the following locations:

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

San Diego International Airport-Lindbergh Field
3225 N. Harbor Drive
San Diego, CA 92101-1022
Airport Latitude: 32-44-00.80DON ESTIMATED
Airport Longitude: 117-11-22.800OW

Norman Y. Mineta San Jose International Airport
2077 Airport Blvd.
SanJose,CA95110
Airport Latitude: 37-21-45.450ON ESTIMATED
Airport Longitude: 121-55-44.430OW

The alleged violations by Defendant JGttv Hawk, Inc., took lace at the following p locations:

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: ') 7-3 7-08.3 OON ESTIMATED
Airport Longitude: 122-22-29.600OW

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29.600OW

The alleged violations by Defendant FedEx Corporation took place at the following locations:

San Francisco International Airport
San Francisco, CA 94128-8097
Airport Latitude: 37-37-08.300ON ESTIMATED
Airport Longitude: 122-22-29,600OW

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

Metropolitan Oakland International Airport
I Airport Drive
Oakland, CA 94621
Airport. Latitude: 37-4.3-16.6470N ESTIMATED
Airport Longitude: 122-13-14.5800W

Sacramento International Airport
6900 Airport Blvd.
Sacramento, CA 95837
Airport Latitude: 38-41-43-5000N ESTIMATED
Airport Longitude: 121-35-26.8000W

The alleged violations by Defendant United Parcel Service, Inc., took place at the following locations:

Sacramento International Airport
6900 Airport Blvd.
Sacramento, CA 95837
Airport Latitude: 38-41-43-5000N ESTIMATED
Airport Longitude: 121-35-26.8000W

Los Angeles International Airport
I World Way
Los Angeles, CA 90045-5830
Airport Latitude: 37-37-08.3000N ESTIMATED
Airport Longitude: 122-22-29.6000W

Ontario International Airport
2900. East Airport Dr
Ontario, CA 91761
Airport Latitude: 34-03-21.6000N ESTIMATED
Airport Longitude: 117-36-04.3000W