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11
12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
13 **FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT**

14 ALICE J. BRADFIELD, KRISTIN
15 BRADFIELD, DAVID BRADFIELD,
MEREDITY BRADFIELD, a Minor by and
16 through Her Guardian Ad Litem Kristen
Bradfield, and HILLARY BRADFIELD, A
17 Minor by and through Her Guardian Ad
Litem, Kristin Bradfield,

18 Plaintiffs,

19 vs.

20 CHINA SHIPPING (NORTH AMERICA)
21 HOLDING CO., LTD.; CITY OF LONG
BEACH, ACTING BY AND THROUGH IS
22 BOARD OF HARBOR COMMISSIONERS;
CITY OF LOS ANGELES, ACTING BY
23 AND THROUGH ITS BOARD OF HARBOR
COMMISSIONERS; DISTRIBUTION &
24 AUTO SERVICE, INC (DAS); AUTO
WAREHOUSING CO., YANG MING
25 (AMERICA) CORPORATION; TRANS
PACIFIC CONTAINER SERVICE CORP.
26 (TRA PAC); WEST BASIN CONTAINER
TERMINAL; MITSUI O.S.K. LINES LTD.;
27 YUSEN TERMINALS, INC. (YTI); NYK
LINE (NORTH AMERICA) INC.;
28 AMERICAN PRESIDENT LINES, LTD.,

) **CASE NO. BC 322 640**

) Assigned to Hon. Emilie H. Elias
Department 308 - Central Civil West

) **SECOND AMENDED COMPLAINT FOR
DAMAGES**

-) 1) **NUISANCE**
) 2) **NEGLIGENCE**
) 3) **INVERSE CONDEMNATION**
) 4) **VIOLATION OF HEALTH AND**
SAFETY CODE §§ 25249.6, et seq.
) 5) **VIOLATION OF BUSINESS AND**
PROFESSIONS CODE §§ 17200, et
seq.

) Complaint Filed: December 8, 2004

1 EVERGREEN AMERICA CORP.; SEASIDE)
 TRANSPORTATION SERVICES;)
 2 AMERICAN PRESIDENT LINES, LTD.;)
 WESTWAY TERMINAL CO.; GATX TANK)
 3 STORAGE TERMINALS CORP.; TOSCO)
 CORP.; ULTRAMAR DIAMOND)
 4 SHAMROCK CORP.; U.S. BORAX INC.,)
 EQUILON ENTERPRISES; PAKTANK)
 5 CORPORATION - LOS ANGELES)
 TERMINALS; VOPAK; CPC TERMINALS;)
 6 HUGO NEU-PROLER CO.; MOBIL OIL)
 CORP.; LOS ANGELES EXPORT)
 7 TERMINAL INC.; PASHA STEVEDORING)
 AND TERMINALS L.P.; SSA MARINE,)
 8 INC.; CRESCENT WHARF &)
 WAREHOUSE CO.; EAGLE MARINE)
 9 SERVICES LTD.; APM TERMINALS)
 PACIFIC LTD.; MAERSK)
 10 SEALAND; MAERSK INC.; CALIFORNIA)
 CARTAGE CO. INC.; ACE HIGH)
 11 TRANSPORTATION INC.; BEST WAY)
 TRANSPORTATION; BRAGG HEAVY)
 12 TRANSPORT; INTERMODAL CONTAINER)
 SERVICES, INC. d/b/a HARBOR RAIL)
 13 TRANSPORT; HYUNDAI; AMERICA)
 SHIPPING AGENCY, INC.; GI TRUCKING)
 14 CO.; MEGATRUX, INC.; TOP GUN)
 DISTRIBUTION SERVICES; ESSENTIAL)
 15 FREIGHT SYSTEMS; P & O NEDLLOYD)
 LIMITED; SPATES TRUCKING INC.;)
 16 HANJIN SHIPPING CO., LTD.; MATSON)
 NAVIGATION COMPANY, INC.; APM)
 17 TERMINALS; APM TERMINALS NORTH)
 AMERICA, INC.; BAKER COMMODITIES,)
 18 INC.; BP PIPELINES, NORTH AMERICA;)
 CALIFORNIA UNITED TERMINALS;)
 19 CEMEX PACIFIC COAST CEMENT)
 CORPORATION; CHEMOIL)
 20 CORPORATION, CHEMOIL MARINE)
 TERMINAL; CHINA SHIPPING (NORTH)
 21 AMERICA) HOLDING COMPANY, INC.,)
 CHINA SHIPPING (NORTH AMERICA))
 22 HOLDING COMPANY, INC. (CHINA)
 SHIPPING TERMINAL), COOPER/T.)
 23 SMITH CORPORATION; COOPER/T.)
 SMITH STEVEDORING COMPANY,)
 24 INC.; CRESCENT TERMINAL)
 (STEVEDORING SERVICES OF)
 25 AMERICA); DOW CHEMICAL CO.;)
 EQUILON ENTERPRISES, LLC;)
 26 EVERGREEN AMERICA CORPORATION,)
 EVERGREEN INTERNATIONAL (USA),)
 27 INC.; EVERGREEN MARINE)
 CORPORATION (CALIFORNIA), LTD;)
 28 FOREST TERMINALS CORPORATION;)

1 CATALYST PAPER (USA) INC. AT)
2 FOREST TERMINALS CORPORATION;)
3 FREMONT FOREST GROUP)
4 CORPORATION; G-P GYPSUM)
5 CORPORATION; G-P GYPSUM CORP.;)
6 HUGO NEU-PROLER; HUGO NEU-)
7 PROLER INTERNATIONAL SALES)
8 CORP.; INTERNATIONAL)
9 TRANSPORTATION SERVICE, INC.;)
10 KANSAS KOCH CARBON, INC.; KOCH)
11 CARBON, INC.; LONG BEACH)
12 CONTAINER TERMINAL, INC.; LOS)
13 ANGELES EXPORT TERMINAL,)
14 INC.(LAXT); MARINE TERMINALS CORP.)
15 (MTC); METROPOLITAN STEVEDORE)
16 CO.; MITSUBISHI CEMENT)
17 CORPORATION; MORTON SALT;)
18 MORTON SALT a Division of ROHM and)
19 HAAS COMPANY; NATIONAL GYPSUM)
20 CO.; NATIONAL GYPSUM COMPANY;)
21 PACIFIC COAST RECYCLING, LLC;)
22 PASHA STEVEDORING & TERMINALS,)
23 INC.; PETRO DIAMOND; SHELL OIL)
24 PRODUCTS U.S. (SOPUS); SSA)
25 TERMINALS - LONG BEACH, LLC;)
26 STEVEDORING SERVICES OF AMERICA;)
27 TOTAL TERMINALS INTERNATIONAL,)
28 LLC; TOYOTA LOGISTICS SERVICES,)
INC.; TRANS PACIFIC CONTAINER)
CORP. (TraPac) and TRAPAC, INC.;)
VOPAK TERMINAL LONG BEACH, INC.;)
VOPAK TERMINAL LOS ANGELES, INC.;)
WESTWAY TERMINAL COMPANY, INC.;)
WEYERHAUSER COMPANY; YANG MING)
GROUP; and DOES 1 through 250,

Defendants.

Plaintiffs allege as follows:

GENERAL ALLEGATIONS

1. Defendant City of Long Beach is a duly incorporated charter City and a political subdivision of the State of California.
2. The Port of Long Beach is a public agency managed and operated by the City of Long Beach Harbor Department. It is an independent department under the control of a

1 five-member Board of Harbor Commissioners. The Port of Long Beach leases its property
2 to private terminal operating companies who manage their own facilities. In 2005, the Port
3 of Long Beach handled more than 6.7 million containers and cargo valued at over \$100
4 billion. The Port of Long Beach comprises 3,200 acres of land with 10 piers and 80 berths,
5 making it the second busiest port in the United States and the twelfth busiest container
6 cargo port in the world.

7 3. Defendant Long Beach Board of Harbor Commissioners oversees the
8 management and operations of the Port of Long Beach. The five-member Board is
9 appointed by the Mayor of Long Beach, and confirmed by the City Council.

10 4. Defendant City of Los Angeles ("City") is a duly incorporated charter City and
11 a political subdivision of the State of California.

12 5. The Port of Los Angeles, also known as the Los Angeles Harbor Department,
13 is a department of the City of Los Angeles. The Port of Los Angeles is an independent
14 department under the control of a five-member Board of Harbor Commissioners. The Port
15 of Los Angeles leases its property to tenants who operate their own facilities. The Port of
16 Los Angeles currently leases approximately twenty-nine cargo terminals and six container
17 facilities, making the Port of Los Angeles one of the ten busiest ports in the world.

18 6. Defendant Los Angeles Board of Harbor Commissioners oversees the
19 management and operations of the Port of Los Angeles. The five-member Board is
20 appointed by the Mayor of Los Angeles and is confirmed by the Los Angeles City Council.

21 7. Plaintiffs are informed and believe and, based thereon, allege that, at all times
22 herein mentioned, Defendant CHINA SHIPPING (NORTH AMERICA) HOLDING CO., LTD.,
23 is a business entity with its principal place of business in the City of San Pedro, County of
24 Los Angeles, State of California, and is a business entity licensed to do business in the
25 State of California. At all times relevant hereto, Defendants, CHINA SHIPPING (NORTH
26 AMERICA) HOLDING CO., LTD., was the operator of a container terminal, and the owner
27 of diesel-powered ships that loaded and off-loaded cargo at Berths 97-109 at the Port of Los
28 Angeles.

1 8. The Los Angeles Board of Harbor Commissioners and the City of Los Angeles,
2 respectively, approved a long-term lease and permit for CHINA SHIPPING (NORTH
3 AMERICA) HOLDING CO., LTD. ("China Shipping") to construct and operate a massive
4 container terminal, between 134 and 174 acres in size, ("China Shipping Site") at the Port
5 of Los Angeles. The China Shipping Site, among other things, included the construction and
6 operation of two wharves, each of which have the ability to accommodate annually hundreds
7 of 9,100-TEU (twenty-foot equivalent unit) commercial container vessels - some of the
8 largest commercial vessels in operation today - construction of two bridges accommodating
9 up to four lanes of truck traffic, the use of at least two to six cranes, and expanded gate
10 facilities to accommodate up to 8 inbound and 4 outbound lanes of truck traffic. The China
11 Shipping Site resulted in increased container activities at the Port of Los Angeles, and in
12 particular at the section of the Port of Los Angeles known as Berths 97-109, including but
13 not limited to the increased ship traffic and increased use of diesel tugboats, on-site diesel
14 tractors and yard hostlers, and diesel trucks that will carry the containers to and from the
15 China Shipping Site location. These activities have impacted the surrounding communities
16 of San Pedro and Wilmington - areas which are already disproportionately impacted by air
17 and other pollution, including noise and traffic.

18 9. As compared to the container operations at Berths 97-109 described in the
19 1997 and 2000 Program Environmental Impact Reports (hereinafter EIRs), the China
20 Shipping Site expanded Wharf 1 by as much as 80%, up to a length of 1,800 feet, add
21 Wharf 2, and include operation of "a container terminal complex" on the China Shipping Site.
22 The size of container operations on the site (in terms of acres) almost doubled from that
23 which was anticipated and assessed in the 1997 and 2000 Program EIRs, and projected
24 container throughput on the China Shipping Site, and the resulting truck, ship and other
25 activity, increased significantly and proportionately. These changes in the China Shipping
26 Site from the 1997 and 2000 Program EIRs have had significant environmental impacts.

27 10. The considerable amount of activity at Berths 97-109 that resulted from the
28 China Shipping Site, and the increased traffic at the other L.A. Harbor Sites at the same time

1 has had significant, environmental and public health impacts due to excessive levels of
2 diesel exhaust, noise, vibration and other pollutants.

3 11. Plaintiffs are informed, and believe, and based thereon, allege that, at all times
4 herein mentioned that Defendants YANG MING (AMERICA) CORPORATION and WEST
5 BASIN CONTAINER TERMINAL are business entities with the principal place of business
6 in the City of San Pedro, County of Los Angeles, State of California, and are business
7 entities licensed to do business in the State of California. At all times relevant hereto,
8 Defendants YANG MING (AMERICA) CORPORATION and WEST BASIN CONTAINER
9 TERMINAL, and each of them, were operators of a container terminal, and the owners of
10 diesel-powered ships that loaded and off-loaded cargo at Berths 121 through 131 at the Port
11 of Los Angeles.

12 12. Plaintiffs are informed and believe, and based thereon, allege that, at all times
13 herein mentioned, Defendants YUSEN TERMINALS INC. and NYK LINE (NORTH
14 AMERICA) INC. were business entities with their principal place of business in the City of
15 San Pedro, County of Los Angeles, State of California, and are business entities licensed
16 to do business in the State of California. At all times relevant hereto, Defendants YUSEN
17 TERMINALS INC. and NYK LINE (NORTH AMERICA) INC. were the operators of a
18 container terminal located at 212 through 225 at the Port of Los Angeles, and were the
19 owners of diesel-powered ships that loaded and off-loaded cargo at the Port of Los Angeles.

20 13. Plaintiffs are informed and believe, and based thereon, allege that, at all times
21 herein mentioned, Defendant TRANS PACIFIC CONTAINER SERVICE CORP. ("TRA
22 PAC") was a business entity with a principal place of business in the City of San Pedro,
23 County of Los Angeles, State of California, and is a business entity licensed to do business
24 in the State of California. At all times relevant hereto, Defendant TRANS PACIFIC
25 CONTAINER SERVICE CORP. was the operator of a container terminal located at Berths
26 136 through 139 at the Port of Los Angeles.

27 14. Plaintiffs are informed and believe, and based thereon allege that, at all times
28 herein mentioned, Defendants EVERGREEN AMERICA CORPORATION is a business

1 entity with its principal place of business in the City of San Pedro, County of Los Angeles,
2 State of California, and is a business entity licensed to do business in the State of California.
3 At all times relevant hereto, Defendant EVERGREEN AMERICA CORPORATION was the
4 operator of a container terminal and the owner of diesel-powered ships that loaded and off-
5 loaded cargo at Berths 226 through 236 at the Port of Los Angeles.

6 15. Plaintiffs are informed and believe, and based thereon allege that, at all times
7 herein mentioned, Defendants AMERICAN PRESIDENT LINES, LTD. and EAGLE MARINE
8 SERVICES, LIMITED were business entities with their principal place of business in the City
9 of San Pedro, County of Los Angeles, State of California, and were business entities
10 licensed to do business in the State of California. At all times relevant hereto, Defendants
11 AMERICAN PRESIDENT LINES, LTD. and EAGLE MARINE SERVICES, LIMITED, were
12 the operators of a container terminal at Berths 302 through 304 at the Port of Los Angeles.
13 Further, AMERICAN PRESIDENT LINES, LTD. was the owner of diesel-powered ships that
14 loaded and off-loaded cargo at the Port of Los Angeles.

15 16. Plaintiffs are informed and believe, and based thereon allege that, at all times
16 herein mentioned, Defendants APM TERMINALS PACIFIC LIMITED and MAERSK INC. are
17 business entities with their principal place of business in the City of San Pedro, County of
18 Los Angeles, State of California, and are business entities licensed to do business in the
19 State of California. At all times relevant hereto, Defendants APM TERMINALS PACIFIC
20 LIMITED and MAERSK INC. were operators of a container terminal at Berths 401 through
21 406 at the Port of Los Angeles. Further, MAERSK INC. and MAERSK SEALAND were the
22 owners of diesel-powered ships that loaded and off-loaded cargo at the Port of Los Angeles.

23 17. Plaintiffs are informed and believe, and based thereon allege that, at all times
24 herein mentioned, Defendant DISTRIBUTION & AUTO SERVICES, INC. (DAS) was a
25 business entity with a principal place of business in the City of San Pedro, County of Los
26 Angeles, State of California, and is a business entity licensed to do business in the State of
27 California. At all times relevant hereto, Defendant DISTRIBUTION & AUTO SERVICES,
28

1 INC. (DAS) was the operator of an automobile terminal at Berths 194 through 199 at the
2 Port of Los Angeles.

3 18. Plaintiffs are informed and believe, and based thereon allege that, at all times
4 herein mentioned, Defendant US BORAX INC. was a business entity with its principal place
5 of business in the City of San Pedro, County of Los Angeles, State of California, and is a
6 business entity licensed to do business in the State of California. At all times relevant hereto,
7 Defendant US BORAX INC. was the operator of a dry bulk terminal located at Berths 155
8 through 166 at the Port of Los Angeles.

9 19. Plaintiffs are informed and believe, and based thereon allege that, at all times
10 herein mentioned, Defendant HUGO NEU-PROLER CO. is a business entity with its
11 principal place of business in the City of San Pedro, County of Los Angeles, State of
12 California, and is a business entity licensed to do business in the State of California. At all
13 times relevant hereto, Defendant HUGO NEU-PROLER CO. was the operator of a dry bulk
14 terminal located at Berths 210 through 211 at the Port of Los Angeles.

15 20. Plaintiffs are informed and believe, and based thereon allege that, at all times
16 herein mentioned, Defendant LOS ANGELES EXPORT TERMINAL, INC., is a business
17 entity with its principal place of business in the City of San Pedro, County of Los Angeles,
18 State of California, and is a business entity licensed to do business in the State of California.
19 At all times relevant hereto, Defendant LOS ANGELES EXPORT TERMINAL, INC., was the
20 operator of a dry bulk terminal located at Berth 301 at the Port of Los Angeles.

21 21. Plaintiffs are informed and believe, and based thereon allege that, at all times
22 herein mentioned, Defendant WESTWAY TERMINAL COMPANY is a business entity with
23 its principal place of business in the City of San Pedro, County of Los Angeles, State of
24 California, and is a business entity licensed to do business in the State of California. At all
25 times relevant hereto, Defendant WESTWAY TERMINAL COMPANY was the operator of
26 a liquid bulk terminal located at Berths 70 through 71 at the Port of Los Angeles.

27 22. Plaintiffs are informed and believe, and based thereon allege that, at all times
28 herein mentioned, Defendant GATX TANK STORAGE TERMINALS CORPORATION is a

1 business entity with its principal place of business in the City of San Pedro, County of Los
2 Angeles, State of California, and is a business entity licensed to do business in the State of
3 California. At all times relevant hereto, Defendant GATX TANK STORAGE TERMINALS
4 CORPORATION was the operator of a liquid bulk terminal located at Berths 118 through
5 119 at the Port of Los Angeles.

6 23. Plaintiffs are informed and believe, and based thereon allege that, at all times
7 herein mentioned, Defendant EQUILON ENTERPRISES is a business entity with its
8 principal place of business in the City of San Pedro, County of Los Angeles, State of
9 California, and is a business entity licensed to do business in the State of California. At all
10 times relevant hereto, Defendant EQUILON ENTERPRISES was the operator of a liquid
11 bulk terminal located at Berths 167 through 169 at the Port of Los Angeles.

12 24. Plaintiffs are informed and believe, and based thereon allege that, at all
13 times herein mentioned, Defendant VOPAK is a business entity with its principal place of
14 business in the City of San Pedro, County of Los Angeles, State of California, and is a
15 business entity licensed to do business in the State of California. At all times relevant
16 hereto, Defendant VOPAK was the operator of a liquid bulk terminal located at Berths 187
17 through 191 at the Port of Los Angeles.

18 25. Plaintiffs are informed and believe, and based thereon allege that, at all times
19 herein mentioned, Defendant MOBIL OIL CORPORATION is a business entity with its
20 principal place of business in the City of San Pedro, County of Los Angeles, State of
21 California, and is a business entity licensed to do business in the State of California. At all
22 times relevant hereto, Defendant MOBIL OIL CORPORATION was the operator of a liquid
23 bulk terminal located at Berths 238 through 246 at the Port of Los Angeles.

24 26. Plaintiffs are informed and believe, and based thereon allege that, at all times
25 herein mentioned, Defendant PASHA STEVEDORING AND TERMINALS L.P. is a business
26 entity with its principal place of business in the City of San Pedro, County of Los Angeles,
27 State of California, and is a business entity licensed to do business in the State of California.
28 At all times relevant hereto, Defendant PASHA STEVEDORING AND TERMINALS L.P. was

1 the operator of a terminal located at Berths 174 through 181. Defendant PASHA
2 STEVEDORING AND TERMINALS L.P. also operated out of terminals in other areas at the
3 Port of Los Angeles.

4 27. Plaintiffs are informed and believe, and based thereon allege that, at all times
5 herein mentioned, Defendant PAKTANK CORPORATION- LOS ANGELES TERMINALS
6 is a business entity with its principal place of business in the City of San Pedro, County of
7 Los Angeles, State of California, and is a business entity licensed to do business in the
8 State of California. At all times relevant hereto, Defendant PAKTANK CORPORATION-LOS
9 ANGELES TERMINALS was the operator of a liquid bulk terminal located at Berths 187
10 through 191 at the Port of Los Angeles.

11 28. Plaintiffs are informed and believe, and based thereon allege that, at all times
12 herein mentioned, Defendant SSA MARINE, INC. is a business entity with its principal place
13 of business in the City of San Pedro, County of Los Angeles, State of California, and is a
14 business entity licensed to do business in the State of California. At all times relevant
15 hereto, Defendant SSA MARINE, INC. was the operator of a terminal located at Berths 54
16 through 55 at the Port of Los Angeles.

17 29. Plaintiffs are informed and believe, and based thereon allege that, at all times
18 herein mentioned, Defendant CRESCENT WHARF & WAREHOUSE CO. is a business
19 entity with its principal place of business in the City of San Pedro, County of Los Angeles,
20 State of California, and is a business entity licensed to do business in the State of California.
21 At all times relevant hereto, Defendant CRESCENT WHARF & WAREHOUSE CO. was the
22 operator of a terminal located at Berths 58 through 60, and 153 at the Port of Los Angeles.

23 30. Plaintiffs are informed and believe, and based thereon allege that, at all times
24 herein mentioned, Defendant TOSCO CORPORATION is a business entity with its principal
25 place of business in the City of San Pedro, County of Los Angeles, State of California, and
26 is a business entity licensed to do business in the State of California. At all times relevant
27 hereto, Defendant TOSCO CORPORATION was the operator of a liquid bulk terminal
28 located at Berths 148 through 151 at the Port of Los Angeles.

1 31. Plaintiffs are informed and believe, and based thereon allege that, at all times
2 herein mentioned, Defendant CALIFORNIA CARTAGE COMPANY is a business entity with
3 its principal place of business in the City of San Pedro, County of Los Angeles, State of
4 California, and is a business entity licensed to do business in the State of California. At all
5 times relevant hereto, Defendant CALIFORNIA CARTAGE COMPANY was the operator of
6 warehouse facilities # 13, # 16, and # 17 at the Port of Los Angeles.

7 32. Plaintiffs are informed and believe, and based thereon allege that, at all times
8 herein mentioned, Defendant AUTO WAREHOUSING COMPANY is a business entity with
9 its principal place of business in the City of San Pedro, County of Los Angeles, State of
10 California, and is a business entity licensed to do business in the State of California. At all
11 times relevant hereto, Defendant AUTO WAREHOUSING COMPANY was the operator of
12 an automobile terminal at Berth 200-A at the Port of Los Angeles.

13 33. Plaintiffs are informed and believe, and based thereon allege that, at all times
14 herein mentioned, Defendant ULTRAMAR DIAMOND SHAMROCK CORPORATION is a
15 business entity with its principal place of business in the City of San Pedro, County of Los
16 Angeles, State of California, and is a business entity licensed to do business in the State of
17 California. At all times relevant hereto, Defendant ULTRAMAR DIAMOND SHAMROCK
18 CORPORATION was the operator of a liquid bulk terminal located at Berth 164 at the Port
19 of Los Angeles.

20 34. DOES 1-50, INCLUSIVE are the owners and operators of other terminals and
21 warehouses at the Port of Los Angeles.

22 35. That the true names and capacities of Defendants, DOES 1-50, INCLUSIVE,
23 whether individual, corporate, associate or otherwise are unknown to Plaintiffs at the present
24 time and when Plaintiffs ascertain the true names and capacities of said Defendants,
25 Plaintiffs will seek leave of Court to amend this Complaint by setting forth same.

26 36. Plaintiffs are informed and believe, and based thereon, allege that, at all times
27 herein mentioned, Defendant BAKER COMMODITIES, INC. was a business entity with a
28 principal place of business in the City of Long Beach, County of Los Angeles, State of

1 California, and is a business entity licensed to do business in the State of California. At all
2 times relevant hereto, Defendant BAKER COMMODITIES, INC. was the operator of a liquid
3 bulk terminal located at Pier D, Berths D30 - D32 at the Port of Long Beach, which included,
4 but was not limited to the use of locomotives, on-road heavy duty trucks, cargo handling
5 equipment, and diesel-powered ships.

6 37 Plaintiffs are informed and believe, and based thereon, allege that, at all times
7 herein mentioned, Defendant BP PIPELINES, NORTH AMERICA was a business entity
8 with a principal place of business in the City of Long Beach, County of Los Angeles, State
9 of California, and is a business entity licensed to do business in the State of California. At
10 all times relevant hereto, Defendant BP PIPELINES, NORTH AMERICA was the operator
11 of a liquid bulk terminal located at Pier T, Berth T121, Pier B, Berths B76 - B78 at the Port
12 of Long Beach, which included, but was not limited to the use of locomotives, on-road heavy
13 duty trucks, cargo handling equipment, and diesel-powered ships.

14 38. Plaintiffs are informed and believe, and based thereon, allege that, at all times
15 herein mentioned, Defendant CALIFORNIA UNITED TERMINALS was a business entity
16 with a principal place of business in the City of Long Beach, County of Los Angeles, State
17 of California, and is a business entity licensed to do business in the State of California. At
18 all times relevant hereto, Defendant CALIFORNIA UNITED TERMINALS was the operator
19 of a break bulk and Ro-Ro terminal located at Pier D, Berths D28 - D31, D34, Pier E, Berths
20 E12, E13 at the Port of Long Beach, which included, but was not limited to the use of
21 locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
22 ships.

23 39. Plaintiffs are informed and believe, and based thereon, allege that, at all times
24 herein mentioned, Defendant CEMEX PACIFIC COAST CEMENT CORPORATION was a
25 business entity with a principal place of business in the City of Long Beach, County of Los
26 Angeles, State of California, and is a business entity licensed to do business in the State of
27 California. At all times relevant hereto, Defendant CEMEX PACIFIC COAST CEMENT
28 CORPORATION was the operator of a bulk terminal located at Pier D, Berths D32, D33 at

1 the Port of Long Beach, which included, but was not limited to the use of locomotives, on-
2 road heavy duty trucks, cargo handling equipment, and diesel-powered ships.

3 40. Plaintiffs are informed and believe, and based thereon, allege that, at all times
4 herein mentioned, Defendant CHEMOIL CORPORATION was a business entity with a
5 principal place of business in the City of Long Beach, County of Los Angeles, State of
6 California, and is a business entity licensed to do business in the State of California. At all
7 times relevant hereto, Defendant CHEMOIL CORPORATION was the operator of a liquid
8 bulk terminal located at Pier F, Berths F209, F211, Pier G, Berth G211-A at the Port of Long
9 Beach, which included, but was not limited to the use of locomotives, on-road heavy duty
10 trucks, cargo handling equipment, and diesel-powered ships.

11 41. Plaintiffs are informed and believe, and based thereon, allege that, at all times
12 herein mentioned, Defendant CHEMOIL MARINE TERMINAL was a business entity with a
13 principal place of business in the City of Long Beach, County of Los Angeles, State of
14 California, and is a business entity licensed to do business in the State of California. At all
15 times relevant hereto, Defendant CHEMOIL MARINE TERMINAL was the operator of a
16 liquid bulk terminal located at Pier F, Berths F209, F211, Pier G, Berth G211-A at the Port
17 of Long Beach, which included, but was not limited to the use of locomotives, on-road heavy
18 duty trucks, cargo handling equipment, and diesel-powered ships.

19 42. Plaintiffs are informed and believe, and based thereon, allege that, at all times
20 herein mentioned, Defendant COOPER/T. SMITH CORPORATION was a business entity
21 with a principal place of business in the City of Long Beach, County of Los Angeles, State
22 of California, and is a business entity licensed to do business in the State of California. At
23 all times relevant hereto, Defendant COOPER/T. SMITH CORPORATION was the operator
24 of a break bulk and Ro-Ro terminal located at Pier F, Berths F204, F205 at the Port of Long
25 Beach, which included, but was not limited to the use of locomotives, on-road heavy duty
26 trucks, cargo handling equipment, and diesel-powered ships.

27 43. Plaintiffs are informed and believe, and based thereon, allege that, at all times
28 herein mentioned, Defendant COOPER/T. SMITH STEVEDORING COMPANY, INC. was

1 a business entity with a principal place of business in the City of Long Beach, County of Los
2 Angeles, State of California, and is a business entity licensed to do business in the State of
3 California. At all times relevant hereto, Defendant COOPER/T. SMITH STEVEDORING
4 COMPANY, INC. was the operator of a break bulk terminal located at Pier F, Berths F204,
5 F205 at the Port of Long Beach, which included, but was not limited to the use of
6 locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
7 ships.

8 44. Plaintiffs are informed and believe, and based thereon, allege that, at all times
9 herein mentioned, Defendant CRESCENT TERMINAL (STEVEDORING SERVICES OF
10 AMERICA) was a business entity with a principal place of business in the City of Long
11 Beach, County of Los Angeles, State of California, and is a business entity licensed to do
12 business in the State of California. At all times relevant hereto, Defendant CRESCENT
13 TERMINAL (STEVEDORING SERVICES OF AMERICA) was the operator of a break bulk
14 and Ro-Ro terminal located at Pier F, Berths F206, F207 at the Port of Long Beach, which
15 included, but was not limited to the use of locomotives, on-road heavy duty trucks, cargo
16 handling equipment, and diesel-powered ships.

17 45. Plaintiffs are informed and believe, and based thereon, allege that, at all times
18 herein mentioned, Defendant DOW CHEMICAL CO. was a business entity with a principal
19 place of business in the City of Long Beach, County of Los Angeles, State of California, and
20 is a business entity licensed to do business in the State of California. At all times relevant
21 hereto, Defendant DOW CHEMICAL CO. was the operator of a liquid bulk terminal located
22 at Pier S, Berth S101 at the Port of Long Beach, which included, but was not limited to the
23 use of locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-
24 powered ships.

25 46. Plaintiffs are informed and believe, and based thereon, allege that, at all times
26 herein mentioned, Defendant FOREST TERMINALS CORPORATION was a business entity
27 with a principal place of business in the City of Long Beach, County of Los Angeles, State
28 of California, and is a business entity licensed to do business in the State of California. At

1 all times relevant hereto, Defendant FOREST TERMINALS CORPORATION was the
2 operator of a break bulk and Ro-Ro terminal located at Pier D, Berths D50 - D54 at the Port
3 of Long Beach, which included, but was not limited to the use of locomotives, on-road heavy
4 duty trucks, cargo handling equipment, and diesel-powered ships.

5 47. Plaintiffs are informed and believe, and based thereon, allege that, at all times
6 herein mentioned, Defendant CATALYST PAPER (USA) INC. AT FOREST TERMINALS
7 CORPORATION was a business entity with a principal place of business in the City of Long
8 Beach, County of Los Angeles, State of California, and is a business entity licensed to do
9 business in the State of California. At all times relevant hereto, Defendant CATALYST
10 PAPER (USA) INC. AT FOREST TERMINALS CORPORATION was the operator of a break
11 bulk and Ro-Ro terminal located at Pier D, Berths D50 - D54 at the Port of Long Beach,
12 which included, but was not limited to the use of locomotives, on-road heavy duty trucks,
13 cargo handling equipment, and diesel-powered ships.

14 48. Plaintiffs are informed and believe, and based thereon, allege that, at all times
15 herein mentioned, Defendant FREMONT FOREST GROUP CORPORATION was a
16 business entity with a principal place of business in the City of Long Beach, County of Los
17 Angeles, State of California, and is a business entity licensed to do business in the State of
18 California. At all times relevant hereto, Defendant FREMONT FOREST GROUP
19 CORPORATION was the operator of a break bulk and Ro-Ro terminal located at Pier T,
20 Berth T122 at the Port of Long Beach, which included, but was not limited to the use of
21 locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
22 ships.

23 49. Plaintiffs are informed and believe, and based thereon, allege that, at all times
24 herein mentioned, Defendant G-P GYPSUM CORPORATION was a business entity with a
25 principal place of business in the City of Long Beach, County of Los Angeles, State of
26 California, and is a business entity licensed to do business in the State of California. At all
27 times relevant hereto, Defendant G-P GYPSUM CORPORATION was the operator of a dry
28 bulk terminal located at Pier D, Berth D46 at the Port of Long Beach, which included, but

1 was not limited to the use of locomotives, on-road heavy duty trucks, cargo handling
2 equipment, and diesel-powered ships.

3 50. Plaintiffs are informed and believe, and based thereon, allege that, at all times
4 herein mentioned, Defendant G-P GYPSUM CORP. was a business entity with a principal
5 place of business in the City of Long Beach, County of Los Angeles, State of California, and
6 is a business entity licensed to do business in the State of California. At all times relevant
7 hereto, Defendant G-P GYPSUM CORP. was the operator of a dry bulk terminal located at
8 Pier D, Berth D46 at the Port of Long Beach, which included, but was not limited to the use
9 of locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
10 ships.

11 51. Plaintiffs are informed and believe, and based thereon, allege that, at all times
12 herein mentioned, Defendant INTERNATIONAL TRANSPORTATION SERVICE, INC. was
13 a business entity with a principal place of business in the City of Long Beach, County of Los
14 Angeles, State of California, and is a business entity licensed to do business in the State of
15 California. At all times relevant hereto, Defendant INTERNATIONAL TRANSPORTATION
16 SERVICE, INC. was the operator of a containment terminal located at Pier J, Berths G226 -
17 G230, J231-J236 at the Port of Long Beach, which included, but was not limited to the use
18 of locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
19 ships.

20 52. Plaintiffs are informed and believe, and based thereon, allege that, at all times
21 herein mentioned, Defendant KANSAS KOCH CARBON, INC. was a business entity with
22 a principal place of business in the City of Long Beach, County of Los Angeles, State of
23 California, and is a business entity licensed to do business in the State of California. At all
24 times relevant hereto, Defendant KANSAS KOCH CARBON, INC. was the operator of a dry
25 bulk terminal located at Pier F, Berth F211 at the Port of Long Beach, which included, but
26 was not limited to the use of locomotives, on-road heavy duty trucks, cargo handling
27 equipment, and diesel-powered ships.

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1 53. Plaintiffs are informed and believe, and based thereon, allege that, at all times
2 herein mentioned, Defendant KOCH CARBON, INC. was a business entity with a principal
3 place of business in the City of Long Beach, County of Los Angeles, State of California, and
4 is a business entity licensed to do business in the State of California. At all times relevant
5 hereto, Defendant KOCH CARBON, INC. was the operator of a dry bulk terminal located at
6 Pier F, Berth F211 at the Port of Long Beach, which included, but was not limited to the use
7 of locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
8 ships.

9 54. Plaintiffs are informed and believe, and based thereon, allege that, at all times
10 herein mentioned, Defendant LONG BEACH CONTAINER TERMINAL, INC. was a business
11 entity with a principal place of business in the City of Long Beach, County of Los Angeles,
12 State of California, and is a business entity licensed to do business in the State of California.
13 At all times relevant hereto, Defendant LONG BEACH CONTAINER TERMINAL, INC. was
14 the operator of a containment terminal located at Pier F, Berths F6, F8, F10 at the Port of
15 Long Beach, which included, but was not limited to the use of locomotives, on-road heavy
16 duty trucks, cargo handling equipment, and diesel-powered ships.

17 55. Plaintiffs are informed and believe, and based thereon, allege that, at all times
18 herein mentioned, Defendant METROPOLITAN STEVEDORE CO. was a business entity
19 with a principal place of business in the City of Long Beach, County of Los Angeles, State
20 of California, and is a business entity licensed to do business in the State of California. At
21 all times relevant hereto, Defendant METROPOLITAN STEVEDORE CO. was the operator
22 of a dry bulk terminal located at Pier G, Berths G212 - G215 at the Port of Long Beach,
23 which included, but was not limited to the use of locomotives, on-road heavy duty trucks,
24 cargo handling equipment, and diesel-powered ships.

25 56. Plaintiffs are informed and believe, and based thereon, allege that, at all times
26 herein mentioned, Defendant MITSUBISHI CEMENT CORPORATION was a business entity
27 with a principal place of business in the City of Long Beach, County of Los Angeles, State
28 of California, and is a business entity licensed to do business in the State of California. At

1 all times relevant hereto, Defendant MITSUBISHI CEMENT CORPORATION was the
2 operator of a dry bulk terminal located at Pier F, Berth F208 at the Port of Long Beach,
3 which included, but was not limited to the use of locomotives, on-road heavy duty trucks,
4 cargo handling equipment, and diesel-powered ships.

5 57. Plaintiffs are informed and believe, and based thereon, allege that, at all times
6 herein mentioned, Defendant MORTON SALT was a business entity with a principal place
7 of business in the City of Long Beach, County of Los Angeles, State of California, and is a
8 business entity licensed to do business in the State of California. At all times relevant
9 hereto, Defendant MORTON SALT was the operator of a dry bulk terminal located at Pier
10 F, Berth F210 at the Port of Long Beach, which included, but was not limited to the use of
11 locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
12 ships.

13 58. Plaintiffs are informed and believe, and based thereon, allege that, at all times
14 herein mentioned, Defendant MORTON SALT a Division of ROHM and HAAS COMPANY
15 was a business entity with a principal place of business in the City of Long Beach, County
16 of Los Angeles, State of California, and is a business entity licensed to do business in the
17 State of California. At all times relevant hereto, Defendant MORTON SALT a Division of
18 ROHM and HAAS COMPANY was the operator of a dry bulk terminal located at Pier F,
19 Berth F210 at the Port of Long Beach, which included, but was not limited to the use of
20 locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
21 ships.

22 59. Plaintiffs are informed and believe, and based thereon, allege that, at all times
23 herein mentioned, Defendant NATIONAL GYPSUM CO. was a business entity with a
24 principal place of business in the City of Long Beach, County of Los Angeles, State of
25 California, and is a business entity licensed to do business in the State of California. At all
26 times relevant hereto, Defendant NATIONAL GYPSUM CO. was the operator of a dry bulk
27 terminal located at Pier B, Berth B82 at the Port of Long Beach. , which included, but was
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1 not limited to the use of locomotives, on-road heavy duty trucks, cargo handling equipment,
2 and diesel-powered ships.

3 60. Plaintiffs are informed and believe, and based thereon, allege that, at all times
4 herein mentioned, Defendant NATIONAL GYPSUM COMPANY was a business entity with
5 a principal place of business in the City of Long Beach, County of Los Angeles, State of
6 California, and is a business entity licensed to do business in the State of California. At all
7 times relevant hereto, Defendant NATIONAL GYPSUM COMPANY was the operator of a
8 dry bulk terminal located at Pier B, Berth B82 at the Port of Long Beach, which included, but
9 was not limited to the use of locomotives, on-road heavy duty trucks, cargo handling
10 equipment, and diesel-powered ships.

11 61. Plaintiffs are informed and believe, and based thereon, allege that, at all times
12 herein mentioned, Defendant PACIFIC COAST RECYCLING, LLC was a business entity
13 with a principal place of business in the City of Long Beach, County of Los Angeles, State
14 of California, and is a business entity licensed to do business in the State of California. At
15 all times relevant hereto, Defendant PACIFIC COAST RECYCLING, LLC was the operator
16 of a break bulk and Ro-Ro terminal located at Pier T, Berth T118 at the Port of Long Beach,
17 which included, but was not limited to the use of locomotives, on-road heavy duty trucks,
18 cargo handling equipment, and diesel-powered ships.

19 62. Plaintiffs are informed and believe, and based thereon, allege that, at all times
20 herein mentioned, Defendant PETRO DIAMOND was a business entity with a principal place
21 of business in the City of Long Beach, County of Los Angeles, State of California, and is a
22 business entity licensed to do business in the State of California. At all times relevant
23 hereto, Defendant PETRO DIAMOND was the operator of a liquid bulk terminal located at
24 Pier B, Berths B82, B83 at the Port of Long Beach, which included, but was not limited to
25 the use of locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-
26 powered ships.

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1 63. Plaintiffs are informed and believe, and based thereon, allege that, at all times
2 herein mentioned, Defendant SHELL OIL PRODUCTS U.S. (SOPUS) was a business entity
3 with a principal place of business in the City of Long Beach, County of Los Angeles, State
4 of California, and is a business entity licensed to do business in the State of California. At
5 all times relevant hereto, Defendant SHELL OIL PRODUCTS U.S. (SOPUS) was the
6 operator of a liquid bulk terminal located at Pier B, Berths B84 - B87 at the Port of Long
7 Beach, which included, but was not limited to the use of locomotives, on-road heavy duty
8 trucks, cargo handling equipment, and diesel-powered ships.

9 64. Plaintiffs are informed and believe, and based thereon, allege that, at all times
10 herein mentioned, Defendant SSA TERMINALS - LONG BEACH, LLC was a business entity
11 with a principal place of business in the City of Long Beach, County of Los Angeles, State
12 of California, and is a business entity licensed to do business in the State of California. At
13 all times relevant hereto, Defendant SSA TERMINALS - LONG BEACH, LLC was the
14 operator of a containment terminal located at Pier A, Berths A88 - A96, Pier C, Berths C60 -
15 C62 at the Port of Long Beach, which included, but was not limited to the use of
16 locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
17 ships.

18 65. Plaintiffs are informed and believe, and based thereon, allege that, at all times
19 herein mentioned, Defendant STEVEDORING SERVICES OF AMERICA was a business
20 entity with a principal place of business in the City of Long Beach, County of Los Angeles,
21 State of California, and is a business entity licensed to do business in the State of California.
22 At all times relevant hereto, Defendant STEVEDORING SERVICES OF AMERICA was the
23 operator of a containment terminal located at Pier J, Berths J243 - J247, J266 - J270 at the
24 Port of Long Beach, which included, but was not limited to the use of locomotives, on-road
25 heavy duty trucks, cargo handling equipment, and diesel-powered ships.

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1 66. Plaintiffs are informed and believe, and based thereon, allege that, at all times
2 herein mentioned, Defendant TOTAL TERMINALS INTERNATIONAL, LLC was a business
3 entity with a principal place of business in the City of Long Beach, County of Los Angeles,
4 State of California, and is a business entity licensed to do business in the State of California.
5 At all times relevant hereto, Defendant TOTAL TERMINALS INTERNATIONAL, LLC was
6 the operator of a containment terminal located at Pier T, Berths T132 - T140 at the Port of
7 Long Beach, which included, but was not limited to the use of locomotives, on-road heavy
8 duty trucks, cargo handling equipment, and diesel-powered ships.

9 67. Plaintiffs are informed and believe, and based thereon, allege that, at all times
10 herein mentioned, Defendant TOYOTA LOGISTICS SERVICES, INC. was a business entity
11 with a principal place of business in the City of Long Beach, County of Los Angeles, State
12 of California, and is a business entity licensed to do business in the State of California. At
13 all times relevant hereto, Defendant TOYOTA LOGISTICS SERVICES, INC. was the
14 operator of a break bulk and Ro-Ro terminal located at Pier B, Berths B82, B83 at the Port
15 of Long Beach, which included, but was not limited to the use of locomotives, on-road heavy
16 duty trucks, cargo handling equipment, and diesel-powered ships.

17 68. Plaintiffs are informed and believe, and based thereon, allege that, at all times
18 herein mentioned, Defendant VOPAK TERMINAL LONG BEACH, INC. was a business
19 entity with a principal place of business in the City of Long Beach, County of Los Angeles,
20 State of California, and is a business entity licensed to do business in the State of California.
21 At all times relevant hereto, Defendant VOPAK TERMINAL LONG BEACH, INC. was the
22 operator of a liquid bulk containment terminal located at Berth 187 - 191 at the Port of Long
23 Beach, which included, but was not limited to the use of locomotives, on-road heavy duty
24 trucks, cargo handling equipment, and diesel-powered ships.

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1 69. Plaintiffs are informed and believe, and based thereon, allege that, at all times
2 herein mentioned, Defendant WEYERHAUSER COMPANY was a business entity with a
3 principal place of business in the City of Long Beach, County of Los Angeles, State of
4 California, and is a business entity licensed to do business in the State of California. At all
5 times relevant hereto, Defendant WEYERHAUSER COMPANY was the operator of a
6 containment terminal located at Pier T, Berth T122 at the Port of Long Beach, which
7 included, but was not limited to the use of locomotives, on-road heavy duty trucks, cargo
8 handling equipment, and diesel-powered ships.

9 70. In 1998, after approval of the 1997 Program EIR, the California Environmental
10 Protection Agency's Office of Environmental Health Hazard Assessment ("OEHHA")
11 determined that diesel exhaust particulate is a "toxic air contaminant" under *California Health*
12 *& Safety Code Section 39655* because of the cancer risk it poses. The activities at both
13 Long Beach and Los Angeles harbors generate emissions from diesel vessels, diesel trucks,
14 diesel tugboats, on-site diesel tractors and yard hostlers on and around the harbor which
15 negatively impact the air quality and public health of people living and working in the
16 communities around the Port of Long Beach and the Port of Los Angeles.

17 71. The Port of Los Angeles is located remarkably close to, and in view of, the
18 nearby community of San Pedro, which is thereby disproportionately affected by air
19 pollution, noise, traffic and other environmental impacts. The China Shipping Site is within
20 500 feet from the subject property. The subject property is also in close proximity to the
21 other operations at the Port of Los Angeles. According to the studies conducted by the
22 South Coast Air Quality Management District, San Pedro residents experience some of the
23 highest cancer risks in the South Coast Air Basin from breathing polluted air. More than
24 70% of this cancer risk comes from diesel exhaust.

25 72. On or about April 2006, the California Environmental Protection Agency Air
26 Resources Board released its "Diesel Particulate Matter Exposure Assessment Study for the
27 Ports of Los Angeles and Long Beach - Final Report." This report concluded that the
28 combined diesel particulate matter emissions from both the Long Beach and Los Angeles

1 ports result in elevated cancer risk levels over the entire 20-mile by 20-mile study area. In
2 areas near the port boundaries, potential cancer risk levels exceed 500 in a million. As one
3 moves away from the ports, the potential cancer risk levels decrease, but continue to exceed
4 50 in a million for the entire 20-mile area. The Bradfields' property is only 500 feet from the
5 China Shipping site at the Port of Los Angeles, and is within seven (7) miles of the Port of
6 Long Beach.

7 73. Alice J. Bradfield, born October 9, 1985, Kristin Bradfield, David Bradfield,
8 Meredith Bradfield, a Minor by and Through Her Guardian Ad Litem Kristen Bradfield, and
9 Hillary Bradfield, A Minor by and Through Her Guardian Ad Litem, Kristen Bradfield, at all
10 times relevant hereto, were residents of the City of San Pedro, County of Los Angeles, State
11 of California. Plaintiffs own, reside and utilize as their principal dwelling the property located
12 at 207 W. Amar Street in the City of San Pedro, County of Los Angeles, State of California,
13 Assessor's ID No. 7449-004-026 6 (herein "subject property"). Plaintiffs have resided at the
14 subject property continuously since February 4, 1990.

15 74. Plaintiffs are informed and believe and, based thereon, allege that, at all times
16 herein mentioned, Defendants, DISTRIBUTION & AUTO SERVICE, INC. (DAS), AUTO
17 WAREHOUSING CO., YANG MING (AMERICA) CORPORATION, TRANS PACIFIC
18 CONTAINER SERVICE CORP. (TRA PAC), WEST BASIN CONTAINER TERMINAL,
19 MITSUI O.S.K. LINES LTD., YUSEN TERMINALS, INC. (YTI), WYK LINE (NORTH
20 AMERICA) INC., EVERGREEN AMERICA CORP., SEASIDE TRANSPORTATION
21 SERVICES, AMERICAN PRESIDENT LINES, LTD., WESTWAY TERMINAL CO., GATX
22 TANK STORAGE TERMINALS CORP., TOSCO CORP., ULTRAMAR DIAMOND
23 SHAMROCK CORP., U.S. BORAX INC., EQUILON ENTERPRISES, PAKTANK
24 CORPORATION - LOS ANGELES TERMINALS, VOPAK, CPC TERMINALS, HUGO NEU-
25 PROLER CO., MOBIL OIL CORP., LOS ANGELES EXPORT TERMINAL INC., PASHA
26 STEVEDORING AND TERMINALS L.P., SSA MARINE, INC., CRESCENT WHARF &
27 WAREHOUSE CO., P & O NEDLLOYD LIMITED, EAGLE MARINE SERVICES LTD., APM
28 TERMINALS, MAERSK INC., MAERSK SEALAND, CALIFORNIA CARTAGE CO. INC., and

1 DOES 101 -150, inclusive, and each of them, were corporations and/or businesses of
2 unknown origin, duly organized and existing under the laws of an unknown state and/or
3 California and doing business at all times relevant in the State of California voluntarily and
4 by doing business having sufficient contacts with the State of California for jurisdiction of this
5 Court. At all times relevant hereto, Defendants, DISTRIBUTION & AUTO SERVICE, INC.
6 (DAS), AUTO WAREHOUSING CO., YANG MING (AMERICA) CORPORATION, TRANS
7 PACIFIC CONTAINER SERVICE CORP. (TRA PAC), WEST BASIN CONTAINER
8 TERMINAL, MITSUI O.S.K. LINES LTD., YUSEN TERMINALS, INC. (YTI), NYK LINE
9 (NORTHAMERICA) INC., EVERGREEN AMERICA CORP., SEASIDE TRANSPORTATION
10 SERVICES, AMERICAN PRESIDENT LINES, LTD., WESTWAY TERMINAL CO., GATX
11 TANK STORAGE TERMINALS CORP., TOSCO CORP., ULTRAMAR DIAMOND
12 SHAMROCK CORP., U.S. BORAX INC., EQUILON ENTERPRISES, PAKTANK
13 CORPORATION - LOS ANGELES TERMINALS, VOPAK, CPC TERMINALS, HUGO NEU-
14 PROLER CO., MOBIL OIL CORP., LOS ANGELES EXPORT TERMINAL INC., PASHA
15 STEVEDORING AND TERMINALS L.P., SSA MARINE, INC., CRESCENT WHARF &
16 WAREHOUSE CO., P & O NEDLLOYD LIMITED, EAGLE MARINE SERVICES LTD.,
17 MAERSK INC., APM TERMINALS PACIFIC LIMITED, MAERSK SEALAND, CALIFORNIA
18 CARTAGE CO. INC., HANJIN SHIPPING CO., LIMITED, MATSON NAVIGATION
19 COMPANY, INC., and DOES 101-150, inclusive, and each of them, were lessees and/or
20 operators of terminals and warehousing facilities in the Port of Los Angeles.

21 75. That the true names and capacities of Defendants, DOES 101-150, inclusive,
22 whether individual, corporate, associate or otherwise are unknown to Plaintiffs at the present
23 time and when Plaintiffs ascertain the true names and capacities of said Defendants,
24 Plaintiffs will seek leave of Court to amend this Complaint by setting forth same.

25 76. Plaintiffs are informed and believe and, based thereon, allege that, at all times
26 herein mentioned, Defendants, ACE HIGH TRANSPORTATION INC., BEST WAY
27 TRANSPORTATION, BRAGG HEAVY TRANSPORT, INTERMODAL CONTAINER
28 SERVICES, INC. d/b/a HARBOR RAIL TRANSPORT, HYUNDAI AMERICA SHIPPING

1 AGENCY, INC., GI TRUCKING CO., MEGATRUX, INC., TOP GUN DISTRIBUTION
2 SERVICES, ESSENTIAL FREIGHT SYSTEMS, P & O NEDLLOYD LIMITED, SPATES
3 TRUCKING INC., HANJIN SHIPPING CO., LTD., MATSON NAVIGATION COMPANY, INC.,
4 MAERSK SEALAND, MAERSK, INC., NYK LINE (NORTH AMERICA) INC., YANG MING
5 (AMERICA) CORPORATION, MITSUI O.S.K. LINES LIMITED, EVERGREEN AMERICA
6 CORPORATION, AMERICAN PRESIDENT LINES, LTD., TOSCO CORPORATION,
7 ROLY'S TRUCKING INC. (sued herein as DOE NO. 151), RPM CONSOLIDATED
8 SERVICES (sued herein as DOE NO. 152), RPM TRANSPORTATION INC. (sued herein
9 as DOE NO. 153), HUB GROUP, INC. (sued herein as DOE NO. 154), PACER
10 INTERNATIONAL (sued herein as DOE NO. 155), GOLDEN STATE LOGISTICS (sued
11 herein as DOE NO. 156), SP WORLDWIDE LOGISTICS (sued herein as DOE NO. 157),
12 AMERICAN PACIFIC TRUCKING (sued herein as DOE NO. 158), C.H. ROBINSON
13 WORLDWIDE (sued herein as DOE NO. 159) C.H. ROBINSON TRANSPORT (sued herein
14 as DOE NO. 160), CUSTOM LOGISTICS INC. (sued herein as DOE NO. 161), PYRAMID
15 TRANSPORT SYSTEM, INC. (sued herein as DOE NO. 162), RE TRANSPORTATION,
16 INC. (sued herein as DOE NO. 164), SCHAFER LOGISTICS (sued herein as DOE NO.
17 165), STAR SHIPPING DBA GEORGIA STAR SHIPPING (sued herein as DOE NO. 166
18 and erroneously as STAR SHIPPING (USWC) INC.), DOLE OCEAN LINE EXPRESS (sued
19 herein as DOE NO. 167), FOREST LINES (sued herein as DOE NO. 168), "K" LINE
20 AMERICA, INC. (sued herein as DOE NO. 169 and erroneously as K-LINE AMERICA,
21 INC.), LAURITZENCOOL AB (sued herein as DOE NO. 170 and erroneously as
22 LAURITZENLOOL REEFER LINES), LYKES LINE, INC. (sued herein as DOE NO. 171),
23 MARUBA NORTH AMERICA (sued herein as DOE NO. 172 and erroneously as MARUBA
24 LINES), MARINE TRANSPORT CORPORATION (sued herein as DOE NO. 173), MED
25 PACIFIC EXPRESS (sued herein as DOE NO. 174), NEPTUNE ORIENT LINE (sued herein
26 as DOE NO. 175), NORSK PACIFIC STEAMSHIP COMPANY, LIMITED (sued herein as
27 DOE NO. 176 and erroneously as NORSK PACIFIC SS COMPANY, LIMITED), STX PAN
28 OCEAN CO. LTD (sued herein as DOE NO. 177 and erroneously as PAN OCEAN

1 SHIPPING COMPANY, LIMITED), P.M. & O. PHILIPPINE, MICRONESIA, ORIENT LINE
2 (sued herein as DOE NO. 178 and erroneously as PM & O), SOUTH PACIFIC CONTAINER
3 LINE (sued herein as DOE NO. 179), SOUTH SEAS SHIPPING COMPANY (sued herein
4 as DOE NO. 180), TRANS PACIFIC LINES LIMITED (sued herein as DOE NO. 181),
5 WATERMAN STEAMSHIP CORPORATION (sued herein as DOE NO. 182), CARNIVAL
6 CORPORATION DBA CARNIVAL CRUISE LINES (sued erroneously as CARNIVAL
7 CRUISE LINES and herein as DOE NO. 184), CELEBRITY CRUISES (sued herein as DOE
8 NO. 185), COSTA CRUISE LINES N.V. (sued herein as DOE NO. 186 and erroneously as
9 COSTA CRUISES), CRYSTAL CRUISES, INC. (sued herein as DOE NO. 187 and
10 erroneously as CRYSTAL CRUISES), CUNARD LINES LIMITED (sued herein as DOE NO.
11 188 and erroneously as CUNARD LINE), DISNEY CRUISE VACATION, INC. (sued herein
12 as DOE NO. 189 and erroneously as DISNEY CRUISE LINE), HOLLAND AMERICAN LINE,
13 INC. (sued herein as DOE NO. 190 and erroneously as HOLLAND AMERICAN LINE),
14 NORWEGIAN CRUISE LINE LIMITED (sued herein as DOE NO. 191 and erroneously as
15 NORWEGIAN CRUISE LINE), PRINCESS CRUISE LINES, LTD DBA PRINCESS CRUISES
16 (sued herein as DOE NO. 192 and erroneously as PRINCESS CRUISES), RADISSON
17 SEVEN SEAS CRUISE, INC. (sued herein as DOE NO. 193 and erroneously as RADISSON
18 SEVEN SEAS CRUISE LINES), LAND STAR SYSTEMS, INC. (sued herein as DOE NO.
19 196), OVERSEAS FREIGHT, INC. (sued herein as DOE NO. 197), PACIFIC ANCHOR
20 TRANSPORTATION (sued herein as DOE NO. 198), AJ TRANSPORTATION (sued herein
21 as DOE NO. 199), A & D HAULING (sued herein as DOE NO. 200), PACIFIC COAST
22 CONTAINER, INC. (sued herein as DOE NO. 201), PIER WEST TRANSPORT, INC. (sued
23 herein as DOE NO. 202), PRICE TRANSFER, INC. (sued herein as DOE NO. 203),
24 PROGRESSIVE TRANSPORTATION SERVICES (sued herein as DOE NO. 204), Q
25 TRANSPORT, INC. (sued herein as DOE NO. 205), ROLO TRANSPORTATION (sued
26 herein as 206), SHIPPERS TRANSPORT EXPRESS sued herein as(207), STERLING
27 EXPRESS, INC. (sued herein as DOE NO. 208), THREE RIVERS TRUCKING, INC. (sued
28 herein as DOE NO. 210), CONCORD TOTAL DISTRIBUTION SERVICES (sued herein as

1 DOE NO. 211), TRADE LINK TRANSPORT, INC. (sued herein as DOE NO. 212), TRIUMPH
2 TRANSPORT (sued herein as DOE NO. 213), TRICON TRANSPORTATION, INC. (sued
3 herein as DOE NO. 214), UNITED SHIPMENT, INC. (sued herein as DOE NO. 215),
4 WESTERN FREIGHT CARRIER (sued herein as DOE NO. 216), WESTERN MARITIME
5 EXPRESS (sued herein as DOE NO. 217), KNIGHTS DELIVERY SERVICE (sued herein
6 as DOE NO. 218), KONOIKE PACIFIC CALIFORNIA (sued herein as DOE NO. 219), K &
7 R TRANSPORTATION (sued herein as DOE NO. 220), INTERCITY EXPRESS, INC. (sued
8 herein as DOE NO. 221), HUDD DISTRIBUTION SERVICES, INC. (sued herein as DOE
9 NO. 222), HARBOR DISPATCH TRANSPORT, INC. (sued herein as DOE NO. 223) and
10 DOES 224 and 225, and each of them, are corporations and/or businesses of unknown
11 origin, duly organized and existing under the laws of an unknown state and/or California and
12 doing business at all times relevant in the State of California voluntarily and by doing
13 business having sufficient contacts with the State of California for jurisdiction of this Court.
14 At all times relevant hereto, Defendants, ACE HIGH TRANSPORTATION INC., BEST WAY
15 TRANSPORTATION, BRAGG HEAVY TRANSPORT, INTERMODAL CONTAINER
16 SERVICES, INC. d/b/a HARBOR RAIL TRANSPORT, HYUNDAI AMERICA SHIPPING
17 AGENCY, INC., GI TRUCKING CO., MEGATRUX, INC., TOP GUN DISTRIBUTION
18 SERVICES, ESSENTIAL FREIGHT SYSTEMS, P & O NEDLLOYD LIMITED, SPATES
19 TRUCKING INC., HANJIN SHIPPING CO., LTD., MATSON NAVIGATION COMPANY, INC.,
20 MAERSK SEALAND, MAERSK, INC., NYK LINE (NORTH AMERICA) INC., YANG MING
21 (AMERICA) CORPORATION, MITSUI O.S.K. LINES LIMITED, EVERGREEN AMERICA
22 CORPORATION, AMERICAN PRESIDENT LINES, LTD., TOSCO CORPORATION,
23 ROLY'S TRUCKING INC. (sued herein as DOE NO. 151), RPM CONSOLIDATED
24 SERVICES (sued herein as DOE NO. 152), RPM TRANSPORTATION INC. (sued herein
25 as DOE NO. 153), HUB GROUP, INC. (sued herein as DOE NO. 154), PACER
26 INTERNATIONAL (sued herein as DOE NO. 155), GOLDEN STATE LOGISTICS (sued
27 herein as DOE NO. 156), SP WORLDWIDE LOGISTICS (sued herein as DOE NO. 157),
28 AMERICAN PACIFIC TRUCKING (sued herein as DOE NO. 158), C.H. ROBINSON

1 WORLDWIDE (sued herein as DOE NO. 159) C.H. ROBINSON TRANSPORT (sued herein
2 as DOE NO. 160), CUSTOM LOGISTICS INC. (sued herein as DOE NO. 161), PYRAMID
3 TRANSPORT SYSTEM, INC. (sued herein as DOE NO. 162), RE TRANSPORTATION,
4 INC. (sued herein as DOE NO. 164), SCHAFER LOGISTICS (sued herein as DOE NO.
5 165), STAR SHIPPING DBA GEORGIA STAR SHIPPING (sued herein as DOE NO. 166
6 and erroneously as STAR SHIPPING (USWC) INC.), DOLE OCEAN LINE EXPRESS (sued
7 herein as DOE NO. 167), FOREST LINES (sued herein as DOE NO. 168), "K" LINE
8 AMERICA, INC. (sued herein as DOE NO. 169 and erroneously as K-LINE AMERICA,
9 INC.), LAURITZENCOOL AB (sued herein as DOE NO. 170 and erroneously as
10 LAURITZENLOOL REEFER LINES), LYKES LINE, INC. (sued herein as DOE NO. 171),
11 MARUBA NORTH AMERICA (sued herein as DOE NO. 172 and erroneously as MARUBA
12 LINES), MARINE TRANSPORT CORPORATION (sued herein as DOE NO. 173), MED
13 PACIFIC EXPRESS (sued herein as DOE NO. 174), NEPTUNE ORIENT LINE (sued herein
14 as DOE NO. 175), NORSK PACIFIC STEAMSHIP COMPANY, LIMITED (sued herein as
15 DOE NO. 176 and erroneously as NORSK PACIFIC SS COMPANY, LIMITED), STX PAN
16 OCEAN CO. LTD (sued herein as DOE NO. 177 and erroneously as PAN OCEAN
17 SHIPPING COMPANY, LIMITED), P.M. & O. PHILIPPINE, MICRONESIA, ORIENT LINE
18 (sued herein as DOE NO. 178 and erroneously as PM & O), SOUTH PACIFIC CONTAINER
19 LINE (sued herein as DOE NO. 179), SOUTH SEAS SHIPPING COMPANY (sued herein
20 as DOE NO. 180), TRANS PACIFIC LINES LIMITED (sued herein as DOE NO. 181),
21 WATERMAN STEAMSHIP CORPORATION (sued herein as DOE NO. 182), CARNIVAL
22 CORPORATION DBA CARNIVAL CRUISE LINES (sued erroneously as CARNIVAL
23 CRUISE LINES and herein as DOE NO. 184), CELEBRITY CRUISES (sued herein as DOE
24 NO. 185), COSTA CRUISE LINES N.V. (sued herein as DOE NO. 186 and erroneously as
25 COSTA CRUISES), CRYSTAL CRUISES, INC. (sued herein as DOE NO. 187 and
26 erroneously as CRYSTAL CRUISES), CUNARD LINES LIMITED (sued herein as DOE NO.
27 188 and erroneously as CUNARD LINE), DISNEY CRUISE VACATION, INC. (sued herein
28 as DOE NO. 189 and erroneously as DISNEY CRUISE LINE), HOLLAND AMERICAN LINE,

1 INC. (sued herein as DOE NO. 190 and erroneously as HOLLAND AMERICAN LINE),
2 NORWEGIAN CRUISE LINE LIMITED (sued herein as DOE NO. 191 and erroneously as
3 NORWEGIAN CRUISE LINE), PRINCESS CRUISE LINES, LTD DBA PRINCESS CRUISES
4 (sued herein as DOE NO. 192 and erroneously as PRINCESS CRUISES), RADISSON
5 SEVEN SEAS CRUISE, INC. (sued herein as DOE NO. 193 and erroneously as RADISSON
6 SEVEN SEAS CRUISE LINES), LAND STAR SYSTEMS, INC. (sued herein as DOE NO.
7 196), OVERSEAS FREIGHT, INC. (sued herein as DOE NO. 197), PACIFIC ANCHOR
8 TRANSPORTATION (sued herein as DOE NO. 198), AJ TRANSPORTATION (sued herein
9 as DOE NO. 199), A & D HAULING (sued herein as DOE NO. 200), PACIFIC COAST
10 CONTAINER, INC. (sued herein as DOE NO. 201), PIER WEST TRANSPORT, INC. (sued
11 herein as DOE NO. 202), PRICE TRANSFER, INC. (sued herein as DOE NO. 203),
12 PROGRESSIVE TRANSPORTATION SERVICES (sued herein as DOE NO. 204), Q
13 TRANSPORT, INC. (sued herein as DOE NO. 205), ROLO TRANSPORTATION (sued
14 herein as 206), SHIPPERS TRANSPORT EXPRESS sued herein as(207), STERLING
15 EXPRESS, INC. (sued herein as DOE NO. 208), THREE RIVERS TRUCKING, INC. (sued
16 herein as DOE NO. 210), CONCORD TOTAL DISTRIBUTION SERVICES (sued herein as
17 DOE NO. 211), TRADE LINK TRANSPORT, INC. (sued herein as DOE NO. 212), TRIUMPH
18 TRANSPORT (sued herein as DOE NO. 213), TRICON TRANSPORTATION, INC. (sued
19 herein as DOE NO. 214), UNITED SHIPMENT, INC. (sued herein as DOE NO. 215),
20 WESTERN FREIGHT CARRIER (sued herein as DOE NO. 216), WESTERN MARITIME
21 EXPRESS (sued herein as DOE NO. 217), KNIGHTS DELIVERY SERVICE (sued herein
22 as DOE NO. 218), KONOIKE PACIFIC CALIFORNIA (sued herein as DOE NO. 219),
23 K & R TRANSPORTATION (sued herein as DOE NO. 220), INTERCITY EXPRESS, INC.
24 (sued herein as DOE NO. 221), HUDD DISTRIBUTION SERVICES, INC. (sued herein as
25 DOE NO. 222), HARBOR DISPATCH TRANSPORT, INC. (sued herein as DOE NO. 223)
26 and DOES 224 and 225, and each of them, were transportation companies, including, but
27 not limited to, truck, rail, and ocean-going transport companies operating in San Pedro
28 and/or providing oceangoing transport services to businesses at the Port of Los Angeles.

1 77. That the true names and capacities of Defendants, DOES 224 and 225,
2 whether individual, corporate, associate or otherwise are unknown to Plaintiffs at the present
3 time and when Plaintiffs ascertain the true names and capacities of said Defendants,
4 Plaintiffs will seek leave of Court to amend this Complaint by setting forth same.

5 78. Plaintiffs are informed and believe and, based thereon, allege that, at all times
6 herein mentioned, Defendants, APM TERMINALS, APM TERMINALS NORTH AMERICA,
7 INC., BAKER COMMODITIES, INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA
8 UNITED TERMINALS, CEMEX PACIFIC COAST CEMENT CORPORATION, CHEMOIL
9 CORPORATION, CHEMOIL MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA)
10 HOLDING COMPANY, INC., CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY,
11 INC. (CHINA SHIPPING TERMINAL), COOPER/T. SMITH CORPORATION, COOPER/T.
12 SMITH STEVEDORING COMPANY, INC., CRESCENT TERMINAL (STEVEDORING
13 SERVICES OF AMERICA), DISTRIBUTION & AUTO SERVICE, INC. (DAS), DOW
14 CHEMICAL CO., EAGLE MARINE SERVICES, LTD., EQUILON ENTERPRISES, LLC,
15 EVERGREEN AMERICA CORPORATION, EVERGREEN INTERNATIONAL (USA), INC.,
16 EVERGREEN MARINE CORPORATION (CALIFORNIA), LTD, FOREST TERMINALS
17 CORPORATION, CATALYST PAPER (USA) INC. AT FOREST TERMINALS
18 CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX TANK STORAGE
19 TERMINALS CORPORATION, G-P GYPSUM CORPORATION, G-P GYPSUM CORP.,
20 HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES CORP.,
21 INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC.,
22 KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES
23 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), METROPOLITAN
24 STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORPORATION,
25 MORTON SALT, MORTON SALT A DIVISION OF ROME AND HAAS COMPANY,
26 NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST
27 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
28 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,

1 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
2 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
3 and TRAPAC, INC., U.S. BORAX INC., VOPAK TERMINAL LONG BEACH INC., VOPAK
4 TERMINAL LOS ANGELES INC., WESTWAY TERMINAL COMPANY INC.,
5 WEYERHAUSER COMPANY, YANG MING GROUP, YANG MING (AMERICA)
6 CORPORATION, YUSEN TERMINALS INC., and DOES 226 - 275, inclusive, and each of
7 them, are corporations and/or businesses of unknown origin, duly organized and existing
8 under the laws of an unknown state and/or California and doing business at all times
9 relevant in the State of California voluntarily and by doing business having sufficient contacts
10 with the State of California for jurisdiction of this Court. At all times relevant hereto,
11 Defendants, APM TERMINALS, APM TERMINALS NORTH AMERICA, INC., BAKER
12 COMMODITIES, INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA UNITED
13 TERMINALS, CEMEX PACIFIC COAST CEMENT CORPORATION, CHEMOIL
14 CORPORATION, CHEMOIL MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA)
15 HOLDING COMPANY, INC., CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY,
16 INC. (CHINA SHIPPING TERMINAL), COOPER/T. SMITH CORPORATION, COOPER/T.
17 SMITH STEVEDORING COMPANY, INC., CRESCENT TERMINAL (STEVEDORING
18 SERVICES OF AMERICA), DISTRIBUTION & AUTO SERVICE, INC. (DAS), DOW
19 CHEMICAL CO., EAGLE MARINE SERVICES, LTD., EQUILON ENTERPRISES, LLC,
20 EVERGREEN AMERICA CORPORATION, EVERGREEN INTERNATIONAL (USA), INC.,
21 EVERGREEN MARINE CORPORATION (CALIFORNIA), LTD, FOREST TERMINALS
22 CORPORATION, CATALYST PAPER (USA) INC. AT FOREST TERMINALS
23 CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX TANK STORAGE
24 TERMINALS CORPORATION, G-P GYPSUM CORPORATION, G-P GYPSUM CORP.,
25 HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES CORP.,
26 INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC.,
27 KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES
28 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), METROPOLITAN

1 STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORPORATION,
2 MORTON SALT, MORTON SALT A DIVISION OF ROME AND HAAS COMPANY,
3 NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST
4 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
5 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,
6 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
7 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
8 and TRAPAC, INC., U.S. BORAX INC., VOPAK TERMINAL LONG BEACH INC., VOPAK
9 TERMINAL LOS ANGELES INC., WESTWAY TERMINAL COMPANY INC.,
10 WEYERHAUSER COMPANY, YANG MING GROUP, YANG MING (AMERICA)
11 CORPORATION, YUSEN TERMINALS INC., and DOES 226 - 275 inclusive, and each of
12 them, were transportation companies, including, but not limited to, truck, rail, and ocean-
13 going transport companies operating in San Pedro and/or providing oceangoing transport
14 services to businesses at the Ports of Long Beach and/or Los Angeles.

15 79. Defendants, DOES 226 -275, inclusive, and each of them, are persons in the
16 course of doing business within the meaning of *Health and Safety Code § 25249.11*.
17 Plaintiffs are presently unaware of their true names and capacities and, therefore, Plaintiffs
18 sue Defendant DOES 226-275 by such fictitious names, pursuant to *California Code of Civil*
19 *Procedure § 474*. Plaintiffs will amend this Complaint and include these Doe Defendants'
20 true names and capacities when they are ascertained.

21 80. As a direct result of the conduct of the Defendants, and each of them, in
22 causing and permitting the subject property to be exposed to hazardous and toxic emissions
23 and known carcinogens such as diesel fuel fumes, and/or emissions along with increased
24 dust, soot, chemicals and contaminants, noise levels and excessive ground-borne
25 vibrations, the Plaintiffs were exposed to said emissions by way of inhalation and absorption,
26 and have manifested symptoms related to such exposures. Plaintiffs have been injured and
27 suffered mental, physical, psychological and emotional pain and suffering. Plaintiffs Alice
28 J. Bradfield, Hillary Bradfield, and Meredith Bradfield have also suffered injury to their body,

1 physical health, strength and activity, including, but not limited to, asthma, headaches, hives,
2 persistent cough, nose bleeds, loss of appetite, recurrent sinus problems, sleeplessness,
3 lack of concentration, sluggishness and ear, nose and throat irritation and inflammation, all of
4 which have caused, and continue to cause, mental and emotional pain and suffering.
5 Plaintiff Kristin Bradfield developed symptoms including, but not limited to, headaches, joint
6 pain, loss of appetite, and sluggishness in late 2002, which was diagnosed thereafter as
7 Fibromyalgia. Plaintiff David Bradfield first noticed problems related to his exposures on or
8 about May 2004, when he developed symptoms of dizziness and hearing loss. Plaintiffs
9 Hillary Bradfield, Meredith Bradfield, and Alice Bradfield have each been diagnosed with
10 Asthma some time after they started living at the subject property. Plaintiffs Hillary Bradfield
11 and Meredith Bradfield are minors. Alice Bradfield reached her majority on October 9, 2003.
12 Plaintiffs have incurred medical expenses as a result of the toxic and hazardous exposure
13 and will continue to incur medical expenses in the future. The toxic exposures herein above
14 described were a substantial factor in causing each Plaintiff's injuries and damages.

15 81. As a further sole, direct and proximate result of the negligence of Defendants,
16 and each of them, Plaintiffs were unable to follow their usual occupations for a period of
17 time. Plaintiffs are informed and believe, and thereon allege, that they will be unable to
18 follow their usual occupations for a period of time in the future not presently known to them.
19 When Plaintiffs ascertain the total amount of time in which they will have been unable to
20 follow their usual occupations by reason of the subject incident, they will ask leave of court
21 to amend this complaint by setting forth such total periods and losses.

22 82. As a further sole, direct and proximate result of the negligence of Defendants,
23 and each of them, Plaintiffs were unable to follow their usual activities for a period of time.
24 Plaintiffs are informed and believe, and thereon allege, that they will be unable to follow their
25 usual activities for a period of time in the future not presently known to them. When
26 Plaintiffs ascertain the total amount of time in which they will have been unable to follow their
27 usual activities by reason of the subject incident, they will ask leave of court to amend this
28 complaint by setting forth such total periods and losses.

1 STEVEDORING AND TERMINALS L.P., SSA MARINE INC., CRESCENT WHARF &
2 WAREHOUSE CO., EAGLE MARINE SERVICES, INC., APM TERMINALS PACIFIC
3 LIMITED, MAERSK SEALAND, MAERSK INC., CALIFORNIA CARTAGE CO. INC., ACE
4 HIGH TRANSPORTATION INC., BEST WAY TRANSPORTATION, BRAGG HEAVY
5 TRANSPORT, INTERMODAL CONTAINER SERVICES, INC. d/b/a HARBOR RAIL
6 TRANSPORT, HYUNDAI AMERICA SHIPPING AGENCY, INC., GI TRUCKING CO.,
7 MEGATRUX, INC., TOP GUN DISTRIBUTION SERVICES, P & O NEDLLOYD LIMITED,
8 HANJIN SHIPPING CO., LTD., MATSON NAVIGATION COMPANY, INC., APM
9 TERMINALS, APM TERMINALS NORTH AMERICA, INC., BAKER COMMODITIES, INC.,
10 BP PIPELINES, NORTH AMERICA, CALIFORNIA UNITED TERMINALS, CEMEX PACIFIC
11 COAST CEMENT CORPORATION, CHEMOIL CORPORATION, CHEMOIL MARINE
12 TERMINAL, CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY, INC., CHINA
13 SHIPPING (NORTH AMERICA) HOLDING COMPANY, INC. (CHINA SHIPPING
14 TERMINAL), COOPER/T. SMITH CORPORATION, COOPER/T. SMITH STEVEDORING
15 COMPANY, INC., CRESCENT TERMINAL (STEVEDORING SERVICES OF AMERICA),
16 DOW CHEMICAL CO., EAGLE MARINE SERVICES, LTD., EQUILON ENTERPRISES,
17 LLC, EVERGREEN AMERICA CORPORATION, EVERGREEN INTERNATIONAL (USA),
18 INC., EVERGREEN MARINE CORPORATION (CALIFORNIA), LTD, FOREST TERMINALS
19 CORPORATION, CATALYST PAPER (USA) INC. AT FOREST TERMINALS
20 CORPORATION, FREMONT FOREST GROUP CORPORATION, G-P GYPSUM
21 CORPORATION, G-P GYPSUM CORP., GATX TANK STORAGE TERMINALS
22 CORPORATION, HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES
23 CORP., INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH
24 CARBON, INC., KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC.,
25 LOS ANGELES EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC),
26 METROPOLITAN STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL
27 CORPORATION, MORTON SALT, MORTON SALT a Division of ROHM and HAAS
28 COMPANY, NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST

1 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
2 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,
3 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
4 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
5 and TRAPAC, INC., VOPAK TERMINAL LONG BEACH, INC., VOPAK TERMINAL LOS
6 ANGELES, INC., WESTWAY TERMINAL COMPANY INC., WEYERHAUSER COMPANY,
7 YANG MING GROUP, ROLY'S TRUCKING INC. (sued herein as DOE NO. 151), RPM
8 CONSOLIDATED SERVICES (sued herein as DOE NO. 152), RPM TRANSPORTATION
9 INC. (sued herein as DOE NO. 153), HUB GROUP, INC. (sued herein as DOE NO. 154),
10 PACER INTERNATIONAL (sued herein as DOE NO. 155), GOLDEN STATE LOGISTICS
11 (sued herein as DOE NO. 156), SP WORLDWIDE LOGISTICS (sued herein as DOE NO.
12 157), AMERICAN PACIFIC TRUCKING (sued herein as DOE NO. 158), C.H. ROBINSON
13 WORLDWIDE (sued herein as DOE NO. 159) C.H. ROBINSON TRANSPORT (sued herein
14 as DOE NO. 160), CUSTOM LOGISTICS INC. (sued herein as DOE NO. 161), PYRAMID
15 TRANSPORT SYSTEM, INC. (sued herein as DOE NO. 162), RE TRANSPORTATION,
16 INC. (sued herein as DOE NO. 164), SCHAFER LOGISTICS (sued herein as DOE NO.
17 165), STAR SHIPPING DBA GEORGIA STAR SHIPPING (sued herein as DOE NO. 166
18 and erroneously as STAR SHIPPING (USWC) INC.), DOLE OCEAN LINE EXPRESS (sued
19 herein as DOE NO. 167), FOREST LINES (sued herein as DOE NO. 168), "K" LINE
20 AMERICA, INC. (sued herein as DOE NO. 169 and erroneously as K-LINE AMERICA,
21 INC.), LAURITZENCOOL AB (sued herein as DOE NO. 170 and erroneously as
22 LAURITZENLOOL REEFER LINES), LYKES LINE, INC. (sued herein as DOE NO. 171),
23 MARUBA NORTH AMERICA (sued herein as DOE NO. 172 and erroneously as MARUBA
24 LINES), MARINE TRANSPORT CORPORATION (sued herein as DOE NO. 173), MED
25 PACIFIC EXPRESS (sued herein as DOE NO. 174), NEPTUNE ORIENT LINE (sued herein
26 as DOE NO. 175), NORSK PACIFIC STEAMSHIP COMPANY, LIMITED (sued herein as
27 DOE NO. 176 and erroneously as NORSK PACIFIC SS COMPANY, LIMITED), STX PAN
28 OCEAN CO. LTD (sued herein as DOE NO. 177 and erroneously as PAN OCEAN

1 SHIPPING COMPANY, LIMITED), P.M. & O. PHILIPPINE, MICRONESIA, ORIENT LINE
2 (sued herein as DOE NO. 178 and erroneously as PM & O), SOUTH PACIFIC CONTAINER
3 LINE (sued herein as DOE NO. 179), SOUTH SEAS SHIPPING COMPANY (sued herein
4 as DOE NO. 180), TRANS PACIFIC LINES LIMITED (sued herein as DOE NO. 181),
5 WATERMAN STEAMSHIP CORPORATION (sued herein as DOE NO. 182), CARNIVAL
6 CORPORATION DBA CARNIVAL CRUISE LINES (sued erroneously as CARNIVAL
7 CRUISE LINES and herein as DOE NO. 184), CELEBRITY CRUISES (sued herein as DOE
8 NO. 185), COSTA CRUISE LINES N.V. (sued herein as DOE NO. 186 and erroneously as
9 COSTA CRUISES), CRYSTAL CRUISES, INC. (sued herein as DOE NO. 187 and
10 erroneously as CRYSTAL CRUISES), CUNARD LINES LIMITED (sued herein as DOE NO.
11 188 and erroneously as CUNARD LINE), DISNEY CRUISE VACATION, INC. (sued herein
12 as DOE NO. 189 and erroneously as DISNEY CRUISE LINE), HOLLAND AMERICAN LINE,
13 INC. (sued herein as DOE NO. 190 and erroneously as HOLLAND AMERICAN LINE),
14 NORWEGIAN CRUISE LINE LIMITED (sued herein as DOE NO. 191 and erroneously as
15 NORWEGIAN CRUISE LINE), PRINCESS CRUISE LINES, LTD DBA PRINCESS CRUISES
16 (sued herein as DOE NO. 192 and erroneously as PRINCESS CRUISES), RADISSON
17 SEVEN SEAS CRUISE, INC. (sued herein as DOE NO. 193 and erroneously as RADISSON
18 SEVEN SEAS CRUISE LINES), LAND STAR SYSTEMS, INC. (sued herein as DOE NO.
19 196), OVERSEAS FREIGHT, INC. (sued herein as DOE NO. 197), PACIFIC ANCHOR
20 TRANSPORTATION (sued herein as DOE NO. 198), AJ TRANSPORTATION (sued herein
21 as DOE NO. 199), A & D HAULING (sued herein as DOE NO. 200), PACIFIC COAST
22 CONTAINER, INC. (sued herein as DOE NO. 201), PIER WEST TRANSPORT, INC. (sued
23 herein as DOE NO. 202), PRICE TRANSFER, INC. (sued herein as DOE NO. 203),
24 PROGRESSIVE TRANSPORTATION SERVICES (sued herein as DOE NO. 204), Q
25 TRANSPORT, INC. (sued herein as DOE NO. 205), ROLO TRANSPORTATION (sued
26 herein as 206), SHIPPERS TRANSPORT EXPRESS sued herein as(207), STERLING
27 EXPRESS, INC. (sued herein as DOE NO. 208), THREE RIVERS TRUCKING, INC. (sued
28 herein as DOE NO. 210), CONCORD TOTAL DISTRIBUTION SERVICES (sued herein as

1 DOE NO. 211), TRADE LINK TRANSPORT, INC. (sued herein as DOE NO. 212), TRIUMPH
2 TRANSPORT (sued herein as DOE NO. 213), TRICON TRANSPORTATION, INC. (sued
3 herein as DOE NO. 214), UNITED SHIPMENT, INC. (sued herein as DOE NO. 215),
4 WESTERN FREIGHT CARRIER (sued herein as DOE NO. 216), WESTERN MARITIME
5 EXPRESS (sued herein as DOE NO. 217), KNIGHTS DELIVERY SERVICE (sued herein
6 as DOE NO. 218), KONOIKE PACIFIC CALIFORNIA (sued herein as DOE NO. 219), K &
7 R TRANSPORTATION (sued herein as DOE NO. 220), INTERCITY EXPRESS, INC. (sued
8 herein as DOE NO. 221), HUDD DISTRIBUTION SERVICES, INC. (sued herein as DOE
9 NO. 222), HARBOR DISPATCH TRANSPORT, INC. (sued herein as DOE NO. 223) and
10 DOES 224 - 275 inclusive, and each of them, Plaintiffs allege as follows:

11 87. At all times mentioned, and since October 9, 2001 and before and continuing,
12 Defendants, and each of them, had conducted their businesses in such a manner as to
13 allow toxic exposures of hazardous emissions from diesel trucks, ships, trains, and other
14 diesel-powered machinery and known carcinogens such as diesel fuel fumes and/or
15 emissions, and caused large quantities of dust, soot, chemicals, and contaminants to be
16 carried by currents and winds to the subject property, along with increased noise levels and
17 excessive ground borne vibrations, constituting a continuing, private nuisance as defined by
18 *California Civil Code Sections 3479-3481*. The conditions herein above-described interfered
19 with Plaintiffs' free use of their property by depriving them of the comfortable enjoyment of
20 their life and property. The manner in which the Defendants conducted their business,
21 which created the nuisance, was not specifically authorized by any statute, ordinance or
22 other law.

23 88. As set forth in the allegations incorporated herein, the allowance of toxic
24 exposure of hazardous emissions and known carcinogens such as diesel fuel fumes and/or
25 emissions, along with dust, soot, and contaminants, increased noise levels, and excessive
26 ground-borne vibrations inside and outside of the subject property and its lingering and
27 continuing residue were and continue to be injurious to Plaintiffs' health, and were and
28 continue to be indecent and offensive to the senses of Plaintiffs. The toxic exposure of

1 hazardous emissions and known carcinogens such as diesel fuel fumes and/or emissions,
2 along with increased dust, soot, contaminants, noise levels and excessive ground borne
3 vibrations, allowed and furthered by Defendants, and each of them, obstructed and continue
4 to obstruct Plaintiffs' free use of the subject property and interfere with Plaintiffs' comfortable
5 enjoyment of life.

6 89. As a further foreseeable, direct and proximate result of the aforesaid conduct
7 of the Defendants, and each of them, their employees, agents and representatives,
8 Plaintiffs have been damaged and continue to be damaged in that they have suffered
9 damage and continue to suffer damage to their residence, personal property, and to their
10 persons.

11 90. As a further foreseeable, direct and proximate result of the aforesaid conduct
12 of the Defendants, and each of them, their employees, agents, and representatives,
13 Plaintiffs have suffered and continue to suffer damages in an amount presently not
14 ascertained, but which will be shown according to proof at trial. Plaintiffs are informed and
15 believe that the amount is in excess of the minimum jurisdiction of the Superior Court.

16 **SECOND CAUSE OF ACTION**

17 **(Negligence)**

18 91. Plaintiffs repeat and replead paragraphs 1 through 90 above, as though fully
19 set forth at length herein.

20 92. As and against Defendants, CHINA SHIPPING (NORTH AMERICA)
21 HOLDING CO., LTD., DISTRIBUTION & AUTO SERVICE, INC. (DAS), AUTO
22 WAREHOUSING CO., YANG MING (AMERICA) CORPORATION, TRANS PACIFIC
23 CONTAINER SERVICE CORP. (TRA PAC), WEST BASIN CONTAINER TERMINAL,
24 MITSUI O.S.K. LINES LTD., YUSEN TERMINALS, INC. (YTI), NYK LINE (NORTH
25 AMERICA) INC., EVERGREEN AMERICA CORP., SEASIDE TRANSPORTATION
26 SERVICES, AMERICAN PRESIDENT LINES, LTD., WESTWAY TERMINAL CO., GATX
27 TANK STORAGE TERMINALS CORP., TOSCO CORP., ULTRAMAR DIAMOND
28 SHAMROCK CORP., U.S. BORAX INC., EQUILON ENTERPRISES, PAKTANK

1 CORPORATION - LOS ANGELES TERMINALS, VOPAK, CPC TERMINALS, HUGO NEU-
2 PROLER CO., MOBIL OIL CORP., LOS ANGELES EXPORT TERMINAL INC., PASHA
3 STEVEDORING AND TERMINALS L.P., SSA MARINE INC., CRESCENT WHARF &
4 WAREHOUSE CO., EAGLE MARINE SERVICES, INC., APM TERMINALS PACIFIC
5 LIMITED, MAERSK SEALAND, MAERSK INC., CALIFORNIA CARTAGE CO. INC., ACE
6 HIGH TRANSPORTATION INC., BEST WAY TRANSPORTATION, BRAGG HEAVY
7 TRANSPORT, INTERMODAL CONTAINER SERVICES, INC. d/b/a HARBOR RAIL
8 TRANSPORT, HYUNDAI AMERICA SHIPPING AGENCY, INC., GI TRUCKING CO.,
9 MEGATRUX, INC., TOP GUN DISTRIBUTION SERVICES, P & O NEDLLOYD LIMITED,
10 HANJIN SHIPPING CO., LTD., MATSON NAVIGATION COMPANY, INC., APM
11 TERMINALS, APM TERMINALS NORTH AMERICA, INC., BAKER COMMODITIES, INC.,
12 BP PIPELINES, NORTH AMERICA, CALIFORNIA UNITED TERMINALS, CEMEX PACIFIC
13 COAST CEMENT CORPORATION, CHEMOIL CORPORATION, CHEMOIL MARINE
14 TERMINAL, CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY, INC., CHINA
15 SHIPPING (NORTH AMERICA) HOLDING COMPANY, INC. (CHINA SHIPPING
16 TERMINAL), COOPER/T. SMITH CORPORATION, COOPER/T. SMITH STEVEDORING
17 COMPANY, INC., CRESCENT TERMINAL (STEVEDORING SERVICES OF AMERICA),
18 DOW CHEMICAL CO., EAGLE MARINE SERVICES, LTD., EQUILON ENTERPRISES,
19 LLC, EVERGREEN AMERICA CORPORATION, EVERGREEN INTERNATIONAL (USA),
20 INC., EVERGREEN MARINE CORPORATION (CALIFORNIA), LTD, FOREST TERMINALS
21 CORPORATION, CATALYST PAPER (USA) INC. AT FOREST TERMINALS
22 CORPORATION, FREMONT FOREST GROUP CORPORATION, G-P GYPSUM
23 CORPORATION, G-P GYPSUM CORP., GATX TANK STORAGE TERMINALS
24 CORPORATION, HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES
25 CORP., INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH
26 CARBON, INC., KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC.,
27 LOS ANGELES EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC),
28 METROPOLITAN STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL

1 CORPORATION, MORTON SALT, MORTON SALT a Division of ROHM and HAAS
2 COMPANY, NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST
3 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
4 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,
5 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
6 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
7 and TRAPAC, INC., VOPAK TERMINAL LONG BEACH, INC., VOPAK TERMINAL LOS
8 ANGELES, INC., WESTWAY TERMINAL COMPANY INC., WEYERHAUSER COMPANY,
9 YANG MING GROUP, ROLY'S TRUCKING INC. (sued herein as DOE NO. 151), RPM
10 CONSOLIDATED SERVICES (sued herein as DOE NO. 152), RPM TRANSPORTATION
11 INC. (sued herein as DOE NO. 153), HUB GROUP, INC. (sued herein as DOE NO. 154),
12 PACER INTERNATIONAL (sued herein as DOE NO. 155), GOLDEN STATE LOGISTICS
13 (sued herein as DOE NO. 156), SP WORLDWIDE LOGISTICS (sued herein as DOE NO.
14 157), AMERICAN PACIFIC TRUCKING (sued herein as DOE NO. 158), C.H. ROBINSON
15 WORLDWIDE (sued herein as DOE NO. 159) C.H. ROBINSON TRANSPORT (sued herein
16 as DOE NO. 160), CUSTOM LOGISTICS INC. (sued herein as DOE NO. 161), PYRAMID
17 TRANSPORT SYSTEM, INC. (sued herein as DOE NO. 162), RE TRANSPORTATION,
18 INC. (sued herein as DOE NO. 164), SCHAFFER LOGISTICS (sued herein as DOE NO.
19 165), STAR SHIPPING DBA GEORGIA STAR SHIPPING (sued herein as DOE NO. 166
20 and erroneously as STAR SHIPPING (USWC) INC.), DOLE OCEAN LINE EXPRESS (sued
21 herein as DOE NO. 167), FOREST LINES (sued herein as DOE NO. 168), "K" LINE
22 AMERICA, INC. (sued herein as DOE NO. 169 and erroneously as K-LINE AMERICA,
23 INC.), LAURITZENCOOL AB (sued herein as DOE NO. 170 and erroneously as
24 LAURITZENLOOL REEFER LINES), LYKES LINE, INC. (sued herein as DOE NO. 171),
25 MARUBA NORTH AMERICA (sued herein as DOE NO. 172 and erroneously as MARUBA
26 LINES), MARINE TRANSPORT CORPORATION (sued herein as DOE NO. 173), MED
27 PACIFIC EXPRESS (sued herein as DOE NO. 174), NEPTUNE ORIENT LINE (sued herein
28 as DOE NO. 175), NORSK PACIFIC STEAMSHIP COMPANY, LIMITED (sued herein as

1 DOE NO. 176 and erroneously as NORSK PACIFIC SS COMPANY, LIMITED), STX PAN
2 OCEAN CO. LTD (sued herein as DOE NO. 177 and erroneously as PAN OCEAN
3 SHIPPING COMPANY, LIMITED), P.M. & O. PHILIPPINE, MICRONESIA, ORIENT LINE
4 (sued herein as DOE NO. 178 and erroneously as PM & O), SOUTH PACIFIC CONTAINER
5 LINE (sued herein as DOE NO. 179), SOUTH SEAS SHIPPING COMPANY (sued herein
6 as DOE NO. 180), TRANS PACIFIC LINES LIMITED (sued herein as DOE NO. 181),
7 WATERMAN STEAMSHIP CORPORATION (sued herein as DOE NO. 182), CARNIVAL
8 CORPORATION DBA CARNIVAL CRUISE LINES (sued erroneously as CARNIVAL
9 CRUISE LINES and herein as DOE NO. 184), CELEBRITY CRUISES (sued herein as DOE
10 NO. 185), COSTA CRUISE LINES N.V. (sued herein as DOE NO. 186 and erroneously as
11 COSTA CRUISES), CRYSTAL CRUISES, INC. (sued herein as DOE NO. 187 and
12 erroneously as CRYSTAL CRUISES), CUNARD LINES LIMITED (sued herein as DOE NO.
13 188 and erroneously as CUNARD LINE), DISNEY CRUISE VACATION, INC. (sued herein
14 as DOE NO. 189 and erroneously as DISNEY CRUISE LINE), HOLLAND AMERICAN LINE,
15 INC. (sued herein as DOE NO. 190 and erroneously as HOLLAND AMERICAN LINE),
16 NORWEGIAN CRUISE LINE LIMITED (sued herein as DOE NO. 191 and erroneously as
17 NORWEGIAN CRUISE LINE), PRINCESS CRUISE LINES, LTD DBA PRINCESS CRUISES
18 (sued herein as DOE NO. 192 and erroneously as PRINCESS CRUISES), RADISSON
19 SEVEN SEAS CRUISE, INC. (sued herein as DOE NO. 193 and erroneously as RADISSON
20 SEVEN SEAS CRUISE LINES), LAND STAR SYSTEMS, INC. (sued herein as DOE NO.
21 196), OVERSEAS FREIGHT, INC. (sued herein as DOE NO. 197), PACIFIC ANCHOR
22 TRANSPORTATION (sued herein as DOE NO. 198), AJ TRANSPORTATION (sued herein
23 as DOE NO. 199), A & D HAULING (sued herein as DOE NO. 200), PACIFIC COAST
24 CONTAINER, INC. (sued herein as DOE NO. 201), PIER WEST TRANSPORT, INC. (sued
25 herein as DOE NO. 202), PRICE TRANSFER, INC. (sued herein as DOE NO. 203),
26 PROGRESSIVE TRANSPORTATION SERVICES (sued herein as DOE NO. 204), Q
27 TRANSPORT, INC. (sued herein as DOE NO. 205), ROLO TRANSPORTATION (sued
28 herein as 206), SHIPPERS TRANSPORT EXPRESS sued herein as(207), STERLING

1 EXPRESS, INC. (sued herein as DOE NO. 208), THREE RIVERS TRUCKING, INC. (sued
2 herein as DOE NO. 210), CONCORD TOTAL DISTRIBUTION SERVICES (sued herein as
3 DOE NO. 211), TRADE LINK TRANSPORT, INC. (sued herein as DOE NO. 212), TRIUMPH
4 TRANSPORT (sued herein as DOE NO. 213), TRICON TRANSPORTATION, INC. (sued
5 herein as DOE NO. 214), UNITED SHIPMENT, INC. (sued herein as DOE NO. 215),
6 WESTERN FREIGHT CARRIER (sued herein as DOE NO. 216), WESTERN MARITIME
7 EXPRESS (sued herein as DOE NO. 217), KNIGHTS DELIVERY SERVICE (sued herein
8 as DOE NO. 218), KONOIKE PACIFIC CALIFORNIA (sued herein as DOE NO. 219), K &
9 R TRANSPORTATION (sued herein as DOE NO. 220), INTERCITY EXPRESS, INC. (sued
10 herein as DOE NO. 221), HUDD DISTRIBUTION SERVICES, INC. (sued herein as DOE
11 NO. 222), HARBOR DISPATCH TRANSPORT, INC. (sued herein as DOE NO. 223) and
12 DOES 224 - 275 inclusive, and each of them, Plaintiffs allege as follows:

13 93. That the Defendants, and each of them carelessly, recklessly, negligently and
14 unlawfully warned, utilized, inspected, contracted, assigned, engineered, rented, leased,
15 shipped, transported, directed, controlled, organized, bailed, repaired, remedied, signed and
16 emitted noxious fumes and/or emissions, soot, diesel emissions, toxins, carcinogens, noise
17 and vibrations from trucks, automobiles, boats ships, cranes, and other diesel-powered
18 equipment and machinery so as to constitute a substantial factor and, therefore, a sole,
19 direct and proximate cause of Plaintiffs' injuries and damages as are more fully alleged
20 herein.

21 94. As a further foreseeable, direct and proximate result of the aforesaid conduct
22 of Defendants, and each of them, and their agents and representatives, Plaintiffs have
23 inhaled and absorbed the toxic diesel fumes and/or emissions, and have suffered continuing
24 exposure to these toxic substances which threaten disease and/or illness and have
25 contaminated Plaintiffs' personal property. Plaintiffs harbor serious fears that their toxic
26 exposure to these diesel fumes and/or emissions was of such magnitude and proportion as
27 to likely result in disease and/or illness. Such fear stems from a knowledge, corroborated

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1 by reliable medical and scientific opinion, that Plaintiffs have suffered illnesses and will
2 develop illnesses and/or disease in the future due to said toxic exposure.

3 95. As a further foreseeable, direct and proximate result of the aforesaid conduct
4 of Defendants, and each of them, and their agents and representatives, and each of them,
5 Defendants knew or should have known of the presence of hazardous emissions, the
6 resulting contamination to property, the increased noise levels and excessive ground borne
7 vibrations throughout the neighboring areas, and, despite said knowledge, willfully and
8 intentionally refused to take corrective measures to improve or limit the Plaintiffs'
9 contamination and exposure.

10 96. The Defendants, CHINA SHIPPING (NORTH AMERICA) HOLDING CO.,
11 LTD., DISTRIBUTION & AUTO SERVICE, INC. (DAS), AUTO WAREHOUSING CO., YANG
12 MING (AMERICA) CORPORATION, TRANS PACIFIC CONTAINER SERVICE CORP. (TRA
13 PAC), WEST BASIN CONTAINER TERMINAL, MITSUI O.S.K. LINES LTD., YUSEN
14 TERMINALS, INC. (YTI), NYK LINE (NORTH AMERICA) INC., EVERGREEN AMERICA
15 CORP., SEASIDE TRANSPORTATION SERVICES, AMERICAN PRESIDENT LINES, LTD.,
16 WESTWAY TERMINAL CO., GATX TANK STORAGE TERMINALS CORP., TOSCO
17 CORP., ULTRAMAR DIAMOND SHAMROCK CORP., U.S. BORAX INC., EQUILON
18 ENTERPRISES, PAKTANK CORPORATION - LOS ANGELES TERMINALS, VOPAK, CPC
19 TERMINALS, HUGO NEU-PROLER CO., MOBIL OIL CORP., LOS ANGELES EXPORT
20 TERMINAL INC., PASHA STEVEDORING AND TERMINALS L.P., SSA MARINE INC.,
21 CRESCENT WHARF & WAREHOUSE CO., EAGLE MARINE SERVICES, INC., APM
22 TERMINALS PACIFIC LIMITED, MAERSK SEALAND, MAERSK INC., CALIFORNIA
23 CARTAGE CO. INC., ACE HIGH TRANSPORTATION INC., BEST WAY
24 TRANSPORTATION, BRAGG HEAVY TRANSPORT, INTERMODAL CONTAINER
25 SERVICES, INC. d/b/a HARBOR RAIL TRANSPORT, HYUNDAI AMERICA SHIPPING
26 AGENCY, INC., GI TRUCKING CO., MEGATRUX, INC., TOP GUN DISTRIBUTION
27 SERVICES, P & O NEDLLOYD LIMITED, HANJIN SHIPPING CO., LTD., MATSON
28 NAVIGATION COMPANY, INC., APM TERMINALS, APM TERMINALS NORTH AMERICA,

1 INC., BAKER COMMODITIES, INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA
2 UNITED TERMINALS, CEMEX PACIFIC COAST CEMENT CORPORATION, CHEMOIL
3 CORPORATION, CHEMOIL MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA)
4 HOLDING COMPANY, INC., CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY,
5 INC. (CHINA SHIPPING TERMINAL), COOPER/T. SMITH CORPORATION, COOPER/T.
6 SMITH STEVEDORING COMPANY, INC., CRESCENT TERMINAL (STEVEDORING
7 SERVICES OF AMERICA), DOW CHEMICAL CO., EAGLE MARINE SERVICES, LTD.,
8 EQUILON ENTERPRISES, LLC, EVERGREEN AMERICA CORPORATION, EVERGREEN
9 INTERNATIONAL (USA), INC., EVERGREEN MARINE CORPORATION (CALIFORNIA),
10 LTD, FOREST TERMINALS CORPORATION, CATALYST PAPER (USA) INC. AT FOREST
11 TERMINALS CORPORATION, FREMONT FOREST GROUP CORPORATION, G-P
12 GYPSUM CORPORATION, G-P GYPSUM CORP., GATX TANK STORAGE TERMINALS
13 CORPORATION, HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES
14 CORP., INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON,
15 INC., KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS
16 ANGELES EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC),
17 METROPOLITAN STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL
18 CORPORATION, MORTON SALT, MORTON SALT a Division of ROHM and HAAS
19 COMPANY, NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST
20 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
21 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,
22 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
23 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
24 and TRAPAC, INC., VOPAK TERMINAL LONG BEACH, INC., VOPAK TERMINAL LOS
25 ANGELES, INC., WESTWAY TERMINAL COMPANY INC., WEYERHAUSER COMPANY,
26 YANG MING GROUP, ROLY'S TRUCKING INC. (sued herein as DOE NO. 151), RPM
27 CONSOLIDATED SERVICES (sued herein as DOE NO. 152), RPM TRANSPORTATION
28 INC. (sued herein as DOE NO. 153), HUB GROUP, INC. (sued herein as DOE NO. 154),

1 PACER INTERNATIONAL (sued herein as DOE NO. 155), GOLDEN STATE LOGISTICS
2 (sued herein as DOE NO. 156), SP WORLDWIDE LOGISTICS (sued herein as DOE NO.
3 157), AMERICAN PACIFIC TRUCKING (sued herein as DOE NO. 158), C.H. ROBINSON
4 WORLDWIDE (sued herein as DOE NO. 159) C.H. ROBINSON TRANSPORT (sued herein
5 as DOE NO. 160), CUSTOM LOGISTICS INC. (sued herein as DOE NO. 161), PYRAMID
6 TRANSPORT SYSTEM, INC. (sued herein as DOE NO. 162), RE TRANSPORTATION, INC.
7 (sued herein as DOE NO. 164), SCHAFER LOGISTICS (sued herein as DOE NO. 165),
8 STAR SHIPPING DBA GEORGIA STAR SHIPPING (sued herein as DOE NO. 166 and
9 erroneously as STAR SHIPPING (USWC) INC.), DOLE OCEAN LINE EXPRESS (sued
10 herein as DOE NO. 167), FOREST LINES (sued herein as DOE NO. 168), "K" LINE
11 AMERICA, INC. (sued herein as DOE NO. 169 and erroneously as K-LINE AMERICA,
12 INC.), LAURITZENCOOL AB (sued herein as DOE NO. 170 and erroneously as
13 LAURITZENLOOL REEFER LINES), LYKES LINE, INC. (sued herein as DOE NO. 171),
14 MARUBA NORTH AMERICA (sued herein as DOE NO. 172 and erroneously as MARUBA
15 LINES), MARINE TRANSPORT CORPORATION (sued herein as DOE NO. 173), MED
16 PACIFIC EXPRESS (sued herein as DOE NO. 174), NEPTUNE ORIENT LINE (sued herein
17 as DOE NO. 175), NORSK PACIFIC STEAMSHIP COMPANY, LIMITED (sued herein as
18 DOE NO. 176 and erroneously as NORSK PACIFIC SS COMPANY, LIMITED), STX PAN
19 OCEAN CO. LTD (sued herein as DOE NO. 177 and erroneously as PAN OCEAN
20 SHIPPING COMPANY, LIMITED), P.M. & O. PHILIPPINE, MICRONESIA, ORIENT LINE
21 (sued herein as DOE NO. 178 and erroneously as PM & O), SOUTH PACIFIC CONTAINER
22 LINE (sued herein as DOE NO. 179), SOUTH SEAS SHIPPING COMPANY (sued herein
23 as DOE NO. 180), TRANS PACIFIC LINES LIMITED (sued herein as DOE NO. 181),
24 WATERMAN STEAMSHIP CORPORATION (sued herein as DOE NO. 182), CARNIVAL
25 CORPORATION DBA CARNIVAL CRUISE LINES (sued erroneously as CARNIVAL
26 CRUISE LINES and herein as DOE NO. 184), CELEBRITY CRUISES (sued herein as DOE
27 NO. 185), COSTA CRUISE LINES N.V. (sued herein as DOE NO. 186 and erroneously as
28 COSTA CRUISES), CRYSTAL CRUISES, INC. (sued herein as DOE NO. 187 and

1 erroneously as CRYSTAL CRUISES), CUNARD LINES LIMITED (sued herein as DOE NO.
2 188 and erroneously as CUNARD LINE), DISNEY CRUISE VACATION, INC. (sued herein
3 as DOE NO. 189 and erroneously as DISNEY CRUISE LINE), HOLLAND AMERICAN LINE,
4 INC. (sued herein as DOE NO. 190 and erroneously as HOLLAND AMERICAN LINE),
5 NORWEGIAN CRUISE LINE LIMITED (sued herein as DOE NO. 191 and erroneously as
6 NORWEGIAN CRUISE LINE), PRINCESS CRUISE LINES, LTD DBA PRINCESS CRUISES
7 (sued herein as DOE NO. 192 and erroneously as PRINCESS CRUISES), RADISSON
8 SEVEN SEAS CRUISE, INC. (sued herein as DOE NO. 193 and erroneously as RADISSON
9 SEVEN SEAS CRUISE LINES), LAND STAR SYSTEMS, INC. (sued herein as DOE NO.
10 196), OVERSEAS FREIGHT, INC. (sued herein as DOE NO. 197), PACIFIC ANCHOR
11 TRANSPORTATION (sued herein as DOE NO. 198), AJ TRANSPORTATION (sued herein
12 as DOE NO. 199), A & D HAULING (sued herein as DOE NO. 200), PACIFIC COAST
13 CONTAINER, INC. (sued herein as DOE NO. 201), PIER WEST TRANSPORT, INC. (sued
14 herein as DOE NO. 202), PRICE TRANSFER, INC. (sued herein as DOE NO. 203),
15 PROGRESSIVE TRANSPORTATION SERVICES (sued herein as DOE NO. 204), Q
16 TRANSPORT, INC. (sued herein as DOE NO. 205), ROLO TRANSPORTATION (sued
17 herein as 206), SHIPPERS TRANSPORT EXPRESS sued herein as(207), STERLING
18 EXPRESS, INC. (sued herein as DOE NO. 208), THREE RIVERS TRUCKING, INC. (sued
19 herein as DOE NO. 210), CONCORD TOTAL DISTRIBUTION SERVICES (sued herein as
20 DOE NO. 211), TRADE LINK TRANSPORT, INC. (sued herein as DOE NO. 212), TRIUMPH
21 TRANSPORT (sued herein as DOE NO. 213), TRICON TRANSPORTATION, INC. (sued
22 herein as DOE NO. 214), UNITED SHIPMENT, INC. (sued herein as DOE NO. 215),
23 WESTERN FREIGHT CARRIER (sued herein as DOE NO. 216), WESTERN MARITIME
24 EXPRESS (sued herein as DOE NO. 217), KNIGHTS DELIVERY SERVICE (sued herein
25 as DOE NO. 218), KONOIKE PACIFIC CALIFORNIA (sued herein as DOE NO. 219), K &
26 R TRANSPORTATION (sued herein as DOE NO. 220), INTERCITY EXPRESS, INC. (sued
27 herein as DOE NO. 221), HUDD DISTRIBUTION SERVICES, INC. (sued herein as DOE
28 NO. 222), HARBOR DISPATCH TRANSPORT, INC. (sued herein as DOE NO. 223) and

1 DOES 224 - 275, inclusive, and each of them, breached the duty of care owed to Plaintiffs
2 in the following respects:

3 A. failing to prevent the discharge or release of toxic exposure of
4 hazardous emissions and known carcinogens such as diesel fuel fumes and/or emissions,
5 along with increased noise levels and excessive ground-borne vibrations which harmed the
6 Plaintiffs' health, air, soil, water and environment;

7 B. failing to implement and maintain adequate pollution control
8 technologies to prevent, substantially reduce and/or effectively control emissions and
9 discharges of toxic diesel emissions;

10 C. failing to monitor and to study the levels of toxic diesel emissions
11 released as a result of the operations performed at the Ports of Long Beach and Los
12 Angeles; to determine the source of releases; and to study, monitor and remedy the past,
13 present and future effects of these releases of toxic emissions on the surrounding
14 communities, and the air, soil, water and environment;

15 D. failing to monitor and to study the health effects of toxic diesel emissions
16 released as a result of the operations performed in and around the Ports of Long Beach and
17 Los Angeles, and failing to perform an Environmental Impact Report to address these
18 issues;

19 E. failing to warn or adequately warn Plaintiffs and the public of the toxic
20 nature and associated health risks of the toxic emissions generated and emitted;

21 F. failing to warn or adequately warn Plaintiffs and the public of the
22 likelihood of migration of these toxic diesel emissions from the Ports of Long Beach and Los
23 Angeles to the surrounding communities;

24 G. failing to provide Plaintiffs and the public with accurate, reliable and
25 completely truthful information as to what would be reasonably safe and sufficient protective
26 apparel and conduct to protect them from being harmed by exposure to the toxic diesel
27 emissions;

28 ///

1 H. failing to provide Plaintiffs and the public with accurate, reliable and
2 completely truthful information, including warnings, about the amounts of such production
3 amounts, releases, discharges, fugitive emissions, and the types of substances released,
4 produced, discharged, and emitted;

5 I. failing to provide Plaintiffs and the public with accurate, reliable and
6 completely truthful information regarding the Defendants' lapses in use of pollution control
7 measures;

8 J. failing to reduce and control the frequency of such container Defendants'
9 lapses in pollution control measures, as well as the level of toxic diesel emissions released
10 during such occurrences;

11 K. failing to remedy the effects of toxic diesel emissions released from the
12 Defendants' operations in the Ports of Long Beach and Los Angeles and their operations on
13 the surrounding communities, and their air, soil, water and environment;

14 L. failing to provide Plaintiffs and the public with accurate, reliable and
15 completely truthful information regarding the levels of toxic diesel emissions migrating from
16 the operations in and around the Ports of Long Beach and Los Angeles into the air, soil,
17 water and environment;

18 M. operating, initiating, maintaining, owning and/or controlling the
19 operations in and around the Ports of Long Beach and Los Angeles in close proximity to a
20 residential area.

21 97. As a sole, direct and proximate result thereof, Plaintiffs were caused injuries
22 and damages as are more fully plead herein.

23 **THIRD CAUSE OF ACTION**

24 **(Inverse Condemnation)**

25 98. Plaintiffs repeat and replead paragraphs 1 through 97 above as though fully
26 set forth at length.

27 99. As and against Defendants, CITY OF LONG BEACH, ACTING BY AND
28 THROUGH ITS BOARD OF HARBOR COMMISSIONERS and CITY OF LOS ANGELES,

1 ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, Plaintiffs allege
2 as follows:

3 100. On or about June 2003, Defendant commenced planning, approval,
4 construction, operation of, or substantial participation in the expansion and use of the Port
5 of Los Angeles within 500 feet of Plaintiffs' above-described property.

6 101. As a direct and necessary result of the plan, design, maintenance, and
7 operation of the both the Port of Long Beach and the Port of Los Angeles, Plaintiffs' property
8 became contaminated through the toxic exposure of hazardous emissions and known
9 carcinogens such as diesel fuel fumes, and/or emissions, along with increased noise levels
10 and excessive ground borne vibrations. Plaintiffs are informed and believe and thereon
11 alleges that, due to the expansion of the Port of Los Angeles, Plaintiffs' property will continue
12 to be exposed to hazardous emissions and known carcinogens such as diesel fuel fumes
13 and/or emissions, along with increased noise levels and excessive ground-borne vibrations.

14 102. The above-described damage to Plaintiffs' property was proximately caused
15 by Defendant City of Los Angeles' actions and inactions in that its plan, approval,
16 construction, operation of, or substantial participation in the expansion and use of the Port
17 of Los Angeles was faulty in that no provision was made for controlling the exposure to toxic
18 and hazardous emissions and known carcinogens onto the surrounding air and land.
19 Additionally, no provision was made for controlling or lessening the noise levels and
20 excessive ground-borne vibrations. As a result of the above-described damage to Plaintiffs'
21 property, Plaintiffs have been damaged in an amount to be established according to proof
22 at trial, but in excess of the jurisdictional minimum of the Superior Court. Plaintiffs have
23 received no compensation for the damage to their property.

24 103. The above-described damage to Plaintiffs' property was proximately caused
25 by Defendant City of Long Beach's operation and use of the Port of Long Beach in that no
26 provisions were made for controlling the exposure to toxic and hazardous emissions and
27 known carcinogens onto the surrounding air and land. Additionally, no provision was made
28 for controlling or lessening the noise levels and excessive ground-borne vibrations. As a

1 result of the above-described damage to Plaintiffs' property, Plaintiffs have been damaged
2 in an amount to be established according to proof at trial, but in excess of the
3 jurisdictional minimum of the Superior Court. Plaintiffs have received no compensation for
4 the damage to their property.

5 104. As a result of the above-described damage to Plaintiffs' property, Plaintiffs
6 have been damaged in an amount in excess of \$375,000.00.

7 105. Plaintiffs have received no compensation for the damages to their property.

8 106. Plaintiffs have incurred and will incur attorneys', appraisal, and engineering
9 fees because of this proceeding, in amounts that cannot yet be ascertained, which are
10 recoverable in this action under the provisions of *California Code of Civil Procedure § 1036*.

11 **FOURTH CAUSE OF ACTION**

12 ***(California Health and Safety Code § 25249.6, et seq.)***

13 107. Plaintiffs repeat and replead paragraphs 1 through 102 above, as though fully
14 set forth at length herein.

15 108. As and against Defendants, APM TERMINALS, APM TERMINALS NORTH
16 AMERICA, INC., BAKER COMMODITIES, INC., BP PIPELINES, NORTH AMERICA,
17 CALIFORNIA UNITED TERMINALS, CEMEX PACIFIC COAST CEMENT CORPORATION,
18 CHEMOIL CORPORATION, CHEMOIL MARINE TERMINAL, CHINA SHIPPING (NORTH
19 AMERICA) HOLDING COMPANY, INC., CHINA SHIPPING (NORTH AMERICA) HOLDING
20 COMPANY, INC. (CHINA SHIPPING TERMINAL), COOPER/T. SMITH CORPORATION,
21 COOPER/T. SMITH STEVEDORING COMPANY, INC., CRESCENT TERMINAL
22 (STEVEDORING SERVICES OF AMERICA), DISTRIBUTION & AUTO SERVICE, INC.
23 (DAS), DOW CHEMICAL CO., EAGLE MARINE SERVICES, LTD., EQUILON
24 ENTERPRISES, LLC, EVERGREEN AMERICA CORPORATION, EVERGREEN
25 INTERNATIONAL (USA), INC., EVERGREEN MARINE CORPORATION (CALIFORNIA),
26 LTD, FOREST TERMINALS CORPORATION, CATALYST PAPER (USA) INC. AT FOREST
27 TERMINALS CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX TANK
28 STORAGE TERMINALS CORPORATION, G-P GYPSUM CORPORATION, G-P GYPSUM

1 CORP., HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES CORP.,
2 INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC.,
3 KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES
4 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), METROPOLITAN
5 STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORPORATION,
6 MORTON SALT, MORTON SALT A DIVISION OF ROME AND HAAS COMPANY,
7 NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST
8 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
9 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,
10 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
11 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
12 and TRAPAC, INC., U.S. BORAX INC., VOPAK TERMINAL LONG BEACH INC., VOPAK
13 TERMINAL LOS ANGELES INC., WESTWAY TERMINAL COMPANY INC.,
14 WEYERHAUSER COMPANY, YANG MING GROUP, YANG MING (AMERICA)
15 CORPORATION, YUSEN TERMINALS INC., and DOES 226-275, Plaintiffs allege as
16 follows:

17 109. This action seeks civil penalties and injunctive relief to remedy Defendants'
18 continuing failure to provide a clear and reasonable warning to individuals in California
19 including, but not limited to, the Bradfields, that they are being exposed to diesel engine
20 exhaust, a chemical known to the State of California to cause cancer. Such exposures occur
21 and continue to occur through the Defendants' operation of their respective terminals which
22 consists of the use of locomotives, on-road heavy duty trucks, and cargo handling equipment
23 including, but not limited to, yard trucks, side-picks, rubber tired gantry cranes, and forklifts.
24 Operation of this equipment causes the release of diesel engine exhaust into the
25 environment. Operation of diesel-powered ships also causes the release of diesel engine
26 exhaust while at berth. Defendants' continuing failure to warn individuals in California
27 including, but not limited to, the Bradfields, that they are exposed to diesel engine exhaust

28 ///

1 a known carcinogen, is a violation of California's Safe Drinking Water and Toxic Enforcement
2 Act, *California Health and Safety Code § 25249.6, et seq.* ("Proposition 65").

3 110. Proposition 65 makes it unlawful for any person in the course of doing business
4 to knowingly and intentionally expose any individual to a chemical known to the State of
5 California to cause cancer without first providing a clear and reasonable warning.

6 111. Although Defendants continue to expose individuals in California including, but
7 not limited to, the Bradfields, to diesel engine exhaust through their operation of their
8 respective terminals, Defendants fail to provide a clear and reasonable warning in violation
9 of Proposition 65. Therefore, Plaintiffs are entitled to civil penalties. Plaintiffs are also
10 entitled to injunctive relief to compel Defendants to: (1) provide individuals in California
11 including, but not limited to, the Bradfields, with a clear and reasonable warning that they are
12 being exposed to diesel engine exhaust, a known carcinogen; and (2) undertake an
13 immediate and comprehensive public information program to alert all individuals in California
14 including, but not limited to, the Bradfields, (including past, present and future residents)
15 about the inherent risk of exposure to diesel engine exhaust.

16 112. Plaintiffs are persons within the meaning of *Health and Safety Code §*
17 *25249.11(a)* and bring this action on their own behalf and on behalf of the general public,
18 pursuant to *Health and Safety Code § 25249.7(d)*.

19 113. Defendants, APM TERMINALS, APM TERMINALS NORTH AMERICA, INC.,
20 BAKER COMMODITIES, INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA UNITED
21 TERMINALS, CEMEX PACIFIC COAST CEMENT CORPORATION, CHEMOIL
22 CORPORATION, CHEMOIL MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA)
23 HOLDING COMPANY, INC., CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY,
24 INC. (CHINA SHIPPING TERMINAL), COOPER/T. SMITH CORPORATION, COOPER/T.
25 SMITH STEVEDORING COMPANY, INC., CRESCENT TERMINAL (STEVEDORING
26 SERVICES OF AMERICA), DISTRIBUTION & AUTO SERVICE, INC. (DAS), DOW
27 CHEMICAL CO., EAGLE MARINE SERVICES, LTD., EQUILON ENTERPRISES, LLC,
28 EVERGREEN AMERICA CORPORATION, EVERGREEN INTERNATIONAL (USA), INC.,

1 EVERGREEN MARINE CORPORATION (CALIFORNIA), LTD, FOREST TERMINALS
2 CORPORATION, CATALYST PAPER (USA) INC. AT FOREST TERMINALS
3 CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX TANK STORAGE
4 TERMINALS CORPORATION, G-P GYPSUM CORPORATION, G-P GYPSUM CORP.,
5 HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES CORP.,
6 INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC.,
7 KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES
8 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), METROPOLITAN
9 STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORPORATION,
10 MORTON SALT, MORTON SALT A DIVISION OF ROME AND HAAS COMPANY,
11 NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST
12 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
13 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,
14 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
15 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
16 and TRAPAC, INC., U.S. BORAX INC., VOPAK TERMINAL LONG BEACH INC., VOPAK
17 TERMINAL LOS ANGELES INC., WESTWAY TERMINAL COMPANY INC.,
18 WEYERHAUSER COMPANY, YANG MING GROUP, YANG MING (AMERICA)
19 CORPORATION, YUSEN TERMINALS INC., and DOES 226-275 are persons in the course
20 of doing business within the meaning of *Health and Safety Code § 25249.11*. Defendants,
21 APM TERMINALS, APM TERMINALS NORTH AMERICA, INC., BAKER COMMODITIES,
22 INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA UNITED TERMINALS, CEMEX
23 PACIFIC COAST CEMENT CORPORATION, CHEMOIL CORPORATION, CHEMOIL
24 MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY, INC.,
25 COOPER/T. SMITH CORPORATION, COOPER/T. SMITH STEVEDORING COMPANY,
26 INC., CRESCENT TERMINAL (STEVEDORING SERVICES OF AMERICA), DISTRIBUTION
27 & AUTO SERVICE, INC. (DAS), DOW CHEMICAL CO., EAGLE MARINE SERVICES, INC.,
28 EQUILON ENTERPRISES, LLC, EVERGREEN AMERICA CORPORATION, EVERGREEN

1 INTERNATIONAL (USA), INC., EVERGREEN MARINE CORPORATION (CALIFORNIA),
2 LTD, FOREST TERMINALS CORPORATION, CATALYST PAPER (USA) INC. AT FOREST
3 TERMINALS CORPORATION, FREMONT FOREST GROUP CORPORATION, G-P
4 GYPSUM CORPORATION, G-P GYPSUM CORP., GATX TANK STORAGE TERMINALS
5 CORPORATION, HUGO NEU-PROLER INTERNATIONAL SALES CORP.,
6 INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC.,
7 KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES
8 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), METROPOLITAN
9 STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORPORATION,
10 MORTON SALT, NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC
11 COAST RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO
12 DIAMOND, SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH,
13 LLC, STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL,
14 LLC, TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP.
15 (TRAPAC), TRAPAC, INC., U.S. BORAX, INC., VOPAK TERMINAL LONG BEACH, INC.,
16 VOPAK TERMINAL LOS ANGELES, INC., WESTWAY TERMINAL COMPANY, INC.,
17 WEYERHAUSER COMPANY, YANG MING GROUP, YANG MING (AMERICA)
18 CORPORATION, YUSEN TERMINALS, INC., and DOES 226-275, inclusive, and each of
19 them own and/or operate one or more terminals in the Port of Los Angeles, California and/or
20 Port of Long Beach, California.

21 114. Defendants, DOES 226-275 are persons in the course of doing business within
22 the meaning of *Health and Safety Code § 25249.11*. Plaintiffs are presently unaware of their
23 true names and capacities and, therefore, Plaintiffs sue Defendant DOES 226-275 by such
24 fictitious names, pursuant to *California Code of Civil Procedure § 474*. Plaintiffs will amend
25 this Complaint and include these Doe Defendants' true names and capacities when they are
26 ascertained.

27 115. Defendants, APM TERMINALS, APM TERMINALS NORTH AMERICA, INC.,
28 BAKER COMMODITIES, INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA UNITED

1 TERMINALS, CEMEX PACIFIC COAST CEMENT CORPORATION, CHEMOIL
2 CORPORATION, CHEMOIL MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA)
3 HOLDING COMPANY, INC., CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY,
4 INC. (CHINA SHIPPING TERMINAL), COOPER/T. SMITH CORPORATION, COOPER/T.
5 SMITH STEVEDORING COMPANY, INC., CRESCENT TERMINAL (STEVEDORING
6 SERVICES OF AMERICA), DISTRIBUTION & AUTO SERVICE, INC. (DAS), DOW
7 CHEMICAL CO., EAGLE MARINE SERVICES, LTD., EQUILON ENTERPRISES, LLC,
8 EVERGREEN AMERICA CORPORATION, EVERGREEN INTERNATIONAL (USA), INC.,
9 EVERGREEN MARINE CORPORATION (CALIFORNIA), LTD, FOREST TERMINALS
10 CORPORATION, CATALYST PAPER (USA) INC. AT FOREST TERMINALS
11 CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX TANK STORAGE
12 TERMINALS CORPORATION, G-P GYPSUM CORPORATION, G-P GYPSUM CORP.,
13 HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES CORP.,
14 INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC.,
15 KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES
16 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), METROPOLITAN
17 STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORPORATION,
18 MORTON SALT, MORTON SALT A DIVISION OF ROME AND HAAS COMPANY,
19 NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST
20 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
21 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,
22 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
23 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
24 and TRAPAC, INC., U.S. BORAX INC., VOPAK TERMINAL LONG BEACH INC., VOPAK
25 TERMINAL LOS ANGELES INC., WESTWAY TERMINAL COMPANY INC.,
26 WEYERHAUSER COMPANY, YANG MING GROUP, YANG MING (AMERICA)
27 CORPORATION, YUSEN TERMINALS INC., and DOES 226-275 are collectively referred
28 to as "Terminal Defendants."

1 116. Each Terminal Defendant has employed ten (10) or more persons at all times
2 relevant to this action.

3 117. At all times relevant to this action, each Terminal Defendant was an agent or
4 employee of each other Terminal Defendant. In conducting the activities alleged in this
5 Complaint, each Terminal Defendant was acting within the course and scope of this agency
6 or employment, and was acting with the consent, permission, and authorization of each of
7 the remaining Terminal Defendants. All actions of each Terminal Defendant alleged in this
8 Complaint were ratified and approved by every other Terminal Defendant or their officers or
9 managing agents, and by agreeing to actively conceal the true facts as alleged herein.
10 Alternatively, Terminal Defendants aided, conspired with and/or facilitated wrongful conduct
11 of other Terminal Defendants.

12 118. This Court has jurisdiction over this action pursuant to the *California*
13 *Constitution, Article XI, Section 10*, because this case is a cause not given by statute to other
14 trial courts. This Court has jurisdiction over this action pursuant to *Health & Safety Code §*
15 *25249.7*, which allows enforcement of violations of Proposition 65 in any Court of competent
16 jurisdiction.

17 119. This Court has jurisdiction over Terminal Defendants named herein because
18 Terminal Defendants are either located in this State or are foreign corporations authorized
19 to do business in California, are registered with the California Secretary of State, or who do
20 sufficient business in California, have sufficient minimum contacts with California, or
21 otherwise intentionally avail themselves of the markets within California through the
22 ownership and/or operation of their respective terminals located in the Port of Los Angeles
23 and/or in the Port of Long Beach, California so as to render the exercise of jurisdiction by the
24 California courts permissible under traditional notions of fair play and substantial justice.

25 120. Venue is proper in the County of Los Angeles because one or more of the
26 violations arise in Los Angeles County.

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1 121. Proposition 65 was passed by voter initiative in 1986, in which the People of
2 California declared their right to be "informed about exposures to chemicals that cause
3 cancer, birth defects, or other reproductive harm." *Proposition 65, § 1(b)*.

4 122. Under Proposition 65:

5 No person in the course of doing business shall knowingly and
6 intentionally expose any individual to a chemical known to the
7 state to cause cancer or reproductive toxicity without first giving
8 clear and reasonable warning to such individual, except as
9 provided in section 25249.10.

10 *Health and Safety Code § 25249.6.*

11 123. Proposition 65 establishes a procedure by which the Governor lists chemicals
12 known to the state to cause cancer. *Health and Safety Code § 25249.8*. Pursuant to this
13 authority, Governor Deukmejian placed diesel engine exhaust on the list of known
14 carcinogens in October, 1990. In October, 1991, diesel engine exhaust became subject to
15 the warning requirements under Proposition 65. *Health and Safety Code § 25249.10(b)*.

16 124. A person that exposes individuals in California including, but not limited to, the
17 Bradfields, to a known carcinogen must provide a clear and reasonable warning. *Health and*
18 *Safety Code § 25249.6*. If the violator establishes that exposure to the chemical in question
19 occurs at a level that poses "no significant risk," no warning may be required. *Health and*
20 *Safety Code 25249.10(c)*.

21 125. The operation of Terminal Defendants' respective terminals consists of the use
22 of locomotives, on-road heavy duty trucks and cargo handling equipment including, but not
23 limited to, yard trucks, side-picks, rubber-tired gantry cranes, and forklifts. Operation of this
24 equipment causes the release of diesel engine exhaust into the environment. Operation of
25 the diesel-powered ships also causes the release of diesel engine exhaust while at berth.
26 Terminal Defendants' operation of their respective terminals exposes individuals in California
27 including, but not limited to, the Bradfields, to diesel engine exhaust in violation of
28 Proposition 65.

1 126. Despite the fact that Terminal Defendants have exposed, and continue to
2 expose, individuals in California including, but not limited to, the Bradfields, to diesel engine
3 exhaust, Terminal Defendants fail to provide clear and reasonable warnings to individuals
4 in California including, but not limited to, the Bradfields, that they are being exposed to diesel
5 engine exhaust, a chemical known to the State of California to cause cancer.

6 127. Any person acting in the public interest may bring an action for violations of
7 Proposition 65's clear and reasonable warning requirement provided that: (1) such person
8 has provided a 60-day Notice of Violation of Proposition 65 ("Notice of Violation") to the
9 California Attorney General, the District Attorney of every county in California, the City
10 Attorney of each California city with a population over 750,000 and the violator; and (2) no
11 public prosecutor is diligently prosecuting an action against the violation. *Health and Safety*
12 *Code §25249.7(d)*.

13 128. On October 27, 2005, Plaintiffs provided a Notice of Violation to the California
14 Attorney General, the District Attorney of every county in California, the City Attorney of each
15 California city with a population over 750,000 where exposure occurred, and each named
16 Terminal Defendant, pursuant to *Health & Safety Code § 25249.7(d)*.

17 129. Each Notice of Violation included a Certificate of Merit that certified that
18 Plaintiffs' attorneys consulted with one or more persons with relevant and appropriate
19 experience or expertise who has reviewed facts, studies or other data regarding exposure
20 to diesel engine exhaust and that, based on that information, such attorneys believe that
21 there is a reasonable and meritorious case for this private action. Each Notice of Violation
22 also included a Certificate of Service By Mail and a document entitled "The State Drinking
23 Water & Toxic Enforcement Act of 1986 (Proposition 65) A Summary." *Health and Safety*
24 *Code § 25249.7(d)*. In compliance with *Health and Safety Code § 25249.7(d)* and *11 CCR*
25 *§ 3102*, the Attorney General was served with a Certificate of Merit that included confidential
26 factual information sufficient to establish the basis of the Certificate of Merit, including the
27 identity of the individual(s) with whom Plaintiffs consulted and the facts, studies, or other
28 data that was reviewed by such person(s).

1 130. None of the public prosecutors who received the Notice of Violation has
2 commenced, nor is diligently prosecuting an action against the violators alleged in this
3 Complaint, although the notice period provided in § 25249.7 has elapsed since the Notice
4 of Violation was provided.

5 131. Terminal Defendants knew that diesel engine exhaust had been identified by
6 the State of California as a known carcinogen subject to the warning requirements under
7 Proposition 65.

8 132. Terminal Defendants were informed by the Notice of Violation provided by
9 Plaintiff and from the various studies and information that have been published and are in
10 the public domain that the operation of their respective terminals results in individuals in
11 California including, but not limited to, the Bradfields, being exposed to diesel engine
12 exhaust.

13 133. Defendants know and intend that individuals in California including, but not
14 limited to, the Bradfields, including children, will continue to be exposed to diesel engine
15 exhaust.

16 134. Nevertheless, Defendants have failed and continue to fail to provide individuals
17 in California including, but not limited to, the Bradfields, with clear and reasonable warnings
18 of their exposure to diesel engine exhaust, a known carcinogen, in violation of California
19 *Health and Safety Code § 25249.6*.

20 135. Proposition 65 provides that any person "violating or threatening to violate" the
21 statute may be enjoined in any court of competent jurisdiction. *Health and Safety Code §*
22 *25249.7*. "Threaten to violate" is defined to mean "to create a condition in which there is a
23 substantial probability that a violation will occur." *Health and Safety Code § 25249.11(e)*.
24 Violators are also liable for civil penalties of up to \$2,500.00 per day per violation,
25 recoverable in a civil action. *Health and Safety Code § 25249.7(b)*.

26 136. Terminal Defendants have engaged and continue to engage in conduct which
27 violates *Health and Safety Code § 25249.6*. This conduct includes the operation of their
28 respective terminals which consists of the use of locomotives, on-road heavy duty trucks,

1 and cargo handling equipment including, but not limited to, yard trucks, side-picks, rubber
2 tired gantry cranes, and forklifts. Operation of this equipment causes the release of diesel
3 engine exhaust into the environment. Operation of diesel-powered ships also causes the
4 release of diesel engine exhaust while at berth. Terminal Defendants have not provided
5 clear and reasonable warnings to individuals in California including, but not limited to, the
6 Bradfields, that the operation of their respective terminals results in exposure to diesel
7 engine exhaust, a chemical known to the State of California to cause cancer. Terminal
8 Defendants have, therefore, in the course of doing business, knowingly and intentionally
9 exposed individuals to a chemical known to the State of California to cause cancer without
10 first providing a clear and reasonable warning.

11 137. By engaging in the above-described acts, each Terminal Defendant is liable
12 for civil penalties of up to \$2,500 per day per individual exposure to diesel engine exhaust,
13 pursuant to *Health and Safety Code § 25249.7(b)*.

14 138. In the absence of equitable relief, the general public will continue to be
15 involuntarily exposed to diesel engine exhaust, creating substantial risk of irreparable harm.
16 Thus, by committing the acts alleged herein, Terminal Defendants have caused irreparable
17 harm for which there is no plain, speedy, or adequate remedy at law.

18 **FIFTH CAUSE OF ACTION**

19 ***(California Business and Professions Code §§ 17200 et seq.)***

20 139. Plaintiffs incorporate by reference paragraphs 1 through 134 as if fully set forth
21 herein.

22 140. Defendants, APM TERMINALS, APM TERMINALS NORTH AMERICA, INC.,
23 BAKER COMMODITIES, INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA UNITED
24 TERMINALS, CEMEX PACIFIC COAST CEMENT CORPORATION, CHEMOIL
25 CORPORATION, CHEMOIL MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA)
26 HOLDING COMPANY, INC., CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY,
27 INC. (CHINA SHIPPING TERMINAL), COOPER/T. SMITH CORPORATION, COOPER/T.
28 SMITH STEVEDORING COMPANY, INC., CRESCENT TERMINAL (STEVEDORING

1 SERVICES OF AMERICA), DISTRIBUTION & AUTO SERVICE, INC. (DAS), DOW
2 CHEMICAL CO., EAGLE MARINE SERVICES, LTD., EQUILON ENTERPRISES, LLC,
3 EVERGREEN AMERICA CORPORATION, EVERGREEN INTERNATIONAL (USA), INC.,
4 EVERGREEN MARINE CORPORATION (CALIFORNIA), LTD, FOREST TERMINALS
5 CORPORATION, CATALYST PAPER (USA) INC. AT FOREST TERMINALS
6 CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX TANK STORAGE
7 TERMINALS CORPORATION, G-P GYPSUM CORPORATION, G-P GYPSUM CORP.,
8 HUGO NEU-PROLER, HUGO NEU-PROLER INTERNATIONAL SALES CORP.,
9 INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC.,
10 KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES
11 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), METROPOLITAN
12 STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORPORATION,
13 MORTON SALT, MORTON SALT A DIVISION OF ROME AND HAAS COMPANY,
14 NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC COAST
15 RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO DIAMOND,
16 SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH, LLC,
17 STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL, LLC,
18 TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP. (TraPac)
19 and TRAPAC, INC., U.S. BORAX INC., VOPAK TERMINAL LONG BEACH INC., VOPAK
20 TERMINAL LOS ANGELES INC., WESTWAY TERMINAL COMPANY INC.,
21 WEYERHAUSER COMPANY, YANG MING GROUP, YANG MING (AMERICA)
22 CORPORATION, YUSEN TERMINALS INC., and DOES 226-275 are persons in the course
23 of doing business within the meaning of *Health and Safety Code § 25249.11*. Defendants,
24 APM TERMINALS, APM TERMINALS NORTH AMERICA, INC., BAKER COMMODITIES,
25 INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA UNITED TERMINALS, CEMEX
26 PACIFIC COAST CEMENT CORPORATION, CHEMOIL CORPORATION, CHEMOIL
27 MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA) HOLDING COMPANY, INC.,
28 COOPER/T. SMITH CORPORATION, COOPER/T. SMITH STEVEDORING COMPANY,

1 INC., CRESCENT TERMINAL (STEVEDORING SERVICES OF AMERICA), DISTRIBUTION
2 & AUTO SERVICE, INC. (DAS), DOW CHEMICAL CO., EAGLE MARINE SERVICES, INC.,
3 EQUILON ENTERPRISES, LLC, EVERGREEN AMERICA CORPORATION, EVERGREEN
4 INTERNATIONAL (USA), INC., EVERGREEN MARINE CORPORATION (CALIFORNIA),
5 LTD, FOREST TERMINALS CORPORATION, CATALYST PAPER (USA) INC. AT FOREST
6 TERMINALS CORPORATION, FREMONT FOREST GROUP CORPORATION, G-P
7 GYPSUM CORPORATION, G-P GYPSUM CORP., GATX TANK STORAGE TERMINALS
8 CORPORATION, HUGO NEU-PROLER INTERNATIONAL SALES CORP.,
9 INTERNATIONAL TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC.,
10 KOCH CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES
11 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), METROPOLITAN
12 STEVEDORE CO., MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORPORATION,
13 MORTON SALT, NATIONAL GYPSUM CO., NATIONAL GYPSUM COMPANY, PACIFIC
14 COAST RECYCLING, LLC, PASHA STEVEDORING & TERMINALS, INC., PETRO
15 DIAMOND, SHELL OIL PRODUCTS U.S. (SOPUS), SSA TERMINALS - LONG BEACH,
16 LLC, STEVEDORING SERVICES OF AMERICA, TOTAL TERMINALS INTERNATIONAL,
17 LLC, TOYOTA LOGISTICS SERVICES, INC., TRANS PACIFIC CONTAINER CORP.
18 (TRAPAC), TRAPAC, INC., U.S. BORAX, INC., VOPAK TERMINAL LONG BEACH, INC.,
19 VOPAK TERMINAL LOS ANGELES, INC., WESTWAY TERMINAL COMPANY, INC.,
20 WEYERHAUSER COMPANY, YANG MING GROUP, YANG MING (AMERICA)
21 CORPORATION, YUSEN TERMINALS, INC., and DOES 226-275, inclusive, and each of
22 them own and/or operate one or more terminals in the Port of Los Angeles, California and/or
23 Port of Long Beach, California.

24 141. Defendants, DOES 226-275 are persons in the course of doing business within
25 the meaning of *Health and Safety Code § 25249.11*. Plaintiffs are presently unaware of their
26 true names and capacities and, therefore, Plaintiffs sue Defendant DOES 226-275 by such
27 fictitious names, pursuant to *California Code of Civil Procedure § 474*. Plaintiffs will amend

28 ///

1 this Second Amended Complaint and include these DOE Defendants' true names and
2 capacities when they are ascertained.

3 142. At all relevant times, Terminal Defendants were subject to Proposition 65.
4 *California Health and Safety Code § 25249.6, et seq.*

5 143. Under Proposition 65:

6 No person in the course of doing business shall
7 knowingly and intentionally expose any individual to a
8 chemical known to the state to cause cancer or
9 reproductive toxicity without first giving clear and
10 reasonable warning to such individual, except as provided
11 in section 25249.10.

12 *Health and Safety Code § 25249.6.*

13 144. Terminal Defendants have engaged and continue to engage in conduct which
14 violates *Health and Safety Code § 25249.6*. This conduct includes the operation of their
15 respective terminals which consists of the use of locomotives, on-road heavy duty trucks,
16 and cargo handling equipment including, but not limited to, yard trucks, side-picks, rubber
17 tired gantry cranes, and forklifts. Operation of this equipment causes the release of diesel
18 engine exhaust into the environment. Operation of diesel-powered ships also causes the
19 release of diesel engine exhaust while at berth. Terminal Defendants have not provided
20 clear and reasonable warning to individuals in California including, but not limited to, the
21 Bradfields, that the operation of their respective terminals results in exposure to diesel
22 engine exhaust, a chemical known to the State of California to cause cancer. Terminal
23 Defendants have, therefore, in the course of doing business, knowingly and intentionally
24 exposed individuals to a chemical known to the State of California to cause cancer without
25 first providing a clear and reasonable warning.

26 145. Terminal Defendants have committed an act of unfair competition by violating
27 Proposition 65.

28 ///

1 146. As a result of Terminal Defendants' unfair business practices, Plaintiffs have
2 suffered direct and actual injury.

3 147. Pursuant to *California Business and Professions Code section 17203*, each
4 Terminal Defendant is liable for civil penalties of up to \$2,500 per day per individual
5 exposure to diesel engine exhaust, pursuant to *Health and Safety Code § 25249.7(b)*, in an
6 amount to be proven at trial.

7
8 WHEREFORE, Plaintiffs pray for judgment against the Defendants, and each of them
9 as follows:

10 1 For general damage in a sum within the jurisdictional limits according to proof;

11 2. For the reasonable value of medical and hospital care and attention required
12 which will be required in the future;

13 3. For the reasonable value of loss of earnings and diminished earning capacity
14 in the future;

15 4. Pursuant to *Health and Safety Code § 25249.7(a)* that the Court order a
16 temporary restraining order or a preliminary and permanent injunction to enjoin
17 Defendants from:

18 (a) knowingly and intentionally continuing to expose individuals in California
19 including, but not limited to, the Bradfields, to diesel engine exhaust
20 through their operation of their respective terminals,

21 (b) failing to undertake a court-approved public information campaign to
22 inform and provide clear and reasonable warnings to individuals in
23 California, including, but not limited to, the Bradfields, that exposure to
24 diesel engine exhaust, a chemical known to the State of California,
25 causes cancer, and failing to identify steps that may be taken to reduce
26 such exposure;

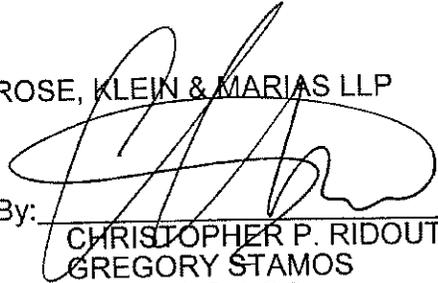
27 5. An award of civil penalties of \$2,500 per day for each violation of Proposition
28 65 and *Business and Professions Code § 17200*, et seq.;

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- 6. For reasonable attorneys' fees, and all costs of suit; and
- 7. For such other and further relief as the court may deem just and proper.

DATED: October 2, 2006

ROSE, KLEIN & MARIAS LLP

By: 

CHRISTOPHER P. RIDOUT
GREGORY STAMOS
MARCUS S. LOO
Attorneys for Plaintiffs

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PROOF OF SERVICE THROUGH LEXIS NEXIS

I, Terri A. Keller, the undersigned, hereby declare as follows:

1. I am over the age of 18 years and am not a party to the within cause.
I am employed by **Rose, Klein & Marias LLP** in the city of Los Angeles, state of California.

2. My business address is 801 S. Grand Avenue, 11th Floor, Los Angeles, California 90017.

3. On October 2, 2006, I served a copy of the attached document titled **SECOND AMENDED COMPLAINT FOR DAMAGES**

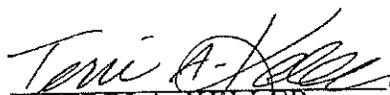
by:

a. Posting it directly on the LexisNexis website:

<http://www.fileandserve.LexisNexis.com>

I declare under penalty of perjury under the laws of the State of California, that the foregoing is true and correct. Executed on October 2, 2006, at Los Angeles, California.

(state)


TERRI A. KELLER