

COPY

SUMMONS (CITACION JUDICIAL)

ON THIRD AMENDED COMPLAINT

SUM-100

NOTICE TO DEFENDANT:

(AVISO AL DEMANDADO):

CHINA SHIPPING (NORTH AMERICA) HOLDING CO., LTD.; CITY OF LONG BEACH, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS; CITY OF LOS ANGELES, ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS; DISTRIBUTION & AUTO SERVICE, INC (DAS); (Please see Attachment Sheet for additional defendants)

FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

ORIGINAL FILED

FEB 23 2007

LOS ANGELES SUPERIOR COURT

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ALICE J. BRADFIELD, KRISTIN BRADFIELD, DAVID BRADFIELD, MEREDITH BRADFIELD, a Minor by and through Her Guardian Ad Litem Kristen Bradfield, and HILLARY BRADFIELD, A Minor by and through Her Guardian Ad Litem, Kristin Bradfield

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

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

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es): LOS ANGELES SUPERIOR COURT 111 N. Hill Street Los Angeles, CA 90012

CASE NUMBER: (Número del Caso): BC322640

CENTRAL DISTRICT

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): CHRISTOPHER P. RIDOUT, ESQ., (SBN 143931) (213) 623-7755

Rose, Klein & Marias LLP 801 South Grand Avenue, 11th Floor Los Angeles, CA 90017-4645

DATE:

(Fecha) FEB 23 2007

JOHN A. CLARKE

Clerk, by

P. McDonald

Deputy

(Secretario)

(Adjunto)

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

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

NOTICE TO THE PERSON SERVED: You are served

- 1. [] as an individual defendant.
2. [] as the person sued under the fictitious name of (specify):
3. [] on behalf of (specify):

- under: [] CCP 416.10 (corporation) [] CCP 416.60 (minor)
[] CCP 416.20 (defunct corporation) [] CCP 416.70 (conservatee)
[] CCP 416.40 (association or partnership) [] CCP 416.90 (authorized person)
[] other (specify):

- 4. [] by personal delivery on (date):

PETITIONER/PLAINTIFF: ALICE BRADFIELD, et al.
RESPONDENT/DEFENDANT: China Shipping, et al.

CASE NUMBER:
BC322640

(Defendants Continued...)

AUTO WAREHOUSING CO., YANG MING (AMERICA) CORPORATION; TRANS PACIFIC CONTAINER SERVICE CORPORATION (TRA PAC); WEST BASIN CONTAINER TERMINAL; MITSUI O.S.K. LINES, LTD.; YUSEN TERMINALS, INC. (YTI); NYK LINE (NORTH AMERICA), INC.; A&D HAULING; AJ TRANSPORTATION; AMERICAN PACIFIC TRUCKING; AMERICAN PRESIDENT LINES, LTD.; SEASIDE TRANSPORTATION SERVICES; WESTWAY TERMINAL COMPANY, INC.; GATX TANK STORAGE TERMINALS CORP.; TOSCO CORP.; ULTRAMAR DIAMOND SHAMROCK CORP.; U.S. BORAX, INC.; PAKTANK CORPORATION - LOS ANGELES TERMINALS; CPC TERMINALS; HUGO NEU-PROLER CO.; MOBIL OIL CORP.; PASHA STEVEDORING AND TERMINALS, L.P.; SSA MARINE, INC.; CRESCENT WHARF & WAREHOUSE CO.; EAGLE MARINE SERVICES, LTD.; APM TERMINALS PACIFIC, LTD.; MAERSK, INC.; CALIFORNIA CARTAGE CO., INC.; CARNIVAL CORPORATION d/b/a CARNIVAL CRUISE LINES; CELEBRITY CRUISES; C.H. ROBINSON TRANSPORT; C.H. ROBINSON WORLDWIDE; CONCORD TOTAL DISTRIBUTION SERVICES; COSTA CRUISE LINES N.V.; CRYSTAL CRUISES, INC.; CUNARD LINES, LIMITED; CUSTOM LOGISTICS, INC.; ACE HIGH TRANSPORTATION, INC.; BRAGG HEAVY TRANSPORT; DISNEY CRUISE VACATION, INC.; DOLE OCEAN LINE EXPRESS; INTERMODAL CONTAINER SERVICES, INC. d/b/a HARBOR RAIL TRANSPORT; HYUNDAI AMERICA SHIPPING AGENCY, INC.; FOREST LINES; GI TRUCKING CO.; GOLDEN STATE LOGISTICS; HOLLAND AMERICAN LINE, INC.; HUB GROUP, INC.; HUDD DISTRIBUTION SERVICES, INC.; INTERCITY EXPRESS, INC.; "K" LINE AMERICA, INC.; K&R TRANSPORTATION; KNIGHTS DELIVERY SERVICE; KONOIKE PACIFIC CALIFORNIA; LAND STAR SYSTEMS, INC.; LAURINTZENCOOL AB; MARUBA NORTH AMERICA; MARINE TRANSPORT CORPORATION; MED PACIFIC EXPRESS; MEGATRUX, INC.; NEPTUNE ORIENT LINE; NORSK PACIFIC STEAMSHIP COMPANY, LIMITED; NORWEGIAN CRUISE LINE, LIMITED; PRINCESS CRUISE LINES, LTD d/b/a PRINCESS CRUISES; OVERSEAS FREIGHT, INC.; PACIFIC ANCHOR TRANSPORTATION, INC.; RADISSON SEVEN SEAS CRUISE, INC.; TOP GUN DISTRIBUTION SERVICES; ESSENTIAL FREIGHT SYSTEMS; HARBOR DISPATCH TRANSPORT, INC.; P & O NEDLLOYD LIMITED; PACER INTERNATIONAL; P.M. & O. PHILIPPINE, MICRONESIA, ORIENT LINE; PROGRESSIVE TRANSPORTATION SERVICES; PYRAMID TRANSPORTATION, INC.; Q TRANSPORT, INC.; RE TRANSPORTATION, INC.; ROLO TRANSPORTATION; ROLY'S TRUCKING, INC.; RPM CONSOLIDATED SERVICES, INC.; SCHAFFER LOGISTICS; SHIPPERS TRANSPORT EXPRESS; SPATES TRUCKING, INC.; SOUTH PACIFIC CONTAINER LINE; SOUTH SEAS SHIPPING COMPANY; SP WORLDWIDE LOGISTICS; STAR SHIPPING, INC.; STERLING EXPRESS, INC.; STX PAN OCEAN CO., LTD.; THREE RIVERS TRUCKING, INC.; TRADE LINK TRANSPORT, INC.; TRANS PACIFIC LINES, LIMITED; TRIUMPH TRANSPORT; TRICON TRANSPORTATION, INC.; UNITED SHIPMENT, INC.; HANJIN SHIPPING CO., LTD.; MATSON NAVIGATION COMPANY, INC.; BAKER COMMODITIES, INC.; BP PIPELINES, NORTH AMERICA; CALIFORNIA UNITED TERMINALS; CEMEX PACIFIC COAST CEMENT CORPORATION; PACIFIC COAST CONTAINER, INC.; PIER WEST TRANSPORT, INC.; PRICE TRANSFER, INC.; CHEMOIL CORPORATION, CHEMOIL MARINE TERMINAL; COOPER/T. SMITH CORPORATION; CRESCENT TERMINAL (STEVEDORING SERVICES OF AMERICA); DOW CHEMICAL CO.; EQUILON ENTERPRISES, LLC; EVERGREEN MARINE CORPORATION (TAIWAN), LTD.; FOREST TERMINALS CORPORATION; CATALYST PAPER CORPORATION; INTERNATIONAL TRANSPORTATION SERVICE, INC.; KANSAS KOCH CARBON, INC.; KOCH CARBON, INC.; LONG BEACH CONTAINER TERMINAL, INC.; LOS ANGELES EXPORT TERMINAL, INC. (LAXT); MARINE TERMINALS CORP. (MTC); MITSUBISHI CEMENT CORPORATION; MORTON SALT; MORTON SALT a Division of ROHM and HAAS COMPANY; NATIONAL GYPSUM CO.; PACIFIC COAST RECYCLING, LLC; PETRO DIAMOND; SHELL OIL PRODUCTS U.S. (SOPUS); SSA TERMINALS - LONG BEACH, LLC; TOTAL TERMINALS, INC; TOYOTA LOGISTICS SERVICES, INC.; BEST WAY TRANSPORTATION.; WATERMAN STEAMSHIP CORPORATION; WESTERN FREIGHT CARRIER; WESTERN MARITIME EXPRESS; VOPAK TERMINAL LONG BEACH, INC.; VOPAK TERMINAL LOS ANGELES, INC. (VOPAK); WEYERHAUSER COMPANY; DOES 1 through 50, inclusive; and DOES 224 through 275, inclusive

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10 Attorneys for Plaintiffs

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

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

19 Plaintiffs,

20 vs.

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

ORIGINAL FILED

FEB 23 2007

**LOS ANGELES
SUPERIOR COURT**

CASE NO. BC 322 640

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

**THIRD 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 TRUCKING; AMERICAN PRESIDENT
LINES, LTD.; SEASIDE
2 TRANSPORTATION SERVICES;
WESTWAY TERMINAL COMPANY, INC.;
3 GATX TANK STORAGE TERMINALS
CORP.; TOSCO CORP.; ULTRAMAR
4 DIAMOND SHAMROCK CORP.; U.S.
BORAX, INC.; PAKTANK CORPORATION
5 - LOS ANGELES TERMINALS; CPC
TERMINALS; HUGO NEU-PROLER CO.;
6 MOBIL OIL CORP.; PASHA
STEVEDORING AND TERMINALS, L.P.;
7 SSA MARINE, INC.; CRESCENT WHARF
& WAREHOUSE CO.; EAGLE MARINE
8 SERVICES, LTD.; APM TERMINALS
PACIFIC, LTD.; MAERSK, INC.;
9 CALIFORNIA CARTAGE CO., INC.;
CARNIVAL CORPORATION d/b/a
10 CARNIVAL CRUISE LINES; CELEBRITY
CRUISES; C.H. ROBINSON TRANSPORT;
11 C.H. ROBINSON WORLDWIDE;
CONCORD TOTAL DISTRIBUTION
12 SERVICES; COSTA CRUISE LINES N.V.;
CRYSTAL CRUISES, INC.; CUNARD
13 LINES, LIMITED; CUSTOM LOGISTICS,
INC.; ACE HIGH TRANSPORTATION,
14 INC.; BRAGG HEAVY TRANSPORT;
DISNEY CRUISE VACATION, INC.; DOLE
15 OCEAN LINE EXPRESS; INTERMODAL
CONTAINER SERVICES, INC. d/b/a
16 HARBOR RAIL TRANSPORT; HYUNDAI
AMERICA SHIPPING AGENCY, INC.;
17 FOREST LINES; GI TRUCKING CO.;
GOLDEN STATE LOGISTICS; HOLLAND
18 AMERICAN LINE, INC.; HUB GROUP,
INC.; HUDD DISTRIBUTION SERVICES,
19 INC.; INTERCITY EXPRESS, INC.; "K"
LINE AMERICA, INC.; K&R
20 TRANSPORTATION; KNIGHTS
DELIVERY SERVICE; KONOIKE PACIFIC
21 CALIFORNIA; LAND STAR SYSTEMS,
INC.; LAURINTZENCOOL AB; MARUBA
22 NORTH AMERICA; MARINE TRANSPORT
CORPORATION; MED PACIFIC
23 EXPRESS; MEGATRUX, INC.; NEPTUNE
ORIENT LINE; NORSK PACIFIC
24 STEAMSHIP COMPANY, LIMITED;
NORWEGIAN CRUISE LINE, LIMITED;
25 PRINCESS CRUISE LINES, LTD d/b/a
PRINCESS CRUISES; OVERSEAS
26 FREIGHT, INC.; PACIFIC ANCHOR
TRANSPORTATION, INC.; RADISSON
27 SEVEN SEAS CRUISE, INC.; TOP GUN
DISTRIBUTION SERVICES; ESSENTIAL
28 FREIGHT SYSTEMS; HARBOR

1 DISPATCH TRANSPORT, INC.; P & O
2 NEDLLOYD LIMITED; PACER
3 INTERNATIONAL; P.M. & O. PHILIPPINE,
4 MICRONESIA, ORIENT LINE;
5 PROGRESSIVE TRANSPORTATION
6 SERVICES; PYRAMID
7 TRANSPORTATION, INC.; Q
8 TRANSPORT, INC.; RE
9 TRANSPORTATION, INC.; ROLO
10 TRANSPORTATION; ROLY'S TRUCKING,
11 INC.; RPM CONSOLIDATED SERVICES,
12 INC.; SCHAFER LOGISTICS; SHIPPERS
13 TRANSPORT EXPRESS; SPATES
14 TRUCKING, INC.; SOUTH PACIFIC
15 CONTAINER LINE; SOUTH SEAS
16 SHIPPING COMPANY; SP WORLDWIDE
17 LOGISTICS; STAR SHIPPING, INC.;
18 STERLING EXPRESS, INC.; STX PAN
19 OCEAN CO., LTD.; THREE RIVERS
20 TRUCKING, INC.; TRADE LINK
21 TRANSPORT, INC.; TRANS PACIFIC
22 LINES, LIMITED; TRIUMPH TRANSPORT;
23 TRICON TRANSPORTATION, INC.;
24 UNITED SHIPMENT, INC.; HANJIN
25 SHIPPING CO., LTD.; MATSON
26 NAVIGATION COMPANY, INC.; BAKER
27 COMMODITIES, INC.; BP PIPELINES,
28 NORTH AMERICA; CALIFORNIA UNITED
TERMINALS; CEMEX PACIFIC COAST
CEMENT CORPORATION; PACIFIC
COAST CONTAINER, INC.; PIER WEST
TRANSPORT, INC.; PRICE TRANSFER,
INC.; CHEMOIL CORPORATION,
CHEMOIL MARINE TERMINAL;
COOPER/T. SMITH CORPORATION;
CRESCENT TERMINAL (STEVEDORING
SERVICES OF AMERICA); DOW
CHEMICAL CO.; EQUILON
ENTERPRISES, LLC; EVERGREEN
MARINE CORPORATION (TAIWAN),
LTD.; FOREST TERMINALS
CORPORATION; CATALYST PAPER
(USA) INC. AT FOREST TERMINALS
CORPORATION; FREMONT FOREST
GROUP CORPORATION; G-P GYPSUM
CORPORATION; INTERNATIONAL
TRANSPORTATION SERVICE, INC.;
KANSAS KOCH CARBON, INC.; KOCH
CARBON, INC.; LONG BEACH
CONTAINER TERMINAL, INC.; LOS
ANGELES EXPORT TERMINAL,
INC.(LAXT); MARINE TERMINALS CORP.
(MTC); MITSUBISHI CEMENT
CORPORATION; MORTON SALT;
MORTON SALT a Division of ROHM and

1 HAAS COMPANY; NATIONAL GYPSUM)
CO.; PACIFIC COAST RECYCLING, LLC;)
2 PETRO DIAMOND; SHELL OIL)
PRODUCTS U.S. (SOPUS); SSA)
3 TERMINALS - LONG BEACH, LLC; TOTAL)
TERMINALS, INC; TOYOTA LOGISTICS)
4 SERVICES, INC.; BEST WAY)
TRANSPORTATION.; WATERMAN)
5 STEAMSHIP CORPORATION; WESTERN)
FREIGHT CARRIER; WESTERN)
6 MARITIME EXPRESS; VOPAK TERMINAL)
LONG BEACH, INC.; VOPAK TERMINAL)
7 LOS ANGELES, INC. (VOPAK);)
WEYERHAUSER COMPANY; DOES 1)
8 through 50, inclusive; DOES 101 through)
150, inclusive; and DOES 224 through 275,)
9 inclusive,

10 Defendants.

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

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

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

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

10 6. Defendant Los Angeles Board of Harbor Commissioners oversees the
11 management and operations of the Port of Los Angeles. The five-member Board is
12 appointed by the Mayor of Los Angeles and is confirmed by the Los Angeles City
13 Council.

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

22 8. The Los Angeles Board of Harbor Commissioners and the City of Los
23 Angeles, respectively, approved a long-term lease and permit for CHINA SHIPPING
24 (NORTH AMERICA) HOLDING CO., LTD. ("China Shipping") to construct and operate a
25 massive container terminal, between 134 and 174 acres in size, ("China Shipping Site")
26 at the Port of Los Angeles. The China Shipping Site, among other things, included the
27 construction and operation of two wharves, each of which have the ability to
28 accommodate annually hundreds of 9,100-TEU (twenty-foot equivalent unit) commercial

1 container vessels - some of the largest commercial vessels in operation today -
2 construction of two bridges accommodating up to four lanes of truck traffic, the use of at
3 least two to six cranes, and expanded gate facilities to accommodate up to 8 inbound
4 and 4 outbound lanes of truck traffic. The China Shipping Site resulted in increased
5 container activities at the Port of Los Angeles, and in particular at the section of the Port
6 of Los Angeles known as Berths 97-109, including but not limited to the increased ship
7 traffic and increased use of diesel tugboats, on-site diesel tractors and yard hostlers, and
8 diesel trucks that will carry the containers to and from the China Shipping Site location.
9 These activities have impacted the surrounding communities of San Pedro and
10 Wilmington - areas which are already disproportionately impacted by air and other
11 pollution, including noise and traffic.

12 9. As compared to the container operations at Berths 97-109 described in the
13 1997 and 2000 Program Environmental Impact Reports (hereinafter EIRs), the China
14 Shipping Site expanded Wharf 1 by as much as 80%, up to a length of 1,800 feet,
15 added Wharf 2, and included operation of "a container terminal complex" on the China
16 Shipping Site. The size of container operations on the site (in terms of acres) almost
17 doubled from that which was anticipated and assessed in the 1997 and 2000 Program
18 EIRs, and projected container throughput on the China Shipping Site, and the resulting
19 truck, ship and other activity, increased significantly and proportionately. These changes
20 in the China Shipping Site from the 1997 and 2000 Program EIRs have had significant
21 environmental impacts.

22 10. The considerable amount of activity at Berths 97-109 that resulted from the
23 China Shipping Site, and the increased traffic at the other L.A. Harbor Sites at the same
24 time has had significant, environmental and public health impacts due to excessive levels
25 of diesel exhaust, noise, vibration and other pollutants.

26 11. Plaintiffs are informed, and believe, and based thereon, allege that, at all
27 times herein mentioned that Defendants YANG MING (AMERICA) CORPORATION,
28 MARINE TERMINALS CORP. (MTC), and WEST BASIN CONTAINER TERMINAL are

1 business entities with the principal place of business in the City of San Pedro, County of
2 Los Angeles, State of California, and are business entities licensed to do business in the
3 State of California. At all times relevant hereto, Defendants YANG MING (AMERICA)
4 CORPORATION, MARINE TERMINALS CORP. (MTC), and WEST BASIN CONTAINER
5 TERMINAL, and each of them, were operators of a container terminal, and the owners of
6 diesel-powered ships that loaded and off-loaded cargo at Berths 121-131 at the Port of
7 Los Angeles.

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

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

24 14. Plaintiffs are informed and believe, and based thereon allege that, at all
25 times herein mentioned, Defendant EVERGREEN MARINE CORPORATION (TAIWAN),
26 LTD. is a business entity with its principal place of business in the City of San Pedro,
27 County of Los Angeles, State of California, and is a business entity licensed to do
28 business in the State of California. At all times relevant hereto, Defendant EVERGREEN

1 MARINE CORPORATION (TAIWAN), LTD. was the owner of diesel-powered ships that
2 loaded and off-loaded cargo at Berths 226 through 236 at the Port of Los Angeles.

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

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

20 17. Plaintiffs are informed and believe, and based thereon allege that, at all
21 times herein mentioned, Defendant DISTRIBUTION & AUTO SERVICES, INC. (DAS)
22 was a business entity with a principal place of business in the City of San Pedro, County
23 of Los Angeles, State of California, and is a business entity licensed to do business in
24 the State of California. At all times relevant hereto, Defendant DISTRIBUTION & AUTO
25 SERVICES, INC. (DAS) was the operator of an automobile terminal at Berths 194
26 through 199 at the Port of Los Angeles.

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1 18. Plaintiffs are informed and believe, and based thereon allege that, at all
2 times herein mentioned, Defendant U.S. BORAX, INC. was a business entity with its
3 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
5 all times relevant hereto, Defendant U.S. BORAX, INC. was the operator of a dry bulk
6 terminal located at Berths 155 through 166 at the Port of Los Angeles.

7 19. Plaintiffs are informed and believe, and based thereon allege that, at all
8 times herein mentioned, Defendant HUGO NEU-PROLER CO. 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
11 all times relevant hereto, Defendant HUGO NEU-PROLER CO. was the operator of a dry
12 bulk terminal located at Berths 210 through 211 at the Port of Los Angeles.

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

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

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1 22. Plaintiffs are informed and believe, and based thereon allege that, at all
2 times herein mentioned, Defendant GATX TANK STORAGE TERMINALS CORP. is a
3 business entity with its principal place of business in the City of San Pedro, County of
4 Los Angeles, State of California, and is a business entity licensed to do business in the
5 State of California. At all times relevant hereto, Defendant GATX TANK STORAGE
6 TERMINALS CORP. was the operator of a liquid bulk terminal located at Berths 118
7 through 119 at the Port of Los Angeles.

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

14 24. Plaintiffs are informed and believe, and based thereon allege that, at all
15 times herein mentioned, Defendant VOPAK is a business entity with its principal place of
16 business in the City of San Pedro, County of Los Angeles, State of California, and is a
17 business entity licensed to do business in the State of California. At all times relevant
18 hereto, Defendant VOPAK was the operator of a liquid bulk terminal located at Berths
19 187 through 191 at the Port of Los Angeles.

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

26 26. Plaintiffs are informed and believe, and based thereon allege that, at all
27 times herein mentioned, Defendant PASHA STEVEDORING AND TERMINALS, L.P. is a
28 business entity with its principal place of business in the City of San Pedro, County of

1 Los Angeles, State of California, and is a business entity licensed to do business in the
2 State of California. At all times relevant hereto, Defendant PASHA STEVEDORING AND
3 TERMINALS, L.P. was the operator of a breakbulk terminal located at Berths 174-181.
4 Defendant PASHA STEVEDORING AND TERMINALS, L.P. also operated out of
5 terminals in other areas at the Port of Los Angeles.

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

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

19 29. Plaintiffs are informed and believe, and based thereon allege that, at all
20 times herein mentioned, Defendant CRESCENT WHARF & WAREHOUSE CO. is a
21 business entity with its principal place of business in the City of San Pedro, County of
22 Los Angeles, State of California, and is a business entity licensed to do business in the
23 State of California. At all times relevant hereto, Defendant CRESCENT WHARF &
24 WAREHOUSE CO. was the operator of a terminal located at Berths 58 through 60, and
25 153 at the Port of Los Angeles.

26 30. Plaintiffs are informed and believe, and based thereon allege that, at all
27 times herein mentioned, Defendant TOSCO CORP. is a business entity with its principal
28 place of business in the City of San Pedro, County of Los Angeles, State of California,

1 and is a business entity licensed to do business in the State of California. At all times
2 relevant hereto, Defendant TOSCO CORP. was the operator of a liquid bulk terminal
3 located at Berths 148 through 151 at the Port of Los Angeles.

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

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

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

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1 34. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant BAKER COMMODITIES, INC. was a business entity
3 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
5 California. At all times relevant hereto, Defendant BAKER COMMODITIES, INC. was the
6 operator of a liquid bulk terminal located at Pier D, Berths D30 - D32 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 35. Plaintiffs are informed and believe, and based thereon, allege that, at all
10 times herein mentioned, Defendant BP PIPELINES, NORTH AMERICA was a business
11 entity with a principal place of business in the City of Long Beach, County of Los
12 Angeles, State of California, and is a business entity licensed to do business in the State
13 of California. At all times relevant hereto, Defendant BP PIPELINES, NORTH AMERICA
14 was the operator of a liquid bulk terminal located at Pier T, Berth T121, and Pier D,
15 Berths D30-D32 at the Port of Long Beach, which included, but was not limited to the use
16 of locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-
17 powered ships.

18 36. Plaintiffs are informed and believe, and based thereon, allege that, at all
19 times herein mentioned, Defendant CALIFORNIA UNITED TERMINALS was a business
20 entity with a principal place of business in the City of Long Beach, County of Los
21 Angeles, State of California, and is a business entity licensed to do business in the State
22 of California. At all times relevant hereto, Defendant CALIFORNIA UNITED
23 TERMINALS was the operator of a container terminal located at Pier E, Berths E24-E26,
24 and a break bulk and Ro-Ro terminal located at Pier D, Berths D28 - D30, D34, and Pier
25 E, Berths E12, E13 at the Port of Long Beach, which included, but was not limited to the
26 use of locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-
27 powered ships.

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1 37. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant CEMEX PACIFIC COAST CEMENT
3 CORPORATION was a business entity with a principal place of business in the City of
4 Long Beach, County of Los Angeles, State of California, and is a business entity licensed
5 to do business in the State of California. At all times relevant hereto, Defendant CEMEX
6 PACIFIC COAST CEMENT CORPORATION was the operator of a bulk terminal located
7 at Pier D, Berths D32, D33 at the Port of Long Beach, which included, but was not limited
8 to the use of locomotives, on-road heavy duty trucks, cargo handling equipment, and
9 diesel-powered ships.

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

19 39. Plaintiffs are informed and believe, and based thereon, allege that, at all
20 times herein mentioned, Defendant CHEMOIL MARINE TERMINAL was a business
21 entity with a principal place of business in the City of Long Beach, County of Los
22 Angeles, State of California, and is a business entity licensed to do business in the State
23 of California. At all times relevant hereto, Defendant CHEMOIL MARINE TERMINAL
24 was the operator of a liquid bulk terminal located at Pier G, Berth G211-A at the Port of
25 Long Beach, which included, but was not limited to the use of locomotives, on-road
26 heavy duty trucks, cargo handling equipment, and diesel-powered ships.

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

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

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

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

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

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

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1 46. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant G-P GYPSUM CORPORATION was a business
3 entity with a principal place of business in the City of Long Beach, County of Los
4 Angeles, State of California, and is a business entity licensed to do business in the State
5 of California. At all times relevant hereto, Defendant G-P GYPSUM CORPORATION
6 was the operator of a dry bulk terminal located at Pier D, Berth D46 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 47. Plaintiffs are informed and believe, and based thereon, allege that, at all
10 times herein mentioned, Defendant HANJIN SHIPPING CO., LTD. was a business entity
11 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
13 California. At all times relevant hereto, Defendant HANJIN SHIPPING CO., LTD. was
14 the operator of a container terminal located at Pier T, Berths 130-140 at the Port of Long
15 Beach, which included, but was not limited to the use of locomotives, on-road heavy duty
16 trucks, cargo handling equipment, and diesel-powered ships. Further, at all times
17 relevant hereto, Defendant HANJIN SHIPPING CO., LTD. was the owner of diesel-
18 powered ships that loaded and off-loaded cargo at the Port of Long Beach.

19 48. Plaintiffs are informed and believe, and based thereon, allege that, at all
20 times herein mentioned, Defendant INTERNATIONAL TRANSPORTATION SERVICE,
21 INC. was a business entity with a principal place of business in the City of Long Beach,
22 County of Los Angeles, State of California, and is a business entity licensed to do
23 business in the State of California. At all times relevant hereto, Defendant
24 INTERNATIONAL TRANSPORTATION SERVICE, INC. was the operator of a container
25 terminal located at Pier J, Berths J232-J234 at the Port of Long Beach, which included,
26 but 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 49. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant KANSAS KOCH CARBON, INC. was a business
3 entity with a principal place of business in the City of Long Beach, County of Los
4 Angeles, State of California, and is a business entity licensed to do business in the State
5 of California. At all times relevant hereto, Defendant KANSAS KOCH CARBON, INC.
6 was the operator of a dry bulk terminal located at Pier F, Berth F211 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 50. Plaintiffs are informed and believe, and based thereon, allege that, at all
10 times herein mentioned, Defendant KOCH CARBON, INC. was a business entity with a
11 principal place of business in the City of Long Beach, County of Los Angeles, State of
12 California, and is a business entity licensed to do business in the State of California. At
13 all times relevant hereto, Defendant KOCH CARBON, INC. was the operator of a dry
14 bulk terminal located at Pier F, Berth F211 at the Port of Long Beach, which included, but
15 was not limited to the use of locomotives, on-road heavy duty trucks, cargo handling
16 equipment, and diesel-powered ships.

17 51. Plaintiffs are informed and believe, and based thereon, allege that, at all
18 times herein mentioned, Defendant LONG BEACH CONTAINER TERMINAL, INC. was a
19 business entity with a principal place of business in the City of Long Beach, County of
20 Los Angeles, State of California, and is a business entity licensed to do business in the
21 State of California. At all times relevant hereto, Defendant LONG BEACH CONTAINER
22 TERMINAL, INC. was the operator of a container terminal located at Pier F, Berths F6,
23 F8, F10 at the Port of Long Beach, which included, but was not limited to the use of
24 locomotives, on-road heavy duty trucks, cargo handling equipment, and diesel-powered
25 ships.

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1 52. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant MITSUBISHI CEMENT CORPORATION was a
3 business entity with a principal place of business in the City of Long Beach, County of
4 Los Angeles, State of California, and is a business entity licensed to do business in the
5 State of California. At all times relevant hereto, Defendant MITSUBISHI CEMENT
6 CORPORATION was the operator of a dry bulk terminal located at Pier F, Berth F208 at
7 the Port of Long Beach, which included, but was not limited to the use of locomotives,
8 on-road heavy duty trucks, cargo handling equipment, and diesel-powered ships.

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

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

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1 55. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant NATIONAL GYPSUM CO. was a business entity with
3 a 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
5 all times relevant hereto, Defendant NATIONAL GYPSUM CO. was the operator of a dry
6 bulk terminal located at Pier B, Berth B82 at the Port of Long Beach. At all times
7 relevant hereto, Defendant NATIONAL GYPSUM CO. was the operator of a dry bulk
8 terminal located at Pier B, Berth B82 at the Port of Long Beach, which included, but was
9 not limited to the use of locomotives, on-road heavy duty trucks, cargo handling
10 equipment, and diesel-powered ships.

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

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

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

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

18 60. Plaintiffs are informed and believe, and based thereon, allege that, at all
19 times herein mentioned, Defendant TOTAL TERMINALS, INC. was a business entity
20 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
22 California. At all times relevant hereto, Defendant TOTAL TERMINALS, INC. was the
23 operator of a container terminal located at Pier T, Berths T132 - T140 at the Port of Long
24 Beach, which included, but was not limited to the use of locomotives, on-road heavy duty
25 trucks, cargo handling equipment, and diesel-powered ships.

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

10 62. Plaintiffs are informed and believe, and based thereon, allege that, at all
11 times herein mentioned, Defendant VOPAK TERMINAL LONG BEACH, INC. was a
12 business entity with a principal place of business in the City of Long Beach, County of
13 Los Angeles, State of California, and is a business entity licensed to do business in the
14 State of California. At all times relevant hereto, Defendant VOPAK TERMINAL LONG
15 BEACH, INC. was the operator of a liquid bulk terminal located at Pier S, Berth S101 at
16 the Port of Long Beach, which included, but was not limited to the use of locomotives,
17 on-road heavy duty trucks, cargo handling equipment, and diesel-powered ships.

18 63. Plaintiffs are informed and believe, and based thereon, allege that, at all
19 times herein mentioned, Defendant WEYERHAUSER COMPANY was a business entity
20 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
22 California. At all times relevant hereto, Defendant WEYERHAUSER COMPANY was the
23 operator of a container terminal located at Pier T, Berth T122 at the Port of Long Beach,
24 which included, but was not limited to the use of locomotives, on-road heavy duty trucks,
25 cargo handling equipment, and diesel-powered ships.

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1 64. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant CPC TERMINALS was a business entity
3 incorporated in the City of Wilmington, State of California, and is a business entity
4 licensed to do business in the State of California. At all times relevant hereto, Defendant
5 CPC TERMINALS was the operator of a terminal located at the Port of Los Angeles,
6 which included, but was not limited to the use of locomotives, on-road heavy duty trucks,
7 cargo handling equipment, and diesel-powered ships.

8 65. Plaintiffs are informed and believe, and based thereon, allege that, at all
9 times herein mentioned, Defendant SEASIDE TRANSPORTATION SERVICES was a
10 business entity incorporated in the City of Oakland, State of California, and is a business
11 entity licensed to do business in the State of California. At all times relevant hereto,
12 Defendant SEASIDE TRANSPORTATION SERVICES was the operator of a container
13 terminal located at Berths 228-236 at the Port of Los Angeles, which included, but was
14 not limited to the use of locomotives, on-road heavy duty trucks, cargo handling
15 equipment, and diesel-powered ships.

16 66. Plaintiffs are informed and believe, and based thereon, allege that, at all
17 times herein mentioned, Defendant P & O NEDLLOYD LIMITED was a business entity
18 with a principal place of business in the City of San Pedro, County of Los Angeles, State
19 of California, and is a business entity licensed to do business in the State of California.
20 Defendant P & O NEDLLOYD LIMITED, at all times relevant hereto, was the owner and
21 operator of diesel-powered ships that loaded and off-loaded cargo at Berths 206-209 at
22 the Port of Los Angeles.

23 67. DOES 1-50, INCLUSIVE are the owners and operators of other terminals
24 and warehouses at the Port of Los Angeles.

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

6 69. Plaintiffs are informed and believe, and based thereon, allege that, at all
7 times herein mentioned, Defendant C.H. ROBINSON TRANSPORT was a business
8 entity with a principal place of business in the City of San Pedro, County of Los Angeles,
9 State of California, and is a business entity licensed to do business in the State of
10 California. At all times relevant hereto, Defendant C.H. ROBINSON TRANSPORT was a
11 third-party logistics company providing truck, rail, and oceangoing transport services to
12 businesses that loaded and off-loaded cargo at the Port of Los Angeles.

13 70. Plaintiffs are informed and believe, and based thereon, allege that, at all
14 times herein mentioned, Defendant C.H. ROBINSON WORLDWIDE was a business
15 entity with a principal place of business in the City of San Pedro, County of Los Angeles,
16 State of California, and is a business entity licensed to do business in the State of
17 California. At all times relevant hereto, Defendant C.H. ROBINSON WORLDWIDE was
18 a third-party logistics company providing truck, rail, and oceangoing transport services to
19 businesses that loaded and off-loaded cargo at the Port of Los Angeles.

20 71. Plaintiffs are informed and believe, and based thereon, allege that, at all
21 times herein mentioned, Defendant LAND STAR SYSTEMS, INC. was a business entity
22 incorporated in the City of Jacksonville, State of Florida, with offices in the City of Los
23 Angeles, State of California, and is a business entity licensed to do business in the State
24 of California. At all times relevant hereto, Defendant LAND STAR SYSTEMS, INC. was
25 a third-party logistics company providing truck, rail, and ocean-going transport services to
26 businesses that loaded and off-loaded cargo at the Port of Los Angeles and/or the Port
27 of Long Beach.

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1 72. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant SCHAFFER LOGISTICS was a business entity
3 incorporated in the City of Carson, State of California, and is a business entity licensed to
4 do business in the State of California. At all times relevant hereto, Defendant SCHAFFER
5 LOGISTICS was a third-party logistics company providing truck, rail, and ocean-going
6 transport and warehousing services to businesses that loaded and off-loaded cargo at
7 the Port of Los Angeles and/or the Port of Long Beach.

8 73. Plaintiffs are informed and believe, and based thereon, allege that, at all
9 times herein mentioned, Defendant MATSON NAVIGATION COMPANY, INC. was a
10 business entity incorporated in the City of Oakland, State of California, and is a business
11 entity licensed to do business in the State of California. Defendant MATSON
12 NAVIGATION COMPANY, INC., at all times relevant hereto, was the owner and operator
13 of diesel-powered ships that loaded and off-loaded cargo at the Port of Los Angeles.

14 74. Plaintiffs are informed and believe, and based thereon, allege that, at all
15 times herein mentioned, Defendant CARNIVAL CORPORATION d/b/a CARNIVAL
16 CRUISE LINES was a business entity incorporated in the City of Miami, State of Florida,
17 with offices in the City of Irvine, State of California, and is a business entity licensed to do
18 business in the State of California. At all times relevant hereto, Defendant CARNIVAL
19 CORPORATION d/b/a CARNIVAL CRUISE LINES was the owner and operator of diesel-
20 powered ships that loaded and off-loaded passengers at the Port of Long Beach and/or
21 the Port of Los Angeles.

22 75. Plaintiffs are informed and believe, and based thereon, allege that, at all
23 times herein mentioned, Defendant CELEBRITY CRUISES was a business entity
24 incorporated in the City of Miami, State of Florida, with offices in the City of Long Beach,
25 State of California, and is a business entity licensed to do business in the State of
26 California. At all times relevant hereto, Defendant CELEBRITY CRUISES was the owner
27 and operator of diesel-powered ships that loaded and off-loaded passengers at the Port
28 of Los Angeles.

1 76. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant CRYSTAL CRUISES, INC. was a business entity
3 incorporated in the City of Los Angeles, 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
5 relevant hereto, Defendant CRYSTAL CRUISES, INC. was the owner and operator of
6 diesel-powered ships that loaded and off-loaded passengers at the Port of Los Angeles.

7 77. Plaintiffs are informed and believe, and based thereon, allege that, at all
8 times herein mentioned, Defendant DISNEY CRUISE VACATION, INC. was a business
9 entity incorporated in the City of Orlando, State of Florida, with offices in the City of
10 Burbank, State of California, and is a business entity licensed to do business in the State
11 of California. At all times relevant hereto, Defendant DISNEY CRUISE VACATION, INC.
12 was the owner and operator of diesel-powered ships that loaded and off-loaded
13 passengers at the Port of Los Angeles and the Port of Long Beach.

14 78. Plaintiffs are informed and believe, and based thereon, allege that, at all
15 times herein mentioned, Defendant DOLE OCEAN LINE EXPRESS was a business
16 entity incorporated in the City of Reno, State of Nevada, with offices in the City of
17 Westlake Village and the City of East Rancho Dominguez, State of California, and is a
18 business entity licensed to do business in the State of California. At all times relevant
19 hereto, Defendant DOLE OCEAN LINE EXPRESS was the owner and operator of diesel-
20 powered ships that loaded and off-loaded passengers at the Port of Los Angeles.

21 79. Plaintiffs are informed and believe, and based thereon, allege that, at all
22 times herein mentioned, Defendant HOLLAND AMERICAN LINE, INC. was a business
23 entity incorporated in the City of Seattle, State of Washington, with offices in the City of
24 Los Angeles, County of Los Angeles, State of California, and is a business entity
25 licensed to do business in the State of California. At all times relevant hereto, Defendant
26 HOLLAND AMERICAN LINE, INC. was the owner and operator of diesel-powered ships
27 that loaded and off-loaded passengers at the Port of Los Angeles.

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1 80. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant NORSK PACIFIC STEAMSHIP COMPANY,
3 LIMITED was a business entity incorporated in the City of Seattle, State of Washington,
4 with offices in the City of Long Beach, State of California, and is a business entity
5 licensed to do business in the State of California. At all times relevant hereto, Defendant
6 NORSK PACIFIC STEAMSHIP COMPANY, LIMITED was the owner and operator of
7 diesel-powered ships that loaded and off-loaded passengers at the Port of Los Angeles
8 and Port of Long Beach.

9 81. Plaintiffs are informed and believe, and based thereon, allege that, at all
10 times herein mentioned, Defendant NORWEGIAN CRUISE LINE, LIMITED was a
11 business entity incorporated in the City of Miami, State of Florida, with offices in the City
12 of Los Angeles, State of California, and is a business entity licensed to do business in
13 the State of California. At all times relevant hereto, Defendant NORWEGIAN CRUISE
14 LINE, LIMITED was the owner and operator of diesel-powered ships that loaded and off-
15 loaded passengers at the Port of Los Angeles and Port of Long Beach.

16 82. Plaintiffs are informed and believe, and based thereon, allege that, at all
17 times herein mentioned, Defendant PRINCESS CRUISE LINES, LTD d/b/a PRINCESS
18 CRUISES was a business entity incorporated in the City of Santa Clarita, State of
19 California, with offices in the City of Los Angeles, State of California, and is a business
20 entity licensed to do business in the State of California. At all times relevant hereto,
21 Defendant PRINCESS CRUISE LINES, LTD d/b/a PRINCESS CRUISES was the owner
22 and operator of diesel-powered ships that loaded and off-loaded passengers at the Port
23 of Los Angeles.

24 83. Plaintiffs are informed and believe, and based thereon, allege that, at all
25 times herein mentioned, Defendant P.M. & O. PHILIPPINE, MICRONESIA, ORIENT
26 LINE incorporated in the City of San Francisco, State of California, and is a business
27 entity licensed to do business in the State of California. At all times relevant hereto,
28 Defendant P.M. & O. PHILIPPINE, MICRONESIA, ORIENT LINE was the owner and

1 operator of diesel-powered ships that loaded and off-loaded cargo at the Port of Long
2 Beach and the Port of Los Angeles.

3 84. Plaintiffs are informed and believe, and based thereon, allege that, at all
4 times herein mentioned, Defendant WATERMAN STEAMSHIP CORPORATION was a
5 business entity doing business within the State of California, and is a business entity
6 licensed to do business in the State of California. At all times relevant hereto, Defendant
7 WATERMAN STEAMSHIP CORPORATION was the owner and operator of diesel-
8 powered ships that loaded and off-loaded cargo at the Port of Los Angeles and/or the
9 Port of Long Beach.

10 85. Plaintiffs are informed and believe, and based thereon, allege that, at all
11 times herein mentioned, Defendant MITSUI O.S.K. LINES, LTD. was a business entity
12 incorporated in the City of Jersey City, State of New Jersey, with offices in the City of Los
13 Angeles, State of California, and is a business entity licensed to do business in the State
14 of California. At all times relevant hereto, Defendant MITSUI O.S.K. LINES, LTD. was
15 the owner and operator of diesel-powered ships and diesel-powered trucks that loaded
16 and off-loaded cargo at Berths 135-139 and 302-305 at the Port of Los Angeles.

17 86. Plaintiffs are informed and believe, and based thereon, allege that, at all
18 times herein mentioned, Defendant NYK LINE (NORTH AMERICA), INC. was a business
19 entity with a 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
21 California. At all times relevant hereto, Defendant NYK LINE (NORTH AMERICA), INC.
22 was the owner and operator of diesel-powered ships that loaded and off-loaded cargo at
23 Berths 54-55 and 212-225 at the Port of Los Angeles.

24 87. Plaintiffs are informed and believe, and based thereon, allege that, at all
25 times herein mentioned, Defendant HYUNDAI AMERICA SHIPPING AGENCY, INC. was
26 a business entity with a principal place of business in the City of San Pedro, County of
27 Los Angeles, State of California, and is a business entity licensed to do business in the
28 State of California. At all times relevant hereto, Defendant HYUNDAI AMERICA

1 SHIPPING AGENCY, INC. was the owner and operator of diesel-powered ships that
2 loaded and off-loaded cargo at the Port of Los Angeles and the Port of Long Beach.

3 88. Plaintiffs are informed and believe, and based thereon, allege that, at all
4 times herein mentioned, Defendant FOREST LINES was a business entity with a
5 principal place of business in the City of San Pedro, County of Los Angeles, State of
6 California, and is a business entity licensed to do business in the State of California. At
7 all times relevant hereto, Defendant FOREST LINES was the owner and operator of
8 diesel-powered ships that loaded and off-loaded cargo at the Port of Los Angeles.

9 89. Plaintiffs are informed and believe, and based thereon, allege that, at all
10 times herein mentioned, Defendant "K" LINE AMERICA, INC. was a business entity with
11 a 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
13 all times relevant hereto, Defendant "K" LINE AMERICA, INC. was the owner and
14 operator of diesel-powered ships that loaded and off-loaded cargo at the Port of Los
15 Angeles and the Port of Long Beach.

16 90. Plaintiffs are informed and believe, and based thereon, allege that, at all
17 times herein mentioned, Defendant LAURINTZENCOOL AB was a business entity with a
18 principal place of business in the City of San Pedro, County of Los Angeles, State of
19 California, and is a business entity licensed to do business in the State of California. At
20 all times relevant hereto, Defendant LAURINTZENCOOL AB was the owner and operator
21 of diesel-powered ships that loaded and off-loaded cargo located at Berths 54-55 at the
22 Port of Los Angeles.

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1 91. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant MARUBA NORTH AMERICA was a business entity
3 incorporated in the City of La Palma, State of California, with offices in the City of Long
4 Beach, State of California, and is a business entity licensed to do business in the State
5 of California. At all times relevant hereto, Defendant MARUBA NORTH AMERICA was
6 the owner and operator of diesel-powered ships that loaded and off-loaded cargo at the
7 Port of Los Angeles.

8 92. Plaintiffs are informed and believe, and based thereon, allege that, at all
9 times herein mentioned, Defendant MARINE TRANSPORT CORPORATION was a
10 business entity with a principal place of business in the City of San Pedro, County of Los
11 Angeles, State of California, and is a business entity licensed to do business in the State
12 of California. At all times relevant hereto, Defendant MARINE TRANSPORT
13 CORPORATION was the owner and operator of diesel-powered ships that loaded and
14 off-loaded cargo at the Port of Los Angeles.

15 93. Plaintiffs are informed and believe, and based thereon, allege that, at all
16 times herein mentioned, Defendant MED PACIFIC EXPRESS was a business entity with
17 a principal place of business in the City of San Pedro, County of Los Angeles, State of
18 California, and is a business entity licensed to do business in the State of California. At
19 all times relevant hereto, Defendant MED PACIFIC EXPRESS was the owner and
20 operator of diesel-powered ships that loaded and off-loaded cargo at the Port of Los
21 Angeles.

22 94. Plaintiffs are informed and believe, and based thereon, allege that, at all
23 times herein mentioned, Defendant NEPTUNE ORIENT LINE was a business entity with
24 a principal place of business in the City of San Pedro, County of Los Angeles, State of
25 California, and is a business entity licensed to do business in the State of California. At
26 all times relevant hereto, Defendant NEPTUNE ORIENT LINE was the owner and
27 operator of diesel-powered ships that loaded and off-loaded cargo at the Port of Los
28 Angeles.

1 95. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant RADISSON SEVEN SEAS CRUISE, INC. was a
3 business entity with a principal place of business in the City of San Pedro, County of Los
4 Angeles, State of California, and is a business entity licensed to do business in the State
5 of California. At all times relevant hereto, Defendant RADISSON SEVEN SEAS
6 CRUISE, INC. was the owner and operator of diesel-powered ships that loaded and off-
7 loaded passengers at the Port of Los Angeles.

8 96. Plaintiffs are informed and believe, and based thereon, allege that, at all
9 times herein mentioned, Defendant COSTA CRUISE LINES N.V. was a business entity
10 incorporated in the City of Miami, State of Florida, and is a business entity licensed to do
11 business in the State of California. At all times relevant hereto, Defendant COSTA
12 CRUISE LINES N.V. was the owner and operator of diesel-powered ships that loaded
13 and off-loaded passengers at the Port of Los Angeles.

14 97. Plaintiffs are informed and believe, and based thereon, allege that, at all
15 times herein mentioned, Defendant CUNARD LINES, LIMITED was a business entity
16 with a principal place of business in the City of San Pedro, County of Los Angeles, State
17 of California, and is a business entity licensed to do business in the State of California.
18 At all times relevant hereto, Defendant CUNARD LINES, LIMITED was the owner and
19 operator of diesel-powered ships that loaded and off-loaded passengers at the Port of
20 Los Angeles.

21 98. Plaintiffs are informed and believe, and based thereon, allege that, at all
22 times herein mentioned, Defendant SOUTH PACIFIC CONTAINER LINE was a business
23 entity incorporated in the City of Wilmington, State of California, and is a business entity
24 licensed to do business in the State of California. At all times relevant hereto, Defendant
25 SOUTH PACIFIC CONTAINER LINE was the owner and operator of diesel-powered
26 ships that loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long
27 Beach.

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1 99. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant SOUTH SEAS SHIPPING COMPANY was a
3 business entity doing business in the State of California, and is a business entity licensed
4 to do business in the State of California. At all times relevant hereto, Defendant SOUTH
5 SEAS SHIPPING COMPANY was the owner and operator of diesel-powered ships that
6 loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

7 100. Plaintiffs are informed and believe, and based thereon, allege that, at all
8 times herein mentioned, Defendant SP WORLDWIDE LOGISTICS was a business entity
9 doing business within the State of California, and is a business entity licensed to do
10 business in the State of California. At all times relevant hereto, Defendant SP
11 WORLDWIDE LOGISTICS was the owner and operator of diesel-powered ships that
12 loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

13 101. Plaintiffs are informed and believe, and based thereon, allege that, at all
14 times herein mentioned, Defendant STAR SHIPPING, INC. was a business entity
15 incorporated in the City of Atlanta, State of Georgia, with offices in the City of
16 Sacramento, State of California, and is a business entity licensed to do business in the
17 State of California. At all times relevant hereto, Defendant STAR SHIPPING, INC. was
18 the owner and operator of diesel-powered ships that loaded and off-loaded cargo at the
19 Port of Los Angeles and the Port of Long Beach.

20 102. Plaintiffs are informed and believe, and based thereon, allege that, at all
21 times herein mentioned, Defendant STX PAN OCEAN CO., LTD. was a business entity
22 incorporated in the City of Carson, State of California, and is a business entity licensed to
23 do business in the State of California. At all times relevant hereto, Defendant STX PAN
24 OCEAN CO., LTD. was the owner and operator of diesel-powered ships that loaded and
25 off-loaded cargo at the Port of Los Angeles and the Port of Long Beach.

26 103. Plaintiffs are informed and believe, and based thereon, allege that, at all
27 times herein mentioned, Defendant CONCORD TOTAL DISTRIBUTION SERVICES was
28 a business entity incorporated in the City of Los Angeles, State of California, and is a

1 business entity licensed to do business in the State of California. At all times relevant
2 hereto, Defendant CONCORD TOTAL DISTRIBUTION SERVICES was the owner and
3 operator of diesel-powered ships that loaded and off-loaded cargo at the Port of Los
4 Angeles and/or the Port of Long Beach.

5 104. Plaintiffs are informed and believe, and based thereon, allege that, at all
6 times herein mentioned, Defendant TRANS PACIFIC LINES, LIMITED was a business
7 entity doing business within the State of California, and is a business entity licensed to
8 do business in the State of California. At all times relevant hereto, Defendant TRANS
9 PACIFIC LINES, LIMITED was the owner and operator of diesel-powered ships and
10 diesel-powered trucks that loaded and off-loaded cargo at the Port of Los Angeles and
11 the Port of Long Beach.

12 105. Plaintiffs are informed and believe, and based thereon, allege that, at all
13 times herein mentioned, Defendant CUSTOM LOGISTICS, INC. was a business entity
14 incorporated in the City of Riverside, State of California, with offices in the City of Mission
15 Viejo, State of California, and is a business entity licensed to do business in the State of
16 California. At all times relevant hereto, Defendant CUSTOM LOGISTICS, INC. was the
17 owner and operator of diesel-powered trucks that loaded and off-loaded cargo at the Port
18 of Long Beach and/or the Port of Los Angeles.

19 106. Plaintiffs are informed and believe, and based thereon, allege that, at all
20 times herein mentioned, Defendant GOLDEN STATE LOGISTICS was a business entity
21 with a principal place of business in the City of San Pedro, County of Los Angeles, State
22 of California, and is a business entity licensed to do business in the State of California.
23 At all times relevant hereto, Defendant GOLDEN STATE LOGISTICS was the owner and
24 operator of diesel-powered trucks that loaded and off-loaded cargo at the Port of Los
25 Angeles.

26 107. Plaintiffs are informed and believe, and based thereon, allege that, at all
27 times herein mentioned, Defendant HUB GROUP, INC. was a business entity
28 incorporated in the City of Downers Grove, State of Illinois, with offices in the City of

1 Sacramento, State of California, and is a business entity licensed to do business in the
2 State of California. At all times relevant hereto, Defendant HUB GROUP, INC. was the
3 owner and operator of diesel-powered trucks that loaded and off-loaded cargo at the Port
4 of Los Angeles.

5 108. Plaintiffs are informed and believe, and based thereon, allege that, at all
6 times herein mentioned, Defendant BRAGG HEAVY TRANSPORT was a business entity
7 with a principal place of business in the City of Long Beach, County of Los Angeles,
8 State of California, and is a business entity licensed to do business in the State of
9 California. At all times relevant hereto, Defendant BRAGG HEAVY TRANSPORT was
10 the owner and operator of diesel-powered trucks that loaded and off-loaded cargo at the
11 Port of Long Beach.

12 109. Plaintiffs are informed and believe, and based thereon, allege that, at all
13 times herein mentioned, Defendant A&D HAULING was a business entity incorporated in
14 the City of Oakley, State of California, and is a business entity licensed to do business in
15 the State of California. At all times relevant hereto, Defendant A&D HAULING was the
16 owner and operator of diesel-powered trucks that loaded and off-loaded cargo at the Port
17 of Los Angeles and/or the Port of Long Beach.

18 110. Plaintiffs are informed and believe, and based thereon, allege that, at all
19 times herein mentioned, Defendant AJ TRANSPORTATION was a business entity with a
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
22 all times relevant hereto, Defendant AJ TRANSPORTATION was the owner and operator
23 of diesel-powered trucks that loaded and off-loaded cargo at the Port of Los Angeles
24 and/or the Port of Long Beach.

25 111. Plaintiffs are informed and believe, and based thereon, allege that, at all
26 times herein mentioned, Defendant AMERICAN PACIFIC TRUCKING was a business
27 entity incorporated in the City of Pico Rivera, State of California, and is a business entity
28 licensed to do business in the State of California. At all times relevant hereto, Defendant

1 AMERICAN PACIFIC TRUCKING was the owner and operator of diesel-powered trucks
2 that loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long
3 Beach.

4 112. Plaintiffs are informed and believe, and based thereon, allege that, at all
5 times herein mentioned, Defendant ACE HIGH TRANSPORTATION, INC. was a
6 business entity incorporated in the City of Montebello, State of California, and is a
7 business entity licensed to do business in the State of California. At all times relevant
8 hereto, Defendant ACE HIGH TRANSPORTATION, INC. was the owner and operator of
9 diesel-powered trucks that loaded and off-loaded cargo at the Port of Los Angeles and/or
10 the Port of Long Beach.

11 113. Plaintiffs are informed and believe, and based thereon, allege that, at all
12 times herein mentioned, Defendant INTERMODAL CONTAINER SERVICES, INC. d/b/a
13 HARBOR RAIL TRANSPORT was a business entity with a principal place of business in
14 the City of San Pedro, County of Los Angeles, State of California, and is a business
15 entity licensed to do business in the State of California. At all times relevant hereto,
16 Defendant INTERMODAL CONTAINER SERVICES, INC. d/b/a HARBOR RAIL
17 TRANSPORT was the owner and operator of diesel-powered trucks that loaded and off-
18 loaded cargo at the Port of Los Angeles.

19 114. Plaintiffs are informed and believe, and based thereon, allege that, at all
20 times herein mentioned, Defendant GI TRUCKING CO. was a business entity
21 incorporated in the City of La Mirada, State of California, with offices in the City of Los
22 Angeles, State of California, and is a business entity licensed to do business in the State
23 of California. At all times relevant hereto, Defendant GI TRUCKING CO. was the owner
24 and operator of diesel-powered trucks that loaded and off-loaded cargo at the Port of
25 Long Beach.

26 115. Plaintiffs are informed and believe, and based thereon, allege that, at all
27 times herein mentioned, Defendant K&R TRANSPORTATION was a business entity
28 incorporated in the City of Long Beach, State of California, with offices in the City of Los

1 Angeles, State of California, and is a business entity licensed to do business in the State
2 of California. At all times relevant hereto, Defendant K&R TRANSPORTATION was the
3 owner and operator of diesel-powered trucks that loaded and off-loaded cargo at the Port
4 of Los Angeles, and/or the Port of Long Beach.

5 116. Plaintiffs are informed and believe, and based thereon, allege that, at all
6 times herein mentioned, Defendant KNIGHTS DELIVERY SERVICE was a business
7 entity incorporated in the City of Rancho Dominguez, 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 KNIGHTS DELIVERY SERVICE was the owner and operator of
10 diesel-powered trucks that loaded and off-loaded cargo at the Port of Los Angeles and/or
11 the Port of Long Beach.

12 117. Plaintiffs are informed and believe, and based thereon, allege that, at all
13 times herein mentioned, Defendant KONOIKE PACIFIC CALIFORNIA was a business
14 entity incorporated in the City of Wilmington, State of California, and is a business entity
15 licensed to do business in the State of California. At all times relevant hereto, Defendant
16 KONOIKE PACIFIC CALIFORNIA was the owner and operator of diesel-powered trucks
17 that loaded and off-loaded cargo at the Port of Los Angeles and the Port of Long Beach.

18 118. Plaintiffs are informed and believe, and based thereon, allege that, at all
19 times herein mentioned, Defendant MEGATRUX, INC. was a business entity
20 incorporated in the City of Industry, State of California, with offices in the City of Foothill
21 Ranch, State of California, and is a business entity licensed to do business in the State
22 of California. At all times relevant hereto, Defendant MEGATRUX, INC. was the owner
23 and operator of diesel-powered trucks that loaded and off-loaded cargo at the Port of Los
24 Angeles.

25 119. Plaintiffs are informed and believe, and based thereon, allege that, at all
26 times herein mentioned, Defendant OVERSEAS FREIGHT, INC. was a business entity
27 incorporated in the City of Long Beach, State of California, with offices in the City of San
28 Marino, State of California, and is a business entity licensed to do business in the State

1 of California. At all times relevant hereto, Defendant OVERSEAS FREIGHT, INC. was
2 the owner and operator of diesel-powered trucks that loaded and off-loaded cargo at the
3 Port of Los Angeles and Port of Long Beach.

4 120. Plaintiffs are informed and believe, and based thereon, allege that, at all
5 times herein mentioned, Defendant ESSENTIAL FREIGHT SYSTEMS was a business
6 entity incorporated in the City of Islandia, State of New York, with offices in the City of
7 Commerce, State of California, and is a business entity licensed to do business in the
8 State of California. At all times relevant hereto, Defendant ESSENTIAL FREIGHT
9 SYSTEMS was the owner and operator of diesel-powered trucks that loaded and off-
10 loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

11 121. Plaintiffs are informed and believe, and based thereon, allege that, at all
12 times herein mentioned, Defendant HARBOR DISPATCH TRANSPORT, INC. was a
13 business entity incorporated in the City of Long Beach, State of California, with offices in
14 the City of Fullerton, State of California, and is a business entity licensed to do business
15 in the State of California. At all times relevant hereto, Defendant HARBOR DISPATCH
16 TRANSPORT, INC. was the owner and operator of diesel-powered trucks that loaded
17 and off-loaded cargo at the Port of Long Beach.

18 122. Plaintiffs are informed and believe, and based thereon, allege that, at all
19 times herein mentioned, Defendant PACER INTERNATIONAL was a business entity
20 incorporated in the City of Concord, State of California, with offices in the City of Los
21 Angeles, State of California, and is a business entity licensed to do business in the State
22 of California. At all times relevant hereto, Defendant PACER INTERNATIONAL was the
23 owner and operator of diesel-powered trucks that loaded and off-loaded cargo at the Port
24 of Long Beach and the Port of Los Angeles.

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1 123. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant PACIFIC ANCHOR TRANSPORTATION, INC. was a
3 business entity incorporated in the City of Wilmington, State of California, and is a
4 business entity licensed to do business in the State of California. At all times relevant
5 hereto, Defendant PACIFIC ANCHOR TRANSPORTATION, INC. was the owner and
6 operator of diesel-powered trucks that loaded and off-loaded cargo at the Port of Los
7 Angeles and/or the Port of Long Beach.

8 124. Plaintiffs are informed and believe, and based thereon, allege that, at all
9 times herein mentioned, Defendant PROGRESSIVE TRANSPORTATION SERVICES
10 was a business entity incorporated in the City of Bell, State of California, with offices in
11 the City of Encino, State of California, and is a business entity licensed to do business in
12 the State of California. At all times relevant hereto, Defendant PROGRESSIVE
13 TRANSPORTATION SERVICES was the owner and operator of diesel-powered trucks
14 that loaded and off-loaded cargo at the Port of Long Beach and the Port of Los Angeles.

15 125. Plaintiffs are informed and believe, and based thereon, allege that, at all
16 times herein mentioned, Defendant Q TRANSPORT, INC. was a business entity
17 incorporated in the City of Long Beach, State of California, and is a business entity
18 licensed to do business in the State of California. At all times relevant hereto, Defendant
19 Q TRANSPORT, INC. was the owner and operator of diesel-powered trucks that loaded
20 and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

21 126. Plaintiffs are informed and believe, and based thereon, allege that, at all
22 times herein mentioned, Defendant RE TRANSPORTATION, INC. was a business entity
23 in the City of Commerce, State of California, and is a business entity licensed to do
24 business in the State of California. At all times relevant hereto, Defendant RE
25 TRANSPORTATION, INC. was the owner and operator of diesel-powered trucks that
26 loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

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1 127. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant ROLO TRANSPORTATION was a business entity
3 incorporated in the City of Pico Rivera, State of California, with offices in the City of
4 Glendale, State of California, and is a business entity licensed to do business in the
5 State of California. At all times relevant hereto, Defendant ROLO TRANSPORTATION
6 was the owner and operator of diesel-powered trucks that loaded and off-loaded cargo at
7 the Port of Los Angeles and/or the Port of Long Beach.

8 128. Plaintiffs are informed and believe, and based thereon, allege that, at all
9 times herein mentioned, Defendant ROLY'S TRUCKING, INC. was a business entity
10 incorporated in the City of Industry, State of California, and is a business entity licensed
11 to do business in the State of California. At all times relevant hereto, Defendant ROLY'S
12 TRUCKING, INC. was the owner and operator of diesel-powered trucks that loaded and
13 off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

14 129. Plaintiffs are informed and believe, and based thereon, allege that, at all
15 times herein mentioned, Defendant RPM CONSOLIDATED SERVICES, INC. was a
16 business entity incorporated in the City of Santa Fe Springs, State of California, and is a
17 business entity licensed to do business in the State of California. At all times relevant
18 hereto, Defendant RPM CONSOLIDATED SERVICES, INC. was the owner and operator
19 of diesel-powered trucks that loaded and off-loaded cargo at the Port of Los Angeles
20 and/or the Port of Long Beach.

21 130. Plaintiffs are informed and believe, and based thereon, allege that, at all
22 times herein mentioned, Defendant SHIPPERS TRANSPORT EXPRESS was a
23 business entity incorporated in the City of Seattle, State of Washington, with offices in
24 the City of Los Angeles, State of California, and is a business entity licensed to do
25 business in the State of California. At all times relevant hereto, Defendant SHIPPERS
26 TRANSPORT EXPRESS was the owner and operator of diesel-powered trucks that
27 loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

28 ///

1 131. Plaintiffs are informed and believe, and based thereon, allege that, at all
2 times herein mentioned, Defendant SPATES TRUCKING, INC. was a business entity
3 incorporated in the City of Gardena, State of California, and is a business entity licensed
4 to do business in the State of California. At all times relevant hereto, Defendant
5 SPATES TRUCKING, INC. was the owner and operator of diesel-powered trucks that
6 loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

7 132. Plaintiffs are informed and believe, and based thereon, allege that, at all
8 times herein mentioned, Defendant STERLING EXPRESS was a business entity
9 incorporated in the City of Carson, State of California, and is a business entity licensed to
10 do business in the State of California. At all times relevant hereto, Defendant
11 STERLING EXPRESS was the owner and operator of diesel-powered trucks that loaded
12 and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

13 133. Plaintiffs are informed and believe, and based thereon, allege that, at all
14 times herein mentioned, Defendant THREE RIVERS TRUCKING, INC. was a business
15 entity incorporated in the City of Long Beach, State of California, and is a business entity
16 licensed to do business in the State of California. At all times relevant hereto, Defendant
17 THREE RIVERS TRUCKING, INC. was the owner and operator of diesel-powered trucks
18 that loaded and off-loaded cargo at the Port of Los Angeles and the Port of Long Beach.

19 134. Plaintiffs are informed and believe, and based thereon, allege that, at all
20 times herein mentioned, Defendant TOP GUN DISTRIBUTION SERVICES was a
21 business entity incorporated in the City of Rancho Dominguez, State of California, and is
22 a business entity licensed to do business in the State of California. At all times relevant
23 hereto, Defendant TOP GUN DISTRIBUTION SERVICES was the owner and operator of
24 diesel-powered trucks that loaded and off-loaded cargo at the Port of Los Angeles and/or
25 the Port of Long Beach.

26 135. Plaintiffs are informed and believe, and based thereon, allege that, at all
27 times herein mentioned, Defendant TRADE LINK TRANSPORT, INC. was a business
28 entity incorporated in the City of Wilmington, State of California, and is a business entity

1 licensed to do business in the State of California. At all times relevant hereto, Defendant
2 TRADE LINK TRANSPORT, INC. was the owner and operator of diesel-powered trucks
3 that loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long
4 Beach.

5 136. Plaintiffs are informed and believe, and based thereon, allege that, at all
6 times herein mentioned, Defendant TRIUMPH TRANSPORT was a business entity
7 incorporated in the City of Rancho Dominguez, State of California, with offices in the City
8 of Lakewood, State of California, and is a business entity licensed to do business in the
9 State of California. At all times relevant hereto, Defendant TRIUMPH TRANSPORT was
10 the owner and operator of diesel-powered ships and diesel-powered trucks that loaded
11 and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

12 137. Plaintiffs are informed and believe, and based thereon, allege that, at all
13 times herein mentioned, Defendant TRICON TRANSPORTATION, INC. was a business
14 entity incorporated in the City of Wilmington, State of California, and is a business entity
15 licensed to do business in the State of California. At all times relevant hereto, Defendant
16 TRICON TRANSPORTATION, INC. was the owner and operator of diesel-powered ships
17 and diesel-powered trucks that loaded and off-loaded cargo at the Port of Los Angeles
18 and/or the Port of Long Beach.

19 138. Plaintiffs are informed and believe, and based thereon, allege that, at all
20 times herein mentioned, Defendant UNITED SHIPMENT, INC. was a business entity
21 incorporated in the City of Long Beach, State of California, with offices in the City of San
22 Pedro, State of California, and is a business entity licensed to do business in the State of
23 California. At all times relevant hereto, Defendant UNITED SHIPMENT, INC. was the
24 owner and operator of diesel-powered ships and diesel-powered trucks that loaded and
25 off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

26 139. Plaintiffs are informed and believe, and based thereon, allege that, at all
27 times herein mentioned, Defendant PACIFIC COAST CONTAINER, INC. was a business
28 entity incorporated in the City of Oakland, State of California, and is a business entity

1 licensed to do business in the State of California. At all times relevant hereto, Defendant
2 PACIFIC COAST CONTAINER, INC. was the owner and operator of diesel-powered
3 trucks that loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of
4 Long Beach.

5 140. Plaintiffs are informed and believe, and based thereon, allege that, at all
6 times herein mentioned, Defendant PRICE TRANSFER, INC. was a business entity
7 incorporated in the City of Rancho Dominguez, State of California, and is a business
8 entity licensed to do business in the State of California. At all times relevant hereto,
9 Defendant PRICE TRANSFER, INC. was the owner and operator of diesel-powered
10 trucks that loaded and off-loaded cargo at the Port of Los Angeles and the Port of Long
11 Beach.

12 141. Plaintiffs are informed and believe, and based thereon, allege that, at all
13 times herein mentioned, Defendant BEST WAY TRANSPORTATION was a business
14 entity incorporated in the City of Garden Grove, State of California, and is a business
15 entity licensed to do business in the State of California. At all times relevant hereto,
16 Defendant BEST WAY TRANSPORTATION was the owner and operator of diesel-
17 powered trucks that loaded and off-loaded cargo at the Port of Los Angeles and/or the
18 Port of Long Beach.

19 142. Plaintiffs are informed and believe, and based thereon, allege that, at all
20 times herein mentioned, Defendant WESTERN FREIGHT CARRIER was a business
21 entity incorporated in the City of Gardena, State of California, and is a business entity
22 licensed to do business in the State of California. At all times relevant hereto, Defendant
23 WESTERN FREIGHT CARRIER was the owner and operator of diesel-powered trucks
24 that loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long
25 Beach.

26 143. Plaintiffs are informed and believe, and based thereon, allege that, at all
27 times herein mentioned, Defendant WESTERN MARITIME EXPRESS was a business
28 entity incorporated in the City of Long Beach, State of California, with offices in the City

1 of Brea, State of California, and is a business entity licensed to do business in the State
2 of California. At all times relevant hereto, Defendant WESTERN MARITIME EXPRESS
3 was the owner and operator of diesel-powered trucks that loaded and off-loaded cargo at
4 the Port of Los Angeles and the Port of Long Beach.

5 144. Plaintiffs are informed and believe, and based thereon, allege that, at all
6 times herein mentioned, Defendant HUDD DISTRIBUTION SERVICES, INC. was a
7 business entity incorporated in the City of South Gate, State of California, with offices in
8 the City 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 HUDD
10 DISTRIBUTION SERVICES, INC. was the owner and operator of diesel-powered trucks
11 that loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long
12 Beach.

13 145. Plaintiffs are informed and believe, and based thereon, allege that, at all
14 times herein mentioned, Defendant INTERCITY EXPRESS, INC. was a business entity
15 incorporated in the City Tacoma, State of Washington, and is a business entity licensed
16 to do business in the State of California. At all times relevant hereto, Defendant
17 INTERCITY EXPRESS, INC. was the owner and operator of diesel-powered trucks that
18 loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

19 146. Plaintiffs are informed and believe, and based thereon, allege that, at all
20 times herein mentioned, Defendant PIER WEST TRANSPORT, INC. was a business
21 entity incorporated in the City of Long Beach, State of California, and is a business entity
22 licensed to do business in the State of California. At all times relevant hereto, Defendant
23 PIER WEST TRANSPORT, INC. was the owner and operator of diesel-powered trucks
24 that loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long
25 Beach.

26 147. Plaintiffs are informed and believe, and based thereon, allege that, at all
27 times herein mentioned, Defendant PYRAMID TRANSPORTATION, INC. was a
28 business entity incorporated in the City of Carson, State of California, with offices in the

1 City of Claremont, State of California, and is a business entity licensed to do business in
2 the State of California. At all times relevant hereto, Defendant PYRAMID
3 TRANSPORTATION, INC. was the owner and operator of diesel-powered trucks that
4 loaded and off-loaded cargo at the Port of Los Angeles and/or the Port of Long Beach.

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

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

22 150. On or about April 2006, the California Environmental Protection Agency Air
23 Resources Board released its "Diesel Particulate Matter Exposure Assessment Study for
24 the Ports of Los Angeles and Long Beach - Final Report." This report concluded that the
25 combined diesel particulate matter exhaust from both the Long Beach and Los Angeles
26 ports result in elevated cancer risk levels over the entire 20-mile by 20-mile study area.
27 In areas near the port boundaries, potential cancer risk levels exceed 500 in a million.
28 As one moves away from the ports, the potential cancer risk levels decrease, but

1 continue to exceed 50 in a million for the entire 20-mile area. The Bradfields' property is
2 only 500 feet from the China Shipping site at the Port of Los Angeles, and is within seven
3 (7) miles of the Port of Long Beach.

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

13 152. Plaintiffs are informed and believe and, based thereon, allege that, at all
14 times herein mentioned, Defendants, APM TERMINALS PACIFIC, LTD., AUTO
15 WAREHOUSING CO., BAKER COMMODITIES, INC., BP PIPELINES, NORTH
16 AMERICA, CALIFORNIA CARTAGE CO., INC., CALIFORNIA UNITED TERMINALS,
17 CATALYST PAPER (USA) INC. AT FOREST TERMINALS CORPORATION, CEMEX
18 PACIFIC COAST CEMENT CORPORATION, CHEMOIL CORPORATION, CHEMOIL
19 MARINE TERMINAL, CHINA SHIPPING (NORTH AMERICA) HOLDING CO., LTD.,
20 TOSCO CORP., COOPER/T. SMITH CORPORATION, CPC TERMINALS, CRESCENT
21 TERMINAL (STEVEDORING SERVICES OF AMERICA), CRESCENT WHARF AND
22 WAREHOUSE CO., DISTRIBUTION & AUTO SERVICE, INC. (DAS), DOW CHEMICAL
23 CO., EAGLE MARINE SERVICES, LTD., EQUILON ENTERPRISES, LLC, FOREST
24 TERMINALS CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX
25 TANK STORAGE TERMINALS CORP., G-P GYPSUM CORPORATION, HANJIN
26 SHIPPING CO., LTD., HUGO NEU-PROLER CO., INTERNATIONAL
27 TRANSPORTATION SERVICE, INC., KANSAS KOCH CARBON, INC., KOCH
28 CARBON, INC., LONG BEACH CONTAINER TERMINAL, INC., LOS ANGELES

1 EXPORT TERMINAL, INC. (LAXT), MARINE TERMINALS CORP. (MTC), MITSUBISHI
2 CEMENT CORPORATION, MOBIL OIL CORP., MORTON SALT, MORTON SALT A
3 DIVISION OF ROHM AND HAAS COMPANY, NATIONAL GYPSUM CO., PACIFIC
4 COAST RECYCLING, LLC, PAKTANK CORPORATION-LOS ANGELES TERMINALS,
5 PASHA STEVEDORING AND TERMINALS, LP, PETRO DIAMOND, SEASIDE
6 TRANSPORTATION SERVICES, SHELL OIL PRODUCTS U.S. (SOPUS), SSA
7 MARINE, INC., SSA TERMINALS-LONG BEACH, LLC, TOTAL TERMINALS, INC.,
8 TRANS PACIFIC CONTAINER SERVICE CORPORATION (TRA PAC), TOYOTA
9 LOGISTICS SERVICES, INC., ULTRAMAR DIAMOND SHAMROCK CORP., U.S.
10 BORAX, INC., VOPAK TERMINAL LONG BEACH INC., VOPAK TERMINAL LOS
11 ANGELES INC., WEST BASIN CONTAINER TERMINAL, WESTWAY TERMINAL
12 COMPANY, INC., WEYERHAUSER COMPANY, YANG MING (AMERICA)
13 CORPORATION, YUSEN TERMINALS, INC., INC., DOES 101 -150, inclusive, and
14 DOES 226-275, inclusive, and each of them, were corporations and/or businesses of
15 unknown origin, duly organized and existing under the laws of an unknown state and/or
16 California and doing business at all times relevant in the State of California voluntarily
17 and by doing business having sufficient contacts with the State of California for
18 jurisdiction of this Court. At all times relevant hereto, Defendants, APM TERMINALS
19 PACIFIC, LTD., AUTO WAREHOUSING CO., BAKER COMMODITIES, INC., BP
20 PIPELINES, NORTH AMERICA, CALIFORNIA CARTAGE CO., INC., CALIFORNIA
21 UNITED TERMINALS, CATALYST PAPER (USA) INC. AT FOREST TERMINALS
22 CORPORATION, CEMEX PACIFIC COAST CEMENT CORPORATION, CHEMOIL
23 CORPORATION, CHEMOIL MARINE TERMINAL, CHINA SHIPPING (NORTH
24 AMERICA) HOLDING CO., LTD., TOSCO CORP., COOPER/T. SMITH
25 CORPORATION, CPC TERMINALS, CRESCENT TERMINAL (STEVEDORING
26 SERVICES OF AMERICA), CRESCENT WHARF AND WAREHOUSE CO.,
27 DISTRIBUTION & AUTO SERVICE, INC. (DAS), DOW CHEMICAL CO., EAGLE
28 MARINE SERVICES, LTD., EQUILON ENTERPRISES, LLC, FOREST TERMINALS

1 CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX TANK
2 STORAGE TERMINALS CORP., G-P GYPSUM CORPORATION, HANJIN SHIPPING
3 CO., LTD., HUGO NEU-PROLER CO., INTERNATIONAL TRANSPORTATION
4 SERVICE, INC., KANSAS KOCH CARBON, INC., KOCH CARBON, INC., LONG BEACH
5 CONTAINER TERMINAL, INC., LOS ANGELES EXPORT TERMINAL, INC. (LAXT),
6 MARINE TERMINALS CORP. (MTC), MITSUBISHI CEMENT CORPORATION, MOBIL
7 OIL CORP., MORTON SALT, MORTON SALT A DIVISION OF ROHM AND HAAS
8 COMPANY, NATIONAL GYPSUM CO., PACIFIC COAST RECYCLING, LLC, PAKTANK
9 CORPORATION-LOS ANGELES TERMINALS, PASHA STEVEDORING AND
10 TERMINALS, LP, PETRO DIAMOND, SEASIDE TRANSPORTATION SERVICES,
11 SHELL OIL PRODUCTS U.S. (SOPUS), SSA MARINE, INC., SSA TERMINALS-LONG
12 BEACH, LLC, TOTAL TERMINALS, INC., TRANS PACIFIC CONTAINER SERVICE
13 CORPORATION (TRA PAC), TOYOTA LOGISTICS SERVICES, INC., ULTRAMAR
14 DIAMOND SHAMROCK CORP., U.S. BORAX, INC., VOPAK TERMINAL LONG BEACH
15 INC., VOPAK TERMINAL LOS ANGELES INC., WEST BASIN CONTAINER TERMINAL,
16 WESTWAY TERMINAL COMPANY, INC., WEYERHAUSER COMPANY, YANG MING
17 (AMERICA) CORPORATION, YUSEN TERMINALS, INC., INC., DOES 101-150,
18 inclusive, and DOES 226-275, inclusive, and each of them, were lessees and/or
19 operators of terminals and warehousing facilities in the Port of Los Angeles and/or the
20 Port of Long Beach.

21 153. That the true names and capacities of Defendants, DOES 101-150,
22 inclusive, and DOES 226-275, inclusive, whether individual, corporate, associate or
23 otherwise are unknown to Plaintiffs at the present time and when Plaintiffs ascertain the
24 true names and capacities of said Defendants, Plaintiffs will seek leave of Court to
25 amend this Complaint by setting forth same.

26 154. Plaintiffs are informed and believe and, based thereon, allege that, at all
27 times herein mentioned, Defendants, A&D HAULING, AJ TRANSPORTATION,
28 ACE HIGH TRANSPORTATION, INC., AMERICAN PACIFIC TRUCKING, BRAGG

1 HEAVY TRANSPORT, C.H. ROBINSON TRANSPORT, C.H. ROBINSON
2 WORLDWIDE, CUSTOM LOGISTICS, INC., ESSENTIAL FREIGHT SYSTEMS, GI
3 TRUCKING CO., GOLDEN STATE LOGISTICS, HARBOR DISPATCH TRANSPORT,
4 INC., INTERMODAL CONTAINER SERVICES, INC. d/b/a HARBOR RAIL TRANSPORT,
5 HUB GROUP, INC., HUDD DISTRIBUTION SERVICES, INC., INTERCITY EXPRESS,
6 INC., K&R TRANSPORTATION, KNIGHTS DELIVERY SERVICE, KONOIKE PACIFIC
7 CALIFORNIA, LAND STAR SYSTEMS, INC., MEGATRUX, INC., OVERSEAS
8 FREIGHT, INC., PACER INTERNATIONAL, PACIFIC COAST CONTAINER, INC., PIER
9 WEST TRANSPORT, INC., PRICE TRANSFER, INC., PROGRESSIVE
10 TRANSPORTATION SERVICES, PYRAMID TRANSPORTATION, INC., Q
11 TRANSPORT, INC., RE TRANSPORTATION, INC., ROLO TRANSPORTATION,
12 ROLY'S TRUCKING, INC., RPM CONSOLIDATED SERVICES, INC., SHIPPERS
13 TRANSPORT EXPRESS, SPATES TRUCKING, INC., THREE RIVERS TRUCKING,
14 INC., TRADE LINK TRANSPORT, INC., TRIUMPH TRANSPORT, TRICON
15 TRANSPORTATION, INC., UNITED SHIPMENT, INC., BEST WAY
16 TRANSPORTATION, WESTERN FREIGHT CARRIER, WESTERN MARITIME
17 EXPRESS, AMERICAN PRESIDENT LINES, LTD., CARNIVAL CORPORATION d/b/a
18 CARNIVAL CRUISE LINES, CELEBRITY CRUISES, CHINA SHIPPING (NORTH
19 AMERICA) HOLDING CO., LTD., CONCORD TOTAL DISTRIBUTION SERVICES,
20 COSTA CRUISE LINES N.V., CRYSTAL CRUISES, INC., CUNARD LINES, LIMITED,
21 DISNEY CRUISE VACATION, INC, DOLE OCEAN LINE EXPRESS, EVERGREEN
22 MARINE CORPORATION (TAIWAN), LTD., FOREST LINES, HANJIN SHIPPING CO.,
23 LTD., HOLLAND AMERICAN LINE, INC., HYUNDAI AMERICAN SHIPPING AGENCY,
24 INC., "K" LINE AMERICA, INC., LAURINTZENCOOL AB, MAERSK, INC., MARUBA
25 NORTH AMERICA, MARINE TRANSPORT CORPORATION, MATSON NAVIGATION
26 COMPANY, INC., MITSUI O.S.K. LINES, LTD., MED PACIFIC EXPRESS, NEPTUNE
27 ORIENT LINE, NORSK PACIFIC STEAMSHIP COMPANY, LTD., NORWEGIAN
28 CRUISE LINE, LIMITED, NYK LINE (NORTH AMERICA), INC., P & O NEDLLOYD,

1 LTD., P.M.&O. PHILIPPINE, MICRONESIA, ORIENT LINE, PACIFIC ANCHOR
2 TRANSPORTATION, INC., PRINCESS CRUISE LINES, LTD d/b/a PRINCESS
3 CRUISES, RADISSON SEVEN SEAS CRUISE, INC., SCHAFFER LOGISTICS, SOUTH
4 PACIFIC CONTAINER LINE, SOUTH SEAS SHIPPING COMPANY, SP WORLDWIDE
5 LOGISTICS, STAR SHIPPING, INC., STERLING EXPRESS, INC., STX PAN OCEAN
6 CO., LTD., TOP GUN DISTRIBUTION SERVICES, TRANS PACIFIC LINES, LTD.,
7 WATERMAN STEAMSHIP CORPORATION, WEST BASIN CONTAINER TERMINAL,
8 YANG MING (AMERICA) CORPORATION, YUSEN TERMINALS, INC., and DOES 224
9 and 225, and each of them, are corporations and/or businesses of unknown origin, duly
10 organized and existing under the laws of an unknown state and/or California and doing
11 business at all times relevant in the State of California voluntarily and by doing business
12 having sufficient contacts with the State of California for jurisdiction of this Court. At all
13 times relevant hereto, Defendants, A&D HAULING, AJ TRANSPORTATION, ACE HIGH
14 TRANSPORTATION, INC., AMERICAN PACIFIC TRUCKING, BRAGG HEAVY
15 TRANSPORT, C.H. ROBINSON TRANSPORT, C.H. ROBINSON WORLDWIDE,
16 CUSTOM LOGISTICS, INC., ESSENTIAL FREIGHT SYSTEMS, GI TRUCKING CO.,
17 GOLDEN STATE LOGISTICS, HARBOR DISPATCH TRANSPORT, INC.,
18 INTERMODAL CONTAINER SERVICES, INC. d/b/a HARBOR RAIL TRANSPORT, HUB
19 GROUP, INC., HUDD DISTRIBUTION SERVICES, INC., INTERCITY EXPRESS, INC.,
20 K&R TRANSPORTATION, KNIGHTS DELIVERY SERVICE, KONOIKE PACIFIC
21 CALIFORNIA, LAND STAR SYSTEMS, INC., MEGATRUX, INC., OVERSEAS
22 FREIGHT, INC., PACER INTERNATIONAL, PACIFIC COAST CONTAINER, INC., PIER
23 WEST TRANSPORT, INC., PRICE TRANSFER, INC., PROGRESSIVE
24 TRANSPORTATION SERVICES, PYRAMID TRANSPORTATION, INC., Q
25 TRANSPORT, INC., RE TRANSPORTATION, INC., ROLO TRANSPORTATION,
26 ROLY'S TRUCKING, INC., RPM CONSOLIDATED SERVICES, INC., SHIPPERS
27 TRANSPORT EXPRESS, SPATES TRUCKING, INC., THREE RIVERS TRUCKING,
28 INC., TRADE LINK TRANSPORT, INC., TRIUMPH TRANSPORT, TRICON

1 TRANSPORTATION, INC., UNITED SHIPMENT, INC., BEST WAY
2 TRANSPORTATION, WESTERN FREIGHT CARRIER, and WESTERN MARITIME
3 EXPRESS, AMERICAN PRESIDENT LINES, LTD., CARNIVAL CORPORATION d/b/a
4 CARNIVAL CRUISE LINES, CELEBRITY CRUISES, CHINA SHIPPING (NORTH
5 AMERICA) HOLDING CO., LTD., CONCORD TOTAL DISTRIBUTION SERVICES,
6 COSTA CRUISE LINES N.V., CRYSTAL CRUISES, INC., CUNARD LINES, LIMITED,
7 DISNEY CRUISE VACATION, INC, DOLE OCEAN LINE EXPRESS, EVERGREEN
8 MARINE CORPORATION (TAIWAN), LTD, FOREST LINES, HANJIN SHIPPING CO.,
9 LTD., HOLLAND AMERICAN LINE, INC., HYUNDAI AMERICAN SHIPPING AGENCY,
10 INC., "K" LINE AMERICA, INC., LAURINTZENCOOL AB, MAERSK, INC., MARUBA
11 NORTH AMERICA, MARINE TRANSPORT CORPORATION, MATSON NAVIGATION
12 COMPANY, INC., MITSUI O.S.K. LINES, LTD., MED PACIFIC EXPRESS, NEPTUNE
13 ORIENT LINE, NORSK PACIFIC STEAMSHIP COMPANY, LTD., NORWEGIAN
14 CRUISE LINE, LIMITED, NYK LINE (NORTH AMERICA), INC., P & O NEDLLOYD,
15 LTD., P.M.&O. PHILIPPINE, MICRONESIA, ORIENT LINE, PACIFIC ANCHOR
16 TRANSPORTATION, INC., PRINCESS CRUISE LINES, LTD d/b/a PRINCESS
17 CRUISES, RADISSON SEVEN SEAS CRUISE, INC., SCHAFFER LOGISTICS, SOUTH
18 PACIFIC CONTAINER LINE, SOUTH SEAS SHIPPING COMPANY, SP WORLDWIDE
19 LOGISTICS, STAR SHIPPING, INC., STERLING EXPRESS, INC., STX PAN OCEAN
20 CO., LTD., TOP GUN DISTRIBUTION SERVICES, TRANS PACIFIC LINES, LTD.,
21 WATERMAN STEAMSHIP CORPORATION, WEST BASIN CONTAINER TERMINAL,
22 YANG MING (AMERICA) CORPORATION, YUSEN TERMINALS, INC., and DOES 224
23 and 225, and each of them, were transportation companies, including, but not limited to,
24 truck, rail, and ocean-going transport companies operating in San Pedro and/or providing
25 oceangoing transport services to businesses at the Port of Los Angeles and/or the Port
26 of Long Beach.

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1 155. As a direct result of the conduct of the Defendants, and each of them, in
2 causing and permitting the subject property to be exposed to diesel exhaust, a
3 hazardous and toxic chemical and known carcinogen, the Plaintiffs were exposed to said
4 exhaust by way of inhalation and absorption, and have manifested symptoms related to
5 such exposures. Plaintiffs have been injured and suffered mental, physical,
6 psychological and emotional pain and suffering. Plaintiffs Alice J. Bradfield, Hillary
7 Bradfield, and Meredith Bradfield have also suffered injury to their body, physical health,
8 strength and activity, including, but not limited to, asthma, headaches, hives, persistent
9 cough, nose bleeds, loss of appetite, recurrent sinus problems, sleeplessness, lack of
10 concentration, sluggishness and ear, nose and throat irritation and inflammation, all of
11 which have caused, and continue to cause, mental and emotional pain and suffering.
12 Plaintiff Kristin Bradfield developed symptoms including, but not limited to, headaches,
13 joint pain, loss of appetite, and sluggishness in late 2002, which was diagnosed
14 thereafter as Fibromyalgia. Plaintiff David Bradfield first noticed problems related to his
15 exposures on or about May 2004, when he developed symptoms of dizziness and
16 hearing loss. Plaintiffs Hillary Bradfield, Meredith Bradfield, and Alice Bradfield have
17 each been diagnosed with Asthma some time after they started living at the subject
18 property. Plaintiffs Hillary Bradfield and Meredith Bradfield are minors. Alice Bradfield
19 reached her majority on October 9, 2003. Plaintiffs have incurred medical expenses as a
20 result of the toxic and hazardous exposure and will continue to incur medical expenses in
21 the future. The toxic exposures herein above described were a substantial factor in
22 causing each Plaintiff's injuries and damages.

23 156. Defendants, A&D HAULING, AJ TRANSPORTATION,
24 ACE HIGH TRANSPORTATION, INC., AMERICAN PACIFIC TRUCKING, BRAGG
25 HEAVY TRANSPORT, C.H. ROBINSON TRANSPORT, C.H. ROBINSON
26 WORLDWIDE, CUSTOM LOGISTICS, INC., ESSENTIAL FREIGHT SYSTEMS, GI
27 TRUCKING CO., GOLDEN STATE LOGISTICS, HARBOR DISPATCH TRANSPORT,
28 INC., INTERMODAL CONTAINER SERVICES, INC. d/b/a HARBOR RAIL TRANSPORT,

1 HUB GROUP, INC., HUDD DISTRIBUTION SERVICES, INC., INTERCITY EXPRESS,
2 INC., K&R TRANSPORTATION, KNIGHTS DELIVERY SERVICE, KONOIKE PACIFIC
3 CALIFORNIA, LAND STAR SYSTEMS, INC., MEGATRUX, INC., MITSUI O.S.K. LINES,
4 LTD., OVERSEAS FREIGHT, INC., PACER INTERNATIONAL, PACIFIC ANCHOR
5 TRANSPORTATION, INC., PACIFIC COAST CONTAINER, INC., PIER WEST
6 TRANSPORT, INC., PRICE TRANSFER, INC., PROGRESSIVE TRANSPORTATION
7 SERVICES, PYRAMID TRANSPORTATION, INC., Q TRANSPORT, INC., RE
8 TRANSPORTATION, INC., ROLO TRANSPORTATION, ROLY'S TRUCKING, INC.,
9 RPM CONSOLIDATED SERVICES, INC., SCHAFER LOGISTICS, SHIPPERS
10 TRANSPORT EXPRESS, SPATES TRUCKING, INC., STERLING EXPRESS, INC.,
11 THREE RIVERS TRUCKING, INC., TOP GUN DISTRIBUTION SERVICES, TRADE
12 LINK TRANSPORT, INC., TRIUMPH TRANSPORT, TRICON TRANSPORTATION,
13 INC., UNITED SHIPMENT, INC., BEST WAY TRANSPORTATION, WESTERN
14 FREIGHT CARRIER, and WESTERN MARITIME EXPRESS are hereinafter collectively
15 referred to as "TRUCKING DEFENDANTS."

16 157. Defendants, AMERICAN PRESIDENT LINES, LTD., CARNIVAL
17 CORPORATION d/b/a CARNIVAL CRUISE LINES, CELEBRITY CRUISES, CHINA
18 SHIPPING (NORTH AMERICA) HOLDING CO., LTD., CONCORD TOTAL
19 DISTRIBUTION SERVICES, COSTA CRUISE LINES N.V., CRYSTAL CRUISES, INC.,
20 CUNARD LINES, LIMITED, DISNEY CRUISE VACATION, INC, DOLE OCEAN LINE
21 EXPRESS, EVERGREEN MARINE CORPORATION (TAIWAN), LTD., FOREST LINES,
22 HANJIN SHIPPING CO., LTD., HOLLAND AMERICAN LINE, INC., HYUNDAI
23 AMERICAN SHIPPING AGENCY, INC., "K" LINE AMERICA, INC., LAURINTZENCOOL
24 AB, MAERSK, INC., MARUBA NORTH AMERICA, MARINE TRANSPORT
25 CORPORATION, MATSON NAVIGATION COMPANY, INC., MITSUI O.S.K. LINES,
26 LTD., MED PACIFIC EXPRESS, NEPTUNE ORIENT LINE, NORSK PACIFIC
27 STEAMSHIP COMPANY, LTD., NORWEGIAN CRUISE LINE, LIMITED, NYK LINE
28 (NORTH AMERICA), INC., P & O NEDLLOYD, LTD., P.M.&O. PHILIPPINE,

1 MICRONESIA, ORIENT LINE, PRINCESS CRUISE LINES, LTD d/b/a PRINCESS
2 CRUISES, RADISSON SEVEN SEAS CRUISE, INC., SOUTH PACIFIC CONTAINER
3 LINE, SOUTH SEAS SHIPPING COMPANY, SP WORLDWIDE LOGISTICS, STAR
4 SHIPPING, INC., STX PAN OCEAN CO., LTD., TRANS PACIFIC LINES, LTD.,
5 WATERMAN STEAMSHIP CORPORATION, WEST BASIN CONTAINER TERMINAL,
6 YANG MING (AMERICA) CORPORATION, YUSEN TERMINALS, INC., and DOES 224
7 and 225 are hereinafter collectively referred to as "SHIPPING DEFENDANTS."

8 158. Defendants, APM TERMINALS PACIFIC, LTD., AUTO WAREHOUSING
9 CO., BAKER COMMODITIES, INC., BP PIPELINES, NORTH AMERICA, CALIFORNIA
10 CARTAGE CO., INC., CALIFORNIA UNITED TERMINALS, CATALYST PAPER (USA)
11 INC. AT FOREST TERMINALS CORPORATION, CEMEX PACIFIC COAST CEMENT
12 CORPORATION, CHEMOIL CORPORATION, CHEMOIL MARINE TERMINAL, CHINA
13 SHIPPING (NORTH AMERICA) HOLDING CO., LTD., TOSCO CORP., COOPERT.
14 SMITH CORPORATION, CPC TERMINALS, CRESCENT TERMINAL (STEVEDORING
15 SERVICES OF AMERICA), CRESCENT WHARF AND WAREHOUSE CO.,
16 DISTRIBUTION & AUTO SERVICE, INC. (DAS), DOW CHEMICAL CO., EAGLE MARINE
17 SERVICES, LTD., EQUILON ENTERPRISES, LLC, FOREST TERMINALS
18 CORPORATION, FREMONT FOREST GROUP CORPORATION, GATX TANK STORAGE
19 TERMINALS CORP., G-P GYPSUM CORPORATION, HANJIN SHIPPING CO., LTD.,
20 HUGO NEU-PROLER CO., INTERNATIONAL TRANSPORTATION SERVICE, INC.,
21 KANSAS KOCH CARBON, INC., KOCH CARBON, INC., LONG BEACH CONTAINER
22 TERMINAL, INC., LOS ANGELES EXPORT TERMINAL, INC. (LAXT), MARINE
23 TERMINALS CORP. (MTC), MITSUBISHI CEMENT CORPORATION, MOBIL OIL CORP.,
24 MORTON SALT, MORTON SALT A DIVISION OF ROHM AND HAAS COMPANY,
25 NATIONAL GYPSUM CO., PACIFIC COAST RECYCLING, LLC, PAKTANK
26 CORPORATION-LOS ANGELES TERMINALS, PASHA STEVEDORING AND TERMINALS,
27 LP, PETRO DIAMOND, SEASIDE TRANSPORTATION SERVICES, SHELL OIL
28 PRODUCTS U.S. (SOPUS), SSA MARINE, INC., SSA TERMINALS - LONG BEACH, LLC,

1 TOTAL TERMINALS, INC., TRANS PACIFIC CONTAINER SERVICE CORPORATION
2 (TRAPAC), TOYOTA LOGISTICS SERVICES, INC., ULTRAMAR DIAMOND SHAMROCK
3 CORP., U.S. BORAX, INC., VOPAK TERMINAL LONG BEACH INC., VOPAK TERMINAL
4 LOS ANGELES INC., WEST BASIN CONTAINER TERMINAL, WESTWAY TERMINAL
5 COMPANY, INC., WEYERHAUSER COMPANY, YANG MING (AMERICA)
6 CORPORATION, YUSEN TERMINALS, INC., DOES 1 through 50, inclusive, DOES 101
7 through 150, inclusive, and DOES 226 through 275, inclusive, are hereinafter collectively
8 referred to as "TERMINAL DEFENDANTS."

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

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

23 161. As a sole, direct and proximate result of Defendants' conduct or inaction, the
24 subject premises were not habitable and have little or no resale value. If Plaintiffs had
25 known of the dramatic expansion of the port operations surrounding their property and the
26 ensuing diesel exhaust, a hazardous chemical and known carcinogen, and its lingering and
27 continuing residue, Plaintiffs would not have purchased the subject premises.

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1 162. Plaintiffs' property has significantly diminished in value as a sole, direct and
2 proximate result of Defendants' conduct. Plaintiffs will have to disclose the presence of toxic
3 and hazardous chemicals and carcinogens to any prospective home buyer in order to avoid
4 liability themselves. As a result of the Defendants' conduct or inaction, Plaintiffs suffered
5 general damages in an amount to be established according to proof at trial, but in excess
6 of the jurisdictional minimum of the Superior Court.

7 **FIRST CAUSE OF ACTION**

8 **(Nuisance)**

9 ***as against* TRUCKING DEFENDANTS**

10 163. Plaintiffs repeat and replead paragraphs 1 through 162 above, as though
11 fully set forth at length herein.

12 164. As and against all Trucking Defendants, Plaintiffs allege as follows:

13 165. At all times mentioned, and since October 9, 2001 and before and
14 continuing, Trucking Defendants, and each of them, had conducted their businesses in
15 such a manner as to allow toxic exposures of diesel exhaust, a hazardous chemical and
16 known carcinogen from diesel trucks, constituting a continuing, private nuisance as
17 defined by *California Civil Code Sections 3479-3481*. The conditions herein above-
18 described interfered with Plaintiffs' free use of their property by depriving them of the
19 comfortable enjoyment of their life and property. The manner in which Trucking
20 Defendants conducted their business, which created the nuisance, was not specifically
21 authorized by any statute, ordinance or other law.

22 166. Specifically, conduct of Trucking Defendants included, but was not limited
23 to, leaving their diesel-powered engines running for hours while waiting to enter terminals
24 and driving around the residential area where Plaintiffs resided while waiting for terminals
25 to open. Additionally, Trucking Defendants, in violation of *Los Angeles Municipal Code*
26 *section 80.69.2*, left their diesel-powered engines running while parked overnight in the
27 residential area where Plaintiffs resided.

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1 comfortable enjoyment of their life and property. The manner in which Shipping
2 Defendants conducted their business, which created the nuisance, was not specifically
3 authorized by any statute, ordinance or other law.

4 173. Specifically, conduct of Shipping Defendants included, but was not limited
5 to, running diesel engines to power ship functions, such as lighting and refrigeration,
6 while loading and unloading cargo, thereby emitting diesel exhaust from smokestacks,
7 and running diesel engines while waiting for port entry during periods of port congestion.

8 174. As set forth in the allegations incorporated herein, the allowance of toxic
9 exposure of diesel exhaust, a hazardous chemical and known carcinogen, and its
10 lingering and continuing residue, were and continue to be injurious to Plaintiffs' health,
11 and were and continue to be indecent and offensive to the senses of Plaintiffs. The toxic
12 exposure of diesel exhaust, a hazardous chemical and known carcinogen, allowed and
13 furthered by Shipping Defendants, and each of them, obstructed and continue to obstruct
14 Plaintiffs' free use of the subject property and interfere with Plaintiffs' comfortable
15 enjoyment of life.

16 175. As a further foreseeable, direct and proximate result of the aforesaid
17 conduct of Shipping Defendants, and each of them, their employees, agents and
18 representatives, Plaintiffs have suffered damage and continue to suffer damage to their
19 residence, personal property, and to their persons.

20 176. As a further foreseeable, direct and proximate result of the aforesaid
21 conduct of the Shipping Defendants, and each of them, their employees, agents, and
22 representatives, Plaintiffs have suffered and continue to suffer damages in an amount
23 presently not ascertained, but which will be shown according to proof at trial. Plaintiffs
24 are informed and believe that the amount is in excess of the minimum jurisdiction of the
25 Superior Court.

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1 **as against TERMINAL DEFENDANTS**

2 177. Plaintiffs repeat and replead paragraphs 1 through 176 above, as though
3 fully set forth at length herein.

4 178. As and against all Terminal Defendants, Plaintiffs allege as follows:

5 179. At all times mentioned, and since October 9, 2001 and before and
6 continuing, Terminal Defendants, and each of them, had conducted their businesses in
7 such a manner as to allow toxic exposures of diesel exhaust, a hazardous chemical and
8 known carcinogen, from diesel-powered machinery, constituting a continuing, private
9 nuisance as defined by *California Civil Code Sections 3479-3481*. The conditions herein
10 above-described interfered with Plaintiffs' free use of their property by depriving them of
11 the comfortable enjoyment of their life and property. The manner in which Terminal
12 Defendants conducted their business, which created the nuisance, was not specifically
13 authorized by any statute, ordinance or other law.

14 180. As set forth in the allegations incorporated herein, the allowance of toxic
15 exposure of diesel exhaust, a hazardous chemical and known carcinogen, and its
16 lingering and continuing residue, were and continue to be injurious to Plaintiffs' health,
17 and were and continue to be indecent and offensive to the senses of Plaintiffs. The toxic
18 exposure of diesel exhaust, a hazardous chemical and known carcinogen, allowed and
19 furthered by Terminal Defendants, and each of them, obstructed and continue to obstruct
20 Plaintiffs' free use of the subject property and interfere with Plaintiffs' comfortable
21 enjoyment of life.

22 181. As a further foreseeable, direct and proximate result of the aforesaid
23 conduct of Terminal Defendants, and each of them, their employees, agents and
24 representatives, Plaintiffs have suffered damage and continue to suffer damage to their
25 residence, personal property, and to their persons.

26 182. As a further foreseeable, direct and proximate result of the aforesaid
27 conduct of Terminal Defendants, and each of them, their employees, agents, and
28 representatives, Plaintiffs have suffered and continue to suffer damages in an amount

1 presently not ascertained, but which will be shown according to proof at trial. Plaintiffs
2 are informed and believe that the amount is in excess of the minimum jurisdiction of the
3 Superior Court.

4 **SECOND CAUSE OF ACTION**

5 **(Negligence)**

6 ***as against* TRUCKING DEFENDANTS**

7 183. Plaintiffs repeat and replead paragraphs 1 through 182 above, as though
8 fully set forth at length herein.

9 184. As and against all Trucking Defendants, Plaintiffs allege as follows:

10 185. That Trucking Defendants, and each of them, carelessly, recklessly,
11 negligently and unlawfully failed to warn of, control, and remedy the emission of noxious
12 exhaust from trucks, automobiles, and cranes. Additionally, Trucking Defendants, and
13 each of them, carelessly, recklessly, negligently and unlawfully failed to inspect and
14 repair trucks, automobiles, and cranes to prevent the unlawful emission of noxious
15 exhaust. Further, Trucking Defendants, and each of them, carelessly, recklessly,
16 negligently, and unlawfully utilized, contracted, assigned, engineered, rented, leased,
17 shipped, transported, directed, organized, emitted noxious exhaust from, and bailed
18 trucks, automobiles, and cranes so as to constitute a substantial factor and, therefore, a
19 sole, direct and proximate cause of Plaintiffs' injuries and damages as are more fully
20 alleged herein.

21 186. Specifically, conduct of Trucking Defendants included, but was not limited
22 to, leaving their diesel-powered engines running for hours while waiting to enter terminals
23 and driving around the residential area where Plaintiffs resided while waiting for terminals
24 to open. Additionally, Trucking Defendants, in violation of *Los Angeles Municipal Code*
25 *section 80.69.2*, left their diesel-powered engines running while parked overnight in the
26 residential area where Plaintiffs resided.

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1 187. As a further foreseeable, direct and proximate result of the aforesaid
2 conduct of Trucking Defendants, and each of them, and their agents and representatives,
3 Plaintiffs have inhaled and absorbed the toxic diesel exhaust, and have suffered
4 continuing exposure to these toxic substances which threaten disease and/or illness and
5 have contaminated Plaintiffs' personal property. Plaintiffs harbor serious fears that their
6 toxic exposure to diesel exhaust was of such magnitude and proportion as to likely result
7 in disease and/or illness. Such fear stems from a knowledge, corroborated by reliable
8 medical and scientific opinion, that Plaintiffs have suffered illnesses and will develop
9 illnesses and/or disease in the future due to said toxic exposure.

10 188. As a further foreseeable, direct and proximate result of the aforesaid
11 conduct of Trucking Defendants, and each of them, and their agents and representatives,
12 and each of them, Defendants knew or should have known of the presence of hazardous
13 chemicals, the resulting contamination to property, and, despite said knowledge, willfully
14 and intentionally refused to take corrective measures to improve or limit the Plaintiffs'
15 contamination and exposure.

16 189. Trucking Defendants were negligent in breaching their respective duty of
17 care owed to Plaintiffs including, but not limited to, the following respects:

18 A. failing to prevent the discharge or release of toxic exposure of diesel
19 exhaust, a hazardous chemical and known carcinogen which harmed the Plaintiffs'
20 health, air, soil, water and environment;

21 B. failing to implement and maintain adequate pollution control
22 technologies to prevent, substantially reduce and/or effectively control exhaust and
23 discharges of toxic diesel exhaust;

24 C. failing to monitor and to study the levels of toxic diesel exhaust
25 released as a result of the operations performed at the Ports of Long Beach and Los
26 Angeles; to determine the source of releases; and to study, monitor and remedy the past,
27 present and future effects of these releases of toxic exhaust on the surrounding
28 communities, and the air, soil, water and environment;

1 D. failing to monitor and to study the health effects of toxic diesel
2 exhaust released as a result of the operations performed in and around the Ports of Long
3 Beach and Los Angeles, and failing to perform and Environmental Impact Report to
4 address these issues;

5 E. failing to warn or adequately warn Plaintiffs and the public of the toxic
6 nature and associated health risks of the toxic diesel exhaust generated and emitted;

7 F. failing to warn or adequately warn Plaintiffs and the public of the
8 likelihood of migration of these toxic diesel exhaust from the Ports of Long Beach and
9 Los Angeles to the surrounding communities;

10 G. failing to provide Plaintiffs and the public with accurate, reliable and
11 completely truthful information as to what would be reasonably safe and sufficient
12 protective apparel and conduct to protect them from being harmed by exposure to the
13 toxic diesel exhaust;

14 H. failing to provide Plaintiffs and the public with accurate, reliable and
15 completely truthful information, including warnings, about the amounts of such production
16 amounts, releases, discharges, fugitive exhaust, and the types of substances released,
17 produced, discharged, and emitted;

18 I. failing to provide Plaintiffs and the public with accurate, reliable and
19 completely truthful information regarding lapses in use of pollution control measures;

20 J. failing to reduce and control the frequency of such lapses in pollution
21 control measures, as well as the level of toxic diesel exhaust released during such
22 occurrences;

23 K. failing to remedy the effects of toxic diesel exhaust released from
24 operations in the Ports of Long Beach and Los Angeles and their operations on the
25 surrounding communities, and their air, soil, water and environment;

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1 L. failing to provide Plaintiffs and the public with accurate, reliable and
2 completely truthful information regarding the levels of toxic diesel exhaust migrating from
3 the operations in and around the Ports of Long Beach and Los Angeles into the air, soil,
4 water and environment; and

5 M. operating in and around the Ports of Long Beach and Los Angeles in
6 close proximity to a residential area.

7 190. As a sole, direct and proximate result thereof, Plaintiffs were caused
8 injuries and damages as are more fully plead herein.

9
10 ***as against SHIPPING DEFENDANTS***

11 191. Plaintiffs repeat and replead paragraphs 1 through 190 above, as though
12 fully set forth at length herein.

13 192. As and against all Shipping Defendants, Plaintiffs allege as follows:

14 193. That Shipping Defendants, and each of them, carelessly, recklessly,
15 negligently and unlawfully failed to warn of, control, and remedy the emission of noxious
16 exhaust from boats and ships. Additionally, Shipping Defendants, and each of them,
17 carelessly, recklessly, negligently and unlawfully failed to inspect and repair boats and
18 ships to prevent the unlawful emission of noxious exhaust. Further, Shipping
19 Defendants, and each of them, carelessly, recklessly, negligently, and unlawfully utilized,
20 contracted, assigned, engineered, rented, leased, shipped, transported, directed,
21 organized, emitted noxious exhaust from, and bailed boats and ships so as to constitute
22 a substantial factor and, therefore, a sole, direct and proximate cause of Plaintiffs' injuries
23 and damages as are more fully alleged herein.

24 194. As a further foreseeable, direct and proximate result of the aforesaid
25 conduct of Shipping Defendants, and each of them, and their agents and representatives,
26 Plaintiffs have inhaled and absorbed the toxic diesel exhaust, and have suffered
27 continuing exposure to these toxic substances which threaten disease and/or illness and
28 have contaminated Plaintiffs' personal property. Plaintiffs harbor serious fears that their

1 toxic exposure to these diesel exhaust was of such magnitude and proportion as to likely
2 result in disease and/or illness. Such fear stems from a knowledge, corroborated
3 by reliable medical and scientific opinion, that Plaintiffs have suffered illnesses and will
4 develop illnesses and/or disease in the future due to said toxic exposure.

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

12 196. Shipping Defendants were negligent in breaching their respective duty of
13 care owed to Plaintiffs including, but not limited to, the following respects:

14 A. failing to prevent the discharge or release of toxic exposure of diesel
15 exhaust, a hazardous chemical and known carcinogen which harmed the Plaintiffs'
16 health, air, soil, water and environment;

17 B. failing to implement and maintain adequate pollution control
18 technologies to prevent, substantially reduce and/or effectively control discharges of toxic
19 diesel exhaust;

20 C. failing to monitor and to study the levels of toxic diesel exhaust
21 released as a result of the operations performed at the Ports of Long Beach and Los
22 Angeles; to determine the source of releases; and to study, monitor and remedy the past,
23 present and future effects of these releases of toxic exhaust on the surrounding
24 communities, and the air, soil, water and environment;

25 D. failing to monitor and to study the health effects of toxic diesel
26 exhaust released as a result of the operations performed in and around the Ports of Long
27 Beach and Los Angeles, and failing to perform an Environmental Impact Report to
28 address these issues;

1 E. failing to warn or adequately warn Plaintiffs and the public of the toxic
2 nature and associated health risks of the toxic exhaust generated and emitted;

3 F. failing to warn or adequately warn Plaintiffs and the public of the
4 likelihood of migration of these toxic diesel exhaust from the Ports of Long Beach and
5 Los Angeles to the surrounding communities;

6 G. failing to provide Plaintiffs and the public with accurate, reliable and
7 completely truthful information as to what would be reasonably safe and sufficient
8 protective apparel and conduct to protect them from being harmed by exposure to the
9 toxic diesel exhaust;

10 H. failing to provide Plaintiffs and the public with accurate, reliable and
11 completely truthful information, including warnings, about the amounts of such production
12 amounts, releases, discharges, fugitive exhaust, and the types of substances released,
13 produced, discharged, and emitted;

14 I. failing to provide Plaintiffs and the public with accurate, reliable and
15 completely truthful information regarding lapses in use of pollution control measures;

16 J. failing to reduce and control the frequency of such lapses in pollution
17 control measures, as well as the level of toxic diesel exhaust released during such
18 occurrences;

19 K. failing to remedy the effects of toxic diesel exhaust released from
20 operations in the Ports of Long Beach and Los Angeles and their operations on the
21 surrounding communities, and their air, soil, water and environment;

22 L. failing to provide Plaintiffs and the public with accurate, reliable and
23 completely truthful information regarding the levels of toxic diesel exhaust migrating from
24 the operations in and around the Ports of Long Beach and Los Angeles into the air, soil,
25 water and environment; and

26 M. operating in and around the Ports of Long Beach and Los Angeles in
27 close proximity to a residential area.

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1 197. As a sole, direct and proximate result thereof, Plaintiffs were caused
2 injuries and damages as are more fully plead herein.

3

4 **as against TERMINAL DEFENDANTS**

5 198. Plaintiffs repeat and replead paragraphs 1 through 197 above, as though
6 fully set forth at length herein.

7 199. As and against all Terminal Defendants, Plaintiffs allege as follows:

8 200. That Terminal Defendants, and each of them, carelessly, recklessly,
9 negligently and unlawfully failed to warn of, control, and remedy the emission of noxious
10 exhaust from trucks, automobiles, boats, ships, cranes, and other diesel-powered
11 equipment and machinery. Additionally, Terminal Defendants, and each of them,
12 carelessly, recklessly, negligently and unlawfully failed to inspect and repair trucks,
13 automobiles, boats, ships, cranes, and other diesel-powered equipment and machinery to
14 prevent the unlawful emission of noxious exhaust. Further, Terminal Defendants, and
15 each of them, carelessly, recklessly, negligently, and unlawfully utilized, contracted,
16 assigned, engineered, rented, leased, shipped, transported, directed, organized, emitted
17 noxious exhaust from, and bailed trucks, automobiles, boats, ships, cranes, and other
18 diesel-powered equipment and machinery so as to constitute a substantial factor and,
19 therefore, a sole, direct and proximate cause of Plaintiffs' injuries and damages as are
20 more fully alleged herein.

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1 201. As a further foreseeable, direct and proximate result of the aforesaid
2 conduct of Terminal Defendants, and each of them, and their agents and representatives,
3 Plaintiffs have inhaled and absorbed the toxic diesel exhaust, and have suffered
4 continuing exposure to these toxic substances which threaten disease and/or illness and
5 have contaminated Plaintiffs' personal property. Plaintiffs harbor serious fears that their
6 toxic exposure to these diesel exhaust was of such magnitude and proportion as to likely
7 result in disease and/or illness. Such fear stems from a knowledge, corroborated by
8 reliable medical and scientific opinion, that Plaintiffs have suffered illnesses and will
9 develop illnesses and/or disease in the future due to said toxic exposure.

10 202. As a further foreseeable, direct and proximate result of the aforesaid
11 conduct of Terminal Defendants, and each of them, and their agents and representatives,
12 and each of them, Terminal Defendants knew or should have known of the presence of
13 hazardous chemicals, the resulting contamination to property, the increased noise levels
14 and excessive ground borne vibrations throughout the neighboring areas, and, despite
15 said knowledge, willfully and intentionally refused to take corrective measures to improve
16 or limit the Plaintiffs' contamination and exposure.

17 203. Terminal Defendants were negligent in breaching their respective duty of
18 care owed to Plaintiffs including, but not limited to, the following respects:

19 A. failing to prevent the discharge or release of toxic exposure of diesel
20 exhaust, a hazardous chemical and known carcinogen which harmed the Plaintiffs'
21 health, air, soil, water and environment;

22 B. failing to implement and maintain adequate pollution control
23 technologies to prevent, substantially reduce and/or effectively control discharges of toxic
24 diesel exhaust;

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1 C. failing to monitor and to study the levels of toxic diesel exhaust
2 released as a result of the operations performed at the Ports of Long Beach and Los
3 Angeles; to determine the source of releases; and to study, monitor and remedy the past,
4 present and future effects of these releases of toxic exhaust on the surrounding
5 communities, and the air, soil, water and environment;

6 D. failing to monitor and to study the health effects of toxic diesel
7 exhaust released as a result of the operations performed in and around the Ports of Long
8 Beach and Los Angeles, and failing to perform an Environmental Impact Report to
9 address these issues;

10 E. failing to warn or adequately warn Plaintiffs and the public of the toxic
11 nature and associated health risks of the toxic exhaust generated and emitted;

12 F. failing to warn or adequately warn Plaintiffs and the public of the
13 likelihood of migration of these toxic diesel exhaust from the Ports of Long Beach and
14 Los Angeles to the surrounding communities;

15 G. failing to provide Plaintiffs and the public with accurate, reliable and
16 completely truthful information as to what would be reasonably safe and sufficient
17 protective apparel and conduct to protect them from being harmed by exposure to the
18 toxic diesel exhaust;

19 H. failing to provide Plaintiffs and the public with accurate, reliable and
20 completely truthful information, including warnings, about the amounts of such production
21 amounts, releases, discharges, fugitive exhaust, and the types of substances released,
22 produced, discharged, and emitted;

23 I. failing to provide Plaintiffs and the public with accurate, reliable and
24 completely truthful information regarding lapses in use of pollution control measures;

25 J. failing to reduce and control the frequency of such lapses in pollution
26 control measures, as well as the level of toxic diesel exhaust released during such
27 occurrences;

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1 K. failing to remedy the effects of toxic diesel exhaust released from
2 operations in the Ports of Long Beach and Los Angeles and their operations on the
3 surrounding communities, and their air, soil, water and environment;

4 L. failing to provide Plaintiffs and the public with accurate, reliable and
5 completely truthful information regarding the levels of toxic diesel exhaust migrating from
6 the operations in and around the Ports of Long Beach and Los Angeles into the air, soil,
7 water and environment; and

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

11 204. As a sole, direct and proximate result thereof, Plaintiffs were caused
12 injuries and damages as are more fully plead herein.

13
14 **THIRD CAUSE OF ACTION**

15 **(Inverse Condemnation)**

16 205. Plaintiffs repeat and replead paragraphs 1 through 204 above as though
17 fully set forth at length.

18 206. As and against Defendants, CITY OF LONG BEACH, ACTING BY AND
19 THROUGH ITS BOARD OF HARBOR COMMISSIONERS and CITY OF LOS ANGELES,
20 ACTING BY AND THROUGH ITS BOARD OF HARBOR COMMISSIONERS, Plaintiffs
21 allege as follows:

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

25 208. As a direct and necessary result of the plan, design, maintenance, and
26 operation of the both the Port of Long Beach and the Port of Los Angeles, Plaintiffs'
27 property became contaminated through the toxic exposure of diesel exhaust, a
28 hazardous chemical and known carcinogen. Plaintiffs are informed and believe and

1 thereon allege that, due to the expansion of the Port of Los Angeles, Plaintiffs' property
2 will continue to be exposed to diesel exhaust, a hazardous chemical and known
3 carcinogen.

4 209. The above-described damage to Plaintiffs' property was proximately caused
5 by Defendant City of Los Angeles' actions and inactions in that its plan, approval,
6 construction, operation of, or substantial participation in the expansion and use of the
7 Port of Los Angeles was faulty in that no provision was made for controlling the exposure
8 to toxic and hazardous chemicals and known carcinogens onto the surrounding air and
9 land. As a result of the above-described damage to Plaintiffs' property, Plaintiffs have
10 been damaged in an amount to be established according to proof at trial, but in excess of
11 the jurisdictional minimum of the Superior Court. Plaintiffs have received no
12 compensation for the damage to their property.

13 210. The above-described damage to Plaintiffs' property was proximately caused
14 by Defendant City of Long Beach's operation and use of the Port of Long Beach in that
15 no provisions were made for controlling the exposure to toxic and hazardous chemicals
16 and known carcinogens onto the surrounding air and land. As a result of the above-
17 described damage to Plaintiffs' property, Plaintiffs have been damaged in an amount to
18 be established according to proof at trial, but in excess of the jurisdictional minimum of
19 the Superior Court. Plaintiffs have received no compensation for the damage to their
20 property.

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

23 212. Plaintiffs have received no compensation for the damages to their property.

24 213. Plaintiffs have incurred and will incur attorneys', appraisal, and engineering
25 fees because of this proceeding, in amounts that cannot yet be ascertained, which are
26 recoverable in this action under the provisions of *California Code of Civil Procedure* §
27 1036.

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1 **FOURTH CAUSE OF ACTION**

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

3 ***as against* TERMINAL DEFENDANTS**

4 214. Plaintiffs repeat and replead paragraphs 1 through 213 above, as though
5 fully set forth at length herein.

6 215. As and against Terminal Defendants, Plaintiffs allege as follows:

7 216. This action seeks civil penalties and injunctive relief to remedy Terminal
8 Defendants' continuing failure to provide a clear and reasonable warning to individuals in
9 California including, but not limited to, the Bradfields, that they are being exposed to
10 diesel engine exhaust, a chemical known to the State of California to cause cancer.
11 Such exposures occur and continue to occur through Terminal Defendants' operation of
12 their respective terminals which consists of the use of locomotives, on-road heavy duty
13 trucks, and cargo handling equipment including, but not limited to, yard trucks, side-picks,
14 rubber tired gantry cranes, and forklifts. Operation of this equipment causes the release
15 of diesel engine exhaust into the environment. Operation of diesel-powered ships also
16 causes the release of diesel engine exhaust while at berth. Terminal Defendants'
17 continuing failure to warn individuals in California including, but not limited to, the
18 Bradfields, that they are exposed to diesel engine exhaust a known carcinogen, is a
19 violation of California's Safe Drinking Water and Toxic Enforcement Act, *California Health*
20 *and Safety Code § 25249.6, et seq.* ("Proposition 65").

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

24 218. Although Terminal Defendants continue to expose individuals in California
25 including, but not limited to, the Bradfields, to diesel engine exhaust through their
26 operation of their respective terminals, Terminal Defendants fail to provide a clear and
27 reasonable warning in violation of Proposition 65. Therefore, Plaintiffs are entitled to civil
28 penalties. Plaintiffs are also entitled to injunctive relief to compel Terminal Defendants to:

1 (1) provide individuals in California including, but not limited to, the Bradfields, with a
2 clear and reasonable warning that they are being exposed to diesel engine exhaust, a
3 known carcinogen; and (2) undertake an immediate and comprehensive public
4 information program to alert all individuals in California including, but not limited to, the
5 Bradfields, (including past, present and future residents) about the inherent risk of
6 exposure to diesel engine exhaust.

7 219. Plaintiffs are persons within the meaning of *Health and Safety Code* §
8 25249.11(a) and bring this action on their own behalf and on behalf of the general public,
9 pursuant to *Health and Safety Code* § 25249.7(d).

10 220. Terminal Defendants are persons in the course of doing business within the
11 meaning of *Health and Safety Code* § 25249.11. Terminal Defendants, and each of
12 them own and/or operate one or more terminals in the Port of Los Angeles, California
13 and/or Port of Long Beach, California.

14 221. Each Terminal Defendant has employed ten (10) or more persons at all
15 times relevant to this action.

16 222. At all times relevant to this action, each Terminal Defendant was an agent
17 or employee of each of the remaining Terminal Defendants. In conducting the activities
18 alleged in this Complaint, each Terminal Defendant was acting within the course and
19 scope of this agency or employment, and was acting with the consent, permission, and
20 authorization of each of the remaining Terminal Defendants. All actions of each Terminal
21 Defendant alleged in this Complaint were ratified and approved by every other Terminal
22 Defendant or their officers or managing agents, and by agreeing to actively conceal the
23 true facts as alleged herein. Alternatively, Terminal Defendants aided, conspired with
24 and/or facilitated wrongful conduct of other Terminal Defendants.

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1 223. This Court has jurisdiction over this action pursuant to the *California*
2 *Constitution, Article XI, Section 10*, because this case is a cause not given by statute to
3 other trial courts. This Court has jurisdiction over this action pursuant to *Health & Safety*
4 *Code § 25249.7*, which allows enforcement of violations of Proposition 65 in any Court of
5 competent jurisdiction.

6 224. This Court has jurisdiction over Terminal Defendants named herein
7 because Terminal Defendants are either located in this State or are foreign corporations
8 authorized to do business in California, are registered with the California Secretary of
9 State, or who do sufficient business in California, have sufficient minimum contacts with
10 California, or otherwise intentionally avail themselves of the markets within California
11 through the ownership and/or operation of their respective terminals located in the Port of
12 Los Angeles and/or in the Port of Long Beach, California so as to render the exercise of
13 jurisdiction by the California courts permissible under traditional notions of fair play and
14 substantial justice.

15 225. Venue is proper in the County of Los Angeles because one or more of the
16 violations arise in Los Angeles County.

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

20 227. Under Proposition 65:
21 No person in the course of doing business shall knowingly and
22 intentionally expose any individual to a chemical known to the
23 state to cause cancer or reproductive toxicity without first
24 giving clear and reasonable warning to such individual, except
25 as provided in section 25249.10.

26 *Health and Safety Code § 25249.6.*

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1 228. Proposition 65 establishes a procedure by which the Governor lists
2 chemicals known to the state to cause cancer. *Health and Safety Code § 25249.8.*
3 Pursuant to this authority, Governor Deukmejian placed diesel engine exhaust on the list
4 of known carcinogens in October, 1990. In October, 1991, diesel engine exhaust
5 became subject to the warning requirements under Proposition 65. *Health and Safety*
6 *Code § 25249.10(b).*

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

12 230. The operation of Terminal Defendants' respective terminals consists of the
13 use of locomotives, on-road heavy duty trucks and cargo handling equipment including,
14 but not limited to, yard trucks, side-picks, rubber-tired gantry cranes, and forklifts.
15 Operation of this equipment causes the release of diesel engine exhaust into the
16 environment. Operation of the diesel-powered ships also causes the release of diesel
17 engine exhaust while at berth. Terminal Defendants' operation of their respective
18 terminals exposes individuals in California including, but not limited to, the Bradfields, to
19 diesel engine exhaust in violation of Proposition 65.

20 231. Despite the fact that Terminal Defendants have exposed, and continue to
21 expose, individuals in California including, but not limited to, the Bradfields, to diesel
22 engine exhaust, Terminal Defendants fail to provide clear and reasonable warnings to
23 individuals in California including, but not limited to, the Bradfields, that they are being
24 exposed to diesel engine exhaust, a chemical known to the State of California to cause
25 cancer.

26 232. Any person acting in the public interest may bring an action for violations of
27 Proposition 65's clear and reasonable warning requirement provided that: (1) such
28 person has provided a 60-day Notice of Violation of Proposition 65 ("Notice of Violation")

1 to the California Attorney General, the District Attorney of every county in California, the
2 City Attorney of each California city with a population over 750,000 and the violator; and
3 (2) no public prosecutor is diligently prosecuting an action against the violation. *Health*
4 *and Safety Code §25249.7(d)*.

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

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

21 235. None of the public prosecutors who received the Notice of Violation has
22 commenced, nor is diligently prosecuting an action against the violators alleged in this
23 Complaint, although the notice period provided in § 25249.7 has elapsed since the Notice
24 of Violation was provided.

25 236. Terminal Defendants knew that diesel engine exhaust had been identified
26 by the State of California as a known carcinogen subject to the warning requirements
27 under Proposition 65.

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1 237. Terminal Defendants were informed by the Notice of Violation provided by
2 Plaintiff and from the various studies and information that have been published and are in
3 the public domain that the operation of their respective terminals results in individuals in
4 California including, but not limited to, the Bradfields, being exposed to diesel engine
5 exhaust.

6 238. Terminal Defendants know and intend that individuals in California
7 including, but not limited to, the Bradfields, including children, will continue to be exposed
8 to diesel engine exhaust.

9 239. Nevertheless, Terminal Defendants have failed and continue to fail to
10 provide individuals in California including, but not limited to, the Bradfields, with clear and
11 reasonable warnings of their exposure to diesel engine exhaust, a known carcinogen, in
12 violation of California *Health and Safety Code § 25249.6*.

13 240. Proposition 65 provides that any person "violating or threatening to violate"
14 the statute may be enjoined in any court of competent jurisdiction. *Health and Safety*
15 *Code § 25249.7*. "Threaten to violate" is defined to mean "to create a condition in which
16 there is a substantial probability that a violation will occur." *Health and Safety Code §*
17 *25249.11(e)*. Violators are also liable for civil penalties of up to \$2,500.00 per day per
18 violation, recoverable in a civil action. *Health and Safety Code § 25249.7(b)*.

19 241. Terminal Defendants have engaged and continue to engage in conduct
20 which violates *Health and Safety Code § 25249.6*. This conduct includes the operation of
21 their respective terminals which consists of the use of locomotives, on-road heavy duty
22 trucks, and cargo handling equipment including, but not limited to, yard trucks, side-picks,
23 rubber tired gantry cranes, and forklifts. Operation of this equipment causes the release
24 of diesel engine exhaust into the environment. Operation of diesel-powered ships also
25 causes the release of diesel engine exhaust while at berth. Terminal Defendants have
26 not provided clear and reasonable warnings to individuals in California including, but not
27 limited to, the Bradfields, that the operation of their respective terminals results in
28 exposure to diesel engine exhaust, a chemical known to the State of California to cause

1 cancer. Terminal Defendants have, therefore, in the course of doing business, knowingly
2 and intentionally exposed individuals to a chemical known to the State of California to
3 cause cancer without first providing a clear and reasonable warning.

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

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

11
12 **FIFTH CAUSE OF ACTION**

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

14 ***as against* TERMINAL DEFENDANTS**

15 244. Plaintiffs incorporate by reference paragraphs 1 through 243 as if fully set
16 forth herein.

17 245. Terminal Defendants are persons in the course of doing business within the
18 meaning of *Health and Safety Code § 25249.11*. Terminal Defendants, and each of
19 them own and/or operate one or more terminals in the Port of Los Angeles, California
20 and/or Port of Long Beach, California.

21 246. At all relevant times, Terminal Defendants were subject to Proposition 65.
22 *California Health and Safety Code § 25249.6, et seq.*

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247. Under Proposition 65:

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

Health and Safety Code § 25249.6.

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

249. Terminal Defendants have committed an act of unfair competition by violating Proposition 65.

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

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

5
6 WHEREFORE, Plaintiffs pray for judgment against the Defendants, and each of
7 them as follows:

8 1 For general damage in a sum within the jurisdictional limits according to
9 proof;

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

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

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

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

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

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

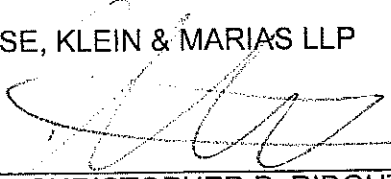
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- 6. For reasonable attorneys' fees, and all costs of suit; and
- 7. For such other and further relief as the court may deem just and proper.

DATED: February , 2007

ROSE, KLEIN & MARIAS LLP

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

1 **PROOF OF SERVICE THROUGH LEXIS NEXIS**

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

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

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

8 3. On February 23, 2007, I served a copy of the attached document titled
9 **SUMMONS ON THIRD AMENDED COMPLAINT** by:

10 a. Posting it directly on the LexisNexis website:

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

12
13 I declare under penalty of perjury under the laws of the State of California, that
14 the foregoing is true and correct. Executed on February 23, 2007, at Los Angeles,
15 California .

16 (state)

17 
18 TERRI A. KELLER

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Court: CA Superior Court County of Los Angeles
Division/Courtroom: N/A
Case Class: Civil
Case Type: Toxic Tort - Bradfield
Case Number: BC322640
Case Name: Bradfield, Alice et al vs China Shipping Holding Co Ltd et al

Transaction Option: Serve Only - Private
Billing Reference: 10-101948-01

Documents List

1 Document(s)		
Attached Document, 82 Pages Document ID: 8572029		PDF Format Original Format
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Document title: Summons on Third Amended Complaint		

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