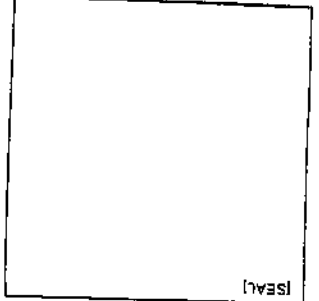


SUMMONS



- 1. as an individual defendant.
- 2. as the person sued under the fictitious name of (specify):
Daniel Garcia
- 3. on behalf of (specify):
under: CCP 416.10 (corporation)
 CCP 416.20 (defunct corporation)
 CCP 416.40 (association or partnership)
 CCP 416.90 (conservatee)
 CCP 416.60 (minor)
- 4. by personal delivery on (date):
 other (specify):

NOTICE TO THE PERSON SERVED: You are served

(For proof of service of this summons, use Proof of Service (Form SUM-101) or Proof of Service by First-Class Mail with Return Receipt (Form SUM-102).)
(Fecha y prueba de entrega de esta citación use el Formulario SUM-101 o el Formulario SUM-102.)
DATE: DEC 20 2008
Clerk, by **JOHN A. CLARK, CLERK**
Deputy

THE NAME, ADDRESS, AND TELEPHONE NUMBER OF PLAINTIFF'S ATTORNEY, OR PLAINTIFF WITHOUT AN ATTORNEY, IS:
**REUBEN YEROSHALMI, YEROSHALMI & ASSOCIATES, 3700 WILSHIRE BLVD., SUITE 480,
LOS ANGELES, CA 90010, 213-382-3183**

The name and address of the court is:
Superior Court of the State of California for the County of Los Angeles
Stanley Mosk Courthouse
111 North Hill Street, Los Angeles, California 90012

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 SERVICE PROGRAM. YOU CAN LOCATE THESE NONPROFIT GROUPS AT THE CALIFORNIA LEGAL SERVICES WEB SITE (WWW.LAWHELP.CALIFORNIA.ORG), THE CALIFORNIA COURTS ONLINE SELF-HELP CENTER (WWW.COURTINFO.CA.GOV/SELFHELP), OR BY CONTACTING YOUR LOCAL COURT OR COUNTY BAR ASSOCIATION.

TEN (10) DAYS BEFORE THE HEARING DATE, YOU MUST FILE A WRITTEN RESPONSE TO THE SUMMONS AND LEGAL PAPERS WITH THE COURT. 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.

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CASE NUMBER: BC363759

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
THOMPSON ROOF CO INCORPORATED, URBACH ROOFING, INC., ROOFING SPECIALISTS, INC, PATRIOT ROOFING, INC.,
(Additional Parties Attachment form is attached.)
YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTA DEMANDANDO EL DEMANDANTE):
CONSUMER ADVOCACY GROUP, INC., in the interest of the Public,

By **John A. Clark, Executive Officer/Clerk**
D. Garcia, Deputy

DEC 20 2006
THE CLERK'S OFFICE
Los Angeles Superior Court
CONFIRMED COPY
FOR COURT USE ONLY (SOLO PARA USO DE LA CORTE)

COPY

ADDITIONAL PARTIES ATTACHMENT
Attachment to Summons

American LegalNet, Inc.
www.USCourtForms.com

Plaintiff Defendant Cross-Complainant Cross-Defendant
PRIME WATERPROOFING & ROOFING, INC., DANA M. LOGSDON ROOFING, PREMIUM ROOF
SERVICES, INC., and DOES 1-500,

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

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

INSTRUCTIONS FOR USE

SHORT TITLE: Consumer Advocacy Group, Inc. v. Thompson Roof Co., et al.	CASE NUMBER:
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CIVIL CASE COVER SHEET

Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 201.8.) Failure to file may result in sanctions.

If this cover sheet in addition to any cover sheet required by local court rule.

If this case is complex under rule 1800 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.

Unless this is a complex case, this cover sheet will be used for statistical purposes only.

NOTICE

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

Reuben Yeroushalmi

Date: December 1, 2006

If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

- This case is not is a complex case under rule 1800 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
 - Large number of separately represented parties
 - Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
 - Substantial amount of documentary evidence
 - Substantial postjudgment judicial supervision in other counties, states, or countries, or in a federal court
 - Coordination with related actions pending in one or more courts
- Type of remedies sought (check all that apply):
 - monetary
 - nonmonetary; declaratory or injunctive relief
 - punitive
- Number of causes of action (specify): One
- This case is not is a class action suit.
- If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

1. Check one box below for the case type that best describes this case:

<input type="checkbox"/> Auto Tort	<input type="checkbox"/> Auto (22)	<input type="checkbox"/> Uninsured motorists (46)	<input type="checkbox"/> Other P/DP/W (Personal Injury/Property Damage/Wrongful Death) Tort	<input type="checkbox"/> Asbestos (04)	<input type="checkbox"/> Product liability (24)	<input type="checkbox"/> Medical malpractice (45)	<input type="checkbox"/> Other P/DP/W (23)	<input type="checkbox"/> Other P/DP/W (Other) Tort	<input type="checkbox"/> Business tort/unfair business practice (07)	<input type="checkbox"/> Civil rights (08)	<input type="checkbox"/> Detamation (13)	<input type="checkbox"/> Fraud (16)	<input type="checkbox"/> Intellectual property (19)	<input type="checkbox"/> Professional negligence (25)	<input type="checkbox"/> Other non-P/DP/W tort (35)	<input type="checkbox"/> Wrongful termination (36)	<input type="checkbox"/> Other employment (15)	
<input type="checkbox"/> Contract	<input type="checkbox"/> Breach of contract/warranty (06)	<input type="checkbox"/> Collections (09)	<input type="checkbox"/> Insurance coverage (18)	<input type="checkbox"/> Other contract (37)	<input type="checkbox"/> Real Property	<input type="checkbox"/> Eminent domain/inverse condemnation (14)	<input type="checkbox"/> Wrongful eviction (33)	<input type="checkbox"/> Other real property (26)	<input type="checkbox"/> Unlawful Detainer	<input type="checkbox"/> Commercial (31)	<input type="checkbox"/> Residential (32)	<input type="checkbox"/> Drugs (38)	<input type="checkbox"/> Judicial Review	<input type="checkbox"/> Asset forfeiture (05)	<input type="checkbox"/> Partition re: arbitration award (11)	<input type="checkbox"/> Writ of mandate (02)	<input type="checkbox"/> Other judicial review (39)	
<input type="checkbox"/> Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800-1812)	<input type="checkbox"/> Antitrust/Trade regulation (03)	<input type="checkbox"/> Construction defect (10)	<input type="checkbox"/> Mass tort (40)	<input type="checkbox"/> Securities litigation (28)	<input checked="" type="checkbox"/> Environmental/Toxic tort (30)	<input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)	<input type="checkbox"/> Enforcement of judgment (20)	<input type="checkbox"/> Miscellaneous Civil Complaint	<input type="checkbox"/> RICO (27)	<input type="checkbox"/> Other complaint (not specified above) (42)	<input type="checkbox"/> Miscellaneous Civil Petition	<input type="checkbox"/> Partnership and corporate governance (21)	<input type="checkbox"/> Other petition (not specified above) (43)					

Items 1-5 below must be completed (see instructions on page 2).

<p>CIVIL CASE COVER SHEET</p> <p><input checked="" type="checkbox"/> Unlimited (Amount) <input type="checkbox"/> Limited (Amount) demanded is \$25,000 or less) demanded exceeds \$25,000</p>		<p>Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)</p> <p>Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder <input type="checkbox"/></p>	
<p>CASE NAME: Consumer Advocacy Group, Inc. v. Thompson Roof Co., et al.</p>		<p>JUDGE: _____ DEPT: _____</p>	
<p>ATTORNEY FOR (Name): REUBEN YERUSHALMI & ASSOCIATES 3700 WILSHIRE BLVD., SUITE 480, LOS ANGELES, CA 90010 TELEPHONE NO: 213-382-3183 FAX NO: 213-382-3430</p>		<p>CASE NUMBER: BC363759</p>	
<p>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES 111 North Hill Street 111 North Hill Street Los Angeles, 90012 Stanley Mosk Courthouse</p>		<p>By: <i>[Signature]</i> D. Garcia, Deputy John A. Clark, Executive Officer/Clerk DEC 20 2006 Los Angeles Superior Court ORIGINAL FILED CONFIRMED COPY</p>	

COPY

**NOTICE OF CASE ASSIGNMENT
LOS ANGELES SUPERIOR COURT
CASE NUMBER**

BC363759

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below. There is additional information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	Hon. Gregory Alarcon	36	410
ASSIGNED JUDGE	DEPT	ROOM	Hon. Alice E. Alton	28	318
			Hon. Conrad Aragon	49	509
			Hon. Helen I. Bendix	18	308
			Hon. Eilhu M. Berle	42	416
			Hon. Tricia Ann Bigelow	23	315
			Hon. Soussan Bruguera	71	729
			Hon. Susan Bryant-Deason	52	510
			Hon. James C. Chalfant	13	630
			Hon. Victoria Chaney	324	GCW
			Hon. Judith C. Chirlin	89	532
			Hon. Ralph W. Dau	57	517
			Hon. Maureen Duffy-Lewis	38	412
			Hon. James R. Dunn	26	316
			Hon. Lee Edmon	68	617
			Hon. William F. Fahay	78	730
			Hon. Irving Fetter	51	511
			Hon. Edward A. Ferns	69	621
			Hon. Kenneth R. Freeman	64	601
			Hon. Haley J. Fromholz	20	310
			Hon. Richard Fruin	15	307
			Hon. Terry Green	14	300
			Hon. Elizabeth A. Grimes	30	400
			Hon. Paul Gutman	34	408
			Hon. Robert L. Hess	24	314
				3	224
ASSIGNED JUDGE	DEPT	ROOM	Hon. William Hightberger	32	406
			Hon. Ernest Hiroshige	54	512
			Hon. Jane Johnson	56	514
			Hon. Elizabeth Allen White	48	506
			Hon. Malcolm H. Mackey	55	515
			Hon. Jon M. Mayeda	72	731
			Hon. Rita Miller	16	306
			Hon. David L. Minning	61	632
			Hon. Aurelio Munoz	47	507
			Hon. Mary Ann Murphy	25	317
			Hon. Joanne O'Donnell	37	413
			Hon. Victor H. Person	39	415
			Hon. Mel Recana	45	529
			Hon. Andria K. Richey	31	407
			Hon. Teresa Sanchez-Gordon	74	735
			Hon. James E. Satt	40	414
			Hon. John P. Shook	53	513
			Hon. Ronald M. Shtigian	41	417
			Hon. Michael L. Stern	62	600
			Hon. Mary Thomson House	17	313
			Hon. Rolf M. Treu	58	516
			Hon. John Shepard Wiley Jr.	50	508
				19	311
			Hon. George Wu	33	409
				35	411
OTHER					

John A. Clarke, Executive Officer/Clerk

Given to Plaintiff of record on

CLERK

DEPUTY

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1. In 1986, California voters approved an initiative to address growing concerns about exposure to toxic chemicals. The initiative, The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections 25249.5 et seq. ("Proposition 65"), helps to protect California's drinking water sources from

BACKGROUND AND PRELIMINARY FACTS

Action is an Unlimited Civil Case
(Amount demand exceeds \$25,000)

CONSUMER ADVOCACY GROUP, INC.,
in the interest of the Public,
Plaintiff,
v.
THOMPSON ROOF CO.
INCORPORATED, URBACH ROOFING,
INC., ROOFING SPECIALISTS, INC.,
PATRIOT ROOFING, INC., PRIME
WATERPROOFING & ROOFING, INC.,
DANA M. LOGSDON ROOFING,
PREMIUM ROOF SERVICES, INC., and
DOES 1-500,
Defendants.

COMPLAINT FOR PENALTY,
INJUNCTION, AND RESTITUTION
1. Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement
Act of 1986 (Health and Safety Code
sections 25249.5 et seq.)

COUNTY OF LOS ANGELES BC363759

SUPERIOR COURT OF THE STATE OF CALIFORNIA

REUBEN YERUSHALMI (SBN 193981)
DANIEL D. CHO (SBN 105409)
YERUSHALMI & ASSOCIATES
3700 WILSHIRE BLVD., SUITE 480
LOS ANGELES, CA 90010
Telephone: 213-382-3183
Attorneys for Plaintiff,
Consumer Advocacy Group, Inc.

John A. Clark, Executive Officer/Clerk
By *[Signature]* D. Garcia, Deputy

DEC 20 2006

Los Angeles Superior Court

CONFIRMED COPY

1 contamination, to allow consumers to make informed choices about the products they
 2 buy, and to enable persons to protect themselves from toxic chemicals as they see fit.
 3
 4 2. Proposition 65 requires the Governor of California to publish a list of chemicals known to
 5 the state to cause cancer, birth defects, or other reproductive harm ("Proposition 65-
 6 Listed Chemicals"). (Health & Saf. Code, § 25249.8.) The list, which the Governor
 7 updates at least once a year, contains over 550 chemicals. Proposition 65 imposes
 8 warning requirements and other controls that apply to Proposition 65-Listed Chemicals.
 9
 10 3. All businesses with ten or more employees that operate or sell products in California
 11 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
 12 from knowingly discharging Proposition 65-Listed Chemicals into sources of drinking
 13 water (Health & Saf. Code, § 25249.5), and (2) required to provide "clear and
 14 reasonable" warnings before exposing a person, knowingly and intentionally, to a
 15 Proposition 65-Listed Chemical (Health & Saf. Code, § 25249.6). A business can satisfy
 16 its obligations under Health and Safety Code section 25249.6 by the tendering the
 17 requisite warnings through various means, e.g. labeling a consumer product, posting
 18 signs, or publishing notices in a newspaper.
 19
 20 4. Plaintiff, Consumer Advocacy Group, Inc. ("Plaintiff") is a non-profit corporation
 21 qualified to do business in the State of California. It brings this action in the public
 22 interest as defined under Health and Safety Code section 25249.7, subdivision (d).
 23
 24 5. In 2000 and 2001, Plaintiff conducted research, from which it identified an industry-wide
 25 practice among California companies, which install, repair, or replace roofs, of exposing,
 26 knowingly and intentionally, persons to asphalt without first providing clear and
 27
 28

reasonable warnings of such to the exposed persons prior to exposure. Asphalt is extremely toxic material, containing numerous Proposition 65-Listed Chemicals.

6. Defendants Thompson Roof Co. Incorporated, Urbach Roofing, Inc., Roofing Specialists, Inc., Patriot Roofing, Inc., Prime Waterproofing & Roofing, Inc., Dana M. Logsdon Roofing, Premium Roof Services, Inc., and Does 1-500, are and at all times mentioned herein have been qualified to do and did conduct business in the State of California.

7. Plaintiff is ignorant of the true names and capacities of defendants sued as Does 1-500. Therefore, Plaintiff sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences and damages alleged herein.

8. At all times mentioned herein, "Defendants" include Thompson Roof Co. Incorporated, Urbach Roofing, Inc., Roofing Specialists, Inc., Patriot Roofing, Inc., Prime Waterproofing & Roofing, Inc., Dana M. Logsdon Roofing, Premium Roof Services, Inc., and Does 1-500.

9. At all times mentioned each defendant was a person within the meaning of Health and Safety Code section 25249.11, subdivision (a). Plaintiff is informed, believes, and thereon alleges that at all times relevant to the complaint; each Defendant had ten or more employees.

10. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article VI, Section 10, which grants the Superior Court original jurisdiction in all causes except those given by statute to other trial courts. The statutes under which Plaintiff brings this lawsuit do not specify any other basis of jurisdiction.

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copies of each respective notice to the Office of the Attorney General, State of California,

them to Proposition 65-Listed Chemicals, had violated Proposition 65. Plaintiff mailed

failing to warn persons of exposures to Proposition 65-Listed Chemicals before exposing

Services, Inc., respectively. Such Notices stated that each respective defendant, by

Inc., Prime Waterproofing & Roofing, Inc., Dana M. Logsdon Roofing, Premium Roof

Roof Co. Incorporated, Urbach Roofing, Inc., Roofing Specialists, Inc., Patriot Roofing,

14. Plaintiff mailed a separate Proposition 65 60-day Notice of intent to sue to Thompson

exposure. (Health & Saf. Code, § 25249.6.)

giving clear and reasonable warning of such to the exposed persons before the time of

using asphalt, to the constituent Proposition 65-Listed Chemicals of asphalt, without first

13. Defendants have been exposing persons, knowingly and intentionally, by deliberately

installing, repairing, and or replacing the roofs on residential and commercial structures.

12. Defendants are and at all times mentioned herein have been engaged in the business of

as though fully set forth herein.

11. Plaintiff repeats and incorporates by reference the preceding paragraphs of this complaint

Enforcement Act of 1986 (Health and Safety Code sections 25249.5, et seq.)

INC., and DOES 1-500, for violation of Proposition 65, The Safe Drinking Water and Toxic

ROOFING, INC., DANA M. LOGSDON ROOFING, PREMIUM ROOF SERVICES,

SPECIALISTS, INC., PATRIOT ROOFING, INC., PRIME WATERPROOFING &

THOMPSON ROOF CO. INCORPORATED, URBACH ROOFING, INC., ROOFING

By Plaintiff, CONSUMER ADVOCACY GROUP, INC., and against Defendants,

FIRST CAUSE OF ACTION

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- 1 Department of Justice ("Attorney General"), and the County District Attorneys for each
 2 county and City Attorneys for each city containing a population of at least 750,000
 3 people, within which each respective named defendant violated Proposition 65.
 4
 5 15. On or about February 8, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to
 6 sue to Thompson Roof Co. Incorporated alleging the facts found in Paragraph 13 of this
 7 pleading.
 8
 9 16. On or about February 22, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to
 10 sue to Urbach Roofing, Inc. alleging the facts in Paragraph 13 of this pleading.
 11
 12 17. On or about May 10, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue
 13 to Roofing Specialists, Inc alleging the facts found in Paragraph 13 of this pleading.
 14
 15 18. On or about February 22, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to
 16 sue to Patriot Roofing, Inc. alleging the facts found in Paragraph 13 of this pleading.
 17
 18 19. On or about February 8, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to
 19 sue to Prime Waterproofing & Roofing, Inc. alleging the facts found in Paragraph 13 of
 20 this pleading.
 21
 22 20. On or about February 22, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to
 23 sue to Dana M. Logsdon Roofing alleging the facts found in Paragraph 13 of this
 24 pleading.
 25
 26 21. On or about February 22, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to
 27 sue to Premium Roof Services, Inc. alleging the facts found in Paragraph 13 of this
 28 pleading.
 29
 30 22. Each Proposition 65 60-Day Notice of intent to sue listed above included a certificate of
 31 ment executed by the attorney for the noticing party, Plaintiff. The certificate of ment

1 stated that the attorney for Plaintiff who executed the certificate had consulted with at
 2 least one person with relevant and appropriate expertise who had reviewed data regarding
 3 the exposure to Proposition 65-Listed Chemicals that are the subjects of the action.
 4 Based on that information, the attorney for Plaintiff who executed the certificate believed
 5 there was a reasonable and meritorious case for this private action. The attorney for
 6 Plaintiff attached to the certificate of merit served on the Attorney General information
 7 sufficient to establish the basis of the certificate of merit.
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28 of asphalt or coal tar. Defendants exposed such persons without providing "clear and
 27 hot asphalt, "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers
 26 employed by Defendants, to Proposition 65-Listed Chemicals by using asphalt, including
 25 structures serviced, neighbors of the same, passerby, motorists, and inspectors not
 24 intentionally, reasonably foreseeable members of the public, including occupants of the
 23 repaired, and or replaced roofs. Defendants have been exposing, knowingly and
 22 of intent to sue and the present, in the normal course of business, Defendants installed,
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 25. Between three years before the sending of each respective Proposition 65 60-Day Notice
 19 prosecuting an action against the violation.
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1 reasonable" warnings to affected persons before exposing such persons, knowingly and
 2 intentionally, to Proposition 65-Listed Chemicals. In doing so, Defendants violated
 3 Proposition 65.
 4
 5 26. As to environmental exposures, Defendants failed to provide a warning either that (A)
 6 appears on a sign in the affected area, (B) constitutes a posting of signs in the manner
 7 described in Cal. Code Regs., tit. 3, § 6776(d), (C) is in a notice mailed or otherwise
 8 delivered to each occupant in the affected area at least once in any three-month period, or
 9 (D) provided by public media announcements that targets the affected area at least once
 10 in any three-month period.
 11
 12 27. As to Occupational Exposures, Defendants failed to provide a warning either that (A)
 13 appears on the product that employees would read and understand prior to the exposure
 14 for which warning is given, (B) appears on a sign in the workplace posted conspicuously
 15 and under conditions that employees would likely read and understand prior to the
 16 exposure for which warning is given, or (C) complies with all requirements of the federal
 17 Hazard Communication Standard.
 18
 19 28. Between three years before the sending of each respective Proposition 65 60-Day
 20 Notice of intent to sue and the present, in the normal course of business, Defendants
 21 installed, repaired, and or replaced roofs. Defendants have also been exposing,
 22 knowingly and intentionally, their employees, including roofing contractors, drivers,
 23 roofing installers, and workers otherwise involved in the installation, repair, and or
 24 replacement of roofs, to Proposition 65-Listed Chemicals by using asphalt, including hot
 25 asphalt, "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of
 26 asphalt or coal tar. Defendants exposed such employees without providing "clear and
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the ambient air.
Defendants possessed sufficient control over the relevant areas to control the quality of

associated fumes, causing contact with their mouths, throats, esophagi, and lungs.
affected persons breathed in the ambient air, which contained asphalt, asphalt smoke, or
31. The route of exposure for Environmental Exposures is inhalation contact whereby

respective named defendant.
whose district attorneys received copies of the operative 60-Day Notices relevant to each
30. These Environmental and Occupational Exposures occurred in the California counties

staging grounds for the performance of such work.
d. Areas within 50 feet of where Defendants performed roofing work or established

roofing installations, removals, and replacements; and
places of business and where Defendants performed roofing work, including
c. Areas along and within 50 feet of the routes traveled between said principal

asphalt;
facilities and garage areas, wherein Defendants also prepared and heated the
places of business and where Defendants stored roofing materials, such as storage
b. Areas along and within 50 feet of the routes traveled between said principal

a. Violators' principal places of business and areas within 50 feet of the same;
complaint. The locations of the exposures include:
29. The sources of exposures are the constituent chemicals of asphalt, as listed in this

Proposition 65.
and intentionally, to Proposition 65-Listed Chemicals. In doing so, Defendants violated
reasonable" warnings to affected employees before exposing such persons, knowingly

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23	Benz[a]anthracene	Chrysene	Toluene diisocyanate	Formaldehyde (gas)
24	5-Methylchrysene	Nickel and Nickel Compounds	Dichloromethane (Methylene Chloride)	Benzene
25	Lead and Lead Compounds	Benzo[b]fluoranthene	Benzo[k]fluoranthene	Benzo[a]pyrene
26	Indeno[1,2,3-cd]pyrene	Acetaldehyde	Beryllium and Beryllium compounds	Arsenic (inorganic arsenic compounds)
27				
28	Cadmium and	Chromium (hexavalent	Tetrachloroethylene	Trichloroethylene

CARCINOGENS

32. The route of exposure for Occupational Exposures is inhalation contact whereby affected employees breathed in the ambient air, which contained asphalt, asphalt smoke, or associated fumes, causing contact with their mouths, throats, esophagi, and lungs. Defendants possessed sufficient control over the relevant areas to control the quality of the ambient air. Employees also sustained inhalation contact by inhaling particulate matter and other airborne constituents, including gaseous emissions released from "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of asphalt or coal tar, when they removed various roofing products from packaging and or tore out previously installed roofing products in preparation of re-roofing. The route of exposure for Occupational Exposures is also Dermal Contact, whereby employees allowed their bare skin to touch, intentionally or inadvertently, asphalt products, while mixing, heating, transporting, or applying the same. Dermal Contact also occurred when Employees, after allowing work gloves to touch asphalt, then touched their bare skin with the asphalt-impregnated work gloves. Said exposures occurred in the California counties whose district attorneys received copies of the operative notices.

33. For each type and means of exposure, Defendants have exposed and are exposing the above referenced persons to the Proposition 65-Listed Chemicals listed below.

34. For the past several years, both the Attorney General as well as Plaintiff have investigated and prosecuted Asphalt Roofing entities as an industry for alleged violations of Proposition 65. Plaintiff and its counsel poured and continue to pour significant resources, including time, money, and energy, in trying to bring all members of the Asphalt Roofing Industry in compliance with Proposition 65. In fact, the Attorney General and Plaintiff co-litigated a previous action that resulted in a universal settlement reached with over 100 Asphalt Roofing entities. That settlement had an extensive opt-in period which allowed all roofing entities, including these defendants, to join the settlement and end not only their continual violations of Proposition 65, but also their potential liabilities for alleged violations of the statute. Accordingly, these defendants

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REPRODUCTIVE TOXINS			
Cadmium compounds	(Perchloroethylene)		
Formaldehyde (gas)	Chrysene	Dibenz[a,h]anthracene	Carbazole
Dibenzo[a,i]pyrene	Dibenzo[a,e]pyrene	Dibenz[a,j]acridine	Dibenzo[a,h]p
Dibenzo[a,l]pyrene			
Toluene	Carbon Disulfide	Benzene	Lead
Mercury and Mercury compounds	Arsenic (inorganic oxides)	Cadmium	

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1 have had plenty of time and opportunities to end their violations of Proposition 65 and
2 come into compliance with the law.

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4 36. Instead, these defendants flouted the various opportunities they had to comply with
5 Proposition 65, and chose instead not to participate in a win-win settlement agreement
6 offered by both the Attorney General and CAG. The settlement these defendants chose
7 not to participate in would have benefited all parties involved, in that it would have
8 required defendants to significantly reduce both their employees' as well as the public's
9 exposures to deadly chemicals, and would have obligated these defendants to post the
10 required warnings. By choosing to continue their violations, these defendants have
11 significantly enlarged their potential liabilities for violating Proposition 65.

14 PRAYER FOR RELIEF

15 WHEREFORE, Plaintiff in the FIRST CAUSE OF ACTION demands against each defendant as
16 follows:

17 1. A permanent injunction pursuant to Health and Safety Code section 25249.7, subdivision (a),
18 and the equitable powers of the court;
19 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b) in the amount
20 of \$2,500 per day per violation;

21 3. Order to disgorge or pay restitution in an amount sufficient to restore to any person in interest
22 any money or property that Defendants may have acquired by means of violations set forth
23 herein and to prevent defendants' future use of such violations, pursuant to the equitable
24 powers of the court;

25 4. Costs of suit;

26 5. Reasonable attorney's fees and costs; and

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6. Any further relief that the court may deem just and equitable.

Dated: December 19, 2006

YERUSHALMI & ASSOCIATES

Reuben Yerushalmi
Attorneys for Plaintiff,
Consumer Advocacy Group, Inc.