SUM-100

SUMMONS
(CITACION JUDICIAL)

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
GORDON MOTT ROOFING COMPANY, INC., RUSH ROOFING CO., INC., R. B. ROOFING CO., INC., FOUR SEASONS ROOFING, INC., (Additional Parties Attachment form is attached.)

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
CONSUMER ADVOCACY GROUP, INC., in the interest of the Public,

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.

COPY

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court, State of California, for the County of San Francisco
Civic Center Courthouse
400 McAllister Street, San Francisco,CA 94102-4514

CASE NUMBER:
(Número del Caso): CGC-06-459064

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):
REUBEN YEROUSHALMI, YEROUSHALMI & ASSOCIATES, 3700 WILSHIRE BLVD., SUITE 480, LOS ANGELES, CA 90010, 213-382-3183

DATE: *(Fecha)* DEC 26 2006 Gordon Park-Li Clerk, by *(Secretario)* P. NATT, Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, *(POS-010)).*

(SEAL)

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):*

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. January 1, 2004]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
American LegalNet, Inc. | www.USCourtForms.com

SHORT TITLE:	CASE NUMBER:
Consumer Advocacy Group, Inc. v. Gordon Mott Roofing, et al.	

INSTRUCTIONS FOR USE

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

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

☐ Plaintiff ☑ Defendant ☐ Cross-Complainant ☐ Cross-Defendant

MID-PENINSULA ROOFING, INC., AMERICAN ROOF SYSTEMS, INC., ALTERNATIVE ROOFING SOLUTIONS, INC., S F GOLDEN GATE CO, and DOES 1-500,

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

ADDITIONAL PARTIES ATTACHMENT
Attachment to Summons

CM-010

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
REUBEN YEROUSHALMI (SBN 193981)
YEROUSHALMI & ASSOCIATES
3700 WILSHIRE BLVD., SUITE 480, LOS ANGELES, CA 90010
TELEPHONE NO.: 213-382-3183 FAX NO.: 213-382-3430
ATTORNEY FOR (Name): Consumer Advocacy Group, Inc.

FOR COURT USE ONLY

ENDORSED
FILED
San Francisco County Superior Court
DEC 26 2006
GORDON PARK-LI, Clerk
BY: PARAM NATT
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS: 400 McAllister Street
CITY AND ZIP CODE: San Francisco, 94102-4514
BRANCH NAME: Civic Center Courthouse

CASE NAME:
Consumer Advocacy Group, Inc. v. Gordon Mott Roofing, et al.

CASE NUMBER: CGC-06-459064

JUDGE:
DEPT:

CIVIL CASE COVER SHEET

☑ **Unlimited** (Amount demanded exceeds $25,000) ☐ **Limited** (Amount demanded is $25,000 or less)

Complex Case Designation

☐ **Counter** ☐ **Joinder**

Filed with first appearance by defendant (Cal. Rules of Court, rule 1811)

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

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

Auto Tort
- ☐ Auto (22)
- ☐ Uninsured motorist (46)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort
- ☐ Asbestos (04)
- ☐ Product liability (24)
- ☐ Medical malpractice (45)
- ☐ Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort
- ☐ Business tort/unfair business practice (07)
- ☐ Civil rights (08)
- ☐ Defamation (13)
- ☐ Fraud (16)
- ☐ Intellectual property (19)
- ☐ Professional negligence (25)
- ☐ Other non-PI/PD/WD tort (35)

Employment
- ☐ Wrongful termination (36)
- ☐ Other employment (15)

Contract
- ☐ Breach of contract/warranty (06)
- ☐ Collections (09)
- ☐ Insurance coverage (18)
- ☐ Other contract (37)

Real Property
- ☐ Eminent domain/inverse condemnation (14)
- ☐ Wrongful eviction (33)
- ☐ Other real property (26)

Unlawful Detainer
- ☐ Commercial (31)
- ☐ Residential (32)
- ☐ Drugs (38)

Judicial Review
- ☐ Asset forfeiture (05)
- ☐ Petition re: arbitration award (11)
- ☐ Writ of mandate (02)
- ☐ Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 1800–1812)
- ☐ Antitrust/Trade regulation (03)
- ☐ Construction defect (10)
- ☐ Mass tort (40)
- ☐ Securities litigation (28)
- ☑ Environmental/Toxic tort (30)
- ☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment
- ☐ Enforcement of judgment (20)

Miscellaneous Civil Complaint
- ☐ RICO (27)
- ☐ Other complaint *(not specified above)* (42)

Miscellaneous Civil Petition
- ☐ Partnership and corporate governance (21)
- ☐ Other petition *(not specified above)* (43)

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

Date: 12-19-2006
Reuben Yeroushalmi
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE
- 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.
- File 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.

Form Adopted for Mandatory Use
Judicial Council of California
CM-010 [Rev. January 1, 2006]

CIVIL CASE COVER SHEET

Cal. Rules of Court, rules 201.8, 1800–1812; Standards of Judicial Administration, § 19
www.courtinfo.ca.gov
American LegalNet, Inc.
www.USCourtForms.com

REUBEN YEROUSHALMI (SBN 193981)
DANIEL D. CHO (SBN 105409)
YEROUSHALMI & ASSOCIATES
3700 WILSHIRE BLVD., SUITE 480
LOS ANGELES, CA 90010
Telephone: 213-382-3183

Attorneys for Plaintiff,
Consumer Advocacy Group, Inc.

ENDORSED
FILED
San Francisco County Superior Court

DEC 26 2006

GORDON PARK-LI, Clerk
BY: PARAM NATT
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET
MAY 25 2007 -9 AM

DEPARTMENT 212

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

CGC-06-459064

CONSUMER ADVOCACY GROUP, INC., in the interest of the Public, Plaintiff, v. GORDON MOTT ROOFING COMPANY, INC., RUSH ROOFING CO., INC., R. B. ROOFING CO., INC., FOUR SEASONS ROOFING, INC., MID-PENINSULA ROOFING, INC., AMERICAN ROOF SYSTEMS, INC., ALTERNATIVE ROOFING SOLUTIONS, INC., S F GOLDEN GATE CO, 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.) Action is an Unlimited Civil Case (Amount demand exceeds $25,000)

COPY

BACKGROUND AND PRELIMINARY FACTS

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

contamination, to allow consumers to make informed choices about the products they buy, and to enable persons to protect themselves from toxic chemicals as they see fit.

2. Proposition 65 requires the Governor of California to publish a list of chemicals known to the state to cause cancer, birth defects, or other reproductive harm ("Proposition 65-Listed Chemicals"). (Health & Saf. Code, § 25249.8.) The list, which the Governor updates at least once a year, contains over 550 chemicals. Proposition 65 imposes warning requirements and other controls that apply to Proposition 65-Listed Chemicals.

3. All businesses with ten or more employees that operate or sell products in California must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited from knowingly discharging Proposition 65-Listed Chemicals into sources of drinking water (Health & Saf. Code, § 25249.5), and (2) required to provide "clear and reasonable" warnings before exposing a person, knowingly and intentionally, to a Proposition 65-Listed Chemical (Health & Saf. Code, § 25249.6). A business can satisfy its obligations under Health and Safety Code section 25249.6 by the tendering the requisite warnings through various means, e.g. labeling a consumer product, posting signs, or publishing notices in a newspaper.

4. Plaintiff, Consumer Advocacy Group, Inc. ("Plaintiff") is a non-profit corporation qualified to do business in the State of California. It brings this action in the public interest as defined under Health and Safety Code section 25249.7, subdivision (d).

5. In 2000 and 2001, Plaintiff conducted research, from which it identified an industry-wide practice among California companies, which install, repair, or replace roofs, of exposing, knowingly and intentionally, persons to asphalt without first providing clear and

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

6. Defendants Gordon Mott Roofing Company, Inc., Rush Roofing Co., Inc., R. B. Roofing Co., Inc., Four Seasons Roofing, Inc., Mid-Peninsula Roofing, Inc., American Roof Systems, Inc., Alternative Roofing Solutions, Inc., S F Golden Gate Co, 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 Gordon Mott Roofing Company, Inc., Rush Roofing Co., Inc., R. B. Roofing Co., Inc., Four Seasons Roofing, Inc., Mid-Peninsula Roofing, Inc., American Roof Systems, Inc., Alternative Roofing Solutions, Inc., S F Golden Gate Co, 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.

FIRST CAUSE OF ACTION

By Plaintiff, CONSUMER ADVOCACY GROUP, INC., and against Defendants, GORDON MOTT ROOFING COMPANY, INC., RUSH ROOFING CO., INC., R. B. ROOFING CO., INC., FOUR SEASONS ROOFING, INC., MID-PENINSULA ROOFING, INC., AMERICAN ROOF SYSTEMS, INC., ALTERNATIVE ROOFING SOLUTIONS, INC., S F GOLDEN GATE CO, and DOES 1-500, for violation of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health and Safety Code sections 25249.5, et seq.)

11. Plaintiff repeats and incorporates by reference the preceding paragraphs of this complaint as though fully set forth herein.

12. Defendants are and at all times mentioned herein have been engaged in the business of installing, repairing, and or replacing the roofs on residential and commercial structures.

13. Defendants have been exposing persons, knowingly and intentionally, by deliberately using asphalt, to the constituent Proposition 65-Listed Chemicals of asphalt, without first giving clear and reasonable warning of such to the exposed persons before the time of exposure. (Health & Saf. Code, § 25249.6.)

14. Plaintiff mailed a separate Proposition 65 60-day Notice of intent to sue to Gordon Mott Roofing Company, Inc., Rush Roofing Co., Inc., R. B. Roofing Co., Inc., Four Seasons Roofing, Inc., Mid-Peninsula Roofing, Inc., American Roof Systems, Inc., Alternative Roofing Solutions, Inc., S F Golden Gate Co, respectively. Such Notices stated that each

respective defendant, by failing to warn persons of exposures to Proposition 65-Listed Chemicals before exposing them to Proposition 65-Listed Chemicals, had violated Proposition 65. Plaintiff mailed copies of each respective notice to the Office of the Attorney General, State of California, Department of Justice ("Attorney General"), and the County District Attorneys for each county and City Attorneys for each city containing a population of at least 750,000 people, within which each respective named defendant violated Proposition 65.

15. On or about April 14, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to Gordon Mott Roofing Company, Inc. alleging the facts found in Paragraph 13 of this pleading.

16. On or about April 14, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to Rush Roofing Co., Inc. alleging the facts in Paragraph 13 of this pleading.

17. On or about April 14, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to R. B. Roofing Co., Inc. alleging the facts found in Paragraph 13 of this pleading.

18. On or about June 27, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to Four Seasons Roofing, Inc. alleging the facts found in Paragraph 13 of this pleading.

19. On or about June 27, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to Mid-Peninsula Roofing, Inc. alleging the facts found in Paragraph 13 of this pleading.

20. On or about April 14, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to American Roof Systems, Inc. alleging the facts found in Paragraph 13 of this pleading.

21. On or about April 14, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to Alternative Roofing Solutions, Inc. alleging the facts found in Paragraph 13 of this pleading.

22. On or about April 14, 2006, Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to S F Golden Gate Co alleging the facts found in Paragraph 13 of this pleading.

23. Each Proposition 65 60-Day Notice of intent to sue listed above included a certificate of merit executed by the attorney for the noticing party, Plaintiff. The certificate of merit stated that the attorney for Plaintiff who executed the certificate had consulted with at least one person with relevant and appropriate expertise who had reviewed data regarding the exposure to Proposition 65-Listed Chemicals that are the subjects of the action. Based on that information, the attorney for Plaintiff who executed the certificate believed there was a reasonable and meritorious case for this private action. The attorney for Plaintiff attached to the certificate of merit served on the Attorney General information sufficient to establish the basis of the certificate of merit.

24. Plaintiff is commencing this action more than sixty days (plus five calendar days because Plaintiff mailed the notices and the place of mailing and the place of address were within California) from the date that Plaintiff gave notice of the alleged violations of Proposition 65 to each respective named defendant, the Attorney General, and applicable district attorneys and city attorneys in whose jurisdictions the violations allegedly occurred.

25. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor any applicable district attorney or city attorney has commenced and is diligently prosecuting an action against the violation.

26. Between three years before the sending of each respective Proposition 65 60-Day Notice of intent to sue and the present, in the normal course of business, Defendants installed, repaired, and or replaced roofs. Defendants have been exposing, knowingly and intentionally, reasonably foreseeable members of the public, including occupants of the

structures serviced, neighbors of the same, passersby, motorists, and inspectors not employed by Defendants, to Proposition 65-Listed Chemicals by using asphalt, including hot asphalt, "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of asphalt or coal tar. Defendants exposed such persons without providing "clear and reasonable" warnings to affected persons before exposing such persons, knowingly and intentionally, to Proposition 65-Listed Chemicals. In doing so, Defendants violated Proposition 65.

27. As to environmental exposures, Defendants failed to provide a warning either that (A) appears on a sign in the affected area, (B) constitutes a posting of signs in the manner described in Cal. Code Regs., tit. 3, § 6776(d), (C) is in a notice mailed or otherwise delivered to each occupant in the affected area at least once in any three-month period, or (D) provided by public media announcements that targets the affected area at least once in any three-month period.

28. As to Occupational Exposures, Defendants failed to provide a warning either that (A) appears on the product that employees would read and understand prior to the exposure for which warning is given, (B) appears on a sign in the workplace posted conspicuously and under conditions that employees would likely read and understand prior to the exposure for which warning is given, or (C) complies with all requirements of the federal Hazard Communication Standard.

29. Between three years before the sending of each respective Proposition 65 60-Day Notice of intent to sue and the present, in the normal course of business, Defendants installed, repaired, and or replaced roofs. Defendants have also been exposing, knowingly and intentionally, their employees, including roofing contractors, drivers, roofing installers,

and workers otherwise involved in the installation, repair, and or replacement of roofs, to Proposition 65-Listed Chemicals by using asphalt, including hot asphalt, "cold" asphalt emulsions and adhesives, asphalt shingles, and inter-ply layers of asphalt or coal tar. Defendants exposed such employees without providing "clear and reasonable" warnings to affected employees before exposing such persons, knowingly and intentionally, to Proposition 65-Listed Chemicals. In doing so, Defendants violated Proposition 65.

30. The sources of exposures are the constituent chemicals of asphalt, as listed in this complaint. The locations of the exposures include:

    a. Violators' principal places of business and areas within 50 feet of the same;

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

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

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

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

32. The route of exposure for Environmental Exposures is inhalation contact whereby affected persons 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.

33. 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.

34. 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.

CARCINOGENS

Benz[a]anthracene	Chrysene	Toluene diisocyanate	Formaldehyde (gas)
5-Methylchrysene	Nickel and Nickel Compounds	Dichloromethane (Methylene Chloride)	Benzene

Lead and Lead Compounds	Benzo[b]flouranthene	Benzo[k]flouranthene	Benzo[a]pyrene
Indeno[1,2,3-cd]pyrene	Acetaldehyde	Beryllium and Beryllium compounds	Arsenic (inorganic arsenic compounds)
Cadmium and Cadmium compounds	Chromium (hexavalent compounds)	Tetrachloroethylene (Perchloroethylene)	Trichloroethylene
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			

REPRODUCTIVE TOXINS

Toluene	Carbon Disulfide	Benzene	Lead
Mercury and Mercury compounds	Arsenic (inorganic oxides)	Cadmium	

35. Each Proposition 65-Listed Chemical listed above first appeared on the Governor's Proposition 65 list more than twenty months before Plaintiff sent a Proposition 65 60-Day Notice of intent to sue to each respective named defendant. Therefore, each Proposition 65-Listed Chemical was subject to Proposition 65 warning requirements at the times of the exposures alleged herein.

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

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

PRAYER FOR RELIEF

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

1. A permanent injunction pursuant to Health and Safety Code section 25249.7, subdivision (a), and the equitable powers of the court;
2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b) in the amount of $2,500 per day per violation;
3. Order to disgorge or pay restitution in an amount sufficient to restore to any person in interest any money or property that Defendants may have acquired by means of violations set forth herein and to prevent defendants' future use of such violations, pursuant to the equitable powers of the court;

4. Costs of suit;

5. Reasonable attorney's fees and costs; and

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

Dated: December 19, 2006

YEROUSHALMI & ASSOCIATES

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