

**SUMMONS
(CITACION JUDICIAL)**

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

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Aeroflot, Allegiant Air, Inc., Allegiant Air, Inc., HMY Airways, Inc.,
MN Airlines LLC (dba Sun Country Airlines), Additional Parties
Attachment form is attached.

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Consumer Advocacy Group, Inc., in the public interest,

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):

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

CASE NUMBER
(Número de caso) **680-07-462756**

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):
ROY PENUELA, LAW FIRM OF ROY PENUELA, 4555 ELLENBORO WAY
WOODLAND HILLS, CA 91364-5666, (818) 884-2801

DATE: 'APR 25 2007
(Fecha)

Gordon Park-L

Clerk, by
(Secretario)

Jun Panojo

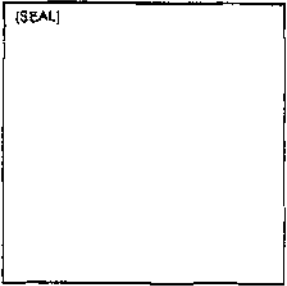
Deputy
(Adjunto)

(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

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- 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):
- by personal delivery on (date):



SHORT TITLE: Consumer Advocacy Group, Inc. v. Aeroflot, et al.	CASE NUMBER
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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

Northwest Airlines, Inc., Aero California, Delta Airlines, Inc., Sociedad Anonima De Capital Variable, Air Pacific, Air Jamaica Ltd., Frontier Airlines, JetBlue Airways Corp., Midwest Air Group Inc. (a.k.a. Midwest Airlines), Southwest Airlines Co., Aeromexico, Aerolitoral, Asiana Airlines, All Nippon Airways, LTU International Airways, Air Tahiti Nui, Cathay Pacific Airways, Ltd., Aloha Airlines, WestJet Airlines Ltd., Horizon Air Industries, Inc., Mesa Air Group, Inc., ATA Airlines, Sky West, Inc., American Eagle, Cargolux Airlines International, S.A., Kitty Hawk, Inc., FedEx Corporation, Mexicana Airlines, United Parcel Service, Inc., American Airlines, Inc., America West Airlines, Inc., Continental Airlines, Inc., United Air Lines, Inc. Virgin Atlantic Airways Limited, Hawaiian Airlines, Inc., Ace Aviation Holdings Inc., Air China, Air France, Air New Zealand, Air Tran Airways, Alaska Airlines, Inc., British Airways, Plc., Japan Airlines International Company Ltd., KLM Royal Dutch Airlines, Lufthansa, Air Wisconsin Airlines Corporation (a.k.a. United Express), Swiss International Air Lines, Ltd., TACA International Airlines, S.A., Polar Air Cargo, Inc., ASTAR Air Cargo, Inc., Bax Global Inc., Amerijet International, Inc., DHL Holdings (USA), Inc., Aer Lingus, Limited, Air India, Ltd., China Airlines, Ltd., Evergreen International Airlines, China Eastern Airlines Co., Ltd., China Southern Airlines Co., Ltd., Compañía Panameña de Aviación, S.A., (a.k.a.) Copa Airlines, El Al Israel Airlines, Ltd., EVA Airways Corp., Korean Air Lines Co., Ltd., Lan Airlines, S.A., Malaysia Airlines, Thai Airways International, Ltd., Midwest Express Airlines, Inc., Philippine Airlines, Inc., Qantas Airways Limited, Singapore Airlines, Limited, Spirit Airlines, Inc., and Does 1-100,

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number and address): ROY PENUELA (SBN 107267) LAW FIRM OF ROY PENUELA 4555 ELLENBORO WAY WOODLAND HILLS, CA 91364-5666 TELEPHONE NO: (818) 884-2801 FAX NO: (818) 884-2498 ATTORNEY FOR (Name): Consumer Advocacy Group, Inc.	FOR COURT USE ONLY ENDORSED FILED San Francisco County Superior Court APR 25 2007 GORDON PARK-LI, Clerk BY: <u>JUN P. PANELO</u> 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. Aeroflot, et al.
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: CGC-07-462756 JUDGE: _____ DEPT: _____

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.

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PIP/D/W/D (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIP/D/W/D (23) <p>Non-PIP/D/W/D (Other) Tort</p> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/D/W/D tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <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) <p>Real Property</p> <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <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) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> 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: 4/20/07
ROY PENUELA (TYPE OR PRINT NAME) [Signature] (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 3.220.) 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 3.400 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.

ENDORSED
FILED
San Francisco County Superior Court

APR 25 2007

GORDON PARK-LI, Clerk
BY: JUN P. PANILO
Deputy Clerk

1 ROY PENUELA (SBN 107267)
2 LAW FIRM OF ROY PENUELA
3 4555 ELLENBORO WAY
4 WOODLAND HILLS, CA 91364-5666
5 (818) 884-2801

CASE MANAGEMENT CONFERENCE SET

SEP 28 2007 -9^{AM} CASE MANAGEMENT CONFERENCE SET

6 Attorney for Plaintiff,
7 Consumer Advocacy Group, Inc.

DEPARTMENT 212

SEP 28 2007 -9^{AM}

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

DEPARTMENT 212

9 COUNTY OF SAN FRANCISCO

10 Consumer Advocacy Group, Inc., in the public interest,
11 Plaintiff,

Case No. **CGC-07-462756**

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

12 v.

13 Aeroflot, Allegiant Air, Inc., Allegiant Air, Inc., HMY Airways, Inc.,
14 MN Airlines LLC (dba Sun Country Airlines), Northwest Airlines,
15 Inc., Aero California, Delta Airlines, Inc., Sociedad Anonima De
16 Capital Variable, Air Pacific, Air Jamaica Ltd., Frontier Airlines,
17 JetBlue Airways Corp., Midwest Air Group Inc. (a.k.a. Midwest
18 Airlines), Southwest Airlines Co., Aeromexico, Aerolitoral, Asiana
19 Airlines, All Nippon Airways, LTU International Airways, Air Tahiti
20 Nui, Cathay Pacific Airways, Ltd., Aloha Airlines, WestJet Airlines
21 Ltd., Horizon Air Industries, Inc., Mesa Air Group, Inc., ATA
22 Airlines, Sky West, Inc., American Eagle, Cargolux Airlines
23 International, S.A., Kitty Hawk, Inc., FedEx Corporation, Mexicana
24 Airlines, United Parcel Service, Inc., American Airlines, Inc.,
25 America West Airlines, Inc., Continental Airlines, Inc., United Air
26 Lines, Inc. Virgin Atlantic Airways Limited, Hawaiian Airlines, Inc.,
27 Ace Aviation Holdings Inc., Air China, Air France, Air New
28 Zealand, Air Tran Airways, Alaska Airlines, Inc., British Airways,
Plc., Japan Airlines International Company Ltd., KLM Royal Dutch
Airlines, Lufthansa, Air Wisconsin Airlines Corporation (a.k.a.
United Express), Swiss International Air Lines, Ltd., TACA
International Airlines, S.A., Polar Air Cargo, Inc., ASTAR Air
Cargo, Inc., Bax Global Inc., Amerijet International, Inc., DHL
Holdings (USA), Inc., Aer Lingus, Limited, Air India, Ltd., China
Airlines, Ltd., Evergreen International Airlines, China Eastern
Airlines Co., Ltd., China Southern Airlines Co., Ltd., Compañía
Panameña de Aviación, S.A., (a.k.a.) Copa Airlines, El Al Israel
Airlines, Ltd., EVA Airways Corp., Korean Air Lines Co., Ltd., Lan
Airlines, S.A., Malaysia Airlines, Thai Airways International, Ltd.,
Midwest Express Airlines, Inc., Philippine Airlines, Inc., Qantas
Airways Limited, Singapore Airlines, Limited, Spirit Airlines, Inc.,
and Does 1-100,

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

Defendants.

2

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

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The Parties

1. Plaintiff, Consumer Advocacy Group, Inc., ("Plaintiff") is a 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).
2. At all times mentioned, all Defendants listed in Paragraph 3 were and are airlines doing business in California, each being a "[p]erson in the course of doing business" within the meaning of Health and Safety Code section 25249.11, subdivision (b).
3. The Defendants are as follows: Aeroflot, Aero California, HMY Airways, Inc., Allegiant Air, Inc., Sociedad Anonima De Capital Variable, MN Airlines LLC (dba Sun Country Airlines), Northwest Airlines, Inc., Air Pacific, Air Jamaica Ltd., Frontier Airlines, Delta Airlines, Inc., JetBlue Airways Corp., Midwest Air Group Inc. (a.k.a. Midwest Airlines), Southwest Airlines Co., Aeromexico, Aerolitoral, Asiana Airlines, All Nippon Airways, Air Tahiti Nui, Cathay Pacific Airways, Ltd., Aloha Airlines, WestJet Airlines Ltd., Horizon Air Industries, Inc., Mesa Air Group, Inc., ATA Airlines, Sky West, Inc., American Eagle, Mexicana Airlines, Cargolux Airlines International, S.A., Kitty Hawk, Inc., FedEx Corporation, United Parcel Service, Inc., American Airlines, Inc., America West Airlines, Inc., Continental Airlines, Inc., United Air Lines, Inc. Hawaiian Airlines, Inc., TACA International Airlines, S.A., Virgin Atlantic Airways Limited, Ace Aviation Holdings Inc., Air China, Air France, Air New Zealand, Air Tran Airways, Alaska Airlines, Inc., British Airways, Plc., Japan Airlines International Company Ltd., KLM Royal Dutch Airlines, Lufthansa, Air Wisconsin Airlines Corporation (a.k.a. United Express), Swiss International Air Lines, Ltd., Polar Air Cargo, Inc., ASTAR Air Cargo,

1 Inc., Bax Global Inc., Amerijet International, Inc., DHL Holdings (USA), Inc., Aer
2 Lingus, Limited, Air India, Ltd., China Airlines, Ltd., Evergreen International Airlines,
3 China Eastern Airlines Co., Ltd., China Southern Airlines Co., Ltd., Compañía Panameña
4 de Aviación, S.A., (a.k.a.) Copa Airlines, El Al Israel Airlines, Ltd., EVA Airways Corp.,
5 Korean Air Lines Co., Ltd., Lan Airlines, S.A., Malaysia Airlines, Thai Airways
6 International, Ltd., Midwest Express Airlines, Inc., Philippine Airlines, Inc., Qantas
7 Airways Limited, Singapore Airlines, Limited, Spirit Airlines, Inc., and Does 1-1000
8 (hereinafter referred to collectively as "Defendants").
9

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

13 5. Plaintiff is ignorant of the true names and capacities of defendants Does 1-100, and
14 therefore sues these defendants by such fictitious names. Plaintiff will amend this
15 complaint to allege their true names and capacities when ascertained. Plaintiff is
16 informed, believes, and thereon alleges that each fictitiously named defendant is
17 responsible in some manner for the occurrences herein alleged and the damages caused
18 thereby.
19

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21 **Jurisdiction and Venue**

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

25 **CAUSE OF ACTION**

26
27 **(BY CONSUMER ADVOCACY GROUP, INC., AGAINST DEFENDANTS AEROFLOT,
28 AERO CALIFORNIA, HMY AIRWAYS, INC., MN AIRLINES LLC (DBA SUN
COUNTRY AILINES), NORTHWEST AIRLINES, INC., ALLEGIANT AIR, INC.,
SOCIEDAD ANONIMA DE CAPITAL VARIABLE, DELTA AIRLINES, INC., AIR**

1 PACIFIC, AIR JAMAICA LTD., FRONTIER AIRLINES, JETBLUE AIRWAYS CORP.,
2 MIDWEST AIR GROUP INC. (A.K.A. MIDWEST AIRLINES), SOUTHWEST
3 AIRLINES CO., AEROMEXICO, AEROLITORAL, ASIANA AIRLINES, ALL NIPPON
4 AIRWAYS, AIR TAHITI NUI, CATHAY PACIFIC AIRWAYS, LTD., ALOHA
5 AIRLINES, WESTJET AIRLINES LTD., HORIZON AIR INDUSTRIES, INC., MESA
6 AIR GROUP, INC., ATA AIRLINES, SKY WEST, INC., AMERICAN EAGLE,
7 CARGOLUX AIRLINES INTERNATIONAL, S.A., MEXICANA AIRLINES, KITTY
8 HAWK, INC., FEDEX CORPORATION, TACA INTERNATIONAL AIRLINES, S.A.,
9 UNITED PARCEL SERVICE, INC., AMERICAN AIRLINES, INC., AMERICA WEST
10 AIRLINES, INC., CONTINENTAL AIRLINES, INC., UNITED AIR LINES, INC.
11 VIRGIN ATLANTIC AIRWAYS LIMITED, ACE AVIATION HOLDINGS INC., AIR
12 CHINA, AIR FRANCE, AIR NEW ZEALAND, AIR TRAN AIRWAYS, ALASKA
13 AIRLINES, INC., BRITISH AIRWAYS, PLC., JAPAN AIRLINES INTERNATIONAL
14 COMPANY LTD., KLM ROYAL DUTCH AIRLINES, LUFTHANSA, AIR WISCONSIN
15 AIRLINES CORPORATION (A.K.A. UNITED EXPRESS), SWISS INTERNATIONAL
16 AIR LINES, LTD., POLAR AIR CARGO, INC., ASTAR AIR CARGO, INC., BAX
17 GLOBAL INC., AMERIJET INTERNATIONAL, INC., DHL HOLDINGS (USA), INC.,
18 AER LINGUS, LIMITED, AIR INDIA, LTD., CHINA AIRLINES, LTD., EVERGREEN
19 INTERNATIONAL AIRLINES, CHINA EASTERN AIRLINES CO., LTD., CHINA
20 SOUTHERN AIRLINES CO., LTD., COMPAÑÍA PANAMEÑA DE AVIACIÓN, S.A.,
21 (A.K.A.) COPA AIRLINES, EL AL ISRAEL AIRLINES, LTD., EVA AIRWAYS CORP.,
22 KOREAN AIR LINES CO., LTD., LAN AIRLINES, S.A., HAWAIIAN AIRLINES, INC.,
23 MALAYSIA AIRLINES, THAI AIRWAYS INTERNATIONAL, LTD., MIDWEST
24 EXPRESS AIRLINES, INC., PHILIPPINE AIRLINES, INC., QANTAS AIRWAYS
25 LIMITED, SINGAPORE AIRLINES, LIMITED, SPIRIT AIRLINES, INC., AND DOES
26 I-100,, AND DOES I-100, FOR VIOLATIONS OF PROPOSITION 65, THE SAFE
27 DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (HEALTH & SAF.
28 CODE, § 25249.5, ET SEQ.)

19 7. Plaintiff, CONSUMER ADVOCACY GROUP, INC., repeats and incorporates by
20 reference the previous paragraphs of this complaint as though fully set forth herein.

21 8. Between December 21, 2003 and the date of the filing of this Complaint, Defendants flew
22 airplanes into and out of various airports located in California, thereby directly exposing
23 various personnel to jet engine exhaust, which contains chemicals known to the State of
24 California to cause cancer and/or reproductive toxicity, without having provided clear
25 and reasonable warning of such exposure. These actions constitute "occupational
26 exposure" and "environmental exposure" within the meaning of California Code of
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1 Regulations, title 22, section 12601. Therefore, Defendants were, and at all times
2 continue to be, in direct violation of Proposition 65.
3

4 **Occupational Exposure**

5 9. Defendants are and at all times mentioned herein were airlines that flew airplanes in and
6 out of airports located in California. Between December 21, 2003, and the filing date of
7 this Complaint, the Defendants exposed their employees to jet engine exhaust. The
8 exposures of employees to jet engine exhaust took place when the Defendants landed
9 their airplanes, during the process of refueling, while employees exited the airplanes,
10 while employees performed maintenance on the airplanes, while employees boarded the
11 Defendants' airplanes, while the Defendants' airplanes taxied upon landing, and during
12 take-off, or any other time while Defendants operated their airplanes on or near the
13 ground.
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16 **Environmental Exposure**

17 10. Exposed persons also included people visiting and working at airports throughout
18 California, including passengers, well-wishers, children, pregnant women, taxi and
19 shuttle drivers, catering and food service delivery personnel, police and security
20 personnel, airport employees and ground crews, neighborhood residents, and passersby.
21 The Defendants exposed these persons to the Covered Chemicals contained in jet engine
22 exhaust without first giving clear and reasonable warning of such pursuant to Proposition
23 65. By exposing these persons to jet exhaust, Defendants exposed them to chemicals
24 known to cause cancer and/or reproductive toxicity, pursuant to California Code of
25 Regulations, title 22, section 12000 ("Covered Chemicals"), which are contained in jet
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1 engine exhaust. At no time did Defendants give clear and reasonable warning of such
2 pursuant to Health and Safety Code sections 25249.5, et seq. ("Proposition 65").

3
4 **Route of Exposure**

5 11. The sources of exposures included the exposed employees inhaling and breathing in the
6 ambient air, which contained jet engine exhaust, while the airplanes were on the runway,
7 at the terminal, and while the airplanes taxied at the airports throughout California.

8 Exposures occurred at airports throughout California.

9
10 12. The sources of exposures included inhalation caused by the exposed persons inhaling and
11 breathing the ambient air containing jet engine exhaust while traversing runway areas and
12 jet bridges at airports throughout California. Some of the exposures for which a warning
13 is required occurred near the gate or terminal where the Defendants dock their airplanes.

14 Exposures occurred at airports throughout California.

15
16 **Specifics of Covered Chemicals**

17 13. Jet engine exhaust contains the following Covered Chemicals:

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Benz[a]anthracene	Chrysene	Benzo[a]pyrene	Indeno[1,2,3-cd]pyrene
Formaldehyde (gas)	Acetaldehyde	Naphthalene	Benzene
1,3-Butadiene	Benzo[b]fluoranthene	Benzo[k]fluoranthene	Dibenz[a,h]anthracene
Toluene	Carbon Monoxide		

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22 14. On July 1, 1987, Benz[a]anthracene first appeared on the Governor's Proposition 65 list
23 of Chemicals known to cause reproductive toxicity. (Cal. Code Regs., tit 22, §12000,
24 subd. (b).) Pursuant to Health and Safety Code section 25249.9 (hereinafter "§25249.9"),
25 twenty months after first appearing on the Governor's Proposition 65 list,
26 Benz[a]anthracene became subject to Proposition 65 warning requirements.
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- 1 15. On January 1, 1990, Chrysene first appeared on the Governor's Proposition 65 list of
2 Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).) Pursuant
3 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,
4 Chrysene became subject to Proposition 65 warning requirements.
5
- 6 16. On July 1, 1987, Benzo[a]pyrene first appeared on the Governor's Proposition 65 list of
7 Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).) Pursuant
8 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,
9 Benzo[a]pyrene became subject to Proposition 65 warning requirements.
10
- 11 17. On January 1, 1988, Indeno[1,2,3-cd]pyrene first appeared on the Governor's Proposition
12 65 list of Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).)
13 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition
14 65 list, Indeno[1,2,3-cd]pyrene became subject to Proposition 65 warning requirements.
15
- 16 18. On January 1, 1988, Formaldehyde (gas) first appeared on the Governor's Proposition 65
17 list of Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).)
18 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition
19 65 list, Formaldehyde (gas) became subject to Proposition 65 warning requirements.
20
- 21 19. On April 1, 1988, Acetaldehyde first appeared on the Governor's Proposition 65 list of
22 Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).) Pursuant
23 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,
24 Acetaldehyde became subject to Proposition 65 warning requirements.
25
- 26 20. On April 19, 2002, Naphthalene first appeared on the Governor's Proposition 65 list of
27 Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).) Pursuant
28

1 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,
2 Naphthalene became subject to Proposition 65 warning requirements.

3 21. On February 27, 1987, Benzene first appeared on the Governor's Proposition 65 list of
4 Chemicals known to cause cancer, and on December 26, 1997, for male reproductive
5 toxicity. (Cal. Code Regs., tit 22, §12000, subd. (b)). Pursuant to §25249.9, twenty
6 months after first appearing on the Governor's Proposition 65 list, Benzene became
7 subject to Proposition 65 warning requirements.

8 22. On April 1, 1988, 1,3-Butadiene first appeared on the Governor's Proposition 65 list of
9 Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).) Pursuant
10 to §25249.9, twenty months after first appearing on the Governor's Proposition 65 list,
11 1,3-Butadiene became subject to Proposition 65 warning requirements.

12 23. On July 1, 1987, Benzo[b]fluoranthene first appeared on the Governor's Proposition 65
13 list of Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).)
14 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition
15 65 list, Benzo[b]fluoranthene became subject to Proposition 65 warning requirements.

16 24. On July 1, 1987, Benzo[k]fluoranthene first appeared on the Governor's Proposition 65
17 list of Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).)
18 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition
19 65 list, Benzo[k]fluoranthene became subject to Proposition 65 warning requirements.

20 25. On January 1, 1988, Dibenz[a,h]anthracene first appeared on the Governor's Proposition
21 65 list of Chemicals known to cause cancer. (Cal. Code Regs., tit 22, §12000, subd. (b).)
22 Pursuant to §25249.9, twenty months after first appearing on the Governor's Proposition
23 65 list, Dibenz[a,h]anthracene became subject to Proposition 65 warning requirements.

1 26. On January 1, 1991, Toluene first appeared on the Governor's Proposition 65 list of
2 Chemicals known to cause reproductive toxicity. (Cal. Code of Regs., tit 22, §12000,
3 subd. (b).) Pursuant to §25249.9, twenty months after first appearing on the Governor's
4 Proposition 65 list, Toluene became subject to Proposition 65 warning requirements.
5

6 27. On January 1, 1989, Carbon Monoxide first appeared on the Governor's Proposition 65
7 list of Chemicals known to cause reproductive toxicity. (Cal. Code Regs., tit 22, §12000,
8 subd. (b).) Pursuant to §25249.9, twenty months after first appearing on the Governor's
9 Proposition 65 list, Carbon Monoxide became subject to Proposition 65 warning
10 requirements.
11

12 **Satisfaction of Notice Requirement**

13 28. At least sixty days prior to commencing this action by the filing of this complaint,
14 Plaintiff gave notices of alleged violations of Proposition 65 subject to a private action to
15 the Attorney General and applicable district attorneys and city attorneys in whose
16 jurisdictions the violations allegedly occurred, and to each named defendant.
17

18 29. Plaintiff served these notices and filed this action more than twenty months after each of
19 the chemicals listed in Paragraph 13 of this Complaint first appeared on the Governor's
20 Proposition 65 list, and after such chemicals became subject to Proposition 65 warning
21 requirements.
22

23 30. Each of Plaintiff's respective notices of the alleged violations included a certificate of
24 merit executed by an attorney representing the noticing party, Plaintiff. The certificate of
25 merit stated that the attorney for Plaintiff who executed the certificate had consulted with
26 at least one person with relevant and appropriate expertise who had reviewed data
27 regarding the exposure to the chemicals listed in Paragraph 13 of this Complaint that are
28

1 the subjects of this action. Based on that information, the attorney for Plaintiff who
2 executed the certificate believed there was a reasonable and meritorious case for this
3 private action. The attorney for Plaintiff attached to the certificate of merit served on the
4 Attorney General information sufficient to establish the basis of the certificate of merit.
5

6 31. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
7 any applicable district attorney or city attorney, has commenced and is diligently
8 prosecuting an action against the alleged violations.
9

10 32. At all times relevant to this action, Defendants knew they were exposing their employees
11 and people visiting and working at the airports, including passengers, police and security
12 personnel, catering personnel, and food service delivery personnel to the chemicals listed
13 in Paragraph 12 of this Complaint without first giving clear and reasonable warning of
14 such to the persons exposed. The State of California has designated that these chemicals
15 cause cancer and/or reproductive toxicity. Therefore, between December 21, 2003, and
16 the filing date of this complaint, Defendants, without first giving clear and reasonable
17 warning, knowingly and intentionally exposed the aforementioned persons to the
18 chemicals listed in Paragraph 13 of this Complaint and known to the State of California
19 to cause cancer and/or reproductive toxicity.
20

21 33. The route of exposure for the chemicals listed in Paragraph 13 of this Complaint included
22 inhalation caused by the exposed persons inhaling and breathing the ambient air
23 containing jet engine exhaust while traversing runway areas, terminals, jet bridges, and
24 other areas at the airports throughout California.
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28


1 PRAYER FOR RELIEF

2 Plaintiff demands against each defendant as follows:

- 3 1. A permanent injunction;
- 4
- 5 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b) of
- 6 \$2,500.00 per day per violation;
- 7 3. Costs of suit;
- 8 4. Reasonable attorney's fees and costs; and
- 9 5. Any further relief that the court may deem just and equitable.
- 10
- 11

12 Dated: April 20, 2007

LAW FIRM OF ROY PENUELA

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14 Roy Penúela,
15 Attorney for Plaintiff,
16 Consumer Advocacy Group, Inc.

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