

**SUMMONS  
ISSUED**

**JUN 0 1 2007**

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OF ORIGINAL FILED  
Los Angeles Superior Court**

**JUN 0 1 2007**

John A. Clarke, Executive Officer/Clerk

By W. BLALOCK

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CASE MANAGEMENT CONFERENCE  
SET FOR 8:30 a.m.

Attorneys for Plaintiff  
ENVIRONMENTAL WORLD  
WATCH, INC.

**OCT 2 9 2007**

IN DEPARTMENT 86

**SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES**

ENVIRONMENTAL WORLD WATCH, INC.,  
acting in the public interest

CASE NO. NC039846

Plaintiff,

VERIFIED COMPLAINT FOR:

vs.

(1) VIOLATION OF CALIFORNIA HEALTH  
& SAFETY CODE SECTION 26249.6; AND,

THE WALT DISNEY COMPANY, a Delaware  
Corporation, AND DOES 1- 100

(2) VIOLATION OF CALIFORNIA HEALTH  
& SAFETY CODE SECTION 26249.5.

DISNEY.

As and for its causes of action against DEFENDANT THE WALT DISNEY  
COMPANY, PLAINTIFF ENVIRONMENTAL WORLD WATCH, INC. alleges as follows:

**ALLEGATIONS INCORPORATED INTO EACH CAUSE OF ACTION**

PLAINTIFF, for its Complaint against DEFENDANT, alleges as follows:

**A. PARTIES**

1. Environmental World Watch , Inc. (hereinafter "EWW"), a Delaware  
Corporation, is a company dedicated to protecting the environment, promoting human health, and  
improving employee and consumer rights through civil enforcement of California's  
environmental protection laws. EWW is based in Los Angeles County and is registered as a

1 Delaware corporation with the office of the California Secretary of State. EWW is acting in the  
2 public interest pursuant to Health and Safety Code (hereinafter "H&S Code") §25249.7(d) and is  
3 knowledgeable about the allegations contained herein. EWW has practiced a policy and posture  
4 of action for over ten years of alerting citizens to the provisions delineated in the Health and  
5 Safety Codes while seeking enforcement of the same.

6 2. DEFENDANT THE WALT DISNEY COMPANY (hereinafter "DEFENDANT"  
7 or "DISNEY") was, and at all times herein mentioned, is registered with the California Secretary  
8 of State as a Delaware Corporation with headquarters located at 500 South Buena Vista Street,  
9 Burbank, California ["the Burbank Facility"]. DISNEY was, and at all times herein mentioned is,  
10 the owner and operator of the Burbank Facility.

11 3. Plaintiffs are informed and believe, and based upon information and belief allege,  
12 that DEFENDANT DOES 1 through 100, inclusive, (hereinafter all said DEFENDANT DOES  
13 will collectively be referred to as "DOE DISNEY"), are corporations duly organized and existing  
14 under and by virtue of one of the states of the United States, and are authorized to do business  
15 and are doing business in California. DOE DISNEY have done, and continue to do, business  
16 with DISNEY in connection with the use of the Burbank Facility in that each and every one of  
17 the DOE DISNEY supplied, dumped, released and deposited and continues to supply, dump,  
18 release and deposit vast amounts of Chromium VI ["Cr VI"], hexavalent chromium and its  
19 compounds, cooling tower water, entertainment set and wood preservative Chromated Copper  
20 Arsenate ["CCA"] liquids and residues and other various toxic waste materials in, at and from  
21 the Burbank Facility.

22 4. Plaintiff is ignorant of the true names and capacities of DISNEY sued as DOES 1  
23 - 100, inclusive, and therefore sue these DISNEY by such fictitious names. The fictitious  
24 DISNEY named in this Complaint are sued pursuant to the provisions of Code of Civil Procedure  
25 § 474. Plaintiff is informed and believe, and upon that ground, alleges that each fictitious  
26 defendant is in some way responsible for, participated in, or contributed to the matters and things  
27 of which Plaintiff complains herein, and in some fashion, has legal responsibility therefor. When  
28 the exact nature and identity of such fictitious DISNEY' responsibility for, participation in, and

1 contribution to the matters and things alleged herein are ascertained by Plaintiff, Plaintiff will  
2 seek to amend this Complaint and all proceedings herein to set forth the same.

3 5. At all times mentioned herein DISNEY and each of the DOES 1 – 100 was a  
4 person within the meaning of Business & Professions Code § 17201 and a person doing business  
5 within the meaning of Health & Safety Code § 25249.11 (a). DISNEY and DOES 1 – 100 have  
6 10 or more employees.

7 6. The Court has jurisdiction over this action pursuant to California Constitution  
8 Article VI, Section 10, which grants the Superior Court original jurisdiction in all causes except  
9 those given by statute to other trial courts. The statute under which this action is brought does  
10 not specify any other basis of jurisdiction.

11 7. Venue is proper in the Los Angeles Superior Court because DISNEY is  
12 headquartered in Los Angeles County at 500 South Buena Vista Street, Burbank, California and  
13 have violated one or more laws as alleged herein in Los Angeles County.

14 **B. FACTUAL INFORMATION**

15 8. Plaintiff EWW was hired by the Burbank Rancho Home Owners Association in  
16 February 2006 for the purpose of investigating and advising as to a proposed construction of a  
17 sewer project within the immediate proximity of their residences [Integrated Resources Plan,  
18 Draft Environmental Impact Report ["EIR"], SCH No. 2004071091, City of Los Angeles for the  
19 Department of Public Works, Bureau of Sanitation and Department of Water and Power]. The  
20 intended site of a significant portion of this sewer project was one 11-acre parcel in the City of  
21 Burbank owned by the City of Los Angeles, commonly referred to as the "Polliwog" parcel.

22 9. Testing of the Polliwog parcel to challenge and oppose the Draft EIR for said  
23 sewer project revealed the existence of significant quantities of Chromium VI ["Cr VI"],  
24 hexavalent chromium and its compounds, which are known to the State of California to cause  
25 cancer. Chromium VI is an Extremely Hazardous Substances ["EHS"] and dangerous  
26 carcinogen, which requires special reporting procedures in that the reportable quantity is as small  
27 as .005 lb per year with a reporting accuracy requirement of .0001 lb year.  
28

1           10.    In 1986, California voters approved an initiative to address their growing concerns  
2 about exposure to toxic chemicals and to support advancement in environmental justice. That  
3 initiative became the Safe Drinking Water and Toxic Enforcement Act of 1986, better known by  
4 and hereinafter referred to as "Proposition 65".

5           11.    The Air Toxics "Hot Spots" Information and Assessment Act (AB 2588, 1987,  
6 Connelly) [hereinafter the "Act"] was enacted in September 1987. Under this Act, stationary  
7 sources ("Facilities") are required to report the types and quantities of certain substances their  
8 facilities routinely release into the air. The goals of the Air Toxics "Hot Spots" Act are to collect  
9 emission data, to identify facilities having localized impacts, to ascertain health risks, and to  
10 notify nearby residents of significant risks. Emissions of interest are those that result from the  
11 routine operation of a facility or those that are predictable, including but not limited to  
12 continuous and intermittent releases, process upsets, or leaks.

13           12.    The Act required: (a) that toxic air emissions [Toxic Air Contaminants  
14 ("TAC's")] from stationary sources be quantified and compiled into an inventory according to  
15 criteria and guidelines developed by the Air Resources Board ("ARB"); (b) that each facility be  
16 prioritized to determine whether a risk assessment must be conducted; and, (c) that risk  
17 assessments be conducted where required. Additionally, and in strict conformity with Legislative  
18 intent, this Act required that the public be notified of significant risks posed by nearby facilities,  
19 and that emissions posing a significant risk be reduced.

20           13.    The ARB was required to develop a program to make the emission data collected  
21 under the "Hot Spots" Program available to the public. The South Coast Air Quality  
22 Management District ("SCAQMD") was to make health risk assessments available for public  
23 review for all releases in the localized southern counties of California, including but not limited  
24 to Los Angeles County. SCAQMD was to also publish annual reports summarizing the health  
25 risk assessment program, rank facilities according to the cancer risk posed, identify the facilities  
26 posing non-cancer health risks, and describe the status of the development of control measures.  
27 However, DISNEY' silence regarding these risks (in direct violation of the purpose of the Act  
28

1 and to the detriment of persons in the local and adjacent environment) prevented such assessment  
2 and reporting regarding DISNEY'S Burbank Facility.

### 3 C. THE ACTIONS OF DISNEY

4 14. Investigation has revealed that DISNEY has, since at least February 27, 1988,  
5 utilized Cr VI and its compounds as a cooling tower treatment for air circulation and cooling  
6 waters at 500 South Buena Vista Street. Furthermore DISNEY has utilized entertainment set and  
7 wood preservatives including Chromated Copper Arsenate ["CCA"] and other commercial and  
8 industrial chemicals that contain Cr VI and its compounds at 500 South Buena Vista Street. The  
9 use of these toxic chemicals and their compounds and the subsequent release by DISNEY via  
10 three waste water discharge pipes at the property line was done for each day after February 27,  
11 1988. The released wastewater traveled down the centerline of Parkside Street low flow line  
12 toward Parish Place and across Riverside Drive into the Polliwog 11-acre parcel.

13 15. This Polliwog parcel is located next to DISNEY'S Imagineering Building's  
14 property lines to the east and south. The principal flow of contaminated water referenced above  
15 came from the east side of DISNEY'S separate Buena Vista property as DISNEY unlawfully  
16 dumped wastewater at the curb of Keystone Ave and into the Street.

17 16. These releases by DISNEY caused the contamination of the Polliwog parcel via  
18 wet and dry depositing of contaminants released at DISNEY'S Buena Vista property. The  
19 contamination of the real property in the surrounding area was caused by transport and migration  
20 of particulate and other fine aerosols via wind, rain, and other natural disturbances to the surface  
21 of the Polliwog parcel.

22 17. These releases of Toxic Air Contaminants ["TAC's"] into the ambient air are the  
23 same toxic chemicals, dissolved solids, and liquids containing Cr VI that pass into or onto  
24 surface waters of the State and were released by DISNEY without warning, reporting or permits.

25 18. These releases of contaminated waters, where they may pass into any source of  
26 drinking water or onto land (such as the Polliwog Parcel) where they may probably pass into any  
27 source of drinking water is prohibited by the statutes complained of herein. However,  
28 PLAINTIFF does not allege the releases continue today, only that the contamination of the

1 previous releases, has caused the property at the Polliwog parcel to be so contaminated and to a  
2 tested depth at elevations of 45 feet from natural surface ground that this polluted ground also  
3 threatens sources of drinking water as defined at H&S 25249.11(e).

4 19. Ongoing testing of the Polliwog and adjacent homes reveal that the dirt dust,  
5 particulate and fine Cr VI dry sludges and micro fine particles [ $<1\mu\text{g}$ ] of same contamination  
6 have migrated off said Polliwog property. These Toxic Air Contaminants [including Hexavalent  
7 Chromium] have blown away, been attached to human clothing, shoes, hair, horses hoofs and  
8 body hair, and dogs paws and body hair, etc., to such an extent that ANYONE or ANYTHING  
9 walking on or utilizing the Polliwog parcel in any way will be exposed to the toxic chemicals and  
10 carry that chemical's residues away from the property causing the further migration of and the  
11 further and ongoing exposures alleged in this Complaint while absent the warnings complained  
12 of herein.

13 20. Due to the DISNEYS' constant handling of hazardous substances and acutely  
14 hazardous materials, and the failure to avoid releases of toxic substances into the atmosphere and  
15 environment, DISNEY was and is obligated to institute reasonable care and compensation plans  
16 to halt, prevent and correct injuries to all local residents' real and personal property and  
17 economic interests.

18 21. Due to their proximity to the Burbank Facility, it was foreseeable that local  
19 residents would be injured by the discharge of DISNEYS' particulate waste and Toxic Air  
20 Contaminants into the atmosphere and environment surrounding the Burbank Facility.

21 22. Numerous egregious incidents occurred and/or are occurring at and near the  
22 Burbank Facility due to DISNEYS' intentional and/or negligent breaches of their duty of  
23 reasonable care, their violations of state law, and environmental and workplace safety  
24 regulations. During the applicable statutory period and continuing to date, DISNEY has caused  
25 numerous, sudden, recurring and continuous occurrences of excessive toxic emissions, with each  
26 occurrence being separate and/or continuing in nature, having injurious effects to the person and  
27 property of local residents herein alleged.

28

1           23.    DISNEY, through its negligent and/or reckless acts, have caused continuing  
2 damage to local residents' real and personal properties and have caused continuous advertising  
3 injury to the land values of those persons holding real property due to devaluation, resulting from  
4 negative publicity that has unfairly injured their competitive status (in home equity and re-sale  
5 value) in relation to real property owners similarly situated in areas outside of the areas affected  
6 by the Burbank Facility.

7           24.    The persons individually named in the Sixty Day Notice of Intent to Sue sent by  
8 EWW have, due to the acts of DISNEY, suffered injury to their real property and personal  
9 property in that on numerous occasions toxic chemicals and particulates precipitate or migrate  
10 onto their residences.

11           25.    The persons individually named in the Sixty Day Notice of Intent to Sue sent by  
12 EWW, due to the acts of the DISNEY, have suffered and/or continue to suffer from the damage  
13 to the subterranean soils and aquifer lying below the Burbank Facility and their homes, in that  
14 water drawn from the wells sunk into the aquifer either has been or is in danger of being  
15 contaminated due to DISNEYS' discharges of cooling tower waste water and other substances  
16 onto Parkside Street, toward Parish Place and across Riverside Drive and then into the Polliwog  
17 11-acre parcel. There is also the anticipated risk of potentially injurious and unhealthy vapors  
18 escaping through the surface of residential grounds and adjacent private property.

19           26.    DISNEY failed to report the release of TAC's, including but not limited to  
20 Chromium VI in violation of South Coast Air Quality Management District [SCAQMD] Rule  
21 402 and Health and Safety Code §42404 et seq. DISNEY have also released TAC's and  
22 carcinogenic chemicals in violation of, at least, but not specifically limited to: Health and Safety  
23 Codes 42402 et seq., 42301 et seq., 41700 et seq., and SCAQMD Rule 402.

24           27.    DISNEY has failed to obtain permits from the District and the Regional Water  
25 Quality Control Board (RWQCB) to operate its cooling towers and/or to use Cr VI.

26           28.    The South Coast Air Quality Management District ["SCAQMD"] adopted rules in  
27 strict conformity with the directives of the Federal Clean Air Act 1970 [listed under the 42  
28 U.S.C.A. §7401, ("CAA")]. SCAQMD Rule 201 [Originally adopted in 1976] specifically

1 prohibited the building or operation of any equipment "which will cause the issuance of air  
2 contaminants" and Rule 402 specifically prohibits the "discharge of ... air contaminants ... which  
3 cause annoyance to a considerable number of persons ..."

4 29. DISNEY has violated these rules since their adoption.

5 30. DISNEY has failed to correct an emission report. DISNEY failed to comply with  
6 the mandate and the goals of the "Act" in that the Legislature's intent was clear and specific.  
7 Health and Safety Code § 44301 states:

8 "The Legislature finds and declares all of the following":

9 (d) These releases may create localized concentrations or Toxic Air "hot spots" where  
10 emissions from specific sources may expose individuals and population groups to  
11 elevated risks of adverse health effects, including, but not limited to cancer, and  
12 contribute to the cumulative health risks of emissions from other sources in the area. In  
13 some cases where large populations may not be significantly affected by adverse health  
14 risks, individuals may be exposed to significant risks.

15 The Health and Safety Code goes on to say in pertinent part:

16 (h) "It is in the public interest to ascertain and measure the amounts and types of  
17 hazardous releases and potentially hazardous releases from specific sources that may be  
18 exposing people to those releases, and to assess the health risks to those who are  
19 exposed."

20 The Health and Safety Code further provided that these releases be reported to the State  
21 and if there was an inaccuracy in that reporting that Section 44381 provides:

22 (b) "Any person who knowingly submits a false statement or representation in any  
23 application, report, statement, or other document filled, maintained or used for the  
24 purposes of compliance with this part is subject to a civil penalty ... per day for each day  
25 that the information remains uncorrected"

26 31. DISNEY has failed to correct these emission reports and this subsequent failure  
27 has deprived the State of the penalties delineated by statute for this failure. Furthermore, the  
28 intent of the Act was to make Health Risk Assessments ["HRA"] based upon these emission



1 reports and to collect fees for implementing the Act. DISNEY avoided the requirements of this  
2 protocol and facility modification at a significant economic benefit.

3 32. DISNEY thus knowingly and intentionally exposed local residents, visitors,  
4 and/or their employees at and near the Burbank Facility to the Listed Chemicals without  
5 providing prior clear and reasonable warnings to such persons that they could be exposed to  
6 chemicals known to the State of California to cause cancer, birth defects and reproductive  
7 toxicity, as set forth in Health & Safety Code §§ 25249.5, *et seq.* and 22 California Code of  
8 Regulations §§ 12000 through 14000. In addition DISNEY has fraudulently concealed the facts  
9 that could have alerted persons to the discharges from the Burbank Facility and the exposures  
10 therefrom.

11 33. The route of exposure for the Listed Chemicals has been inhalation, ingestion and  
12 dermal contact, that is via the breathing of said chemicals, ingestion through the mouth of said  
13 chemicals, and/or by contact with the skin.

14 34. More than sixty five (65) days prior to filing this action Plaintiff mailed to  
15 DISNEY a Sixty (60) Day Notice of Intent to Sue (hereinafter referred to collectively as "the  
16 Notice") for violations of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act  
17 (commencing with Health & Safety Code § 25249.5) by knowingly and intentionally exposing  
18 local residents, visitors, and/or their employees at and near the Burbank Facility to the Listed  
19 Chemicals without providing prior clear and reasonable warnings to such persons that they could  
20 be exposed to chemicals known to the State of California to cause cancer, birth defects and  
21 reproductive toxicity, as set forth in Health & Safety Code §§ 25249.5, *et seq.* and 22 California  
22 Code of Regulations §§ 12000 through 14000. The Notice specifically identified the chemicals  
23 to which DISNEY had exposed local residents, visitors, and/or their employees at and near the  
24 Burbank Facility. The Notice identified the location where the exposures had occurred, the time  
25 period wherein such exposure had occurred, and also identified the route of exposure for the  
26 chemicals as inhalation, ingestion and dermal contact. Included with the Notices was a copy of  
27 "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."  
28

1           35.     Copies of the Notices referred to in paragraph 34 were mailed to the California  
2 Attorney General, the Los Angeles County District Attorney and Los Angeles City Attorney  
3 (hereinafter referred to collectively as the "Prosecutors"). No response was ever received from  
4 any of the Prosecutors. None of the Prosecutors is prosecuting an action against any Defendant  
5 herein for the violations set forth above.

6           36.     Individuals exposed to the listed chemicals suffered and continue to suffer  
7 irreparable harm due to their exposure to said chemicals without prior clear and reasonable  
8 warning.

9           37.     An action for injunctive relief and penalties for violation of Health & Safety Code  
10 §§ 25249.5, *et seq.* is specifically authorized by Health & Safety Code § 25249.7.

11                   **FIRST CAUSE OF ACTION AGAINST DISNEY AND DOES 1- 100**

12                   (Violation of California Health & Safety Code Section 25249.6 *et seq.*)

13           38.     Plaintiff repeats and incorporates by reference paragraphs 1 through 37 of this  
14 Complaint as though fully set forth herein.

15           39.     DISNEY and DOES 1- 100 knowingly and intentionally exposed local residents,  
16 visitors, and/or their employees at and near the Burbank Facility to the Listed Chemicals without  
17 providing prior clear and reasonable warnings to such persons that they could be exposed to  
18 chemicals known to the State of California to cause cancer, birth defects and reproductive  
19 toxicity, as set forth in Health & Safety Code §§ 25249.6, *et seq.* and 22 California Code of  
20 Regulations §§ 12000 through 14000.

21           40.     At all times relevant to this action DISNEY and DOES 1 – 100 knew that local  
22 residents, visitors, and/or their employees at and near the Burbank Facility were being exposed,  
23 through inhalation, ingestion and dermal contact, to chemicals known to the State of California to  
24 cause cancer, birth defects and reproductive toxicity, as set forth in Health & Safety Code  
25 § 25249.6, *et seq.* and 22 California Code of Regulations §§ 12000 through 14000.

26           41.     DISNEY and DOES 1- 100 knowingly and intentionally exposed local residents,  
27 visitors, and/or their employees at and near the Burbank Facility, through inhalation, ingestion  
28 and dermal contact, to chemicals known to the State of California to cause cancer, birth defects

1 and reproductive toxicity, as set forth in Health & Safety Code § 25249.6, *et seq.* and 22  
2 California Code of Regulations §§ 12000 through 14000 without providing prior clear and  
3 reasonable warnings to such persons that they could and/or were being exposed to chemicals  
4 known to the State of California to cause cancer, birth defects and reproductive toxicity, as set  
5 forth in Health & Safety Code §§ 25249.5, *et seq.* and 22 California Code of Regulations  
6 §§ 12000 through 14000. DISNEY was required to give warnings in a conspicuous manner in  
7 accordance with Health and Safety Code section 25249.6, as delineated at Title 22 CCR 12601(c)  
8 and (d). 55, which states in pertinent part: "No person in the course of doing business shall  
9 knowingly and intentionally, expose any individual to a chemical known to the state to cause  
10 cancer or reproductive toxicity without first giving a clear and reasonable warning to such  
11 individual."

12 42. The route of exposure for the said chemicals has been inhalation, ingestion and  
13 dermal contact, that is via the breathing of said chemicals, ingestion through the mouth of said  
14 chemicals, and/or by contact with the skin.

15 43. More than sixty five (65) days prior to filing this action Plaintiff mailed to  
16 DISNEY a Sixty (60) Day Notice of Intent to Sue (hereinafter referred to collectively as "the  
17 Notice") for violations of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act  
18 (commencing with Health & Safety Code § 25249.5) by knowingly and intentionally exposing  
19 local residents, visitors, and/or their employees at and near the Burbank Facility to the Listed  
20 Chemicals without providing prior clear and reasonable warnings to such persons that they could  
21 be exposed to chemicals known to the State of California to cause cancer, birth defects and  
22 reproductive toxicity, as set forth in Health & Safety Code §§ 25249.5, *et seq.* and 22 California  
23 Code of Regulations §§ 12000 through 14000. The Notice specifically identified the chemicals  
24 to which DISNEY had exposed local residents, visitors, and/or their employees at and near the  
25 Burbank Facility. The Notice identified the location where the exposures had occurred, the time  
26 period wherein such exposure had occurred, and also identified the route of exposure for the  
27 chemicals as inhalation, ingestion and dermal contact. Included with the Notices was a copy of  
28 "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."

1           44.   Copies of the Notices referred to in paragraph 43 were mailed to the California  
2 Attorney General, the Los Angeles County District Attorney and Los Angeles City Attorney  
3 (hereinafter referred to collectively as the "Prosecutors"). No response was ever received from  
4 any of the Prosecutors. None of the Prosecutors is prosecuting an action against any Defendant  
5 herein for the violations set forth above.

6           45.   Individuals exposed to the listed chemicals suffered and continue to suffer  
7 irreparable harm due to their exposure to said chemicals without prior clear and reasonable  
8 warning.

9           46.   DISNEY had both an implied and statutory duty to warn the public concerning the  
10 nature of the emissions from their facility, including under Health and Safety Code Section  
11 25249.6, *et seq.* DISNEYS' intentional failure to so warn constitutes a concealment of material  
12 information with the intent to deceive PLAINTIFF and the public, and cause such persons to  
13 refrain from taking steps to protect themselves, their property, their families and/or the general  
14 public. Further, in failing to warn, and thereby concealing the toxic nature of their emissions,  
15 DISNEY intended that the public would refrain from reporting DISNEYS' conduct to relevant  
16 authorities or taking legal action for any available relief.

17           47.   In reliance on DISNEY' failure to warn or apprise the public of the extent of  
18 DISNEYS' conduct and the toxic nature of their emissions, PLAINTIFF and the general public  
19 reasonably believed, until recently, that it was safe for local resident to remain at their current  
20 residences, and therefore those persons did not take steps to protect themselves, their property,  
21 nor legal action until recently.

22           48.   An action for injunctive relief and penalties for violation of Health & Safety Code  
23 §§ 25249.5, *et seq.* is specifically authorized by Health & Safety Code § 25249.7.

24                   **SECOND CAUSE OF ACTION AGAINST DISNEY AND DOES 1- 100**

25                   (Violation of California Health & Safety Code Section 25249.5 *et seq.*)

26           49.   Plaintiff repeats and incorporates by reference paragraphs 1 through 48 of this  
27 Complaint as though fully set forth herein.

28

1           50.    DISNEY and DOES 1-100 have "released" and are knowingly and intentionally  
2 threatening to "release chemicals known to the State of California to cause cancer or reproductive  
3 toxicity into water or onto or into land where such chemical passes or probably will pass into any  
4 source of drinking water" in violation of Health & Safety Code Section 25249.5, *et seq.* at the  
5 Burbank Facility located at 500 South Buena Vista Street, Burbank, California.

6           51.    More than sixty five (65) days prior to filing this action Plaintiff mailed to  
7 DISNEY a Sixty (60) Day Notice of Intent to Sue (hereinafter referred to collectively as "the  
8 Notice") for violations of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act  
9 (commencing with Health & Safety Code § 25249.5) for having "released" and knowingly and  
10 intentionally threatening to "release chemicals known to the State of California to cause cancer or  
11 reproductive toxicity into water or onto or into land where such chemical passes or probably will  
12 pass into any source of drinking water" in violation of Health & Safety Code Section 25249.5 at  
13 the Burbank Facility located at 500 South Buena Vista Street, Burbank, California. The Notice  
14 specifically identified the chemicals which DISNEY had "released" and "threatened to release" at  
15 and near the Burbank Facility. The Notice identified the location where the releases had and  
16 were occurring and the time period when such releases occurred. Included with the Notices was  
17 a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A  
18 Summary."

19           52.    Copies of the Notices referred to in paragraph 51 were mailed to the California  
20 Attorney General, the Los Angeles County District Attorney and Los Angeles City Attorney  
21 (hereinafter referred to collectively as the "Prosecutors"). No response was ever received from  
22 any of the Prosecutors. None of the Prosecutors is prosecuting an action against any Defendant  
23 herein for the violations set forth above.

24           53.    DISNEY had both an implied and statutory duty to warn the public concerning the  
25 nature of the emissions and releases from their facility, including under Health and Safety Code  
26 Section 25249.6, *et seq.* DISNEYS' intentional failure to so warn constitutes a concealment of  
27 material information with the intent to deceive PLAINTIFF and the public, and cause such  
28 persons to refrain from taking steps to protect themselves, their property, their families and/or the

1 general public. Further, in failing to warn, and thereby concealing the toxic nature of their  
2 emissions and releases, DISNEY intended that the public would refrain from reporting  
3 DISNEYS' conduct to relevant authorities or taking legal action for any available relief.

4 54. In reliance on DISNEY' failure to warn or apprise the public of the extent of  
5 DISNEYS' conduct and the toxic nature of their emissions and releases, PLAINTIFF and the  
6 general public reasonably believed, until recently, that it was safe for local resident to remain at  
7 their current residences, and therefore those persons did not take steps to protect themselves,  
8 their property, nor legal action until recently.

9 55. An action for injunctive relief and penalties for violation of Health & Safety Code  
10 §§ 25249.5, *et seq.* is specifically authorized by Health & Safety Code § 25249.7.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff requests against DISNEY and DOES 1 - 100:

13 **ON THE FIRST CAUSE OF ACTION**

- 14 1. A permanent injunction pursuant to California Health & Safety Code § 25249.7(a), and  
15 the equitable powers of the court;
- 16 2. Penalties pursuant to California Health & Safety Code § 25249.7(b) in the amount of  
17 \$2,500.00 per day per violation as to each person DISNEY failed to warn in and around the  
18 Burbank Facility;
- 19 3. Costs of suit;
- 20 4. Reasonable attorneys fees and costs; and,
- 21 5. Any further relief that the court may deem just and equitable.

22 **ON THE SECOND CAUSE OF ACTION**


- 23 6. A permanent injunction pursuant to California Health & Safety Code § 25249.7(a), and  
24 the equitable powers of the court;
- 25 7. Penalties pursuant to California Health & Safety Code § 25249.7(b) in the amount of  
26 \$2,500.00 per day per violation as to each person DISNEY failed to warn in and around the  
27 Burbank Facility;
- 28 8. Costs of suit;

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- 9. Reasonable attorneys fees and costs; and,
- 10. Any further relief that the court may deem just and equitable.

DATED: June 1, 2007

GRAHAM & MARTIN, LLP

By: 

Anthony G. Graham

Attorneys for Plaintiff

ENVIRONMENTAL WORLD WATCH,  
INC.

**VERIFICATION**

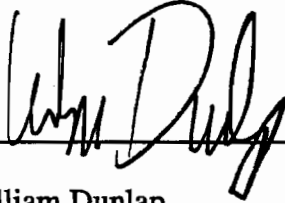
**Environmental World Watch, Inc. v. The Walt Disney Company and DOES 1-100**

Superior Court for the County of Los Angeles

I, the undersigned, certify and declare that I have read the foregoing Complaint in the above referenced matter and know its contents. I am President of Plaintiff Environmental World Watch, Inc. and verify based upon my personal knowledge that the matters stated in said document are true.

Executed on June 1, 2008, at Costa Mesa, California.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

  
\_\_\_\_\_  
William Dunlap