

**SUMMONS  
(CITACION JUDICIAL)**

**CONFIRMED COPY**  
**TOP ORIGINAL FILED**  
Los Angeles Superior Court  
  
JAN 23 2008  
  
John A. Clarke, Executive Officer/Clerk  
*MA Garcia*  
BY MARY GARCIA, Deputy

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**  
MUSTAD HOOFCARE CENTER, INC., and DOES 1 - 100,

**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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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/](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.courtinfo.ca.gov/selfhelp/espanol/](http://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 of California for the County of Los Angeles  
Stanley Mosk Courthouse  
111 N. Hill St., Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso): **BC384211**

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: **JAN 28 2008** **JOHN A. CLARKE, CLERK** Deputy  
(Fecha) (Secretario) **M. GARCIA** (Adjunto)

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

[SEAL]

**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):

1 Reuben Yeroushalmi (SBN 193981)  
 2 Daniel D. Cho (SBN 105409)  
 3 Ben Yeroushalmi (SBN 232540)  
 4 YEROUSHALMI & ASSOCIATES  
 3700 Wilshire Blvd., Suite 480  
 5 Los Angeles, CA 90010  
 Telephone: 213-382-3183  
 Facsimile: 213-382-3430  
 6 Email: lawfirm@yeroushalmi.com  
 Attorney for Plaintiff,  
 7 Consumer Advocacy Group, Inc.

**CONFORMED COPY**  
 OF ORIGINAL FILED  
 Los Angeles Superior Court

JAN 23 2008

John A. Clarke, Executive Officer/C  
*[Signature]*  
 BY MARY GARCIA, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES --UNLIMITED

BC 584211

12 CONSUMER ADVOCACY )  
 13 GROUP, INC., in the public interest, )  
 14 )  
 Plaintiff, )  
 15 )  
 v. )  
 16 )  
 17 MUSTAD HOOFCARE CENTER, )  
 INC., and DOES 1 – 100, )  
 18 )  
 19 Defendants. )  
 20 )

Case No.

COMPLAINT FOR VIOLATIONS OF  
 PROPOSITION 65, THE SAFE DRINKING  
 WATER AND TOXIC ENFORCEMENT ACT OF  
 1986 (Health & Saf. Code, §§ 25249.5 et seq.)

ACTION IS AN UNLIMITED CIVIL CASE  
 (exceeds \$25,000)

21 Plaintiff, Consumer Advocacy Group, Inc. alleges a cause of action against defendant,  
 22 Mustad Hoofcare Center, Inc.  
 23

**THE PARTIES**

- 24
- 25 1. Plaintiff, Consumer Advocacy Group, Inc. ("Plaintiff") is a non-profit corporation  
 26 qualified to do business in the State of California. It brings this action in the public  
 27 interest as defined under Health and Safety Code section 25249.7, subdivision (d).  
 28

- 1 2. Defendant, Mustad Hoofcare Center, Inc. is a Connecticut corporation.
- 2
- 3 3. Plaintiff is ignorant of the true names and capacities of defendants Does 1-100, and
- 4 therefore sues these defendants by such fictitious names. Plaintiff will amend this
- 5 complaint to allege their true names and capacities when ascertained. Plaintiff is
- 6 informed, believes, and thereon alleges that each fictitiously named defendant is
- 7 responsible in some manner for the occurrences and the damages alleged.
- 8
- 9 4. At all times mentioned herein, "Defendants" include Mustad Hoofcare Center, Inc. and
- 10 Does 1 - 100.
- 11
- 12 5. At all times mentioned each defendant was a "[p]erson in the course of doing business"
- 13 within the meaning of Health and Safety Code section 25249.11, subdivision (b).
- 14 Plaintiff is informed, believes, and thereon alleges that at all times mentioned each
- 15 defendant had ten or more employees.

16 **JURISDICTION AND VENUE**

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

20 **FIRST CAUSE OF ACTION**

21 **(By Consumer Advocacy Group, Inc. and against Mustad Hoofcare Center, Inc. and**

22 **DOES 1 – 100 for Violations of Proposition 65, The Safe Drinking Water and Toxic**

23 **Enforcement Act of 1986 (Health & Saf. Code, §§ 25249.5 et seq.)**

- 24
- 25 7. Plaintiff repeats and incorporates by reference the previous paragraphs of this complaint
- 26 as though fully set forth herein.
- 27
- 28

- 1 8. At all times mentioned herein, Defendants are and have been manufacturers or  
2 distributors of a consumer product designed for animal care: Mustad Farrier Formula  
3 Tuff Stuff® Hoof Toughener Conditioner.
- 4
- 5 9. Plaintiff is informed, believes, and thereon alleges that Defendants exposed, knowingly  
6 and intentionally, users of Mustad Farrier Formula Tuff Stuff® Hoof Toughener  
7 Conditioner to Toluene, a chemical designated by the State of California to cause  
8 Reproductive Toxicity, Developmental, without first giving clear and reasonable warning  
9 of such to the persons exposed. Defendants thereby violated Proposition 65.
- 10
- 11 10. On January 1, 1991, the Governor of California added Toluene to the list of chemicals  
12 known to the State to cause Reproductive Toxicity, Developmental (Cal. Code Regs., title  
13 22, §12000, subdivision (b)). Pursuant to Health and Safety Code section 25249.9,  
14 twenty months after first appearing on the Governor's Proposition 65 list, Toluene  
15 became subject to Proposition 65 warning requirements.
- 16
- 17 11. Between June 22, 2004 and the present persons in California using the Mustad Farrier  
18 Formula Tuff Stuff® Hoof Toughener Conditioner sustained routes of exposure through  
19 inhalation and dermal contact. Exposures occurred when they applied product to horse  
20 hooves, and they and others in proximity breathed vapor from product or touched product  
21 while dispensing it, or when using a sponge or other item to apply product, or touched  
22 application surfaces while product was still wet.
- 23

24 **SATISFACTION OF PRIOR NOTICE**

- 25 12. On June 26, 2007, Plaintiff gave notice of alleged violations of Proposition 65 subject to  
26 a private action to defendant, Mustad Hoofcare Center, Inc., as to Mustad Farrier  
27 Formula Tuff Stuff® Hoof Toughener Conditioner.
- 28

1 13. Plaintiff caused mailing of copies of the notice of alleged violations of Proposition 65  
2 subject to a private action to the Attorney General and applicable district attorneys and  
3 city attorneys in whose jurisdictions the violations allegedly occurred.  
4

5 14. Plaintiff gave this notice, and filed this action, more than twenty months after Toluene  
6 first appeared on the Governor's Proposition 65 list, and after Toluene became subject to  
7 Proposition 65 warning requirements.

8 15. Plaintiff's notice of the alleged violations of Proposition 65 subject to a private action  
9 included a certificate of merit executed by the attorney for the noticing party. The  
10 certificate of merit stated that the attorney for Plaintiff who executed the certificate had  
11 consulted with at least one person with relevant and appropriate expertise who had  
12 reviewed data regarding the exposure to Toluene, which is the subject of this action.  
13 Based on that information, the attorney for Plaintiff who executed the certificate believed  
14 there was a reasonable and meritorious case for this private action. The attorney for  
15 Plaintiff attached to the certificate of merit served on the Attorney General information  
16 sufficient to establish the basis of the certificate of merit.  
17

18  
19 16. Plaintiff is commencing this action more than sixty days from the date that Plaintiff gave  
20 notice of the alleged violations of Proposition 65 subject to a private action to defendant,  
21 to the Attorney General, and to applicable district attorneys and city attorneys in whose  
22 jurisdictions the violations allegedly occurred.  
23

24 17. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General nor  
25 any applicable district attorney or city attorney has commenced and is diligently  
26 prosecuting an action against the violations alleged.  
27  
28

1 18. Plaintiff's allegations concern a "consumer product exposure," which is an exposure that  
2 results from a person's acquisition, purchase, storage, consumption, or other reasonably  
3 foreseeable use of a consumer good. Mustad Farrier Formula Tuff Stuff® Hoof  
4 Toughener Conditioner is a consumer product. Since Mustad Farrier Formula Tuff  
5 Stuff® Hoof Toughener Conditioner contains Toluene, the reasonably foreseeable use of  
6 the product results in exposure to Toluene through dermal and inhalation contact.  
7

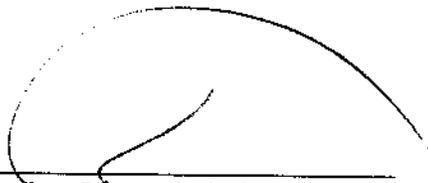
8 **PRAYER FOR RELIEF**

9 Plaintiff demands against each Defendant as follows:  
10

- 11 1. A permanent injunction;
- 12 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b) of  
13 \$2,500.00 per day per violation;
- 14 3. Costs of suit;
- 15 4. Reasonable attorney fees and costs; and
- 16 5. Any further relief that the court may deem just and equitable.  
17

18  
19  
20 Dated: 1/22/08

YEROUSHALMI & ASSOCIATES

21  
22  
23  
24  
25   
26 Reuben Yeroushalmi  
27 Attorney for Plaintiff,  
28 Consumer Advocacy Group, Inc.