

**SUMMONS
(CITACION JUDICIAL)**

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

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

JUL 03 2008

John A. Clarke, Executive Officer/Clerk
M. Garcia
BY MARY GARCIA, Deputy

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
STANDARD MOTOR PRODUCTS, INC., and DOES I-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), 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 California for the County of Los Angeles
Stanley Mosk Courthouse
111 N. Hill St., Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso) **0393796**

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)

JUL 03 2008

JOHN A. CLARKE, CLERK

Clerk, by
(Secretario)

M. GARCIA

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

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):

[SEAL]

COPY

1 Reuben Yeroushalmi (SBN 193981)
 2 Daniel D. Cho (SBN 105409)
 3 Ben Yeroushalmi (SBN 232540)
 4 Joshua Najemy (SBN 251596)
 YEROUSHALMI & ASSOCIATES
 3700 Wilshire Blvd., Suite 480
 Los Angeles, CA 90010
 Telephone: 213-382-3183
 Facsimile: 213-382-3430
 Email: lawfirm@yeroushalmi.com
 7 Attorney for Plaintiff,
 8 Consumer Advocacy Group, Inc.

CONFORMED COPY
 OF ORIGINAL FILED
 Los Angeles Superior Court

JUL 03 2003

John A. Clarke, Executive Officer/Clerk
M. Garcia
 BY MARY GARCIA, Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 COUNTY OF LOS ANGELES --UNLIMITED

13 CONSUMER ADVOCACY)
 14 GROUP, INC., in the public interest,)
)
 15 Plaintiff,)
)
 16 v.)
)
 17 STANDARD MOTOR PRODUCTS,)
 18 INC., and DOES 1-100.)
)
 19)
 20 Defendants.)
)

Case No. 66393796
 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)

22 Plaintiff, Consumer Advocacy Group, Inc. alleges a cause of action against defendants as
 23 follows:

24 **THE PARTIES**

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

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

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

21 **FIRST CAUSE OF ACTION**

22 **(By Consumer Advocacy Group, Inc. and against Standard Motor Products, Inc. and**

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

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

- 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 consumer products designed for automobile care. Products relevant to this
3 action are Standard Motor Products, Inc.'s battery terminals, cables, and accessories
4 containing lead. Examples of the general category of battery terminals, cables, and
5 accessories, which are the subject of this action, include, but are not limited to:

- 6 • Handy Pack™ Stud to Post Conversion BP141;
- 7 • Standard Ektron® Battery Cables;
- 8 • Handy Pack™ HP2880 Emergency Repair Terminals; and
- 9 • Handy Pack™ HP2920 Stud to Post Battery Conversion 36357-399.

10 9. Plaintiff is informed, believes, and thereon alleges that Defendants exposed, knowingly
11 and intentionally, users of the products identified in Paragraph 8 to lead, a chemical
12 designated by the State of California to cause cancer and reproductive toxicity,
13 reproductive, female, male, without first giving clear and reasonable warning of such to
14 the persons exposed. Defendants thereby violated Proposition 65.

15 10. On February 27, 1987, the Governor of California added lead to the list of chemicals
16 known to the State to cause reproductive toxicity, developmental, female, male, (Cal.
17 Code Regs., tit. 22, § 12000, sub. (b)). Pursuant to Health and Safety Code section
18 25249.9, twenty months after first appearing on the Governor's Proposition 65 list, lead
19 became subject fully to Proposition 65 warning requirements and discharge prohibitions.

20 11. Between March 24, 2005, and the present, persons in California using the products
21 identified in Paragraph 8 sustained principal routes of exposure through dermal contact,
22 ingestion, and inhalation. Persons sustain exposures to lead by handling the products
23 identified in Paragraph 8 without wearing gloves or by touching bare skin or mucous
24
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26
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1 membranes with gloves after handling such products, by hand to mouth contact, or
2 breathing in particulate from such products when installing such products on or removing
3 the same from automobile batteries or related automobile equipment.
4

5 **SATISFACTION OF PRIOR NOTICE**

6 12. On March 24, 2008, Plaintiff gave notice of alleged violations of Proposition 65 subject
7 to a private action ("Notice") to Standard Motor Products, Inc., concerning products
8 relevant to this action.
9

10 13. Before the sending of the Notice, plaintiff investigated the consumer products involved,
11 the likelihood that such products would cause users to suffer significant exposures to
12 lead, the corporate structure of Standard Motor Products, Inc., and other relevant matters.

13 14. Plaintiff caused the mailing of copies of the Notice to Standard Motor Products, Inc., the
14 Attorney General, and applicable district attorneys and city attorneys in whose
15 jurisdictions the violations allegedly occurred.
16

17 15. Plaintiff gave the Notice, and filed this action, more than twenty months after lead first
18 appeared on the Governor's Proposition 65 list, and after lead became subject fully to
19 Proposition 65 warning requirements and discharge prohibitions.
20

21 16. The Notice included a certificate of merit executed by the attorney for the noticing party.

22 The certificate of merit stated that the attorney for plaintiff who executed the certificate
23 had consulted with at least one person with relevant and appropriate expertise who had
24 reviewed data regarding the exposures to lead alleged in this action. Based on that
25 information, such attorney believed there was a reasonable and meritorious case for this
26 private action. Such attorney attached to the certificate of merit served on the Attorney
27 General information sufficient to establish the basis of the certificate of merit.
28

1 17. Plaintiff is commencing this action more than sixty days, plus ten days for mailing, from
2 the date that Plaintiff gave Notice to Standard Motor Products, Inc., the Attorney
3 General, and applicable district attorneys and city attorneys in whose jurisdictions the
4 violations allegedly occurred.
5

6 18. 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 violations alleged.
9

10 19. Plaintiff's allegations concern a "consumer product exposure," which is an exposure that
11 results from a person's acquisition, purchase, storage, consumption, or other reasonably
12 foreseeable use of a consumer good. The products identified in Paragraph 8 are
13 consumer products. As detailed in Paragraph 11, the reasonably foreseeable use of the
14 products causes exposure to lead.
15

16 **PRAYER FOR RELIEF**

17 Plaintiff demands against each defendant as follows:

- 18 1. A permanent injunction mandating Proposition 65 complaint warnings;
19 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b) of
20 \$2,500.00 per day per violation;
21 3. Costs of suit;
22 4. Reasonable attorney fees and costs; and
23 5. Any further relief that the court may deem just and equitable.
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27 //
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