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Los Angeles Superior Court**

MAY 10 2010

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

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9 Attorneys for Plaintiffs,
10 Consumer Advocacy Group, Inc.

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13
14 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

15 **BC 437487**

16 CONSUMER ADVOCACY GROUP, INC.,
17 in the public interest,

18 Plaintiff,

19 v.

20 THE SCOTTS MIRACLE-GRO
21 COMPANY, an Ohio corporation; THE
22 SCOTTS COMPANY, LLC, an Ohio
23 corporation, and DOES 1-50;

24 Defendants.

CASE NO.

COMPLAINT FOR PENALTY,
INJUNCTION, AND RESTITUTION

Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement
Act of 1986 (*Cal. Health & Safety Code*, §
25249.5, *et seq.*)

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

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

27 ///

28 ///

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COPIES

THE PARTIES

- 1
2 1. Plaintiff Consumer Advocacy Group, Inc. (“Plaintiff” OR “CAG”) is a non-profit
3 corporation qualified to do business in the State of California. CAG is a person within
4 the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting
5 as a private attorney general, brings this action in the public interest as defined under
6 Health and Safety Code section 25249.7, subdivision (d).
- 7 2. Defendant The Scotts Miracle-Gro Company is an Ohio corporation, qualified to do
8 business and doing business in the State of California at all relevant times herein.
- 9 3. Defendant The Scotts Company, LLC is an Ohio corporation, qualified to do business
10 and doing business in California.
- 11 4. Plaintiff is presently unaware of the true names and capacities of defendants Does 1-50,
12 and therefore sues these defendants by such fictitious names. Plaintiff will amend this
13 Complaint to allege their true names and capacities when ascertained. Plaintiff is
14 informed, believes, and thereon alleges that each fictitiously named defendant is
15 responsible in some manner for the occurrences herein alleged and the damages caused
16 thereby.
- 17 5. At all times mentioned herein, the term “Defendants” includes The Scotts Miracle-Gro
18 Company, The Scotts Company, LLC, and Does 1-50.
- 19 6. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
20 times mentioned herein has conducted business within the State of California.
- 21 7. At all times relevant to this action, each of the Defendants, including Does 1-50, was an
22 agent, servant, or employee of each of the other Defendants. In conducting the activities
23 alleged in this Complaint, each of the Defendants was acting within the course and scope
24 of this agency, service, or employment, and was acting with the consent, permission, and
25 authorization of each of the other Defendants. All actions of each of the Defendants
26 alleged in this Complaint were ratified and approved by every other Defendant or their
27 officers or managing agents. Alternatively, each of the Defendants aided, conspired with
28 and/or facilitated the alleged wrongful conduct of each of the other Defendants.

1 8. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
2 Defendants was a person doing business within the meaning of Health and Safety Code
3 section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
4 employees at all relevant times.

5
6 **JURISDICTION**

7 9. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
8 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
9 those given by statute to other trial courts. This Court has jurisdiction over this action
10 pursuant to Health and Safety Code section 25249.7, which allows enforcement of
11 violations of Proposition 65 in any Court of competent jurisdiction.

12 10. This Court has jurisdiction over Defendants named herein because Defendants either
13 reside or are located in this State or are foreign corporations authorized to do business in
14 California, are registered with the California Secretary of State, or who do sufficient
15 business in California, have sufficient minimum contacts with California, or otherwise
16 intentionally avail themselves of the markets within California through their manufacture,
17 distribution, promotion, marketing, or sale of their products within California to render
18 the exercise of jurisdiction by the California courts permissible under traditional notions
19 of fair play and substantial justice.

20 11. Venue is proper in the County of Los Angeles because one or more of the instances of
21 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
22 because Defendants conducted, and continue to conduct, business in the County of Los
23 Angeles with respect to the consumer product that is the subject of this action.

24
25 **BACKGROUND AND PRELIMINARY FACTS**

26 12. In 1986, California voters approved an initiative to address growing concerns about
27 exposure to toxic chemicals and declared their right "[t]o be informed about exposures to
28 chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp..

1 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 53. The initiative, The Safe Drinking
2 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections
3 25249.5, *et seq.* ("Proposition 65"), helps to protect California's drinking water sources
4 from contamination, to allow consumers to make informed choices about the products
5 they buy, and to enable persons to protect themselves from toxic chemicals as they see
6 fit.

7 13. Proposition 65 requires the Governor of California to publish a list of chemicals known to
8 the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*
9 § 25249.8. The list, which the Governor updates at least once a year, contains over 700
10 chemicals and chemical families. Proposition 65 imposes warning requirements and
11 other controls that apply to Proposition 65-listed chemicals.

12 14. All businesses with ten (10) or more employees that operate or sell products in California
13 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
14 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
15 water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and
16 reasonable" warnings before exposing a person, knowingly and intentionally, to a
17 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

18 15. Proposition 65 provides that any person "violating or threatening to violate" the statute
19 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.
20 "Threaten to violate" means "to create a condition in which there is a substantial
21 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
22 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation.
23 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

24 16. Through research and investigation, Plaintiff identified certain practices of Defendants of
25 exposing, knowingly and intentionally, persons in California to the Proposition 65-listed
26 chemicals of the consumer products discussed below without first providing clear and
27 reasonable warnings of such to the exposed persons prior to the time of exposure.

1 SATISFACTION OF PRIOR NOTICE

2 17. On or about July 1, 2009, Plaintiff gave notice of alleged violations of Health and Safety
3 Code section 25249.6, concerning consumer products exposures, subject to a private
4 action to The Scotts Miracle-Gro Company, identified in the notice as "The Scotts
5 Miracle-Gro Company," The Scotts Company, LLC, identified in the notice as "The
6 Scotts Company, LLC," and to the California Attorney General, County District
7 Attorneys, and City Attorneys for each city containing a population of at least 750,000
8 people in whose jurisdictions the violations allegedly occurred, concerning the consumer
9 products (i) Ortho® Orthenex® Insect & Disease Control Aerosol, (ii) Ortho®
10 Orthenex® Insect & Disease Control Concentrate, and (iii) Ortho® RosePride® Rose &
11 Shrub Disease Control.

12 18. On or about July 1, 2009, Plaintiff gave notice of alleged violations of Health and Safety
13 Code section 25249.6, concerning consumer products exposures, subject to a private
14 action to The Scotts Miracle-Gro Company, identified in the notice as "The Scotts
15 Miracle-Gro Company," The Scotts Company, LLC, identified in the notice as "The
16 Scotts Company, LLC," and to the California Attorney General, County District
17 Attorneys, and City Attorneys for each city containing a population of at least 750,000
18 people in whose jurisdictions the violations allegedly occurred, concerning the consumer
19 product ORTHO® Garden Disease Control Concentrate.

20 19. Before sending the notices of alleged violations, Plaintiff investigated the consumer
21 products involved, and the likelihood that such product would cause users to suffer
22 significant exposures to the relevant Proposition 65-listed chemicals at issue.

23 20. Plaintiff's notices of alleged violations each included a Certificate of Merit executed by
24 the attorney for the noticing party, CAG. The Certificates of Merit stated that the
25 attorney for Plaintiff who executed the certificate had consulted with at least one person
26 with relevant and appropriate expertise who reviewed data regarding the exposures to
27 Chlorothalonil, Resmethrin, and Triforine, respectively, which are the subject Proposition
28 65-listed chemicals of this action. Based on that information, the attorney for Plaintiff

1 who executed the Certificates of Merit believed there was a reasonable and meritorious
2 case for this private action. The attorney for Plaintiff attached to the Certificates of Merit
3 served on the Attorney General the confidential factual information sufficient to establish
4 the bases of the Certificates of Merit.

5 21. Plaintiff's notices of alleged violation also included a Certificate of Service and a
6 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
7 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

8 22. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
9 gave notice of the alleged violations to The Scotts Miracle-Gro Company, The Scotts
10 Company, LLC, and the public prosecutors referenced in Paragraphs 17 and 18.

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

14 **GENERAL RECITATIONS**

15 24. On June 18, 1999, the Governor of California added Triforine to the list of chemicals
16 known to the State to cause reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)).
17 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
18 after addition of Triforine to the list of chemicals known to the State to cause
19 reproductive toxicity, Triforine became fully subject to Proposition 65 warning
20 requirements and discharge prohibitions.

21 25. On November 6, 1998, the Governor of California added Resmethrin to the list of
22 chemicals known to the State to cause reproductive toxicity (*Cal. Code Regs.* tit. 27, §
23 27001(c)). Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty
24 (20) months after addition of Resmethrin to the list of chemicals known to the State to
25 cause reproductive toxicity, Resmethrin became fully subject to Proposition 65 warning
26 requirements and discharge prohibitions.

27 26. On January 1, 1989, the Governor of California added Chlorothalonil to the list of
28 chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)).

1 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
2 after addition of Chlorothalonil to the list of chemicals known to the State to cause
3 cancer, Chlorothalonil became fully subject to Proposition 65 warning requirements and
4 discharge prohibitions.

5 27. Plaintiff's allegations concern "[c]onsumer products exposure[s]," which "is an exposure
6 that results from a person's acquisition, purchase, storage, consumption, or other
7 reasonably foreseeable use of a consumer good, or any exposure that results from
8 receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.

9
10 **FIRST CAUSE OF ACTION**

11 **(By Consumer Advocacy Group, Inc. and against The Scotts Miracle-Gro Company, The
12 Scotts Company, LLC, and Does 1-50 for Violations of Proposition 65, The Safe Drinking
13 Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

14 **Ortho® Orthenex® Insect & Disease Control Aerosol**

15 28. Plaintiff Consumer Advocacy Group, Inc. repeats and incorporates by reference
16 paragraphs 1 through 27 of this Complaint as though fully set forth herein.

17 29. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
18 distributor, promoter, or retailer of Ortho® Orthenex® Insect & Disease Control Aerosol
19 (hereinafter "Aerosol"), a consumer product designed for use on roses, flowers, and
20 shrubs for systemic protection from insects, diseases, and other threats.

21 30. Plaintiff is informed, believes, and thereon alleges that Aerosol contains Triforine.

22 31. Plaintiff is informed, believes, and thereon alleges that Aerosol contains Resmethrin.

23 32. Defendants knew or should have known that Triforine and Resmethrin have been
24 identified by the State of California as a chemical known to cause reproductive toxicity
25 and therefore were subject to Proposition 65 warning requirements. Defendants were
26 also informed of the presence of Triforine and Resmethrin in the Aerosol within
27 Plaintiff's notices of alleged violation further discussed above at Paragraph 17.
28

1 33. Aerosol is a consumer product, and, as mentioned in herein, exposures to Triforine and
2 Resmethrin took place as a result of such normal and foreseeable consumption and use.
3 As a result, Defenants caused consumer exposure.

4 34. Plaintiff is informed, believes, and thereon alleges that between July 1, 2006 and the
5 present, and continuing thereafter, each of the Defendants knowingly and intentionally
6 exposed California consumers and users of Aerosol, which Defendants manufactured,
7 distributed, or sold as mentioned above, to Triforine and Resmethrin, without first
8 providing any type of clear and reasonable warning of such to the exposed persons before
9 the time of exposure. Defendants have distributed and sold Aerosol in California.
10 Defendants know and intend that California consumers will use and consume Aerosol
11 thereby exposing them to Triforine and Resmethrin. Defendants thereby violated
12 Proposition 65.

13 35. A principal route of exposure was and is through inhalation when users of Aerosol,
14 inadvertently, inhaled fumes from or vapor or mist of the Aerosol product when, pursuant
15 to the directions on the Aerosol can, they applied a spray covering portions of the
16 targeted plants with the Aerosol product. Further, users of Aerosol also suffer and
17 suffered a principal route of exposure through dermal contact when they allowed their
18 bare skin to come into contact with the contents of the Aerosol can as they dispensed
19 these contents or when they touched, inadvertently or not, treated plant surfaces
20 immediately after application, thereby allowing their skin to come into contact with
21 Triforine and Resmethrin. The foregoing routes of exposure assume use of the product in
22 accordance with its instructions.

23 36. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
24 Proposition 65 as to Aerosol have been ongoing and continuous to the date of the signing
25 of this Complaint, as Defendants engaged and continue to engage in conduct which
26 violates Health and Safety Code section 25249.6, including the manufacture, distribution,
27 promotion, and sale of Aerosol, so that a separate and distinct violation of Proposition 65
28

1 occurred each and every time a person was exposed to Triforine and Resmethrin by
2 Aerosol as mentioned herein.

3 37. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
4 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
5 violations alleged herein will continue to occur into the future.

6 38. Based on the allegations herein, Defendants are liable for civil penalties of up to
7 \$2,500.00 per day per individual exposure to Triforine and Resmethrin from Aerosol,
8 pursuant to Health and Safety Code section 25249.7(b).

9 39. In the absence of equitable relief, California consumers, the general public, and others
10 will continue to be involuntarily exposed to Triforine and Resmethrin that is contained in
11 Aerosol, creating a substantial risk of irreparable harm. Thus, by committing the acts
12 alleged herein, Defendants have caused irreparable harm for which there is no plain,
13 speedy, or adequate remedy at law.

14 40. Plaintiff has engaged in good faith efforts to resolve the claim alleged herein prior to
15 filing this Complaint.

16
17 **Ortho® Orthenex® Insect & Disease Control Concentrate**

18 41. Plaintiff Consumer Advocacy Group, Inc. repeats and incorporates by reference
19 paragraphs 1 through 27 of this Complaint as though fully set forth herein.

20 42. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
21 distributor, promoter, or retailer of Ortho® Orthenex® Insect & Disease Control
22 Concentrate (hereinafter "Concentrate"), a consumer product designed for use on plants
23 to control a wide variety of diseases.

24 43. Plaintiff is informed, believes, and thereon alleges that Concentrate contains Triforine.

25 44. Defendants knew or should have known that Triforine has been identified by the State of
26 California as a chemical known to cause reproductive toxicity and therefore was subject
27 to Proposition 65 warning requirements. Defendants were also informed of the presence
28

1 of Triforine in the Concentrate within Plaintiff's notices of alleged violation further
2 discussed above at Paragraph 17.

3 45. Concentrate is a consumer product, and, as mentioned in herein, exposures to Triforine
4 took place as a result of such normal and foreseeable consumption and use. As a result,
5 Defendants caused consumer exposure.

6 46. Plaintiff is informed, believes, and thereon alleges that between July 1, 2006 and the
7 present, and continuing thereafter, each of the Defendants knowingly and intentionally
8 exposed California consumers and users of Concentrate, which Defendants
9 manufactured, distributed, or sold as mentioned above, to Triforine, without first
10 providing any type of clear and reasonable warning of such to the exposed persons before
11 the time of exposure. Defendants have distributed and sold Concentrate in California.
12 Defendants know and intend that California consumers will use and consume
13 Concentrate thereby exposing them to Triforine. Defendants thereby violated Proposition
14 65.

15 47. A principal route of exposure was and is through inhalation caused when users of
16 Concentrate applied the requisite amount of Concentrate per one gallon of water,
17 according to the product label, and thoroughly sprayed this solution to cover all plant
18 surfaces, thereby causing the users of Concentrate and others in temporal and physical
19 proximity to inadvertently breath in vapor, mist, or fumes from the Concentrate product
20 containing Triforine. Further, users of Concentrate and others in temporal and physical
21 proximity suffer and suffered a principal route of exposure through dermal contact when
22 they allowed their bare skin to touch the Concentrate product as they diluted or dispensed
23 it or they touched, inadvertently or not, the surfaces to which the user applied
24 Concentrate, thereby allowing their bare skin to come into contact with Triforine. The
25 foregoing routes of exposure assume use of the product in accordance with its
26 instructions.

27 48. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
28 Proposition 65 as to Concentrate have been ongoing and continuous to the date of the

1 signing of this Complaint, as Defendants engaged and continue to engage in conduct
2 which violates Health and Safety Code section 25249.6, including the manufacture,
3 distribution, promotion, and sale of Concentrate, so that a separate and distinct violation
4 of Proposition 65 occurred each and every time a person was exposed to Triforine by
5 Concentrate as mentioned herein.

6 49. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
7 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
8 violations alleged herein will continue to occur into the future.

9 50. Based on the allegations herein, Defendants are liable for civil penalties of up to
10 \$2,500.00 per day per individual exposure to Triforine from Concentrate, pursuant to
11 Health and Safety Code section 25249.7(b).

12 51. In the absence of equitable relief, California consumers, the general public, and others
13 will continue to be involuntarily exposed to Triforine that is contained in Concentrate,
14 creating a substantial risk of irreparable harm. Thus, by committing the acts alleged
15 herein, Defendants have caused irreparable harm for which there is no plain, speedy, or
16 adequate remedy at law.

17 52. Plaintiff has engaged in good faith efforts to resolve the claim alleged herein prior to
18 filing this Complaint.

19
20 **Ortho® RosePride® Rose & Shrub Disease Control**

21 53. Plaintiff Consumer Advocacy Group, Inc. repeats and incorporates by reference
22 paragraphs 1 through 27 of this Complaint as though fully set forth herein.

23 54. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
24 distributor, promoter, or retailer of Ortho® RosePride® Rose & Shrub Disease Control
25 (hereinafter "RosePride®"), a consumer product designed for use on roses and other
26 ornamental plants to control a variety of diseases.

27 55. Plaintiff is informed, believes, and thereon alleges that RosePride® contains Triforine.
28

1 56. Defendants knew or should have known that Triforine has been identified by the State of
2 California as a chemical known to cause reproductive toxicity and therefore was subject
3 to Proposition 65 warning requirements. Defendants were also informed of the presence
4 of Triforine in RosePride® within Plaintiff's notices of alleged violation further discussed
5 above at Paragraph 17.

6 57. RosePride® is a consumer product, and, as mentioned in herein, exposures to Triforine
7 took place as a result of such normal and foreseeable consumption and use. As a result,
8 Defendants committed consumer exposure.

9 58. Plaintiff is informed, believes, and thereon alleges that between July 1, 2006 and the
10 present, each of the Defendants knowingly and intentionally exposed California
11 consumers and users of RosePride®, which Defendants manufactured, distributed, or
12 sold as mentioned above, to Triforine, without first providing any type of clear and
13 reasonable warning of such to the exposed persons before the time of exposure.
14 Defendants have distributed and sold RosePride® in California. Defendants know and
15 intend that California consumers will use and consume RosePride® thereby exposing
16 them to Triforine. Defendants thereby violated Proposition 65.

17 59. A principal route of exposure was and is through inhalation caused when users of
18 RosePride®, after the RosePride® with water, used the Ortho® Dial 'N Spray® Multi-
19 Use Hose-End Sprayer, or similar product meant to distribute the RosePride®, to apply
20 RosePride® to plant surfaces, and thereby causing them and others in temporal and
21 physical proximity to the area of application to inadvertently inhale fumes from or vapor
22 or mist from the RosePride® product containing Triforine. Further, users of RosePride®
23 and others in temporal and physical proximity suffer and suffered a principal route of
24 exposure through dermal contact when they allowed their bare skin to touch the
25 RosePride® product as they mixed the product with water or dispensed it via a sprayer or
26 they touched, inadvertently or not, the surfaces to which the user applied RosePride®,
27 thereby allowing their bare skin to come into contact with Triforine. The foregoing
28 routes of exposure assume use of the product in accordance with its instructions.

1 60. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
2 Proposition 65 as to RosePride® have been ongoing and continuous to the date of the
3 signing of this Complaint, as Defendants engaged and continue to engage in conduct
4 which violates Health and Safety Code section 25249.6, including the manufacture,
5 distribution, promotion, and sale of RosePride®, so that a separate and distinct violation
6 of Proposition 65 occurred each and every time a person was exposed to Triforine by
7 RosePride® as mentioned herein.

8 61. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
9 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
10 violations alleged herein will continue to occur into the future.

11 62. Based on the allegations herein, Defendants are liable for civil penalties of up to
12 \$2,500.00 per day per individual exposure to Triforine from RosePride®, pursuant to
13 Health and Safety Code section 25249.7(b).

14 63. In the absence of equitable relief, California consumers, the general public, and others
15 will continue to be involuntarily exposed to Triforine that is contained in RosePride®,
16 creating a substantial risk of irreparable harm. Thus, by committing the acts alleged
17 herein, Defendants have caused irreparable harm for which there is no plain, speedy, or
18 adequate remedy at law.

19 64. Plaintiff has engaged in good faith efforts to resolve the claim alleged herein prior to
20 filing this Complaint.

21 **ORTHO® Garden Disease Control Concentrate, in a sixteen fluid ounce net weight**
22 **container**

23 65. Plaintiff Consumer Advocacy Group, Inc. repeats and incorporates by reference
24 paragraphs 1 through 27 of this Complaint as though fully set forth herein.

25 66. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
26 distributor, promoter, or retailer of ® Garden Disease Control Concentrate, in a sixteen
27 fluid ounce net weight container (hereinafter "Disease Control"), a consumer product
28

1 designed for use on vegetables, fruits, roses, flowers, shrubs, and trees to stop and
2 prevent over 130 diseases.

3 67. Plaintiff is informed, believes, and thereon alleges that Disease Control contains
4 Chlorothalonil.

5 68. Defendants knew or should have known that Chlorothalonil has been identified by the
6 State of California as a chemical known to cause cancer and therefore was subject to
7 Proposition 65 warning requirements. Defendants were also informed of the presence of
8 Chlorothalonil in Disease Control within Plaintiff's notices of alleged violation further
9 discussed above at Paragraph 18.

10 69. Disease Control is a consumer product, and, as mentioned in herein, exposures to
11 Chlorothalonil took place as a result of such normal and foreseeable consumption and
12 use. As a result, Defendants caused consumer exposure.

13 70. Plaintiff is informed, believes, and thereon alleges that between July 1, 2006 and the
14 present, and continuing thereafter each of the Defendants knowingly and intentionally
15 exposed California consumers and users of Disease Control, which Defendants
16 manufactured, distributed, or sold as mentioned above, to Chlorothalonil, without first
17 providing any type of clear and reasonable warning of such to the exposed persons before
18 the time of exposure. Defendants have distributed and sold Disease Control in
19 California. Defendants know and intend that California consumers will use and consume
20 Disease Control thereby exposing them to Chlorothalonil. Defendants thereby violated
21 Proposition 65.

22 71. A principal route of exposure was and is through inhalation caused when users of Disease
23 Control and others in physical and temporal proximity inadvertently inhale fumes from or
24 vapor or mist of the Disease Control product that contains Chlorothalonil after or during
25 the time when the user adds Disease Control and water into a sprayer jar, pursuant to the
26 use instructions on the Disease Control label, and then sprays Disease Control thoroughly
27 to cover all plant surfaces. Further, users of Disease Control and others in temporal and
28 physical proximity suffer and suffered a principal route of exposure through dermal

1 contact when they allowed their bare skin to touch the Disease Control product as they
2 mixed the product with water or dispensed it via a sprayer or they touched, inadvertently
3 or not, the surfaces to which the user applied Disease Control, thereby allowing their bare
4 skin to come into contact with Chlorothalonil. The foregoing routes of exposure assume
5 use of the product in accordance with its instructions.

6 72. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
7 Proposition 65 as to Disease Control have been ongoing and continuous to the date of the
8 signing of this Complaint, as Defendants engaged and continue to engage in conduct
9 which violates Health and Safety Code section 25249.6, including the manufacture,
10 distribution, promotion, and sale of Disease Control, so that a separate and distinct
11 violation of Proposition 65 occurred each and every time a person was exposed to
12 Chlorothalonil by Disease Control as mentioned herein.

13 73. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
14 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
15 violations alleged herein will continue to occur into the future.

16 74. Based on the allegations herein, Defendants are liable for civil penalties of up to
17 \$2,500.00 per day per individual exposure to Chlorothalonil from Disease Control,
18 pursuant to Health and Safety Code section 25249.7(b).

19 75. In the absence of equitable relief, California consumers, the general public, and others
20 will continue to be involuntarily exposed to Chlorothalonil that is contained in Disease
21 Control, creating a substantial risk of irreparable harm. Thus, by committing the acts
22 alleged herein, Defendants have caused irreparable harm for which there is no plain,
23 speedy, or adequate remedy at law.

24 76. Plaintiff has engaged in good faith efforts to resolve the claim alleged herein prior to
25 filing this Complaint.

26 **PRAYER FOR RELIEF**

27 Plaintiff demands against each of the Defendants as follows:

- 28 1. A permanent injunction mandating Proposition 65-compliant warnings;

2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);
3. Costs of suit;
4. Reasonable attorney fees and costs; and
5. Any further relief that the court may deem just and equitable.

Dated: May 3, 2010

YEROUSHALMI & ASSOCIATES

BY: _____
Reuben Yeroushalmi
Attorneys for Plaintiff,
Consumer Advocacy Group, Inc.

**SUMMONS
(CITACION JUDICIAL)**

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

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

MAY 10 2010

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

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

THE SCOTTS MIRACLE-GRO COMPANY, an Ohio corporation; THE SCOTTS COMPANY, LLC, an Ohio corporation; and DOES 1-50

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

CONSUMER ADVOCACY GROUP, INC., in the public interest

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

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. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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.sucorte.ca.gov), 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.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): **Stanley Mosk Courthouse**
Superior Court of California for the County of Los Angeles
111 North Hill Street, Los Angeles, California 90012

CASE NUMBER:
(Número del Caso):

BC 437487

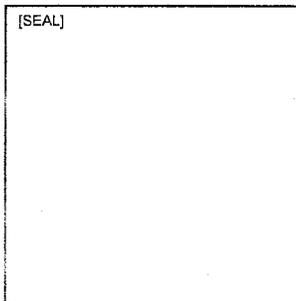
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Reuben Yeroushalmi (SBN 193981), 3700 Wilshire Blvd. #480, L.A., CA 90010; Tel: (213) 382-3183

DATE: **May 10**, 2010
(Fecha)

JOHN A. CLARKE, CLERK
Clerk, by
(Secretario)

M. GARCIA
Deputy

(For proof of service of this summons, use the 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: <input checked="" type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): REUBEN YERUSHALMI (SBN 193981) YERUSHALMI & ASSOCIATES 3700 WILSHIRE BLVD., SUITE 480 LOS ANGELES, CA 90010 TELEPHONE NO.: (213) 382-3283 FAX NO.: (213) 382-3430 ATTORNEY FOR (Name): Plaintiff, Consumer Advocacy Group, Inc.	FOR COURT USE ONLY CONFORMED COPY OF ORIGINAL FILED Los Angeles Superior Court MAY 10 2010 John A. Clarke, Executive Officer/Clerk BY <i>Mary Garcia</i> MARY GARCIA, Deputy CASE NUMBER: BC 437487 JUDGE: DEPT:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: 111 North Hill Street CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk Courthouse	
CASE NAME: Consumer Advocacy Group, Inc. v. The Scotts Miracle-Gro Co., 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)	

Items 1-6 below must be completed (see instructions on page 2).

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

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <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 checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <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)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <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 type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <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. 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: **May 3, 2010**
Reuben Yerushalmi

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 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 collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

SHORT TITLE: CAG v. The Scotts Miracle-Gro Co.	CASE NUMBER BC 487487
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**CIVIL CASE COVER SHEET ADDENDUM AND STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES CLASS ACTION? YES LIMITED CASE? YES TIME ESTIMATED FOR TRIAL⁵ _____ HOURS/ DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

Step 1: After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

Step 2: Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

Step 3: In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

Applicable Reasons for Choosing Courthouse Location (see Column C below)

- | | |
|---|--|
| 1. Class Actions must be filed in the County Courthouse, Central District. | 6. Location of property or permanently garaged vehicle. |
| 2. May be filed in Central (Other county, or no Bodily Injury/Property Damage). | 7. Location where petitioner resides. |
| 3. Location where cause of action arose. | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred. | 9. Location where one or more of the parties reside. |
| 5. Location where performance required or defendant resides. | 10. Location of Labor Commissioner Office. |

Step 4: Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.

SHORT TITLE: CAG v. The Scotts Miracle-Gro Co.	CASE NUMBER
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Judicial Review (Cont'd.)

Provisionally Complex Litigation

Enforcement of Judgment

Miscellaneous Civil Complaints

Miscellaneous Civil Petitions

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
	<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
Other Judicial Review (39)	<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
	<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
	<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
	<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
	<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
	<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
	<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
	<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
	<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Partnership Corporation Governance(21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
	<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
	<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
	<input type="checkbox"/> A6190 Election Contest	2.
	<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
	<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
	<input type="checkbox"/> A6100 Other Civil Petition	2., 9.

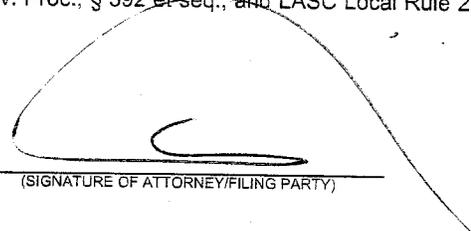
SHORT TITLE: CAG v. The Scotts Miracle-Gro Co.	CASE NUMBER
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Item III. Statement of Location: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., Step 3 on Page 1, as the proper reason for filing in the court location you selected.

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		ADDRESS: 4801 W. Venice Boulevard	
<input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.			
CITY: Los Angeles	STATE: CA	ZIP CODE: 90019	

Item IV. Declaration of Assignment: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

Dated: May 3 2010



(SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev. 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.