

1 LEXINGTON LAW GROUP
Eric S. Somers, State Bar No. 139050
2 Howard Hirsch, State Bar No. 213209
Lisa Burger, State Bar No. 239676
3 1627 Irving Street
San Francisco, CA 94122
4 Telephone: (415) 759-4111
Facsimile: (415) 759-4112

5 Attorneys for Plaintiff
6 CENTER FOR ENVIRONMENTAL HEALTH

ENDORSED
FILED
ALAMEDA COUNTY

NOV - 8 2010

CLERK OF THE SUPERIOR COURT
By Barbara LaMotte

Deputy

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF ALAMEDA

11 CENTER FOR ENVIRONMENTAL HEALTH,)
a non-profit corporation,)

12)
13 Plaintiff,)

14 v.)

15 AEROPOSTALE, INC.; AE RETAIL WEST)
16 LLC; AEROPOSTALE WEST, INC.;)
AMERICAN EAGLE OUTFITTERS, INC.;)
17 AZ3, INC.; BCBG MAX AZRIA GROUP,)
INC.; THE BUCKLE, INC.; CARA)
18 ACCESSORIES LTD.; CATHERINES, INC.;)
CATHERINES OF CALIFORNIA, INC.;)
19 CATHERINES STORES CORPORATION; CBI)
DISTRIBUTING CORP.; CHARLOTTE)
20 RUSSE, INC.; CHARLOTTE RUSSE)
HOLDING INC.; CLAIRE'S BOUTIQUES,)
21 INC.; CLAIRE'S STORES, INC.; FIESTA)
JEWELRY CORPORATION; LONG RAP)
22 INC.; MJM JEWELRY CORP. DBA BERRY)
JEWELRY COMPANY; OLD NAVY, LLC;)
23 SAKS & COMPANY; SAKS)
INCORPORATED; TANYA CREATIONS,)
24 INC.; TARGET CORPORATION; TWEEN)
BRANDS, INC.; WAL-MART STORES INC.;)
25 THE WET SEAL, INC.; THE WET SEAL)
RETAIL, INC.; and Defendant DOES 1 through)
500, inclusive,)

26 Defendants.)
27)
28)

Case No. RG 10-514803

C.C.P. §474 AMENDMENT TO
COMPLAINT - A.I.J.J. ENTERPRISES,
INC.; FASHION BUG OF
CALIFORNIA, INC.; FASHION BUG
RETAIL COMPANIES, INC.;
FOREVER 21 RETAIL, INC.; GROUP
USA, INC.; GROUP USA APPAREL,
INC.; HASKELL JEWELS, LTD.; HOT
TOPIC, INC.; THE NEW 5-7-9 AND
BEYOND, INC.; RAINBOW APPAREL
DISTRIBUTION CENTER CORP.;
RAINBOW USA, INC.; ROGERS
SPORTS MANAGEMENT GROUP

Action Filed: May 12, 2010

Health & Safety Code §25249.6, *et seq.*

(Other)

1 On May 12, 2010, Plaintiff Center for Environmental Health (“CEH”) filed its
2 original Complaint in *CEH v. Aeropostale, Inc., et al.*, Alameda County Superior Court Case No.
3 RG 10-514803. On July 30, 2010 CEH filed its First Amended Complaint in the *Aeropostale*
4 action.

5 Pursuant to California Code of Civil Procedure §474, CEH hereby amends the First
6 Amended Complaint as follows:

7 1. By inserting the name A.I.J.J. ENTERPRISES, INC. in place of the reference to
8 DOE 1 in each place that it appears in the First Amended Complaint;

9 2. By inserting the name FASHION BUG OF CALIFORNIA, INC. in place of the
10 reference to DOE 2 in each place that it appears in the First Amended Complaint;

11 3. By inserting the name FASHION BUG RETAIL COMPANIES, INC. in place of
12 the reference to DOE 3 in each place that it appears in the First Amended Complaint;

13 4. By inserting the name FOREVER 21 RETAIL, INC. in place of the reference to
14 DOE 4 in each place that it appears in the First Amended Complaint;

15 5. By inserting the name GROUP USA, INC. in place of the reference to DOE 5 in
16 each place that it appears in the First Amended Complaint;

17 6. By inserting the name GROUP USA APPAREL, INC. in place of the reference to
18 DOE 6 in each place that it appears in the First Amended Complaint;

19 7. By inserting the name HASKELL JEWELS, LTD. in place of the reference to
20 DOE 7 in each place that it appears in the First Amended Complaint;

21 8. By inserting the name HOT TOPIC, INC. in place of the reference to DOE 8 in
22 each place that it appears in the First Amended Complaint;

23 9. By inserting the name THE NEW 5-7-9 AND BEYOND, INC. in place of the
24 reference to DOE 8 in each place that it appears in the First Amended Complaint;

25 10. By inserting the name RAINBOW APPAREL DISTRIBUTION CENTER CORP.
26 in place of the reference to DOE 9 in each place that it appears in the First Amended Complaint;

27 11. By inserting the name RAINBOW USA, INC. in place of the reference to DOE 10
28 in each place that it appears in the First Amended Complaint; and

1 12. By inserting the name ROGERS SPORTS MANAGEMENT GROUP in place of
2 the reference to DOE 11 in each place that it appears in the First Amended Complaint.

3
4 Date: November 8, 2010

Respectfully submitted,
LEXINGTON LAW GROUP

5
6
7 

8
9 Howard Hirsch
10 Attorneys for Plaintiff
11 CENTER FOR ENVIRONMENTAL
12 HEALTH

13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

1 **PROOF OF SERVICE**

2 I declare that:

3 I am employed in San Francisco County, California. I am over the age of 18 years and
4 not a party to the within cause; my business address is 1627 Irving Street, San Francisco, CA
94122.

5 On November 8, 2010, I served a true copy of the following document:

6 **C.C.P. §474 AMENDMENT TO COMPLAINT - A.I.J.J. ENTERPRISES,**
7 **INC.; FASHION BUG OF CALIFORNIA, INC.; FASHION BUG RETAIL**
8 **COMPANIES, INC.; FOREVER 21 RETAIL, INC.; GROUP USA, INC.;**
9 **GROUP USA APPAREL, INC.; HASKELL JEWELS, LTD.; HOT TOPIC,**
10 **INC.; THE NEW 5-7-9 AND BEYOND, INC.; RAINBOW APPAREL**
11 **DISTRIBUTION CENTER CORP.; RAINBOW USA, INC.; ROGERS**
12 **SPORTS MANAGEMENT GROUP**

13 On this date, I deposited fully prepaid and sealed envelopes containing the above-
14 mentioned document with the United States Postal Service, addressed to the following
15 individuals:

16 *Please see attached service list.*

17 I declare under penalty of perjury that the foregoing is true and correct, and that this
18 declaration was executed on November 8, 2010, at San Francisco, California.

19 Signed: _____
20
21
22
23
24
25
26
27
28


Patrick Carey

CEH v. Aeropostale, Inc., et al.
Alameda County Superior Case No. RG 10-514803
SERVICE LIST

ATTORNEY	PARTY REPRESENTED
Jeffrey Margulies Fulbright & Jaworski L.L.P. 555 South Flower Street, 41st Floor Los Angeles, CA 90071 jmargulies@fulbright.com	Aeropostale, Inc. and BCBG Max Azria Group, Inc.
Eileen M. Nottoli Allen Matkins Leck Gamble Mallory & Natsis LLP Three Embarcadero Center, 12 th Floor San Francisco, CA 94111 enottoli@allenmatkins.com	AE Retail West LLC; American Eagle Outfitters, Inc.; The Buckle, Inc.; Catherines, Inc.; Catherines of California, Inc.; Catherines Stores Corporation; Fiesta Jewelry Corporation; MJM Jewelry Corp. dba Berry Jewelry Company; Old Navy, LLC; Tanya Creations, Inc.; Target Corporation
John J. Allen Marissa M. Dennis Allen Matkins Leck Gamble Mallory & Natsis LLP 515 South Figueroa Street, 9 th Floor Los Angeles, California 90071 jallen@allenmatkins.com mdennis@allenmatkins.com	Charlotte Russe, Inc. and Charlotte Russe Holdings, Inc.
Melissa Jones Greenberg Traurig LLP 1201 K Street Suite 1100 Sacramento, CA 95814 jonesme@gtlaw.com	CBI Distributing Corp.; Claire's Boutiques, Inc.; and Claire's Stores, Inc.

ATTORNEY	PARTY REPRESENTED
<p>Judith M. Praitis Amy P. Lally Sidley Austin LLP 555 West Fifth St., 40th Fl. Los Angeles, CA 90013 jpraitis@sidley.com alally@sidley.com</p>	<p>Saks & Company and Saks Incorporated</p>
<p>Robert L. Falk Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105 rfalk@mofocom</p> <p>Sarah Whitney Asplin Morrison & Foerster LLP 400 Capitol Mall, Suite 2600 Sacramento, CA 95814 sasplin@mofocom</p>	<p>Tween Brands, Inc.</p>
<p>Marcy J. Bergman Merrit M. Jones Bryan Cave LLP 2 Embarcadero Center, Suite 1410 San Francisco, CA 94111 marcy.bergman@bryancave.com merrit.jones@bryancave.com</p>	<p>The Wet Seal, Inc. and The Wet Seal Retail, Inc.</p>
<p>Michael D. Abraham Bartko, Zankel, Tarrant & Miller 900 Front Street, Suite 300 San Francisco, CA 94111 mabraham@bztm.com</p>	<p>Wal-Mart Stores, Inc.</p>