

ENDORSED
FILED
SAN FRANCISCO COUNTY
SUPERIOR COURT

2010 NOV 12 AM 1:06

CLERK OF THE COURT

BY: ~~DEREK [unclear]~~

COPY

1 LAURA J. BAUGHMAN (SBN 263944)
THOMAS M. SIMS (SBN 264174)
2 BARON & BUDD, P.C.
3102 Oak Lawn Avenue, Suite 1100
3 Dallas, TX 75219
Telephone (214) 521-3605
4 Facsimile (214) 520-1181
lbaughman@baronbudd.com
5 tsims@baronbudd.com

6 APRIL STRAUSS (SBN 163327)
LAW OFFICE OF APRIL STRAUSS
7 2500 Hospital Drive, Suite 3B
Mountain View, CA 94040
8 Telephone 650-281-7081
Facsimile 408-774-1906

9 JAMES R. WHEATON (SBN 115230)
10 ENVIRONMENTAL LAW FOUNDATION
1736 Franklin Street, 9th Floor
11 Oakland, CA 94612
Telephone: 510-208-4555
12 Facsimile: 510-208-4562

13 Attorneys for Plaintiff
14 ENVIRONMENTAL LAW FOUNDATION

CASE MANAGEMENT CONFERENCE SL

APR 15 2011 9:00 AM

DEPARTMENT 212

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 COUNTY OF SAN FRANCISCO

17 ENVIRONMENTAL LAW FOUNDATION,
18 on behalf of the General Public,

19 Plaintiff,

20 vs.

21 CHAMPION NUTRITION, INC.; CHEMI-
SOURCE, INC., doing business as
22 METABOLIC RESPONSE MODIFIERS;
INTEGRATED SPORTS SCIENCE;
23 IDEASPHERE, INC., operating as ISI
BRANDS, INC.; NATURAL ORGANICS
24 LABORATORIES; THE ISOPURE
COMPANY, LLC, doing business as
25 NATURE'S BEST; VITAL
26 PHARMACEUTICALS, INC.; and DOES 1
through 200,

27 Defendants.
28

Case No. **08C-10-505302**

COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES

(Based on Violations of California Health
and Safety Code § 25249.6 *et seq.*)

FAXED
FIRST LEGAL SUPPORT SERVICES

1 Plaintiff, ENVIRONMENTAL LAW FOUNDATION, by its attorneys, brings this action
2 on behalf of the General Public on information and belief, and investigation of counsel, except
3 those allegations which pertain to the named Plaintiff or to its attorneys which are alleged on
4 personal knowledge, and hereby alleges as follows:

5 **INTRODUCTION**

6 1. This action seeks to remedy Defendants' continuing failure to warn thousands of
7 individuals in California that they are being exposed to lead, a chemical known to the State of
8 California to cause cancer and/or reproductive toxicity, through the ingestion and use of
9 Defendants' protein supplements. Defendants manufacture, package, distribute, market and/or
10 sell protein supplements in the form of powders, liquids and ready to drink liquids, with whey as
11 a primary protein ingredient (hereinafter "PROTEIN SUPPLEMENTS").

12 2. There is no safe level of lead in the body, and children and fetuses are at greatest risk of
13 harmful effects from exposure to lead. (*See, e.g., Toxicological Profile for Lead*, U.S.
14 Department of Health and Human Services, Public Health Service, Agency for Toxic Substances
15 and Disease Registry (2007) at 10 ("No safe blood lead level in children has been determined.");
16 24, 25 ("Most importantly, no threshold for the effects of lead on IQ has been determined."); 222
17 ("Children and developing organisms in general, are more susceptible to lead toxicity than
18 adults."); 364). Fetuses exposed to lead in the womb may be born prematurely and have lower
19 weights at birth. Exposure in the womb and as an infant also slows mental development and
20 causes lower intelligence later in childhood.

21 3. Infants are born with a lead body burden that reflects the burden of the mother. During
22 gestation, lead from the maternal skeleton is transferred across the placenta to the fetus.
23 Moreover, there is transfer of maternal blood lead load across the placenta to a developing fetus.
24 Additional lead exposure may occur during breast feeding. This means that maternal ongoing
25 exposure to lead during pregnancy, as well as lead stored in the mother's body from exposure
26 prior to conception, can result in exposure to the fetus or nursing neonate. *Id.* at 118, 223, 137 &
27 172 (internal citations omitted).

1 4. The American Academy of Pediatrics concurs that there is no “safe level” of lead for
2 children. [www.aap.org/advocacy/washing/News-Release_Press-Statements/01-05-08-EPA-
4 Lead.pdf](http://www.aap.org/advocacy/washing/News-Release_Press-Statements/01-05-08-EPA-
3 Lead.pdf).

5 5. On February 27, 1987, California Governor George Deukmejian declared lead a
6 reproductive toxin subject to Proposition 65. Proposition 65 requires that consumers must be
7 warned before they are exposed to chemicals/metals that cause birth defects and/or reproductive
8 harm. (The Safe Drinking Water and Toxic Enforcement Act, California Health and Safety Code
9 § 25249.5 *et seq.*, hereinafter referred to as “Proposition 65.” All section references not
10 otherwise identified refer to California Health and Safety Code).

11 6. Lead became subject to the warning requirement one year later and was therefore subject
12 to the “clear and reasonable” warning requirements of Proposition 65 beginning on February 27,
13 1988. (27 California Code of Regulations (“CCR”) § 25000, *et seq.*; § 25249.6 *et seq.*)

14 7. On October 1, 1992, the State of California officially listed “lead and lead compounds”
15 on the Governor’s list of chemicals known to cause cancer. Lead and lead compounds became
16 subject to the warning requirement one year later and were therefore subject to the “clear and
17 reasonable” warning requirements of Proposition 65 beginning on October 1, 1993 (27 CCR §
18 25000, *et seq.*; 25249.6 *et seq.*)

19 8. The ingestion of the PROTEIN SUPPLEMENTS causes exposures to lead at levels
20 requiring a “clear and reasonable warning” under Proposition 65, § 25249.6. Defendants have
21 failed to provide these health hazard warnings as required by Proposition 65.

22 9. Plaintiff seeks the following relief through this action:

- 23 a. to prohibit the manufacture, packaging, distribution, marketing, or sale of
24 PROTEIN SUPPLEMENTS in California by Defendants without providing
25 clear and reasonable warnings regarding the risks of cancer and/or
26 reproductive toxicity posed by exposure to lead through the ingestion and use
27 of Defendants’ PROTEIN SUPPLEMENTS;
- 28 b. to assess civil penalties in the amount of \$2,500 per day per violation to
remedy Defendants’ ongoing failure to provide clear and reasonable warnings
to thousands of individuals that are being exposed, and continue to be

1 exposed, to lead through the ingestion of Defendants' PROTEIN
2 SUPPLEMENTS; and

- 3 c. to compel Defendants to provide clear and reasonable warnings regarding the
4 risks posed by Defendants' PROTEIN SUPPLEMENTS required by
5 Proposition 65 to all past purchasers of the products in question.

6 **PARTIES**

7 10. Plaintiff ENVIRONMENTAL LAW FOUNDATION ("ELF") is a California nonprofit
8 organization founded on Earth Day in 1991, committed to the enforcement of environmental,
9 toxics, and community right-to-know laws. ELF has a longstanding interest in reducing health
10 hazards to the public posed by lead, and particularly to protect those with the least choice and
11 greatest vulnerability to toxic risks: children, inner city dwellers, and workers. ELF is dedicated
12 to the preservation and enhancement of human health and the environment, and has been
13 enforcing Proposition 65 and other laws that protect consumers, communities and the
14 environment for nearly twenty years. ELF brings this action pursuant to § 25249.7(d) in the
15 interest of the general public.

16 11. Defendant CHAMPION NUTRITION, INC., a Florida corporation with its principal
17 place of business located at 1301 Sawgrass Corporate Parkway, Sunrise, FL 33323 (hereinafter
18 "CHAMPION NUTRITION"), is a person in the course of doing business within the meaning of
19 § 25249.11. CHAMPION NUTRITION sells, manufactures, packages, distributes or markets
20 PROTEIN SUPPLEMENTS for sale or use in California that expose individuals to lead,
21 including but not limited to Champion Nutrition Heavyweight Gainer 900 Vanilla Shake. These
22 activities are currently occurring or have occurred at times relevant to this Complaint.

23 12. Defendant CHEMI-SOURCE, INC., doing business as METABOLIC RESPONSE
24 MODIFIERS, a California Corporation with its principal place of business located at 2665 Vista
25 Pacific Drive, Oceanside, CA 92056 (hereinafter "MRM") is a person in the course of doing
26 business within the meaning of § 25249.11. MRM sells, manufactures, packages, distributes or
27 markets PROTEIN SUPPLEMENTS for sale or use in California that expose individuals to lead,
28 including but not limited to MRM All Natural Gainer French Vanilla. These activities are
currently occurring or have occurred at times relevant to this Complaint.

1 13. Defendant INTEGRATED SPORTS SCIENCE, a North Carolina Corporation with its
2 principal place of business located at 5400 W.T. Harris Blvd., Suite L, Charlotte, NC 28269
3 (hereinafter "ISS") is a person in the course of doing business within the meaning of § 25249.11.
4 ISS sells, manufactures, packages, distributes or markets PROTEIN SUPPLEMENTS for sale or
5 use in California that expose individuals to lead, including but not limited to OhYeah! Total
6 Protein System Vanilla Crème. These activities are currently occurring or have occurred at times
7 relevant to this Complaint.

8 14. Defendant IdeaSphere, Inc., operating as ISI Brands, Inc., a Delaware Corporation with
9 its principal place of business located at 600 East Quality Drive, American Fork, UT 84003
10 (hereinafter "ISI") is a person in the course of doing business within the meaning of § 25249.11.
11 ISI sells, manufactures, packages, distributes or markets PROTEIN SUPPLEMENTS for sale or
12 use in California that expose individuals to lead, including but not limited to TWINLAB 100%
13 Whey Protein Fuel Vanilla Slam. These activities are currently occurring or have occurred at
14 times relevant to this Complaint.

15 15. Defendant THE ISOPURE COMPANY, LLC, doing business as NATURE'S BEST, a
16 Delaware Corporation with its principal place of business located at 195 Engineers Road,
17 Hauppauge, NY 11788 (hereinafter "ISOPURE") is a person in the course of doing business
18 within the meaning of § 25249.11. ISOPURE sells, manufactures, packages, distributes or
19 markets PROTEIN SUPPLEMENTS for sale or use in California that expose individuals to lead,
20 including but not limited to Nature's Best Perfect Zero Carb Isopure Creamy Vanilla. These
21 activities are currently occurring or have occurred at times relevant to this Complaint.

22 16. Defendant NATURAL ORGANICS LABORATORIES, a New York Corporation with
23 its principal place of business located at 9500 New Horizons Boulevard, Amityville, NY 11701
24 (hereinafter "NATURAL ORGANICS") is a person in the course of doing business within the
25 meaning of § 25249.11. NATURAL ORGANICS sells, manufactures, packages, distributes or
26 markets PROTEIN SUPPLEMENTS for sale or use in California that expose individuals to lead,
27 including but not limited to Nature's Plus Spiru-Tein Whey High Protein Energy Meal Vanilla.
28 These activities are currently occurring or have occurred at times relevant to this Complaint.

1 17. Defendant VITAL PHARMACEUTICALS, INC., a Florida Corporation with its
2 principal place of business located at 1600 North Park Drive, Weston, FL 33326 (hereinafter
3 “VITAL PHARMACEUTICALS”) is a person in the course of doing business within the
4 meaning of § 25249.11. VITAL PHARMACEUTICALS sells, manufactures, packages,
5 distributes or markets PROTEIN SUPPLEMENTS for sale or use in California that expose
6 individuals to lead, including but not limited to VPX Protein Rush Vanilla Dream. These
7 activities are currently occurring or have occurred at times relevant to this Complaint.

8 18. The true names and capacities of Defendants sued herein under California Code of Civil
9 Procedure § 474 as DOES 1 through 200, inclusive, are presently unknown to Plaintiff, who
10 therefore sues these Defendants by such fictitious names. Plaintiff will seek to amend this
11 Complaint and include these Doe Defendants’ true names and capacities when they are
12 ascertained. Each of the fictitiously named Defendants is a person in the course of doing
13 business within the meaning of § 25249.11. DOES 1 through 200 sell, manufacture, package,
14 distribute or market PROTEIN SUPPLEMENTS for sale or use in California that expose
15 individuals to lead.

16 19. Each of the Defendants herein has employed ten (10) or more persons at all times
17 relevant to this action.

18 **JURISDICTION AND VENUE**

19 20. The Court has jurisdiction over this action pursuant to § 25249.7, which allows
20 enforcement in any court of competent jurisdiction, and pursuant to California Constitution
21 Article VI, Section 10, because this case is a cause not given by statute to other trial courts.

22 21. This Court has jurisdiction over Defendants named herein because Defendants either are
23 located in this State or are foreign corporations authorized to do business in California and
24 registered with the California Secretary of State; or who do sufficient business in California,
25 have sufficient minimum contacts with California, or otherwise intentionally avail themselves of
26 the markets within California through the sale, promotion, marketing and distribution of their
27 products in California to render the exercise of jurisdiction by the California courts permissible
28 under traditional notions of fair play and substantial justice.

1 22. Venue is proper in this Court because the products at issue are promoted, available for
2 sale, sold and used in this County; a substantial portion of the transactions complained of herein
3 occurred here; contracts relating to the purchase of this product were entered into, made and
4 were to be performed in this County; and/or Defendants have received substantial compensation
5 from the sale of the product at issue in this County by doing business here.

6 23. On August 6, 2010 and August 19, 2010 ELF sent 60-Day Notices of Proposition 65
7 violations to the requisite public enforcement agencies and to Defendants. These notices were
8 issued pursuant to, and in compliance with, the requirements of § 25249.7(d) and the statute's
9 implementing regulations regarding the notice of the violations to be given to certain public
10 enforcement agencies and to the violator. The notices given included, *inter alia*, the following
11 information: the name, address, and telephone number of the noticing individual; the name of the
12 alleged violator; the statute violated; the approximate time period during which violations
13 occurred; and descriptions of the violations, including the chemical involved, the routes of toxic
14 exposure, and the specific products and type of products causing the violations. The named
15 Defendants and the California Attorney General were provided copies of the 60-Day Notice by
16 mail. Additionally, the named Defendants were each provided with a copy of a document
17 entitled "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
18 Summary," which is also known as Appendix A to Title 27 of CCR § 25903.

19 24. ELF also sent a Certificate of Merit for each of the Notices to the California Attorney
20 General, the District Attorneys of every county in California, the City Attorneys of every
21 California city with a population greater than 750,000, and to the named Defendants. In
22 compliance with § 25249.7(d) and 11 CCR § 3101, each of the Certificates certified that ELF's
23 counsel: (1) has consulted with one or more persons with relevant and appropriate experience or
24 expertise who reviewed facts, studies or other data regarding the exposures to Lead alleged in
25 each of the Notices; and (2) based on the information obtained through such consultations,
26 believes that there is a reasonable and meritorious case for a citizen enforcement action based on
27 the facts alleged in each of the Notices. In compliance with § 25249.7(d) and 11 CCR § 3102,
28 each of the Certificates served on the Attorney General included factual information – provided
on a confidential basis – sufficient to establish the basis for the Certificate.

1 25. None of these public prosecutors has commenced and is diligently prosecuting an action
2 against the violations at issue herein, although the notice period provided in § 25249.7 has
3 elapsed since such notice was provided.

4 **STATUTORY AND REGULATORY BACKGROUND**

5 26. Proposition 65 is an initiative statute passed by a vote of the People in 1986.

6 27. Proposition 65 provides the circumstances under which persons must be warned before
7 they are exposed to chemicals/metals that cause cancer, birth defects, or other reproductive harm.
8 Section 25249.6 states the warning requirement:

9 “No person in the course of doing business shall knowingly and intentionally expose any
10 individual to a chemical known to the state to cause cancer or reproductive toxicity
11 without first giving clear and reasonable warning to such individual, except as provided
12 in Section 25249.10.”

12 28. An exposure to a chemical in a consumer product is one “which results from a person’s
13 acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer
14 good, or any exposure that results from receiving a consumer service.” 27 CCR § 25601(b).

15 29. Proposition 65 establishes a procedure by which the Governor lists chemicals known to
16 the state to cause reproductive toxicity and/or cancer. *See* § 25249.8. Pursuant to this authority,
17 on February 27, 1987 lead was placed on the list of reproductive toxins. Lead is specifically
18 identified as a reproductive toxicant under three subcategories: “developmental reproductive
19 toxicity,” which means harm to the developing fetus; “female reproductive toxicity,” which
20 means harm to the female reproductive system; and “male reproductive toxicity,” which means
21 harm to the male reproductive system. 27 CCR § 27001(c).

22 30. The warning requirement under Proposition 65 for a given chemical goes into effect one
23 year after the Governor places that chemical on the list. § 25249.10(b). Therefore, lead became
24 subject to the clear and reasonable warning requirement regarding reproductive toxicants under
25 Proposition 65 on February 27, 1988.

26 31. On October 1, 1992, the State of California officially listed “lead and lead compounds” as
27 chemicals known to cause cancer. On October 1, 1993, one year after being so listed, lead and
28

1 lead compounds became subject to the clear and reasonable warning requirement regarding
2 carcinogens under Proposition 65. 27 CCR § 27001(b); § 25249.10(b).

3 **FACTS**

4 32. Defendants manufacture, sell, and/or distribute a variety of PROTEIN SUPPLEMENTS
5 labeled, marketed and intended for human consumption, including, but not limited to, those
6 listed in paragraphs 11 - 17, *supra*. These PROTEIN SUPPLEMENTS are manufactured,
7 distributed and/or sold in California for the purpose of distribution and retail sale in California.

8 33. The PROTEIN SUPPLEMENTS at issue in this Complaint contain lead which results in
9 human exposure to the lead upon its consumption.

10 34. Plaintiff is informed and believes and therefore alleges that one or more of the PROTEIN
11 SUPPLEMENTS have been sold to and/or ingested by individuals in California without clear
12 and reasonable warnings since at least August 6, 2009. The PROTEIN SUPPLEMENTS
13 continue to be offered for sale in California without the requisite warning information.

14 35. Under Proposition 65, an exposure is “knowing” where the party responsible for such
15 exposure has:

16 “knowledge of the fact that a discharge of, release of, or exposure to a chemical
17 listed pursuant to Section 25249.8(a) of the Act is occurring. No knowledge that
the discharge, release or exposure is unlawful is required.”

18 27 CCR § 25102(n). This knowledge may be actual or constructive. *See, e.g.*, Final Statement
19 of Reasons Revised (November 4, 1988) for former 22 CCR § 12201.

20 36. Plaintiff is informed and believes and thereon alleges that the Defendants knew, and/or
21 reasonably should have known, that the foreseeable use of their PROTEIN SUPPLEMENTS
22 results in exposure to lead, and that the levels of lead exceed the lead exposure levels which
23 trigger warning requirements under Proposition 65.

24 37. Defendants know and intend that individuals will ingest the PROTEIN SUPPLEMENTS,
25 thus exposing them to lead.

26 38. Nevertheless, and in violation of § 25249.6 *et seq.*, Defendants have not provided clear
27 and reasonable warnings to inform the public that their PROTEIN SUPPLEMENTS expose
28

1 consumers to lead, a chemical known to the State of California to cause cancer and reproductive
2 toxicity.

3 39. Defendants have, in the course of doing business, knowingly and intentionally exposed
4 individuals to a chemical known to the State of California to cause cancer and reproductive
5 toxicity without first providing a clear and reasonable warning as required by § 25249.6 and §
6 25249.11(f). As a direct result of Defendants' acts and omissions, the general public in
7 California is being regularly, unlawfully, and involuntarily exposed to lead, a known
8 reproductive toxin and carcinogen.

9 40. The PROTEIN SUPPLEMENTS continue to be offered for sale in California without a
10 clear and reasonable warning.

11 **FIRST CAUSE OF ACTION**

12 (Violations of California Health and Safety Code § 25249.6 *et seq.*)

13 (Against All Defendants)

14 41. Plaintiff incorporates by reference ¶¶ 1 through 40 as if fully set forth herein.

15 42. The People of the State of California have declared in Proposition 65 their right “[t]o be
16 informed about exposures to chemicals that cause cancer, birth defects and other reproductive
17 harm.” Proposition 65, Section 1(b) of the Initiative Measure.

18 43. To carry out those statutory purposes, Proposition 65 requires that a clear and reasonable
19 warning be given by persons who, in the course of doing business, knowingly and intentionally
20 expose any individual to a chemical known to the State of California to cause cancer and
21 reproductive harm.

22 44. Proposition 65 provides that any person “violating or threatening to violate” the statute
23 may be enjoined in any court of competent jurisdiction. § 25249.7. “Threaten to violate” is
24 defined to mean “to create a condition in which there is a substantial probability that a violation
25 will occur.” § 25249.11(e).

26 45. Violators of Proposition 65 are liable for civil penalties of up to \$2500.00 per day per
27 violation, recoverable in a civil action. § 25249.7(b).

28 46. Defendants have engaged and continue to engage in conduct which violates § 25249.6.
This conduct includes the manufacturing, packaging, distributing and selling of PROTEIN

1 SUPPLEMENTS the foreseeable use of which results in exposing the public to lead, known to
2 the State of California to cause reproductive toxicity and cancer, without first providing a clear
3 and reasonable warning pursuant to §§ 25249.6 and 25249.11(f). Defendants have, therefore, in
4 the course of doing business, knowingly and intentionally exposed individuals to a chemical
5 known to the State of California to cause reproductive toxicity and cancer without first providing
6 a clear and reasonable warning.

7 47. By the above-described acts, Defendants are liable, pursuant to § 25249.7(b), for a civil
8 penalty of up to \$2500 per day per individual exposure to lead through Defendants' PROTEIN
9 SUPPLEMENTS.

10 48. An action for injunctive relief under Proposition 65 is specifically authorized by §
11 25249.7(a).

12 49. Continuing commission by Defendants of the acts alleged above will irreparably harm the
13 citizens of the State of California, for which harm they have no plain, speedy, or adequate
14 remedy at law.

15 WHEREFORE, Plaintiff prays for judgment against Defendants as set forth below.

16 **THE NEED FOR INJUNCTIVE RELIEF**

17 50. By committing the acts alleged herein, the Defendants have caused irreparable harm for
18 which there is no plain, speedy or adequate remedy at law. In the absence of equitable relief, the
19 general public will continue to be involuntarily exposed to the lead contained in Defendants'
20 PROTEIN SUPPLEMENTS, creating a substantial risk of irreparable injury by:

- 21 a. continuing to cause consumers to be involuntarily and unwittingly exposed to
22 lead through the ingestion of the PROTEIN SUPPLEMENTS; and,
23 b. preventing consumers from distinguishing between products that cause
24 exposures to lead and similar products that do not cause such exposures.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff prays for the following relief:

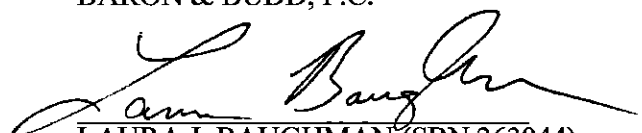
27 A. a preliminary and permanent injunction, pursuant to § 25249.7(b), enjoining Defendants,
28 their agents, employees, assigns and all persons acting in concert or participating with

1 Defendants from importing, manufacturing, packaging, distributing, marketing or selling the
2 PROTEIN SUPPLEMENTS in California without first providing a clear and reasonable warning
3 that the users of the PROTEIN SUPPLEMENTS are exposed, within the meaning of Proposition
4 65, to lead;
5 B. an assessment of civil penalties, pursuant to § 25249.7(b), against each Defendant in the
6 amount of \$2500 per day for each violation of Proposition 65;
7 C. that Defendants be ordered to identify and locate each individual who purchased their
8 PROTEIN SUPPLEMENTS and to provide a warning to each person that the PROTEIN
9 SUPPLEMENTS have exposed, or will expose, that person to chemicals known to cause cancer
10 and reproductive harm;
11 D. that the Court, pursuant to § 25249.7(a), order Defendants to take any other action this
12 Court may deem necessary and proper;
13 E. an award to Plaintiff of its reasonably attorneys' fees and costs of suit pursuant to
14 California Code of Civil Procedure § 1021.5 as Plaintiff shall specify in further application to the
15 Court; and,
16 F. such other and further relief as may be just and proper.

17
18
19
20
21
22
23
24
25
26
27
28

DATED: November 12, 2010

BARON & BUDD, P.C.



LAURA J. BAUGHMAN (SBN 263944)
THOMAS M. SIMS (SBN 264174)
3102 Oak Lawn Avenue, Suite 1100
Dallas, TX 75219
Telephone: 214-521-3605
Facsimile: 214-520-1181
lbaughman@baronbudd.com
tsims@baronbudd.com

APRIL STRAUSS (SBN 163327)
LAW OFFICE OF APRIL STRAUSS
2500 Hospital Dr., Ste. 3B
Mountain View, CA 94040
Telephone: (650) 281-7081
Facsimile: (408) 774-1906

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JAMES R. WHEATON (SBN 115230)
ENVIRONMENTAL LAW FOUNDATION
1736 Franklin Street, 9th Floor
Oakland, CA 94612
Telephone: 510-208-4555
Facsimile: 510-208-4562

Attorneys for Plaintiff
ENVIRONMENTAL LAW FOUNDATION