

ENDORSED  
FILED  
San Francisco County Superior Court

AUG 24 2011

CLERK OF THE COURT  
BY: DENNIS TOYAMA  
Deputy Clerk

1 Michael Freund SBN 99687  
2 Law Office of Michael Freund  
3 1915 Addison Street  
4 Berkeley, CA 94704  
5 Telephone: (510) 540-1992  
6 Facsimile: (510) 540-5543

7 Attorney for Plaintiff Environmental Research Center

8  
9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
10 **COUNTY OF SAN FRANCISCO**

11 **ENVIRONMENTAL RESEARCH CENTER,**  
12 **a California non-profit corporation**

Case No. CGC-11-513628

13 **Plaintiff,**

**COMPLAINT FOR CIVIL  
PENALTIES**

14  
15 **v.**

16 **NEWAYS, INC., NEWAYS INTERNATIONAL,**  
17 **GOLDEN GATE CAPITAL, L.P., LTM**  
18 **ENTERPRISES, INC. and DOES 1-100**

[Miscellaneous Civil Complaint (42)]  
Proposition 65, Health & Safety Code  
Section 25249.5 et seq.]

19 **Defendants.**  
20 \_\_\_\_\_/

21 Plaintiff Environmental Research Center hereby alleges:

22  
23 **I**

24 **INTRODUCTION**

25  
26 1. Plaintiff Environmental Research Center (hereinafter "Plaintiff" or "ERC") brings this  
27 action as a private attorney general and in the public interest pursuant to Health & Safety Code  
28 Section 25249.7 (d). This complaint seeks civil penalties to remedy Defendants' failure to warn