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6 Attorneys for Plaintiff,  
7 Consumer Advocacy Group, Inc.

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

11 CONSUMER ADVOCACY GROUP, INC.,  
12 in the public interest,  
13 Plaintiff,  
14  
15 v.  
16 GROCERY OUTLET, INC., a California  
17 Corporation, SULTAN'S LINENS, INC., a  
18 New York Corporation, ROSS DRESS FOR  
19 LESS, INC., a Virginia Corporation, ROSS  
20 STORES, INC., a Delaware Corporation,  
and DOES 1-20;  
21 Defendants.

CASE NO.  
  
COMPLAINT FOR PENALTY,  
INJUNCTION, AND RESTITUTION  
  
Violation of Proposition 65, the Safe  
Drinking Water and Toxic Enforcement  
Act of 1986 (*Health & Safety 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  
23 defendants GROCERY OUTLET, INC., SULTAN'S LINENS, INC., ROSS DRESS FOR LESS,  
24 INC., ROSS STORES, INC., and DOES 1-20 as follows:

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26 ///  
27 ///

**THE PARTIES**

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code section 25249.7, subdivision (d).
2. Defendant GROCERY OUTLET, INC. (“GROCERY”) is a California Corporation, qualified to do business and doing business in the State of California at all relevant times herein.
3. Defendant SULTAN’S LINENS, INC. (“SULTAN’S”) is a New York corporation, doing business in the State of California at all relevant times herein.
4. Defendant ROSS DRESS FOR LESS, INC. (“ROSS DRESS”), is a company incorporated in the State of Virginia qualified to do business and doing business in the State of California at all relevant times herein.
5. Defendant ROSS STORES, INC. (“ROSS STORES”), is a company incorporated in the State of Delaware qualified to do business and doing business in the State of California at all relevant times herein.
6. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
7. At all times mentioned herein, the term “Defendants” includes GROCERY, SULTAN’S, ROSS DRESS, ROSS STORES, and DOES 1-20.
8. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.

- 1 9. At all times relevant to this action, each of the Defendants, including DOES 1-20, was an  
2 agent, servant, or employee of each of the other Defendants. In conducting the activities  
3 alleged in this Complaint, each of the Defendants was acting within the course and scope  
4 of this agency, service, or employment, and was acting with the consent, permission, and  
5 authorization of each of the other Defendants. All actions of each of the Defendants  
6 alleged in this Complaint were ratified and approved by every other Defendant or their  
7 officers or managing agents. Alternatively, each of the Defendants aided, conspired with  
8 and/or facilitated the alleged wrongful conduct of each of the other Defendants.
- 9 10. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the  
10 Defendants was a person doing business within the meaning of Health and Safety Code  
11 section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more  
12 employees at all relevant times.

### 13 JURISDICTION

- 14 11. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article  
15 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except  
16 those given by statute to other trial courts. This Court has jurisdiction over this action  
17 pursuant to Health and Safety Code section 25249.7, which allows enforcement of  
18 violations of Proposition 65 in any Court of competent jurisdiction.
- 19 12. This Court has jurisdiction over Defendants named herein because Defendants either  
20 reside or are located in this State or are foreign corporations authorized to do business in  
21 California, are registered with the California Secretary of State, or who do sufficient  
22 business in California, have sufficient minimum contacts with California, or otherwise  
23 intentionally avail themselves of the markets within California through their manufacture,  
24 distribution, promotion, marketing, or sale of their products within California to render  
25 the exercise of jurisdiction by the California courts permissible under traditional notions  
26 of fair play and substantial justice.

1 13. Venue is proper in the County of San Francisco because one or more of the instances of  
2 wrongful conduct occurred, and continues to occur, in the County of San Francisco  
3 and/or because Defendants conducted, and continue to conduct, business in the County of  
4 San Francisco with respect to the consumer product that is the subject of this action.

5 **BACKGROUND AND PRELIMINARY FACTS**

6 14. In 1986, California voters approved an initiative to address growing concerns about  
7 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to  
8 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,  
9 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking  
10 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections  
11 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources  
12 from contamination, to allow consumers to make informed choices about the products  
13 they buy, and to enable persons to protect themselves from toxic chemicals as they see  
14 fit.

15 15. Proposition 65 requires the Governor of California to publish a list of chemicals known to  
16 the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*  
17 § 25249.8. The list, which the Governor updates at least once a year, contains over 700  
18 chemicals and chemical families. Proposition 65 imposes warning requirements and  
19 other controls that apply to Proposition 65-listed chemicals.

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

26 17. Proposition 65 provides that any person "violating or threatening to violate" the statute  
27 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.  
28

1 "Threaten to violate" means "to create a condition in which there is a substantial  
2 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

3 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
4 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

5 18. On October 1, 1992, the Governor of California added lead and lead compounds to the  
6 list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)).

7 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months  
8 after addition of lead and lead compounds to the list of chemicals known to the State to  
9 cause cancer, lead and lead compounds became fully subject to Proposition 65 warning  
10 requirements and discharge prohibitions.

11 19. On February 27, 1987, the Governor of California added lead to the list of chemicals  
12 known to the State to cause reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)).

13 lead is known to the State to cause developmental, female, and male reproductive  
14 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)  
15 months after addition of lead to the list of chemicals known to the State to cause  
16 reproductive toxicity, lead became fully subject to Proposition 65 warning requirements  
17 and discharge prohibitions.

18 20. On January 1, 1988, the Governor of California added DEHP to the list of chemicals  
19 known to the State to cause cancer, and on October 24, 2003, the Governor added DEHP  
20 to the list of chemicals known to the State to cause developmental male reproductive  
21 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)  
22 months after addition of DEHP to the list of chemicals known to the State to cause  
23 reproductive toxicity, DEHP became fully subject to Proposition 65 warning  
24 requirements and discharge prohibitions.

25 21. Plaintiff identified certain practices of manufacturers and distributors of DEHP-bearing  
26 products of exposing, knowingly and intentionally, persons in California to the  
27 Proposition 65-listed chemicals of such products without first providing clear and  
28

1 reasonable warnings of such to the exposed persons prior to the time of exposure.

2 Plaintiff later discerned that Defendants engaged in such practice.

- 3 22. Plaintiff identified certain practices of manufacturers and distributors of lead-bearing  
4 products of exposing, knowingly and intentionally, persons in California to the  
5 Proposition 65-listed chemicals of such products without first providing clear and  
6 reasonable warnings of such to the exposed persons prior to the time of exposure.  
7 Plaintiff later discerned that Defendants engaged in such practice.

8 **SATISFACTION OF PRIOR NOTICE**

- 9 23. On or about March 6, 2012, Plaintiff gave notice of alleged violations of Health and  
10 Safety Code section 25249.6, concerning consumer products exposures and occupational  
11 exposures, subject to a private action to GROCERY and to the California Attorney  
12 General, County District Attorneys, and City Attorneys for each city containing a  
13 population of at least 750,000 people in whose jurisdictions the violations allegedly  
14 occurred, concerning the product Rubber Shoe Accessories.
- 15 24. On or about September 7, 2012, Plaintiff gave notice of alleged violations of Health and  
16 Safety Code section 25249.6, concerning consumer products exposures and occupational  
17 exposures, subject to a private action to GROCERY, SULTAN'S, and to the California  
18 Attorney General, County District Attorneys, and City Attorneys for each city containing  
19 a population of at least 750,000 people in whose jurisdictions the violations allegedly  
20 occurred, concerning the product Bathtub Mats.
- 21 25. On or about July 12, 2012, Plaintiff gave notice of alleged violations of Health and Safety  
22 Code section 25249.6, concerning consumer products exposures and occupational  
23 exposures, subject to a private action to ROSS STORES, ROSS DRESS, SULTAN'S,  
24 and to the California Attorney General, County District Attorneys, and City Attorneys for  
25 each city containing a population of at least 750,000 people in whose jurisdictions the  
26 violations allegedly occurred, concerning the product Protectors.

1 26. Before sending the notices of alleged violation, Plaintiff investigated the consumer  
2 products involved, the likelihood that such products would cause users to suffer  
3 significant exposures to lead and DEHP, and the corporate structure of each of the  
4 Defendants.

5 27. Plaintiff's notices of alleged violation included Certificates of Merit executed by the  
6 attorney for the noticing party, CAG. The Certificates of Merit stated that the attorney  
7 for Plaintiff who executed the certificates had consulted with at least one person with  
8 relevant and appropriate expertise who reviewed data regarding the exposures to lead and  
9 DEHP, the subject Proposition 65-listed chemicals of this action. Based on that  
10 information, the attorney for Plaintiff who executed the Certificates of Merit believed  
11 there was a reasonable and meritorious case for this private action. The attorney for  
12 Plaintiff attached to the Certificates of Merit served on the Attorney General the  
13 confidential factual information sufficient to establish the basis of the Certificates of  
14 Merit.

15 28. Plaintiff's notices of alleged violations also included Certificates of Service and a  
16 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986  
17 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

18 29. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
19 gave notices of the alleged violations to GROCERY, SULTAN'S, ROSS DRESS, ROSS  
20 STORES and the public prosecutors referenced in Paragraphs 23, 24, and 25.

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

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25 ///

1 **FIRST CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against GROCERY and DOES**  
3 **1-20 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Rubber Shoe Accessories**

6 31. Plaintiff CONSUMER ADVOCACY GROUP repeats and incorporates by reference  
7 paragraphs 1 through 30 of this complaint as though fully set forth herein.

8 32. Each of GROCERY and DOES 1-20 is, and at all times mentioned herein was, a  
9 manufacturer, distributor, promoter, or retailer of Rubber Shoe Accessories  
10 (“Accessories”), including but not limited to Shoe Dazzler GOI Item #635505, consumer  
11 products specifically designed for children’s shoes.

12 33. Plaintiff is informed, believes, and thereon alleges that Accessories contain lead.

13 34. GROCERY and DOES 1-20 knew or should have known that lead has been identified by  
14 the State of California as a chemical known to cause cancer and reproductive toxicity and  
15 therefore was subject to Proposition 65 warning requirements. GROCERY was also  
16 informed of the presence of lead in Accessories within Plaintiff’s notice of alleged  
17 violations further discussed above at Paragraph 23.

18 35. Plaintiff’s allegations regarding Accessories concern “[c]onsumer products exposure[s],”  
19 which “is an exposure that results from a person’s acquisition, purchase, storage,  
20 consumption, or other reasonably foreseeable use of a consumer good, or any exposure  
21 that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*.  
22 Accessories are consumer products, and, as mentioned herein, exposures to lead took  
23 place as a result of such normal and foreseeable consumption and use.

24 36. Plaintiff is informed, believes, and thereon alleges that between March 6, 2009 and the  
25 present, each of the GROCERY and DOES 1-20 knowingly and intentionally exposed  
26 their employees and California consumers and users of Accessories, which GROCERY  
27 and DOES 1-20 manufactured, distributed, or sold as mentioned above, to lead, without  
28 first providing any type of clear and reasonable warning of such to the exposed persons

1 before the time of exposure. GROCERY and DOES 1-20 have distributed and sold  
2 Accessories in California. GROCERY and DOES 1-20 know and intend that California  
3 consumers will use and consume Accessories, thereby exposing them to lead.

4 GROCERY and DOES 1-20 thereby violated Proposition 65.

5 37. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
6 Persons sustain exposures by handling Accessories without wearing gloves or any other  
7 personal protective equipment, or by touching bare skin or mucous membranes with  
8 gloves after handling Accessories, as well as through direct and indirect hand to mouth  
9 contact, hand to mucous membrane, or breathing in particulate matter dispersed from  
10 Accessories. And as to the employees of GROCERY and DOES 1-20, employees may  
11 be exposed to lead in the course of their employment by handling, distributing, and  
12 selling Accessories.

13 38. Plaintiff is informed, believes, and thereon alleges that each of the violations by  
14 GROCERY and DOES 1-20 of Proposition 65 as to Accessories have been ongoing and  
15 continuous to the date of the signing of this complaint, as GROCERY and DOES 1-20  
16 engaged and continue to engage in conduct which violates Health and Safety Code  
17 section 25249.6, including the manufacture, distribution, promotion, and sale of  
18 Accessories, so that a separate and distinct violation of Proposition 65 occurred each and  
19 every time a person was exposed to lead by Accessories as mentioned herein.

20 39. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
21 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
22 violations alleged herein will continue to occur into the future.

23 40. Based on the allegations herein, GROCERY and DOES 1-20 are liable for civil penalties  
24 of up to \$2,500.00 per day per individual exposure to lead from Accessories, pursuant to  
25 Health and Safety Code section 25249.7(b).



1 of Protectors, which SULTAN'S, ROSS STORES, ROSS DRESS, and DOES 1-20  
2 manufactured, distributed, or sold as mentioned above, to DEHP, without first providing  
3 any type of clear and reasonable warning of such to the exposed persons before the time  
4 of exposure. SULTAN'S, ROSS STORES, ROSS DRESS, and DOES 1-20 have  
5 distributed and sold Protectors in California. SULTAN'S, ROSS STORES, ROSS  
6 DRESS, and DOES 1-20 know and intend that California consumers will use and  
7 consume Protectors, thereby exposing them to DEHP. SULTAN'S, ROSS STORES,  
8 ROSS DRESS, and DOES 1-20 thereby violated Proposition 65.

9 47. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
10 Persons sustain exposures by handling Protectors without wearing gloves or any other  
11 personal protective equipment, or by touching bare skin or mucous membranes with  
12 gloves after handling Protectors, as well as through direct and indirect hand to mouth  
13 contact, hand to mucous membrane, or breathing in particulate matter dispersed from  
14 Protectors. And as to the employees of SULTAN'S, ROSS STORES, ROSS DRESS,  
15 and DOES 1-20, employees may be exposed to DEHP in the course of their employment  
16 by handling, distributing, and selling Protectors.

17 48. Plaintiff is informed, believes, and thereon alleges that each of the violations by  
18 SULTAN'S, ROSS STORES, ROSS DRESS, and DOES 1-20 of Proposition 65 as to  
19 Protectors have been ongoing and continuous to the date of the signing of this complaint,  
20 as SULTAN'S, ROSS STORES, ROSS DRESS, and DOES 1-20 engaged and continue  
21 to engage in conduct which violates Health and Safety Code section 25249.6, including  
22 the manufacture, distribution, promotion, and sale of Protectors, so that a separate and  
23 distinct violation of Proposition 65 occurred each and every time a person was exposed to  
24 DEHP by Accessories as mentioned herein.

25 49. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
26 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
27 violations alleged herein will continue to occur into the future.  
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1 50. Based on the allegations herein, SULTAN'S, ROSS STORES, ROSS DRESS, and DOES  
2 1-20 are liable for civil penalties of up to \$2,500.00 per day per individual exposure to  
3 lead from Protectors, pursuant to Health and Safety Code section 25249.7(b).

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5 **THIRD CAUSE OF ACTION**

6 **(By CONSUMER ADVOCACY GROUP, INC. and against GROCERY,  
7 SULTAN'S, and DOES 1-20 for Violations of Proposition 65, The Safe Drinking  
8 Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et  
9 seq.))**

10 **Bathtub Mats**

11 51. Plaintiff CONSUMER ADVOCACY GROUP repeats and incorporates by reference  
12 paragraphs 1 through 50 of this complaint as though fully set forth herein.

13 52. Each of GROCERY, SULTAN'S, and DOES 1-20 is, and at all times mentioned herein  
14 was, a manufacturer, distributor, promoter, or retailer of Bathtub Mats ("Mats"),  
15 including but not limited to SULTAN'S LINENS Cushioned Bath Mat Style# BM15-B2,  
16 17" x 36".

17 53. Plaintiff is informed, believes, and thereon alleges that Mats contain DEHP.

18 54. GROCERY, SULTAN'S, and DOES 1-20 knew or should have known that DEHP has  
19 been identified by the State of California as a chemical known to cause cancer and  
20 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.  
21 GROCERY and SULTAN'S were also informed of the presence of DEHP in Mats within  
22 Plaintiff's notice of alleged violations further discussed above at Paragraph 24.

23 55. Plaintiff's allegations regarding Mats concern "[c]onsumer products exposure[s]," which  
24 "is an exposure that results from a person's acquisition, purchase, storage, consumption,  
25 or other reasonably foreseeable use of a consumer good, or any exposure that results from  
26 receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*. Mats are consumer  
27 products, and, as mentioned herein, exposures to DEHP took place as a result of such  
28 normal and foreseeable consumption and use.

1 56. Plaintiff is informed, believes, and thereon alleges that between September 7, 2009 and  
2 the present, each of GROCERY, SULTAN'S, and DOES 1-20 knowingly and  
3 intentionally exposed their employees California consumers and users of Mats, which  
4 GROCERY, SULTAN'S, and DOES 1-20 manufactured, distributed, or sold as  
5 mentioned above, to DEHP, without first providing any type of clear and reasonable  
6 warning of such to the exposed persons before the time of exposure. GROCERY,  
7 SULTAN'S, and DOES 1-20 have distributed and sold Mats in California. GROCERY,  
8 SULTAN'S, and DOES 1-20 know and intend that California consumers will use and  
9 consume Mats, thereby exposing them to DEHP. GROCERY, SULTAN'S, and DOES  
10 1-20 thereby violated Proposition 65.

11 57. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
12 Persons sustain exposures by handling Mats without wearing gloves or any other personal  
13 protective equipment, or by touching bare skin or mucous membranes with gloves after  
14 handling Mats, as well as through direct and indirect hand to mouth contact, hand to  
15 mucous membrane, or breathing in particulate matter dispersed from Mats. And as to the  
16 employees of GROCERY, SULTAN'S, and DOES 1-20, employees may be exposed to  
17 DEHP in the course of their employment by handling, distributing, and selling Mats.

18 58. Plaintiff is informed, believes, and thereon alleges that each of the violations by  
19 GROCERY, SULTAN'S, and DOES 1-20 of Proposition 65 as to Mats have been  
20 ongoing and continuous to the date of the signing of this complaint, as GROCERY,  
21 SULTAN'S, and DOES 1-20 engaged and continue to engage in conduct which violates  
22 Health and Safety Code section 25249.6, including the manufacture, distribution,  
23 promotion, and sale of Mats, so that a separate and distinct violation of Proposition 65  
24 occurred each and every time a person was exposed to DEHP by Mats as mentioned  
25 herein.  
26  
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1 59. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
3 violations alleged herein will continue to occur into the future.

4 60. Based on the allegations herein, GROCERY, SULTAN'S, and DOES 1-20 are liable for  
5 civil penalties of up to \$2,500.00 per day per individual exposure to DEHP from Mats,  
6 pursuant to Health and Safety Code section 25249.7(b).

7 61. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
8 filing this Complaint.

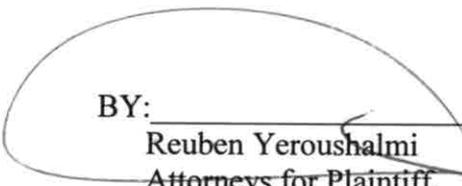
9 **PRAYER FOR RELIEF**

10 Plaintiff demands against each of the Defendants as follows:

- 11 1. A permanent injunction mandating Proposition 65-compliant warnings;  
12 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);  
13 3. Costs of suit;  
14 4. Reasonable attorney fees and costs; and  
15 5. Any further relief that the court may deem just and equitable.

16  
17  
18  
19 Dated: November 7, 2012

YEROUSHALMI & ASSOCIATES

20  
21  
22 BY:   
23 Reuben Yeroushalmi  
24 Attorneys for Plaintiff,  
25 Consumer Advocacy Group, Inc.  
26  
27  
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## SUMMONS (CITACION JUDICIAL)

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

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

GROCERY OUTLET, INC., a California Corporation; Additional Parties Attachment attached.

**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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://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): **Civic Center Courthouse**  
400 McAllister Street  
San Francisco, CA 94102

CASE NUMBER:  
(Número del Caso):

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):  
**Yeroushalmi & Assoc., 9100 Wilshire Blvd. Suite 610E, Beverly Hills, CA 90212, 310.623.1926**

DATE: \_\_\_\_\_ Clerk, by \_\_\_\_\_, Deputy  
(Fecha) (Secretario) (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)).

[SEAL]

**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):

SHORT TITLE: Consumer Advocacy Group, Inc. v. Grocery Outlet, Inc.	CASE NUMBER:
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**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff
  Defendant
  Cross-Complainant
  Cross-Defendant

SULTAN'S LINENS, INC., a New York Corporation, ROSS DRESS FOR LESS, INC., a Virginia Corporation, ROSS STORES, INC., a Delaware Corporation, and DOES 1-20.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Reuben Yeroushalmi (SBN-193981) Yeroushalmi & Associates 9100 Wilshire Blvd., Suite 610E Beverly Hills, CA 90212 TELEPHONE NO.: 310.623.1926 FAX NO.: 310.623.1930 ATTORNEY FOR (Name): Consumer Advocacy Group, Inc.	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco 94102 BRANCH NAME: Civic Center Courthouse	
CASE NAME: Consumer Advocacy Group, Inc. v. Grocery Outlet, et. al.	
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)	<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER:  JUDGE:  DEPT:

*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:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)  <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <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)  <b>Non-PI/PD/WD (Other) Tort</b> <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)  <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <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)  <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)  <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)  <b>Judicial Review</b> <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)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <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)  <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20)  <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42)  <b>Miscellaneous Civil Petition</b> <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 b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. <input type="checkbox"/> Substantial amount of documentary evidence	d. <input type="checkbox"/> Large number of witnesses 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 f. <input type="checkbox"/> Substantial postjudgment judicial supervision
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3. Remedies sought (check all that apply): a.  monetary    b.  nonmonetary; declaratory or injunctive relief    c.  punitive

4. Number of causes of action (specify): 3

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: November 7, 12  
 Reuben Yeroushalmi

(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.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

**Auto Tort**

Auto (22)—Personal Injury/Property Damage/Wrongful Death  
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

**Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**

Asbestos (04)  
Asbestos Property Damage  
Asbestos Personal Injury/Wrongful Death  
Product Liability (*not asbestos or toxic/environmental*) (24)  
Medical Malpractice (45)  
Medical Malpractice—  
Physicians & Surgeons  
Other Professional Health Care Malpractice  
Other PI/PD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other PI/PD/WD

**Non-PI/PD/WD (Other) Tort**

Business Tort/Unfair Business Practice (07)  
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)  
Defamation (e.g., slander, libel) (13)  
Fraud (16)  
Intellectual Property (19)  
Professional Negligence (25)  
Legal Malpractice  
Other Professional Malpractice (*not medical or legal*)  
Other Non-PI/PD/WD Tort (35)

**Employment**

Wrongful Termination (36)  
Other Employment (15)

**Contract**

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (*not unlawful detainer or wrongful eviction*)  
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)  
Negligent Breach of Contract/Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (*not provisionally complex*) (18)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute

**Real Property**

Eminent Domain/Inverse Condemnation (14)  
Wrongful Eviction (33)  
Other Real Property (e.g., quiet title) (26)  
Writ of Possession of Real Property  
Mortgage Foreclosure  
Quiet Title  
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

**Unlawful Detainer**

Commercial (31)  
Residential (32)  
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

**Judicial Review**

Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court Case Matter  
Writ—Other Limited Court Case Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

**Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)**

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

**Enforcement of Judgment**

Enforcement of Judgment (20)  
Abstract of Judgment (Out of County)  
Confession of Judgment (*non-domestic relations*)  
Sister State Judgment  
Administrative Agency Award (*not unpaid taxes*)  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

**Miscellaneous Civil Complaint**

RICO (27)  
Other Complaint (*not specified above*) (42)  
Declaratory Relief Only  
Injunctive Relief Only (*non-harassment*)  
Mechanics Lien  
Other Commercial Complaint Case (*non-tort/non-complex*)  
Other Civil Complaint (*non-tort/non-complex*)

**Miscellaneous Civil Petition**

Partnership and Corporate Governance (21)  
Other Petition (*not specified above*) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief From Late Claim  
Other Civil Petition