

ENDORSED
FILED
Superior Court of California
County of San Francisco

MAR 07 2013

CLERK OF THE COURT

BY: MARY A. MORAN
Deputy Clerk

1 LEXINGTON LAW GROUP
Eric S. Somers, State Bar No. 139050
2 Howard Hirsch, State Bar No. 213209
Lucas Williams, State Bar No. 264518
3 503 Divisadero Street
San Francisco, CA 94117
4 Telephone: (415) 913-7800
Facsimile: (415) 759-4112
5 esomers@lexlawgroup.com
hhirsch@lexlawgroup.com
6 lwilliams@lexlawgroup.com

7 Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12

13 CENTER FOR ENVIRONMENTAL HEALTH,)
14 a non-profit corporation,)

15 Plaintiff,)

16 v.)

17)
18 FAYEON DISTRIBUTORS, INC.; AMERICAN)
IMPORTING COMPANY, INC.; DRAEGER'S)
19 SUPER MARKETS; FOODNET)
SUPERMARKET, INC.; FORTUNE)
20 COMMERCIAL CORPORATION; H MART,)
INC.; HAR GRAND CORP.; HAR GRAND)
21 CORP.; HAN AH REUM CORP.; ISLAND)
PACIFIC SUPERMARKETS, INC.; JADE)
22 FOOD PRODUCTS, INC.; MARUHANA)
U.S.A. CORPORATION; MARUKAI)
23 CORPORATION U.S.A.; MITSUWA)
CORPORATION; REED'S, INC.; SUN HOP)
24 FAT CORPORATION; TRADER JOE'S)
COMPANY; T-WEST, INC.; WHOLESALE)
25 UNLIMITED, INC.; NEW ALBERTSON'S,)
INC.; ALBERTSON'S LLC; SUPERVALU)
26 INC., and DOES 1 through 200, inclusive,)

27 Defendants.)
28

Case No. CGC-12-526396

**DOE AMENDMENT TO FIRST
AMENDED COMPLAINT**

Action Filed: November 27, 2012

1 Pursuant to the Court's Order granting Plaintiff Center for Environmental
2 Health's Ex Parte Application For Order Allowing Doe Amendment To The First Amended
3 Complaint dated March 6, 2013 (attached hereto as Exhibit 1), the First Amended Complaint in
4 the action entitled *Center For Environmental Health v. Fayeon Distributors, Inc., et al.*, Case
5 No. CGC-12-526396, is amended as follows:

- 6 1. By inserting the name BED BATH & BEYOND INC. in place of the
7 reference to DOE 1 in each place that it appears in the First Amended Complaint;
- 8 2. By inserting the name BUDERIM GINGER AMERICA, LLC
9 reference to DOE 2 in each place that it appears in the First Amended Complaint;
- 10 3. By inserting the name BUDERIM GINGER LIMITED in place of the
11 reference to DOE 3 in each place that it appears in the First Amended Complaint;
- 12 4. By inserting the name BUDERIM GINGER AMERICA, INC. in place of
13 the reference to DOE 4 in each place that it appears in the First Amended Complaint;
- 14 5. By inserting the name COST PLUS, INC. in place of the reference to
15 DOE 5 in each place that it appears in the First Amended Complaint;
- 16 6. By inserting the name DAKOTA BROTHERS, INC. in place of the
17 reference to DOE 6 in each place that it appears in the First Amended Complaint;
- 18 7. By inserting the name JACK'S WHOLESALE CANDY & TOY in place
19 of the reference to DOE 7 in each place that it appears in the First Amended Complaint;
- 20 8. By inserting the name KAM LEE YUEN TRADING CO., INC. in place of
21 the reference to DOE 8 in each place that it appears in the First Amended Complaint;
- 22 9. By inserting the name LONGCHAMP CORPORATION in place of the
23 reference to DOE 9 in each place that it appears in the First Amended Complaint;
- 24 10. By inserting the name MARRA BROS. DIST., INC. in place of the
25 reference to DOE 10 in each place that it appears in the First Amended Complaint;
- 26 11. By inserting the name MINATO USA CORPORATION in place of the
27 reference to DOE 11 in each place that it appears in the First Amended Complaint;
- 28 12. By inserting the name OTO'S JAPAN FOOD, INC. in place of the

- 1 reference to DOE 12 in each place that it appears in the First Amended Complaint;
- 2 13. By inserting the name PROSPEROUS TRADING COMPANY in place of
- 3 the reference to DOE 13 in each place that it appears in the First Amended Complaint;
- 4 14. By inserting the name SAN PABLO SUPERMARKET, INC. in place of
- 5 the reference to DOE 14 in each place that it appears in the First Amended Complaint;
- 6 15. By inserting the name SAN YOUNG MARKET, INC. in place of the
- 7 reference to DOE 15 in each place that it appears in the First Amended Complaint;
- 8 16. By inserting the name SHUN FAT SUPERMARKET, INC. in place of the
- 9 reference to DOE 16 in each place that it appears in the First Amended Complaint;
- 10 17. By inserting the name TAWA SUPERMARKET, INC. in place of the
- 11 reference to DOE 17 in each place that it appears in the First Amended Complaint.

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Dated: March 6, 2013

Respectfully submitted,

LEXINGTON LAW GROUP



Eric S. Somers
Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH

Exhibit 1

1 LEXINGTON LAW GROUP
Eric S. Somers, State Bar No. 139050
2 Howard Hirsch, State Bar No. 213209
Lucas Williams, State Bar No. 264518
3 503 Divisadero Street
San Francisco, CA 94117
4 Telephone: (415) 913-7800
Facsimile: (415) 759-4112
5 esomers@lexlawgroup.com
hhirsch@lexlawgroup.com
6 lwilliams@lexlawgroup.com

7 Attorneys for Plaintiff
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO

13 CENTER FOR ENVIRONMENTAL HEALTH,)
14 a non-profit corporation,)

15 Plaintiff,)

16 v.)

17 FAYEON DISTRIBUTORS, INC.;)
18 AMERICAN IMPORTING COMPANY, INC.;)
DRAEGER'S SUPER MARKETS; FOODNET)
19 SUPERMARKET, INC.; FORTUNE)
COMMERCIAL CORPORATION; H MART,)
20 INC.; HAR GRAND CORP.; HAR GRAND)
CORP.; HAN AH REUM CORP.; ISLAND)
21 PACIFIC SUPERMARKETS, INC.; JADE)
FOOD PRODUCTS, INC.; MARUHANA)
22 U.S.A. CORPORATION; MARUKAI)
CORPORATION U.S.A.; MITSUWA)
23 CORPORATION; REED'S, INC.; SUN HOP)
FAT CORPORATION; TRADER JOE'S)
24 COMPANY; T-WEST, INC.; WHOLESALE)
UNLIMITED, INC.; NEW ALBERTSON'S,)
25 INC.; ALBERTSON'S LLC; SUPERVALU)
INC., and DOES 1 through 200, inclusive,)
26

27 Defendants.)
28

ENDORSED
FILED
San Francisco County Superior Court
MAR 06 2013
CLERK OF THE COURT
BY: CYNTHIA S. HERBERT
Deputy Clerk

Case No. CGC-12-526396

**[PROPOSED] ORDER GRANTING
PLAINTIFF CENTER FOR
ENVIRONMENTAL HEALTH'S EX
PARTE APPLICATION FOR ORDER
ALLOWING DOE AMENDMENT TO
FIRST AMENDED COMPLAINT**

[CRC. 3.1200, et seq.; CCP §474]

Date: March 6, 2013
Time: 11:00 a.m.
Dept.: Dept. 302

1 Having reviewed and considered Plaintiff Center for Environmental Health's Ex
2 Parte Application for an order allowing a Doe amendment to the First Amended Complaint, the
3 accompanying Memorandum of Points and Authorities and Declaration of Eric S. Somers,
4 having heard argument of counsel, and good cause appearing, the Court rules as follows:

5 Pursuant to C.C.P. §474, the First Amended Complaint is hereby amended to
6 substitute the true names of the following defendants for Does 1 through 17:

- 7 • Bed Bath & Beyond Inc. for Doe 1
- 8 • Buderim Ginger America, LLC for Doe 2
- 9 • Buderim Ginger Limited for Doe 3
- 10 • Buderim Ginger America, Inc. for Doe 4
- 11 • Cost Plus, Inc. for Doe 5
- 12 • Dakota Brothers, Inc. for Doe 6
- 13 • Jack's Wholesale Candy & Toy for Doe 7
- 14 • Kam Lee Yuen Trading Co., Inc. for Doe 8
- 15 • Longchamp Corporation for Doe 9
- 16 • Marra Bros. Dist., Inc. for Doe 10
- 17 • Minato USA Corporation for Doe 11
- 18 • Oto's Japan Food, Inc. for Doe 12
- 19 • Prosperous Trading Company for Doe 13
- 20 • San Pablo Supermarket, Inc. for Doe 14
- 21 • San Young Market, Inc. for Doe 15
- 22 • Shun Fat Supermarket, Inc. for Doe 16

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Tawa Supermarket, Inc. for Doe 17

IT IS SO ORDERED.

MARLA J. MILLER

Dated: MAR 06 2013, 2013

Judge of the Superior Court

1 **PROOF OF SERVICE**

2 I declare that:

3 I am over the age of 18 years and not a party to the within cause. I am employed in San
4 Francisco County, California; my business address is 503 Divisadero Street, San Francisco,
California 94117.

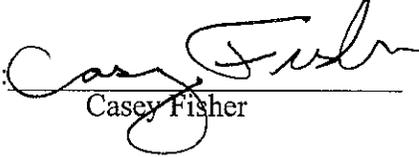
5 On March 7, 2013, I served true copies of the following documents:

6 **DOE AMENDMENT TO FIRST AMENDED COMPLAINT**

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

9 *Please see attached service list.*

10 I declare under penalty of perjury that the foregoing is true and correct, and that this
11 declaration was executed on March 7, 2013, at San Francisco, California.

12 Signed: 
13 Casey Fisher

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SERVICE LIST
CEH v. Fayeon Distributors, Inc. et al.
Case No. CGC 12-526396

ATTORNEY	DEFENDANT REPRESENTED
Steven Baker Daniels LLP Steven B. Toeniskoetter Sarah L. Brew Kristin R. Eads 90 South Seventh Street, Suite 2200 Minneapolis, MN 55402	American Importing Company, Inc.
Lauren M. Michals Shady Joulani Nixon Peabody LLP One Embarcadero Center, 18 th Floor San Francisco, CA 94111	Draeger's Supermarkets
James Robert Maxwell Rogers Joseph O'Donnell 311 California Street, 10 th Floor San Francisco, CA 94104	H Mart Companies; Reed's, Inc.
James L. Arnone Duncan Joseph Moore Latham & Watkins LLP 355 South Grand Avenue Los Angeles, CA 90071	Fortune Commercial Corporation
Margaret Carew Toledo Mennemeier, Glassman & Stroud LLP 980 9 th Street, Suite 1700 Sacramento, CA 95814	Jade Food Products, Inc.; Wholesale Unlimited, Inc.
Peter J. Diedrich Musick, Peeler & Garrett LLP One Wilshire Boulevard, Suite 2000 Los Angeles, CA 90017	Marukai Corporation
Renee D. Wasserman Rogers Joseph O'Donnell 311 California Street, 10 th Floor San Francisco, CA 94104	New Albertson's, Inc.; SUPERVALU, Inc.