

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

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 FOOD MARKET MANAGEMENT, INC.;)
18 CHARM HAN ENTERPRISE, INC.; JFC)
INTERNATIONAL INC.; SAVE MART)
19 SUPERMARKETS; TARGET)
CORPORATION; WHOLE FOODS MARKET,)
20 INC.; WHOLE FOODS MARKET)
CALIFORNIA, INC., and DOES 1 through 200,)
21 inclusive,)

22 Defendants.)
23 _____)

Case No. CGC-12-526395

**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. Food Market Management, Inc., et al.*,
5 Case No. CGC-12-526395, 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 COST PLUS, INC. in place of the reference to
9 DOE 2 in each place that it appears in the First Amended Complaint;

10 3. By inserting the name ZION MARKET IRVINE, INC. in place of the
11 reference to DOE 3 in each place that it appears in the First Amended Complaint.

12
13 Dated: March 6, 2013

Respectfully submitted,

14 LEXINGTON LAW GROUP

15
16 

17 Eric S. Somers
18 Attorneys for Plaintiff
19 CENTER FOR ENVIRONMENTAL HEALTH
20
21
22
23
24
25
26
27
28

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
8 CENTER FOR ENVIRONMENTAL HEALTH
9

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 FOOD MARKET MANAGEMENT, INC.;)
18 CHARM HAN ENTERPRISE, INC.; JFC)
INTERNATIONAL INC.; SAVE MART)
19 SUPERMARKETS; TARGET)
CORPORATION; WHOLE FOODS MARKET,)
20 INC.; WHOLE FOODS MARKET)
CALIFORNIA, INC., and DOES 1 through 20,)
21 inclusive,)
22
23 Defendants.)

Case No. CGC-12-526395

**[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

ENDORSED
FILED
San Francisco County Superior Court

MAR 06 2013

CLERK OF THE COURT
BY: CYNTHIA S. HERBERT
Deputy Clerk

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

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

Pursuant to C.C.P. §474, the First Amended Complaint is hereby amended to substitute the true names of the following defendants for the following Doe designations:

- Bed Bath & Beyond Inc. for Doe 1
- Cost Plus, Inc. for Doe 2
- Zion Market Irvine, Inc. for Doe 3

IT IS SO ORDERED.

MAR 06 2013

MARLA J. MILLER

Dated: _____, 2013

Judge of the Superior Court

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

PROOF OF SERVICE

I declare that:

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


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

DOE AMENDMENT TO FIRST AMENDED COMPLAINT

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

Please see attached service list.

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

Signed: 
Casey Fisher

SERVICE LIST
CEH v. Food Market Management, Inc., et al.
Case No. CGC 12-526395

ATTORNEY	DEFENDANT REPRESENTED
Francis S. Ryu Hazel S. Chu Ryu Law Firm 5900 Wilshire Blvd., Suite 2250 Los Angeles, CA 90036	Charm Han Enterprise, Inc.
Lauren M. Michals Shady Joulani Nixon Peabody LLP One Embarcadero Center, 18 th Floor San Francisco, CA 94111	Food Market Management, Inc.
Steven G. Teraoka Catherine M. Gormley Elizabeth P. Shoemaker Teraoka & Partners LLP One Embarcadero Center, Suite 1020 San Francisco, CA 94111	JFC International Inc.
James Robert Maxwell Rogers Joseph O'Donnell 311 California Street, 10 th Floor San Francisco, CA 94104	Save Mart Supermarkets
Jeffrey Margulies Stephanie Stroup Margot Fourquarean Fulbright & Jaworski L.L.P. 555 South Flower Street, 41 st Floor Los Angeles, CA 90071	Target Corporation