

APR 04 2013

CLERK OF THE COURT

MICHAEL RAYRAY

Deputy Clerk

1 LEXINGTON LAW GROUP
Eric S. Somers, State Bar No. 139050
2 Howard Hirsch, State Bar No. 213209
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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 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.)
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Case No. CGC-12-526395

**DOE AMENDMENT TO FIRST
AMENDED COMPLAINT**

Action Filed: November 27, 2012

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Pursuant to the Court's Order granting Plaintiff Center for Environmental Health's Ex Parte Application For Order Allowing Doe Amendment To The First Amended Complaint dated April 3, 2013 (attached hereto as Exhibit 1), the First Amended Complaint in the action entitled *Center For Environmental Health v. Food Market Management, Inc., et al.*, Case No. CGC-12-526395, is amended as follows:

1. By inserting the name MCCORMICK & COMPANY, INCORPORATED in place of the reference to DOE 4 in each place that it appears in the First Amended Complaint;
2. By inserting the name SAFEWAY INC. in place of the reference to DOE 5 in each place that it appears in the First Amended Complaint.

Dated: April 3, 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
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 7 Attorneys for Plaintiff
 CENTER FOR ENVIRONMENTAL HEALTH
 8

ENDORSED
 FILED
 San Francisco County Superior Court
 APR 03 2013
 CLERK OF THE COURT
 BY: GINA GONZALES
 Deputy Clerk

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 10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11 COUNTY OF SAN FRANCISCO
 12

RECEIVED
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 BY: _____

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
 [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: April 3, 2013
 Time: 11:00 a.m.
 Dept.: Dept. 302

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Having reviewed and considered Plaintiff Center for Environmental Health's Ex Parte Application for Order Allowing Doe Amendment to 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, this Application is granted.

Pursuant to C.C.P. §474, Plaintiff is authorized to file the attached Doe Amendment to the First Amended Complaint substituting the true names of the following defendants for Does 4 and 5:

- McCormick & Company, Incorporated for Doe 4;
- Safeway Inc. for Doe 5.

IT IS SO ORDERED.

Dated: APR 03 2013, 2013

MARLA J. MILLER

Judge of the Superior Court

Exhibit 1

1 LEXINGTON LAW GROUP
Eric S. Somers, State Bar No. 139050
2 Howard Hirsch, State Bar No. 213209
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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,)

Case No. CGC-12-526395

15 Plaintiff,

**DOE AMENDMENT TO FIRST
AMENDED COMPLAINT**

16 v.

Action Filed: November 27, 2012

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.
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Pursuant to the Court's Order granting Plaintiff Center for Environmental Health's Ex Parte Application For Order Allowing Doe Amendment To The First Amended Complaint dated April 3, 2013 (attached hereto as Exhibit 1), the First Amended Complaint in the action entitled *Center For Environmental Health v. Food Market Management, Inc., et al.*, Case No. CGC-12-526395, is amended as follows:

1. By inserting the name MCCORMICK & COMPANY, INCORPORATED in place of the reference to DOE 4 in each place that it appears in the First Amended Complaint;
2. By inserting the name SAFEWAY INC. in place of the reference to DOE 5 in each place that it appears in the First Amended Complaint.

Dated: April 3, 2013

Respectfully submitted,
LEXINGTON LAW GROUP

Eric S. Somers
Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH

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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.

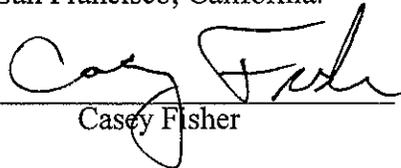
On April 4, 2013, I served true copies of the following documents:

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 April 4, 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 Fourqurean Fulbright & Jaworski L.L.P. 555 South Flower Street, 41 st Floor Los Angeles, CA 90071	Target Corporation