

ENDORSED  
FILED  
ALAMEDA COUNTY

NOV 18 2013

CLERK OF THE SUPERIOR COURT

By M. Hayes Deputy

1 LEXINGTON LAW GROUP  
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7 2201 Broadway, Suite 302  
Oakland, California 94612  
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Facsimile: (510) 655-9100  
9 rick@ceh.org

10 Attorneys for Plaintiff  
CENTER FOR ENVIRONMENTAL HEALTH

11  
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF ALAMEDA  
14

15  
16 CENTER FOR ENVIRONMENTAL HEALTH, )  
a non-profit corporation, )

17 Plaintiff, )

18 v. )

19 LAKE CONSUMER PRODUCTS, INC; *et al.* )

20 Defendants. )  
21

Case No. RG 13-693280

C.C.P. §474 AMENDMENT TO  
COMPLAINT

1                   On August 27, 2013, Plaintiff Center for Environmental Health (“CEH”) filed its  
2 original Complaint in *CEH v. Lake Consumer Products, Inc., et al.*, Alameda County Superior  
3 Court Case No. RG 13-693280.

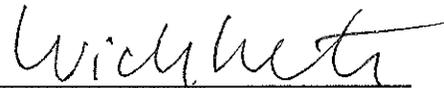
4                   Pursuant to California Code of Civil Procedure §474, CEH hereby amends the  
5 Complaint as follows:

6                   1.       By inserting the name PERSON & COVEY, INC. in place of the reference  
7 to DOE 17 in each place that it appears in the Complaint.

8  
9  
10 Dated: November 18, 2013

Respectfully submitted,

11 LEXINGTON LAW GROUP

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14 Victoria Hartanto  
15 Attorneys for Plaintiff  
16 CENTER FOR ENVIRONMENTAL HEALTH  
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1 **PROOF OF SERVICE**

2 I declare that:

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

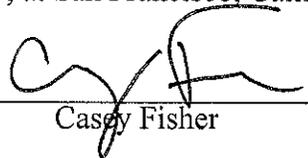
5 On November 18, 2013, I served true copies of the following document:

6 **C.C.P. §474 AMENDMENT TO 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 November 18, 2013, at San Francisco, California.

12 Signed: 

13 Casey Fisher  
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**SERVICE LIST**

*CEH v. Lake Consumer Products, Inc., et al.*

Case No. RG 13-693280

<b>ADDRESS</b>	<b>PARTY</b>
Michael J. Steel Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105	Carol's Daughter Product, LLC; Carol's Daughter Holdings, LLC; Helen of Troy Limited; Helen of Troy L.P.; Sephora USA, Inc.
Judith M. Praitis Amy P. Lally Sidley Austin LLP 555 West Fifth Street Los Angeles, CA 90013	Colgate-Palmolive Company
Ben D. Whitwell Jennifer Levin Venable LLP 2049 Century Park East, Suite 2100 Los Angeles, CA 90067	Colomer USA Inc.
Melissa A. Jones Jonathan A. Miles Stoel Rives LLP 500 Capitol Mall, Suite 1600 Sacramento, CA 95814	Conair Corporation
Daniel B. Chammas Ryan M. Andrews Venable LLP 2049 Century Park East, Suite 2100 Los Angeles, CA 90067	Lake Consumer Products, Inc.; Rite Aid Corp.; Wisconsin Pharmacal Company, LLC
Michael E. Delehunt Megan O. Curran Foley & Lardner LLP 555 California Street, Suite 1700 San Francisco, CA 94104	Straight Arrow Products, Inc.
Edward P. Sangster Daniel W. Fox K&L Gates LLP Four Embarcadero Center, Suite 1200 San Francisco, CA 94111	Topco Associates, LLC

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1 Mark N. Todzo, State Bar No. 168389  
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3 503 Divisadero Street  
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9 Richard Franco, State Bar No. 170970  
10 Center for Environmental Health  
11 2201 Broadway, Suite 302  
12 Oakland, California 94612  
13 Telephone: (510) 655-3900  
14 Facsimile: (510) 655-9100  
15 rick@ceh.org

16 Attorneys for Plaintiff  
17 CENTER FOR ENVIRONMENTAL HEALTH

18 SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
19 FOR THE COUNTY OF ALAMEDA

20 CENTER FOR ENVIRONMENTAL  
21 HEALTH, a non-profit corporation,

22 Plaintiff,

23 v.

24 ALBERTO-CULVER USA, INC., *et*  
25 *al.*,

26 Defendants.

Case No. RG 13-697455

**JOINT COMPLEX CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

Date: November 25, 2013  
Time: 9:00 a.m.  
Dept: 17

Complaint filed: September 30, 2013  
Trial date: None set

27 Plaintiff Center for Environmental (“CEH”) and Defendants McBride Research  
28 Laboratories, Inc.; pH Beauty Labs, Inc.; and Sally Beauty Holdings, Inc. (“Defendants”) hereby  
submit the following Joint Complex Case Management Conference Statement in the above-  
captioned matter (the “Action”). The other defendants named in the Action have not yet  
appeared, and for that reason are not signatories hereto.

1           The Action is one of at least ten cases recently filed concerning alleged exposures to  
2 cocamide DEA resulting from use of shampoo and soap products. On September 13, 2013, CEH  
3 filed a petition to coordinate the Action with the other cases pursuant to Cal. Code Civ. Proc.  
4 §404. The hearing on CEH's petition to coordinate is scheduled for November 25, 2013 before  
5 this Court, the same day as the Case Management Conference in this case.

6           Due to the pendency of the coordination petition and a number of other reasons discussed  
7 below, the parties ask the Court to consider continuing the initial Case Management Conference  
8 for approximately 60 days.

9           **A. Statement of the Case and Issues Presented**

10           This case involves alleged violations of the California Safe Drinking Water and Toxic  
11 Enforcement Act of 1986, Health & Safety Code §§ 25249.6 *et seq.* ("Proposition 65"), with  
12 respect to the presence of coconut oil diethanolamine condensate (cocamide diethanolamine)  
13 (hereinafter, "cocamide DEA") in shampoo and liquid soaps ("Products") allegedly  
14 manufactured, distributed, and/or sold by Defendants and other entities. Cocamide DEA is a  
15 chemical that is used as a foam stabilizer, emulsifier and viscosity builder in cosmetic products  
16 and is listed by the State of California as known to cause cancer.

17           Commencing on June 24, 2013, CEH served a series of 60-Day Notices of Violation of  
18 Proposition 65 (the "60-Day Notices") on Defendants, on other manufacturers, distributors,  
19 and/or sellers of Products, and on the appropriate state and local enforcement authorities. The 60-  
20 Day Notices allege that Defendants and others have violated Proposition 65 by exposing  
21 California consumers and other users of these Products to cocamide DEA without providing a  
22 clear and reasonable warning regarding the carcinogenic hazards of cocamide DEA. *See* Health  
23 & Safety Code § 25249.6. The 60-Day Notices pertain to the alleged presence of cocamide DEA  
24 in shampoo and liquid soaps, such as hand soap, body wash and bubble bath. In the Complaint,  
25 CEH alleges that such Products expose individuals to cocamide DEA.

26           To remedy the alleged violations, CEH seeks (1) the assessment of appropriate civil  
27 penalties against each Defendant, *see* Health & Safety Code § 25249.7(b); (2) injunctive relief  
28 prohibiting Defendants from exposing users of these products to cocamide DEA without

1 providing prior clear and reasonable warnings, *see* Health & Safety Code § 25249.7(a); and (3)  
2 such other and further relief as may be just and proper. CEH also asks this Court to award CEH  
3 its reasonable attorneys' fees and costs of suit, pursuant to Code of Civil Procedure § 1021.5 or  
4 any other applicable theory.

5 Cocamide DEA was added to the list of Proposition 65 chemicals known to the State of  
6 California to cause cancer on June 22, 2012. Since the listing of cocamide DEA, numerous 60-  
7 Day Notices of Violation have been issued by CEH and a number of other plaintiffs, including  
8 Shefa LMV, LLC. CEH has filed multiple lawsuits in this Court and Plaintiff Shefa LMV, LLC  
9 has filed multiple Proposition 65 lawsuits pertaining to cocamide DEA in Los Angeles County  
10 Superior Court. Accordingly, to conserve judicial resources and to prevent potentially  
11 inconsistent rulings, CEH has filed a Petition for Coordination of these cases with the Judicial  
12 Council. The hearing on CEH's petition to coordinate is scheduled for November 25, 2013  
13 before this Court.

14 **B. The Parties and Their Posture**

15 At present, there are twenty-three named defendants in this Action. Three of the  
16 defendants have also been named in a complaint filed by Shefa LMV, LLC. Because most  
17 defendants have not yet appeared in the Action and comprehensive settlement discussions are  
18 ongoing, all defendants, their positions, and a logical structure of representations (*e.g.*,  
19 appointment of liaison counsel) cannot yet be identified.

20 **C. Deadlines and Limits on Joinder; Amended Pleadings**

21 CEH has already added several entities to this case as named defendants in the place of  
22 Doe defendants, and will likely name additional defendants and/or dismiss certain unnecessary or  
23 improperly named corporate entities as they are identified.

24 To date, defendants McBride Research Laboratories, Inc.; pH Beauty Labs, Inc.; and Sally  
25 Beauty Holdings, Inc. have filed responsive pleadings or a notice of appearance. Other  
26 defendants have responsive pleadings coming due in the next few weeks.

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**D. Class Issues**

This is not a class action.

**E. Proposed Schedule**

The parties believe that establishing a case management schedule would be premature at this time as most defendants have not yet appeared in the Action and comprehensive settlement discussions are ongoing. To allow for the pleadings to be settled and to see if a settlement which avoids the need for litigation emerges, the parties suggest that the Court consider continuing the Initial Case Management Conference to (or, alternatively, setting a further Case Management Conference on) a date in February 2014 that is convenient for the Court.

**F. Potential Evidentiary Issues Involving Confidentiality and Protected Evidence**

In the context of settlement negotiations, CEH has entered into confidentiality agreements with some Defendants and other entities named in the 60-Day Notices. This has enabled CEH to share its test data and other confidential information with these entities without waiving work product or any other privilege. The parties anticipate agreeing upon the terms of a Protective Order that will apply uniformly to information provided informally or in discovery by all parties.

**G. Procedural Posture**

1. Unserved parties: To date, all defendants have been served. As additional named defendants are added in the place of Doe defendants, those entities will duly and timely be served.

2. Unserved or unfiled cross-complaints: None expected.

3. Related actions: CEH filed the following additional Proposition 65 lawsuits in this Court regarding cocamide DEA in the Products:

- *Center for Environmental Health v. Lake Consumer Products, et al.*, Case No. RG 13-693280;
- *Center for Environmental Health v. Fantasia Industries Corporation, et al.*, Case No. RG 13-696756;

- 1 • *Center for Environmental Health v. Commonwealth Soap & Toiletries, Inc., et al.*, Case  
2 No. RG 13-698427; and
- 3 • *Center for Environmental Health v. Accessory Zone, LLC, et al.*, Case No. RG 13-699752;  
4 Plaintiff Shefa LMV, LLC has filed the following Proposition 65 lawsuits regarding  
5 cocamide DEA in Los Angeles County Superior Court:
- 6 • *Shefa LMV, LLC v. Target Corporation, et al.*, Los Angeles County Superior Court Case  
7 No. BC520410;
- 8 • *Shefa LMV, LLC v. CVS Pharmacy Inc., et al.*, Los Angeles County Superior Court Case  
9 No. BC520411;
- 10 • *Shefa LMV, LLC v. Petco Animal Supplies, Inc., et al.*, Los Angeles County Superior  
11 Court, Case No. BC520413;
- 12 • *Shefa LMV, LLC v. Walgreens Home Care Inc., et al.*, Los Angeles County Superior Court  
13 Case No. BC520416; and
- 14 • *Shefa LMV, LLC v. Ross Stores, Inc., et al.*, Los Angeles Superior Court Case No. BC  
15 521400

16 As discussed above, CEH filed a petition to coordinate these actions. All of these cases  
17 have been deemed Included Actions for purposes of CEH's coordination petition.

18 4. Jurisdiction and venue: The parties are currently unaware of any  
19 jurisdictional or venue issues.

20 5. Status of discovery: Certain parties have exchanged information  
21 informally as part of their settlement negotiations. Formal discovery has not yet commenced.

22 6. Unresolved law and motion matters: None currently pending.

23 7. ADR issues: Certain parties are discussing settlement and at present have  
24 not identified ADR issues.

25 8. Severance of issues for trial: Since the Action is in its early stages and  
26 most defendants have not yet appeared in the Action, the parties believe recommendations on the  
27 order of trial are currently premature.

28 9. Calendar conflicts: Calendar conflicts are yet unknown.

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**H. Suggestions for Streamlining**

The parties believe that electronic service is appropriate in this case pursuant to California Rule of Court 2.253.

Since most defendants have not yet appeared in the Action, the parties believe that additional recommendations for streamlining are currently premature.

DATED: November 18, 2013

LEXINGTON LAW GROUP

By: Wichelt for MT  
Mark N. Todzo  
Attorneys for Plaintiff  
Center for Environmental Health

DATED: November 18, 2013

MORRISON & FOERSTER LLP

By: Michael Steel by Jeremiah Lavine  
Michael J. Steel  
Attorneys for Defendants pH Beauty Labs, Inc. and  
Sally Beauty Holdings, Inc.

DATED: November 18, 2013

LOEB & LOEB LLP

By: Wichelt for DG  
David W. Grace  
Attorneys for Defendant McBride Research  
Laboratories, Inc.

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rick@ceh.org

Attorneys for Plaintiff  
CENTER FOR ENVIRONMENTAL HEALTH

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA

CENTER FOR ENVIRONMENTAL  
HEALTH, a non-profit corporation,

Plaintiff,

v.

FANTASIA INDUSTRIES  
CORPORATION, *et al.*,

Defendants.

ENDORSED  
FILED  
ALAMEDA COUNTY

NOV 18 2013

CLERK OF THE SUPERIOR COURT  
By M Hayes Deputy

Case No. RG 13-696756

**JOINT COMPLEX CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

Date: November 25, 2013  
Time: 9:00 a.m.  
Dept: 17

Complaint filed: September 24, 2013  
Trial date: None set

Plaintiff Center for Environmental (“CEH”) and Defendants Luster Products, Inc. and Strength of Nature, LLC (“Defendants”) hereby submit the following Joint Complex Case Management Conference Statement in the above-captioned matter (the “Action”). The other defendants named in the Action have not yet appeared, and for that reason are not signatories hereto.

The Action is one of at least ten cases recently filed concerning alleged exposures to cocamide DEA resulting from use of shampoo and soap products. On September 13, 2013, CEH

1 filed a petition to coordinate the Action with the other cases pursuant to Cal. Code Civ. Proc.  
2 §404. The hearing on CEH's petition to coordinate is scheduled for November 25, 2013 before  
3 this Court, the same day as the Case Management Conference in this case.

4 Due to the pendency of the coordination petition and a number of other reasons discussed  
5 below, the parties ask the Court to consider continuing the initial Case Management Conference  
6 for approximately 60 days.

7 **A. Statement of the Case and Issues Presented**

8 This case involves alleged violations of the California Safe Drinking Water and Toxic  
9 Enforcement Act of 1986, Health & Safety Code §§ 25249.6 *et seq.* ("Proposition 65"), with  
10 respect to the presence of coconut oil diethanolamine condensate (cocamide diethanolamine)  
11 (hereinafter, "cocamide DEA") in shampoo and liquid soaps ("Products") allegedly  
12 manufactured, distributed, and/or sold by Defendants and other entities. Cocamide DEA is a  
13 chemical that is used as a foam stabilizer, emulsifier and viscosity builder in cosmetic products  
14 and is listed by the State of California as known to cause cancer.

15 Commencing on June 24, 2013, CEH served a series of 60-Day Notices of Violation of  
16 Proposition 65 (the "60-Day Notices") on Defendants, on other manufacturers, distributors,  
17 and/or sellers of Products, and on the appropriate state and local enforcement authorities. The 60-  
18 Day Notices allege that Defendants and others have violated Proposition 65 by exposing  
19 California consumers and other users of these Products to cocamide DEA without providing a  
20 clear and reasonable warning regarding the carcinogenic hazards of cocamide DEA. *See* Health  
21 & Safety Code § 25249.6. The 60-Day Notices pertain to the alleged presence of cocamide DEA  
22 in shampoo and liquid soaps, such as hand soap, body wash and bubble bath. In the Complaint,  
23 CEH alleges that such Products expose individuals to cocamide DEA.

24 To remedy the alleged violations, CEH seeks (1) the assessment of appropriate civil  
25 penalties against each Defendant, *see* Health & Safety Code § 25249.7(b); (2) injunctive relief  
26 prohibiting Defendants from exposing users of these products to cocamide DEA without  
27 providing prior clear and reasonable warnings, *see* Health & Safety Code § 25249.7(a); and (3)  
28 such other and further relief as may be just and proper. CEH also asks this Court to award CEH

1 its reasonable attorneys' fees and costs of suit, pursuant to Code of Civil Procedure § 1021.5 or  
2 any other applicable theory.

3 Cocamide DEA was added to the list of Proposition 65 chemicals known to the State of  
4 California to cause cancer on June 22, 2012. Since the listing of cocamide DEA, numerous 60-  
5 Day Notices of Violation have been issued by CEH and a number of other plaintiffs, including  
6 Shefa LMV, LLC. CEH has filed multiple lawsuits in this Court and Plaintiff Shefa LMV, LLC  
7 has filed multiple Proposition 65 lawsuits pertaining to cocamide DEA in Los Angeles County  
8 Superior Court. Accordingly, to conserve judicial resources and to prevent potentially  
9 inconsistent rulings, CEH has filed a Petition for Coordination of these cases with the Judicial  
10 Council. The hearing on CEH's petition to coordinate is scheduled for November 25, 2013  
11 before this Court.

12 A significant issue for defendant Luster Products, Inc. is whether Cocamide DEA has  
13 been properly listed under Proposition 65, and whether the holding of *Styrene Information &*  
14 *Research Center v. OEHHA* (2012), 210 Cal. App. 4th 1082, indicates that the case should be  
15 stayed while the issue is addressed administratively with OEHHA via a petition to delist the  
16 chemical.

17 **B. The Parties and Their Posture**

18 At present, there are twenty-one named defendants in this Action. Six of the defendants  
19 have also been named in a complaint filed by Shefa LMV, LLC. Because most defendants have  
20 not yet appeared in the Action and comprehensive settlement discussions are ongoing, all  
21 defendants, their positions, and a logical structure of representations (*e.g.*, appointment of liaison  
22 counsel) cannot yet be identified.

23 **C. Deadlines and Limits on Joinder; Amended Pleadings**

24 CEH has already added several entities to this case as named defendants in the place of  
25 Doe defendants, and will likely name additional defendants and/or dismiss certain unnecessary or  
26 improperly named corporate entities as they are identified.

27 To date, defendants Luster Products, Inc. and Strength of Nature, LLC have filed  
28 responsive pleadings. Other defendants have responsive pleadings coming due in the next few

1 weeks.

2 **D. Class Issues**

3 This is not a class action.

4 **E. Proposed Schedule**

5 The parties believe that establishing a case management schedule would be premature at  
6 this time as most defendants have not yet appeared in the Action and comprehensive settlement  
7 discussions are ongoing. To allow for the pleadings to be settled and to see if a settlement which  
8 avoids the need for litigation emerges, the parties suggest that the Court consider continuing the  
9 Initial Case Management Conference to (or, alternatively, setting a further Case Management  
10 Conference on) a date in February 2014 that is convenient for the Court.

11 **F. Potential Evidentiary Issues Involving Confidentiality and Protected**  
12 **Evidence**

13 In the context of settlement negotiations, CEH has entered into confidentiality agreements  
14 with some Defendants and other entities named in the 60-Day Notices. This has enabled CEH to  
15 share its test data and other confidential information with these entities without waiving work  
16 product or any other privilege. The parties anticipate agreeing upon the terms of a Protective  
17 Order that will apply uniformly to information provided informally or in discovery by all parties.

18 **G. Procedural Posture**

19 1. Unserved parties: To date, all defendants have been served. As additional  
20 named defendants are added in the place of Doe defendants, those entities will duly and timely be  
21 served.

22 2. Unserved or unfiled cross-complaints: None expected.

23 3. Related actions: CEH filed the following additional Proposition 65  
24 lawsuits in this Court regarding cocamide DEA in the Products:

- 25 • *Center for Environmental Health v. Lake Consumer Products, et al.*, Case No. RG 13-  
26 693280;
- 27 • *Center for Environmental Health v. Alberto-Culver USA, Inc., et al.*, Case No. RG 13-  
28 697455;

1 • *Center for Environmental Health v. Commonwealth Soap & Toiletries, Inc., et al.*, Case  
2 No. RG 13-698427; and  
3 • *Center for Environmental Health v. Accessory Zone, LLC, et al.*, Case No. RG 13-699752;  
4 Plaintiff Shefa LMV, LLC has filed the following Proposition 65 lawsuits regarding  
5 cocamide DEA in Los Angeles County Superior Court:

- 6 • *Shefa LMV, LLC v. Target Corporation, et al.*, Los Angeles County Superior Court Case  
7 No. BC520410;
- 8 • *Shefa LMV, LLC v. CVS Pharmacy Inc., et al.*, Los Angeles County Superior Court Case  
9 No. BC520411;
- 10 • *Shefa LMV, LLC v. Petco Animal Supplies, Inc., et al.*, Los Angeles County Superior  
11 Court, Case No. BC520413;
- 12 • *Shefa LMV, LLC v. Walgreens Home Care Inc., et al.*, Los Angeles County Superior Court  
13 Case No. BC520416; and
- 14 • *Shefa LMV, LLC v. Ross Stores, Inc., et al.*, Los Angeles Superior Court Case No. BC  
15 521400

16 As discussed above, CEH filed a petition to coordinate these actions. All of these cases  
17 have been deemed Included Actions for purposes of CEH's coordination petition.

18 4. Jurisdiction and venue: The parties are currently unaware of any  
19 jurisdictional or venue issues.

20 5. Status of discovery: Certain parties have exchanged information  
21 informally as part of their settlement negotiations. Formal discovery has not yet commenced.

22 6. Unresolved law and motion matters: None currently pending.

23 7. ADR issues: Certain parties are discussing settlement and at present have  
24 not identified ADR issues.

25 8. Severance of issues for trial: Since the Action is in its early stages and  
26 most defendants have not yet appeared in the Action, the parties believe recommendations on the  
27 order of trial are currently premature.

28 9. Calendar conflicts: Calendar conflicts are yet unknown.

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H. Suggestions for Streamlining

The parties believe that electronic service is appropriate in this case pursuant to California Rule of Court 2.253.

Since most defendants have not yet appeared in the Action, the parties believe that additional recommendations for streamlining are currently premature.

DATED: November 18, 2013

LEXINGTON LAW GROUP

By: Wicky Wetz for MT  
Mark N. Todzo  
Attorneys for Plaintiff  
Center for Environmental Health

DATED: November 18, 2013

MORRISON & FOERSTER LLP

By: Michael Steel by Jeremiah Levin  
Michael J. Steel  
Attorneys for Defendant Strength of Nature, LLC

DATED: November 18, 2013

ROPERS MAJESKI KOHN BENTLEY PC

By: Wicky Wetz for TC  
Thomas H. Clarke, Jr.  
Attorneys for Defendant Luster Products, Inc.

1 **PROOF OF SERVICE**

2 I declare that:

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

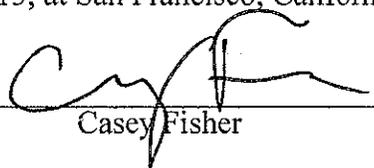
5 On November 18, 2013, I served true copies of the following documents:

6 **JOINT COMPLEX CASE MANAGEMENT CONFERENCE STATEMENT**

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 November 18, 2013, at San Francisco, California.

12 Signed: 

13 Casey Fisher  
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**SERVICE LIST**

*CEH v. Fantasia Industries Corporation, et al.*  
Case No. RG 13-696756

<b>ADDRESS</b>	<b>PARTY</b>
Thomas H. Clarke, Jr. Ropers Majeski Kohn Bentley PC 75 Broadway, Suite 202 San Francisco, CA 94111	Luster Products, Inc.
Michael J. Steel Jeremiah Levine Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105	Strength of Nature, LLC

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Attorneys for Plaintiff  
CENTER FOR ENVIRONMENTAL HEALTH

**ENDORSED  
FILED  
ALAMEDA COUNTY**

NOV 18 2013

CLERK OF THE SUPERIOR COURT  
By M Hayes Deputy

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA

CENTER FOR ENVIRONMENTAL  
HEALTH, a non-profit corporation,  
  
Plaintiff,  
  
v.  
  
ACCESSORY ZONE, LLC, *et al.*,  
  
Defendants.

Case No. RG 13-699752  
  
**PLAINTIFF CENTER FOR  
ENVIRONMENTAL HEALTH'S  
COMPLEX CASE MANAGEMENT  
CONFERENCE STATEMENT**  
  
Date: November 25, 2013  
Time: 9:00 a.m.  
Dept: 17  
  
Complaint filed: October 18, 2013  
Trial date: None set

Plaintiff Center for Environmental ("CEH") hereby submits the following Complex Case Management Conference Statement in the above-captioned matter (the "Action"). None of the defendants named in the Action have yet appeared, and for that reason are not signatories hereto.

The Action is one of at least ten cases recently filed concerning alleged exposures to cocamide DEA resulting from use of shampoo and soap products. On September 13, 2013, CEH

1 filed a petition to coordinate the Action with the other cases pursuant to Cal. Code Civ. Proc.  
2 §404. The hearing on CEH's petition to coordinate is scheduled for November 25, 2013 before  
3 this Court, the same day as the Case Management Conference in this case.

4 Due to the pendency of the coordination petition and a number of other reasons discussed  
5 below, the CEH asks the Court to consider continuing the initial Case Management Conference  
6 for approximately 60 days.

7 **A. Statement of the Case and Issues Presented**

8 This case involves alleged violations of the California Safe Drinking Water and Toxic  
9 Enforcement Act of 1986, Health & Safety Code §§ 25249.6 *et seq.* ("Proposition 65"), with  
10 respect to the presence of coconut oil diethanolamine condensate (cocamide diethanolamine)  
11 (hereinafter, "cocamide DEA") in shampoo and liquid soaps ("Products") allegedly  
12 manufactured, distributed, and/or sold by Defendants and other entities. Cocamide DEA is a  
13 chemical that is used as a foam stabilizer, emulsifier and viscosity builder in cosmetic products  
14 and is listed by the State of California as known to cause cancer.

15 Commencing on June 24, 2013, CEH served a series of 60-Day Notices of Violation of  
16 Proposition 65 (the "60-Day Notices") on Defendants, on other manufacturers, distributors,  
17 and/or sellers of Products, and on the appropriate state and local enforcement authorities. The 60-  
18 Day Notices allege that Defendants and others have violated Proposition 65 by exposing  
19 California consumers and other users of these Products to cocamide DEA without providing a  
20 clear and reasonable warning regarding the carcinogenic hazards of cocamide DEA. *See* Health  
21 & Safety Code § 25249.6. The 60-Day Notices pertain to the alleged presence of cocamide DEA  
22 in shampoo and liquid soaps, such as hand soap, body wash and bubble bath. In the Complaint,  
23 CEH alleges that such Products expose individuals to cocamide DEA.

24 To remedy the alleged violations, CEH seeks (1) the assessment of appropriate civil  
25 penalties against each Defendant, *see* Health & Safety Code § 25249.7(b); (2) injunctive relief  
26 prohibiting Defendants from exposing users of these products to cocamide DEA without  
27 providing prior clear and reasonable warnings, *see* Health & Safety Code § 25249.7(a); and (3)  
28 such other and further relief as may be just and proper. CEH also asks this Court to award CEH

1 its reasonable attorneys' fees and costs of suit, pursuant to Code of Civil Procedure § 1021.5 or  
2 any other applicable theory.

3 Cocamide DEA was added to the list of Proposition 65 chemicals known to the State of  
4 California to cause cancer on June 22, 2012. Since the listing of cocamide DEA, numerous 60-  
5 Day Notices of Violation have been issued by CEH and a number of other plaintiffs, including  
6 Shefa LMV, LLC. CEH has filed multiple lawsuits in this Court and Plaintiff Shefa LMV, LLC  
7 has filed multiple Proposition 65 lawsuits pertaining to cocamide DEA in Los Angeles County  
8 Superior Court. Accordingly, to conserve judicial resources and to prevent potentially  
9 inconsistent rulings, CEH has filed a Petition for Coordination of these cases with the Judicial  
10 Council. The hearing on CEH's petition to coordinate is scheduled for November 25, 2013  
11 before this Court.

12 **B. The Parties and Their Posture**

13 At present, there are sixteen named defendants in this Action. Because none of the  
14 defendants have appeared in the Action and comprehensive settlement discussions are ongoing,  
15 all defendants, their positions, and a logical structure of representations (*e.g.*, appointment of  
16 liaison counsel) cannot yet be identified.

17 **C. Deadlines and Limits on Joinder; Amended Pleadings**

18 CEH has already added several entities to this case as named defendants in the place of  
19 Doe defendants, and will likely name additional defendants and/or dismiss certain unnecessary or  
20 improperly named corporate entities as they are identified.

21 To date, none of the defendants have filed a responsive pleading, but responsive pleadings  
22 are coming due in the next month.

23 **D. Class Issues**

24 This is not a class action.

25 **E. Proposed Schedule**

26 CEH believes that establishing a case management schedule would be premature at this  
27 time as no defendants have appeared in the Action and comprehensive settlement discussions are  
28 ongoing. To allow for the pleadings to be settled and to see if a settlement which avoids the need

1 for litigation emerges, the CEH suggests that the Court consider continuing the Initial Case  
2 Management Conference to (or, alternatively, setting a further Case Management Conference on)  
3 a date in February 2014 that is convenient for the Court.

4 **F. Potential Evidentiary Issues Involving Confidentiality and Protected**  
5 **Evidence**

6 In the context of settlement negotiations, CEH has entered into confidentiality agreements  
7 with some Defendants and other entities named in the 60-Day Notices. This has enabled CEH to  
8 share its test data and other confidential information with these entities without waiving work  
9 product or any other privilege. CEH anticipates proposing a Protective Order that will apply  
10 uniformly to information provided informally or in discovery by all parties.

11 **G. Procedural Posture**

12 **1. Unserved parties:** Nearly all defendants have been served. CEH is  
13 waiting for confirmation that counsel for one defendant will accept service of the Complaint. As  
14 additional named defendants are added in the place of Doe defendants, those entities will duly  
15 and timely be served.

16 **2. Unserved or unfiled cross-complaints:** None expected.

17 **3. Related actions:** CEH filed the following additional Proposition 65  
18 lawsuits in this Court regarding cocamide DEA in the Products:

- 19 • *Center for Environmental Health v. Lake Consumer Products, et al.*, Case No. RG 13-  
20 693280;
- 21 • *Center for Environmental Health v. Fantasia Industries Corporation, et al.*, Case No. RG  
22 13-696756
- 23 • *Center for Environmental Health v. Alberto-Culver USA, Inc., et al.*, Case No. RG 13-  
24 697455; and
- 25 • *Center for Environmental Health v. Commonwealth Soap & Toiletries, Inc., et al.*, Case  
26 No. RG 13-698427.

27 Plaintiff Shefa LMV, LLC has filed the following Proposition 65 lawsuits regarding  
28 cocamide DEA in Los Angeles County Superior Court:

- 1 • *Shefa LMV, LLC v. Target Corporation, et al.*, Los Angeles County Superior Court Case
- 2 No. BC520410;
- 3 • *Shefa LMV, LLC v. CVS Pharmacy Inc., et al.*, Los Angeles County Superior Court Case
- 4 No. BC520411;
- 5 • *Shefa LMV, LLC v. Petco Animal Supplies, Inc., et al.*, Los Angeles County Superior
- 6 Court, Case No. BC520413;
- 7 • *Shefa LMV, LLC v. Walgreens Home Care Inc., et al.*, Los Angeles County Superior Court
- 8 Case No. BC520416; and
- 9 • *Shefa LMV, LLC v. Ross Stores, Inc., et al.*, Los Angeles Superior Court Case No. BC
- 10 521400

11 As discussed above, CEH filed a petition to coordinate these actions. All of these cases  
12 have been deemed Included Actions for purposes of CEH’s coordination petition.

13 4. Jurisdiction and venue: CEH is currently unaware of any jurisdictional or  
14 venue issues.

15 5. Status of discovery: Certain parties have exchanged information  
16 informally as part of their settlement negotiations. Formal discovery has not yet commenced.

17 6. Unresolved law and motion matters: None currently pending.

18 7. ADR issues: Certain parties are discussing settlement and at present have  
19 not identified ADR issues.

20 8. Severance of issues for trial: Since the Action is in its early stages and no  
21 defendants have appeared in the Action, CEH believes recommendations on the order of trial are  
22 premature.

23 9. Calendar conflicts: Calendar conflicts are yet unknown.

24 **H. Suggestions for Streamlining**

25 CEH believes that electronic service is appropriate in this case pursuant to California Rule  
26 of Court 2.253.

27 Since no defendants have appeared in the Action, CEH believes that additional  
28 recommendations for streamlining are currently premature.

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DATED: November 18, 2013

LEXINGTON LAW GROUP

By: Widjaja for MT  
Mark N. Todzo  
Attorneys for Plaintiff  
Center for Environmental Health

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Attorneys for Plaintiff  
CENTER FOR ENVIRONMENTAL HEALTH

SUPERIOR COURT FOR THE STATE OF CALIFORNIA  
FOR THE COUNTY OF ALAMEDA

CENTER FOR ENVIRONMENTAL  
HEALTH, a non-profit corporation,  
  
Plaintiff,  
  
v.  
  
COMMONWEALTH SOAP &  
TOILETRIES, INC., *et al.*,  
  
Defendants.

Case No. RG 13-698427

**JOINT COMPLEX CASE  
MANAGEMENT CONFERENCE  
STATEMENT**

Date: November 25, 2013  
Time: 9:00 a.m.  
Dept: 17

Complaint filed: October 8, 2013  
Trial date: None set

Plaintiff Center for Environmental (“CEH”) and Defendant Upper Canada Soap & Candle Makers Corporation (“Defendant”) hereby submit the following Joint Complex Case Management Conference Statement in the above-captioned matter (the “Action”). The other defendants named in the Action have not yet appeared, and for that reason are not signatories hereto.

**ENDORSED  
FILED  
ALAMEDA COUNTY**

NOV 18 2013

CLERK OF THE SUPERIOR COURT  
By *M Hayes*

1           The Action is one of at least ten cases recently filed concerning alleged exposures to  
2 cocamide DEA resulting from use of shampoo and soap products. On September 13, 2013, CEH  
3 filed a petition to coordinate the Action with the other cases pursuant to Cal. Code Civ. Proc.  
4 §404. The hearing on CEH’s petition to coordinate is scheduled for November 25, 2013 before  
5 this Court, the same day as the Case Management Conference in this case.

6           Due to the pendency of the coordination petition and a number of other reasons discussed  
7 below, the parties ask the Court to consider continuing the initial Case Management Conference  
8 for approximately 60 days.

9           **A. Statement of the Case and Issues Presented**

10           This case involves alleged violations of the California Safe Drinking Water and Toxic  
11 Enforcement Act of 1986, Health & Safety Code §§ 25249.6 *et seq.* (“Proposition 65”), with  
12 respect to the presence of coconut oil diethanolamine condensate (cocamide diethanolamine)  
13 (hereinafter, “cocamide DEA”) in shampoo and liquid soaps (“Products”) allegedly  
14 manufactured, distributed, and/or sold by Defendants and other entities. Cocamide DEA is a  
15 chemical that is used as a foam stabilizer, emulsifier and viscosity builder in cosmetic products  
16 and is listed by the State of California as known to cause cancer.

17           Commencing on June 24, 2013, CEH served a series of 60-Day Notices of Violation of  
18 Proposition 65 (the “60-Day Notices”) on Defendants, on other manufacturers, distributors,  
19 and/or sellers of Products, and on the appropriate state and local enforcement authorities. The 60-  
20 Day Notices allege that Defendants and others have violated Proposition 65 by exposing  
21 California consumers and other users of these Products to cocamide DEA without providing a  
22 clear and reasonable warning regarding the carcinogenic hazards of cocamide DEA. *See* Health  
23 & Safety Code § 25249.6. The 60-Day Notices pertain to the alleged presence of cocamide DEA  
24 in shampoo and liquid soaps, such as hand soap, body wash and bubble bath. In the Complaint,  
25 CEH alleges that such Products expose individuals to cocamide DEA.

26           To remedy the alleged violations, CEH seeks (1) the assessment of appropriate civil  
27 penalties against each Defendant, *see* Health & Safety Code § 25249.7(b); (2) injunctive relief  
28 prohibiting Defendants from exposing users of these products to cocamide DEA without

1 providing prior clear and reasonable warnings, *see* Health & Safety Code § 25249.7(a); and (3)  
2 such other and further relief as may be just and proper. CEH also asks this Court to award CEH  
3 its reasonable attorneys' fees and costs of suit, pursuant to Code of Civil Procedure § 1021.5 or  
4 any other applicable theory.

5 Cocamide DEA was added to the list of Proposition 65 chemicals known to the State of  
6 California to cause cancer on June 22, 2012. Since the listing of cocamide DEA, numerous 60-  
7 Day Notices of Violation have been issued by CEH and a number of other plaintiffs, including  
8 Shefa LMV, LLC. CEH has filed multiple lawsuits in this Court and Plaintiff Shefa LMV, LLC  
9 has filed multiple Proposition 65 lawsuits pertaining to cocamide DEA in Los Angeles County  
10 Superior Court. Accordingly, to conserve judicial resources and to prevent potentially  
11 inconsistent rulings, CEH has filed a Petition for Coordination of these cases with the Judicial  
12 Council. The hearing on CEH's petition to coordinate is scheduled for November 25, 2013  
13 before this Court.

14 **B. The Parties and Their Posture**

15 At present, there are nineteen named defendants in this Action. Four of the defendants  
16 have also been named in a complaint filed by Shefa LMV, LLC. Because most defendants have  
17 not yet appeared in the Action and comprehensive settlement discussions are ongoing, all  
18 defendants, their positions, and a logical structure of representations (*e.g.*, appointment of liaison  
19 counsel) cannot yet be identified.

20 **C. Deadlines and Limits on Joinder; Amended Pleadings**

21 CEH has already added several entities to this case as named defendants in the place of  
22 Doe defendants, and will likely name additional defendants and/or dismiss certain unnecessary or  
23 improperly named corporate entities as they are identified.

24 To date, only defendant Upper Canada Soap & Candle Makers Corporation has filed a  
25 responsive pleading. Other defendants have responsive pleadings coming due in the next few  
26 weeks.

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**D. Class Issues**

This is not a class action.

**E. Proposed Schedule**

The parties believe that establishing a case management schedule would be premature at this time as most defendants have not yet appeared in the Action and comprehensive settlement discussions are ongoing. To allow for the pleadings to be settled and to see if a settlement which avoids the need for litigation emerges, the parties suggest that the Court consider continuing the Initial Case Management Conference to (or, alternatively, setting a further Case Management Conference on) a date in February 2014 that is convenient for the Court.

**F. Potential Evidentiary Issues Involving Confidentiality and Protected Evidence**

In the context of settlement negotiations, CEH has entered into confidentiality agreements with some Defendants and other entities named in the 60-Day Notices. This has enabled CEH to share its test data and other confidential information with these entities without waiving work product or any other privilege. The parties anticipate agreeing upon the terms of a Protective Order that will apply uniformly to information provided informally or in discovery by all parties.

**G. Procedural Posture**

1. Unserved parties: To date, all defendants have been served. As additional named defendants are added in the place of Doe defendants, those entities will duly and timely be served.

2. Unserved or unfiled cross-complaints: None expected.

3. Related actions: CEH filed the following additional Proposition 65 lawsuits in this Court regarding cocamide DEA in the Products:

- *Center for Environmental Health v. Lake Consumer Products, et al.*, Case No. RG 13-693280;
- *Center for Environmental Health v. Fantasia Industries Corporation, et al.*, Case No. RG 13-696756

1 • *Center for Environmental Health v. Alberto-Culver USA, Inc., et al.*, Case No. RG 13-  
2 697455; and  
3 • *Center for Environmental Health v. Accessory Zone, LLC, et al.*, Case No. RG 13-699752;  
4 Plaintiff Shefa LMV, LLC has filed the following Proposition 65 lawsuits regarding  
5 cocamide DEA in Los Angeles County Superior Court:

- 6 • *Shefa LMV, LLC v. Target Corporation, et al.*, Los Angeles County Superior Court Case  
7 No. BC520410;
- 8 • *Shefa LMV, LLC v. CVS Pharmacy Inc., et al.*, Los Angeles County Superior Court Case  
9 No. BC520411;
- 10 • *Shefa LMV, LLC v. Petco Animal Supplies, Inc., et al.*, Los Angeles County Superior  
11 Court, Case No. BC520413;
- 12 • *Shefa LMV, LLC v. Walgreens Home Care Inc., et al.*, Los Angeles County Superior Court  
13 Case No. BC520416; and
- 14 • *Shefa LMV, LLC v. Ross Stores, Inc., et al.*, Los Angeles Superior Court Case No. BC  
15 521400

16 As discussed above, CEH filed a petition to coordinate these actions. All of these cases  
17 have been deemed Included Actions for purposes of CEH's coordination petition.

18 4. Jurisdiction and venue: The parties are currently unaware of any  
19 jurisdictional or venue issues.

20 5. Status of discovery: Certain parties have exchanged information  
21 informally as part of their settlement negotiations. Formal discovery has not yet commenced.

22 6. Unresolved law and motion matters: None currently pending.

23 7. ADR issues: Certain parties are discussing settlement and at present have  
24 not identified ADR issues.

25 8. Severance of issues for trial: Since the Action is in its early stages and  
26 most defendants have not yet appeared in the Action, the parties believe recommendations on the  
27 order of trial are currently premature.

28 9. Calendar conflicts: Calendar conflicts are yet unknown.

1 H. Suggestions for Streamlining

2 The parties believe that electronic service is appropriate in this case pursuant to California  
3 Rule of Court 2.253.

4 Since most defendants have not yet appeared in the Action, the parties believe that  
5 additional recommendations for streamlining are currently premature.

6  
7 DATED: November 18, 2013

LEXINGTON LAW GROUP

8  
9 By: Wickliffe Armit  
10 Mark N. Todzo  
11 Attorneys for Plaintiff  
12 Center for Environmental Health

13 DATED: November 18, 2013

MORRISON & FOERSTER LLP

14  
15 By: Michael Steele by Jeremiah  
16 Michael J. Steel Lewine  
17 Attorneys for Defendant Upper Canada Soap &  
18 Candle Makers Corporation  
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1 **PROOF OF SERVICE**

2 I declare that:

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

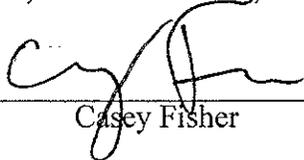
5 On November 18, 2013, I served true copies of the following documents:

6 **JOINT COMPLEX CASE MANAGEMENT CONFERENCE STATEMENT**

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 November 18, 2013, at San Francisco, California.

12 Signed:   
13 Casey Fisher

**SERVICE LIST**

*CEH v. Commonwealth Soap & Toiletries, Inc.*

Case No. RG 13-698427

<b>ADDRESS</b>	<b>PARTY</b>
Michael J. Steel Jeremiah Levine Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105	Upper Canada Soap & Candle Makers Corporation

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) Victoria Hartanto, 259833  
Lexington Law Group  
503 Divisadero Street, San Francisco, CA 94117  
TELEPHONE NO.: (415) 913-7800 FAX NO. (Optional):  
E-MAIL ADDRESS (Optional):  
ATTORNEY FOR (Name): Center for Environmental Health

FOR COURT USE ONLY  
**ENDORSED  
FILED  
ALAMEDA COUNTY**  
NOV 18 2013  
CLERK OF THE SUPERIOR COURT  
By M Hayes Deputy

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda**  
STREET ADDRESS: 1225 Fallon Street  
MAILING ADDRESS:  
CITY AND ZIP CODE: Oakland, CA 94612  
BRANCH NAME: Rene C. Davidson Courthouse

PLAINTIFF/PETITIONER: Center for Environmental Health  
DEFENDANT/RESPONDENT: Alberto-Culver USA, Inc., et al.

**REQUEST FOR DISMISSAL**

CASE NUMBER: RG 13-697455

A conformed copy will not be returned by the clerk unless a method of return is provided with the document.

This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)

1. TO THE CLERK: Please **dismiss** this action as follows:
- a. (1)  With prejudice (2)  Without prejudice
  - b. (1)  Complaint (2)  Petition
  - (3)  Cross-complaint filed by (name): on (date):
  - (4)  Cross-complaint filed by (name): on (date):
  - (5)  Entire action of all parties and all causes of action
  - (6)  Other (specify):\* All causes of action as to defendant Soap & Glory USA LLC

2. (Complete in all cases except family law cases.)  
The court  did  did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed).

Date: November 18, 2013  
Victoria Hartanto  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

Victoria Hartanto  
(SIGNATURE)

\*If dismissal requested is of specified parties only of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed.  
Attorney or party without attorney for:  
 Plaintiff/Petitioner  Defendant/Respondent  
 Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.\*\*  
Date:  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY WITHOUT ATTORNEY)

Victoria Hartanto  
(SIGNATURE)

\*\* If a cross-complaint - or Response (Family Law) seeking affirmative relief - is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581 (i) or (j).  
Attorney or party without attorney for:  
 Plaintiff/Petitioner  Defendant/Respondent  
 Cross-Complainant

(To be completed by clerk)

- 4.  Dismissal entered as requested on (date):
- 5.  Dismissal entered on (date): as to only (name):
- 6.  Dismissal **not entered** as requested for the following reasons (specify):
- 7. a.  Attorney or party without attorney notified on (date):
- b.  Attorney or party without attorney not notified. Filing party failed to provide  a copy to be conformed  means to return conformed copy

**DISMISSAL ENTERED**  
NOV 18 2013  
By M Hayes Deputy

Date: Clerk, by \_\_\_\_\_, Deputy

PLAINTIFF/PETITIONER: Center for Environmental Health DEFENDANT/RESPONDENT: Alberto-Culver USA, Inc., et al.	CASE NUMBER: RG 13-697455
---	------------------------------

**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*:
  - a.  not recovering anything of value by this action.
  - b.  recovering less than \$10,000 in value by this action.
  - c.  recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3.  All court fees and court costs that were waived in this action have been paid to the court *(check one)*:  Yes  No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)



\_\_\_\_\_  
(SIGNATURE)



PLAINTIFF/PETITIONER: Center for Environmental Health DEFENDANT/RESPONDENT: Alberto-Culver USA, Inc., et al.	CASE NUMBER: RG 13-697455
---	------------------------------

**COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS**

If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

**Declaration Concerning Waived Court Fees**

1. The court waived court fees and costs in this action for *(name)*:
2. The person named in item 1 is *(check one below)*:
  - a.  not recovering anything of value by this action.
  - b.  recovering less than \$10,000 in value by this action.
  - c.  recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
3.  All court fees and court costs that were waived in this action have been paid to the court *(check one)*:  Yes  No

I declare under penalty of perjury under the laws of the State of California that the information above is true and correct.

Date: \_\_\_\_\_

\_\_\_\_\_  
(TYPE OR PRINT NAME OF  ATTORNEY  PARTY MAKING DECLARATION)

\_\_\_\_\_  
(SIGNATURE)

ENDORSED  
FILED  
ALAMEDA COUNTY

NOV 18 2013

CLERK OF THE SUPERIOR COURT  
By M. Hayes Deputy

1 Mark N. Todzo, State Bar No. 168389  
2 Victoria Hartanto, State Bar No. 259833  
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10 Center for Environmental Health  
11 2201 Broadway, Suite 302  
12 Oakland, California 94612  
13 Telephone: (510) 655-3900  
14 Facsimile: (510) 655-9100  
15 rick@ceh.org

16 Attorneys for Plaintiff  
17 CENTER FOR ENVIRONMENTAL HEALTH

18 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
19 COUNTY OF ALAMEDA

20 CENTER FOR ENVIRONMENTAL HEALTH, )  
21 a non-profit corporation, )  
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Case No. RG 13-697455  
**PROOF OF SERVICE**

Plaintiff,  
v.  
ALBERTO-CULVER USA, INC., *et al.*  
Defendants.

1 **PROOF OF SERVICE**

2 I declare that:

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

5 On November 18, 2013, I served true copies of the following documents:

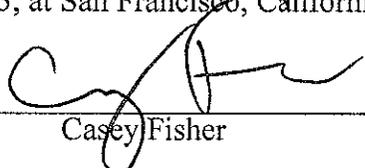
- 6 **JOINT COMPLEX CASE MANAGEMENT CONFERENCE STATEMENT**
- 7 **REQUEST FOR DISMISSAL AS TO SOAP & GLORY USA LLC**
- 8 **REQUEST FOR DISMISSAL AS TO SOAP & GLORY LIMITED**

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

11 *Please see attached service list.*

12 I declare under penalty of perjury that the foregoing is true and correct, and that this  
13 declaration was executed on November 18, 2013, at San Francisco, California.

14 Signed: \_\_\_\_\_



15 Casey Fisher

**SERVICE LIST**  
*CEH v. Alberto-Culver USA, Inc., et al.*  
Case No. RG 13-697455

ADDRESS	PARTY
Sophia B. Belloli Michael Van Zandt Hanson Bridgett LLP 425 Market Street, 26 <sup>th</sup> Floor San Francisco, CA 94105	Aspire Brands; Bonne Bell, LLC
David W. Grace Loeb & Loeb LLP 10100 Santa Monica Blvd., Suite 2200 Los Angeles, CA 90067	McBride Research Laboratories, Inc.
Michael J. Steel Jeremiah Levine Morrison & Foerster LLP 425 Market Street San Francisco, CA 94105	pH Beauty Labs, Inc.; Sally Beauty Holdings, Inc.
Lisa Bond, Esq. Richards Watson Gershon 355 South Grand Avenue , Suite 4000 Los Angeles, CA 90071	Ulta Salon , Cosmetics & Fragrance, Inc.