

FIRST AMENDED
SUMMONS
(CITACION JUDICIAL)

SUM-100

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

YOR HEALTH PRODUCTS, LLC, a California limited liability ^{COMPANY} CORPORATION,
HEALTH, an entity of unknown type, and DOES 1-24

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

ENVIRONMENTAL RESEARCH CENTER, INC., a non-profit
California corporation

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

ENDORSED
FILED
ALAMEDA COUNTY

APR 20 2015

CLERK OF THE SUPERIOR COURT
By Lilly Tran

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), 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), the California Courts Online Self-Help Center (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), 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), en el Centro de Ayuda de las Cortes de California, (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): Rene C. Davidson Courthouse
1225 Fallon Street
Oakland, CA 94612

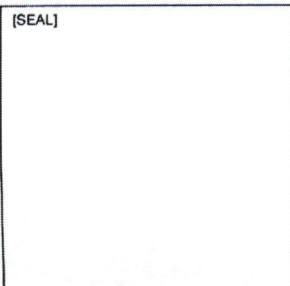
CASE NUMBER:
(Número del Caso): RG 14747 245
~~RG1474245~~

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):
Matthew C. Maclear, 7425 Fairmount Ave., El Cerrito, CA 94530 (415) 568-5200

Lilly Tran

DATE: April 20, 2015 Leah T. Wilson Clerk, by Lilly Tran, 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).)



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- 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):
- by personal delivery on (date):

1 MATTHEW C. MACLEAR (SBN 209228)
2 ANTHONY M. BARNES (SBN 199048)
3 AQUA TERRA AERIS LAW GROUP
4 7425 Fairmount Ave.
5 El Cerrito, CA 94530
6 Ph: 415-568-5200
7 Email: mcm@atalawgroup.com

8 Attorney for Plaintiff
9 ENVIRONMENTAL RESEARCH CENTER, INC.

ENDORSED
FILED
ALAMEDA COUNTY

APR 20 2015

CLERK OF THE SUPERIOR COURT
By Lilly Tran

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF ALAMEDA

12 ENVIRONMENTAL RESEARCH CENTER,)
13 INC., a non-profit California corporation,)

14 Plaintiff,)

15 v.)

16 YOR HEALTH PRODUCTS, LLC, a)
17 California limited liability company, YOR)
18 HEALTH, an entity of unknown type, and)
DOES 1 - 24,)

Defendants.)

Case No. RG 14747245

**FIRST AMENDED COMPLAINT FOR
PERMANENT INJUNCTION, CIVIL
PENALTIES AND OTHER RELIEF**

Health & Safety Code §25249.5, *et seq.*

19 Plaintiff Environmental Research Center, Inc. ("PLAINTIFF" or "ERC") brings this
20 action in the interests of the general public and, on information and belief, hereby alleges:

21 **INTRODUCTION**

22 1. This action seeks to remedy the continuing failure of Defendants YOR HEALTH
23 PRODUCTS, LLC ("YOR HEALTH PRODUCTS"), YOR HEALTH and Does 1-24
24 (hereinafter referred to collectively as "DEFENDANTS") to warn consumers in California that
25 they are being exposed to lead, a substance known to the State of California to cause cancer,
26 birth defects, and other reproductive harm. According to the Safe Drinking Water and Toxics
27 Enforcement Act of 1986, Health and Safety Code ("H&S Code") section 25249.5 *et seq.* (also
28 known as and referred to hereinafter as "Proposition 65"), businesses must provide persons with

1 a “clear and reasonable warning” before exposing individuals to chemicals known to the state to
2 cause cancer or reproductive harm. DEFENDANTS manufacture, package, distribute, market,
3 and/or sell in California certain products containing lead (the “PRODUCTS”):

- 4 • YOR Health YOR Complete Burn
- 5 • YOR Health YOR Essential Vitamin
- 6 • YOR Health YOR SuperGreens Concentrated Formula
- 6 • YOR Health YOR MRP Meal Replacement Chocolate

7 2. Lead (hereinafter, the “LISTED CHEMICAL”) is a substance known to the State
8 of California to cause cancer, birth defects, and other reproductive harm.

9 3. The use and/or handling of the PRODUCTS causes exposures to the LISTED
10 CHEMICAL at levels requiring a “clear and reasonable warning” under Proposition 65.
11 DEFENDANTS exposed consumers, users and handlers to the LISTED CHEMICAL and have
12 failed to provide the health hazard warnings required by Proposition 65.

13 4. DEFENDANTS’ continued manufacturing, packaging, distributing, marketing
14 and/or sales of the PRODUCTS without the required health hazard warnings, causes individuals
15 to be involuntarily, unknowingly and unwittingly exposed to levels of the LISTED CHEMICAL
16 that violate Proposition 65.

17 **PARTIES**

18 5. PLAINTIFF is a non-profit corporation organized under California Law. ERC is
19 dedicated to, among other causes, reducing the use and misuse of hazardous and toxic
20 substances, consumer protection, worker safety, and corporate responsibility.

21 6. ERC is a person within the meaning of H&S Code §25249.11 and brings this
22 enforcement action in the public interest pursuant to H&S Code §25249.7(d). H&S Code §
23 25249.7 (d) specifies that actions to enforce Proposition 65 may be brought by a person in the
24 public interest, provided certain notice requirements and no other public prosecutor is diligently
25 prosecuting an action for the same violation(s).

26 7. YOR HEALTH PRODUCTS is now, and was at all times relevant herein, a limited
27 liability company organized under the laws of California and is doing business within the meaning
28 of H&S Code §25249.11.

1 8. YOR HEALTH is now, and was at all times relevant herein, an entity of unknown
2 type, doing business in California within the meaning of H&S Code §25249.11. YOR HEALTH's
3 corporate headquarters are located at 2802 Kelvin Avenue, Suite 150, Irvine, CA 92614.

4 9. DEFENDANTS own, administer, direct, control and/or operate facilities and/or
5 agents, distributors sellers, marketers or other retail operations who place its PRODUCTS into
6 the stream of commerce in California (including but not limited to Alameda County) under the
7 brand name YOR Health® and other brand names, which contain the LISTED CHEMICAL
8 without first giving clear and reasonable warnings.

9 10. DEFENDANTS, separately and each of them, are or were, at all times relevant to
10 the claims in this Complaint and continuing through the present, legally responsible for
11 compliance with the provisions of Proposition 65. Whenever an allegation regarding any act of a
12 DEFENDANT is made herein, such allegation shall be deemed to mean that DEFENDANT, or
13 its agent, officer, director, manager, supervisor or employee did or so authorized such acts while
14 engaged in the affairs of DEFENDANT's business operations and/or while acting within the
15 course and scope of their employment or while conducting business for DEFENDANT(S) for a
16 commercial purpose.

17 11. In this Complaint, when reference is made to any act of a DEFENDANT, such
18 allegation shall mean that the owners, officers, directors, agents, employees, contractors, or
19 representatives of DEFENDANT acted or authorized such actions, and/or negligently failed and
20 omitted to act or adequately and properly supervise, control or direct its employees and agents
21 while engaged in the management, direction, operation or control of the affairs of the business
22 organization. Whenever reference is made to any act of any DEFENDANT, such allegation shall
23 be deemed to mean the act of each DEFENDANT acting individually, jointly and severally as
24 defined by Civil Code Section 1430 *et seq.*

25 12. PLAINTIFF does not know the true names, capacities and liabilities of
26 Defendants DOES Nos. 1-24, inclusive, and therefore sues them under fictitious names.
27 PLAINTIFF will amend this Complaint to allege the true name and capacities of the DOE
28

1 Defendants upon being ascertained. Each of these Defendants was in some way legally
2 responsible for the acts, omissions and/or violations alleged herein.

3 **JURISDICTION AND VENUE**

4 13. This Court has jurisdiction over this action pursuant to California Constitution
5 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes except
6 those given by statute to other trial courts." The statute under which this action is brought does
7 not specify any other court with jurisdiction.

8 14. This Court has jurisdiction over DEFENDANTS because they are business
9 entities that do sufficient business, have sufficient minimum contacts in California or otherwise
10 intentionally avail themselves of the California market, through the sale, marketing and use of
11 its PRODUCTS in California, to render the exercise of jurisdiction over them by the California
12 courts consistent with traditional notions of fair play and substantial justice.

13 15. Venue in this action is proper in the Alameda County Superior Court because the
14 cause, or part thereof, arises in the County of Alameda since DEFENDANTS' products are
15 marketed, offered for sale, sold, used, and/or consumed in this county.

16 **STATUTORY BACKGROUND**

17 16. The People of the State of California declared in Proposition 65 their right "[t]o
18 be informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
19 harm." (Section 1(b) of Initiative Measure, Proposition 65).

20 17. To effect this goal, Proposition 65 requires that individuals be provided with a
21 "clear and reasonable warning" before being exposed to substances listed by the State of
22 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent
23 part:

24 No person in the course of doing business shall knowingly and intentionally
25 expose any individual to a chemical known to the state to cause cancer or
26 reproductive toxicity without first giving clear and reasonable warning to such
individual....

27 18. An exposure to a chemical in a consumer product is one "which results from a
28 person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a

1 consumer good, or any exposure that results from receiving a consumer service.” (Cal. Code
2 Regs., tit. 22, § 12601, subd. (b).)

3 19. Proposition 65 provides that any person “violating or threatening to violate” the
4 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The phrase
5 “threatening to violate” is defined to mean creating “a condition in which there is a substantial
6 likelihood that a violation will occur.” (H&S Code §25249.11(e)). Violators are liable for civil
7 penalties of up to \$2,500 per day for each violation of the Act. (H&S Code §25249.7.)

8 FACTUAL BACKGROUND

9 20. On February 27, 1987, the State of California officially listed lead as a chemical
10 known to cause reproductive toxicity. Lead became subject to the warning requirement one year
11 later and was therefore subject to the “clear and reasonable” warning requirements of Proposition
12 65 beginning on February 27, 1988. (27 California Code of Regulations (“CCR”) §25000, *et*
13 *seq.*; H&S Code §25249.5, *et seq.*).

14 21. On October 1, 1992, the State of California officially listed lead and lead
15 compounds as chemicals known to cause cancer. Lead and lead compounds became subject to
16 the warning requirement one year later and were therefore subject to the “clear and reasonable”
17 warning requirements of Proposition 65 beginning on October 1, 1993. (27 CCR § 25000, *et*
18 *seq.*; H&S Code §25249.6, *et seq.*). Due to the high toxicity of lead, the maximum allowable
19 dose level for lead is 0.5 ug/day (micrograms a day) for reproductive toxicity and the no
20 significant risk level for carcinogens is 15ug/day (oral).

21 22. To test DEFENDANTS’ PRODUCTS for lead, PLAINTIFF hired a well-
22 respected and accredited testing laboratory that designed the testing protocol used and approved
23 by the California Attorney General years ago for testing heavy metals. The results of testing
24 undertaken by PLAINTIFF of DEFENDANTS’ PRODUCTS show that the PRODUCTS tested
25 were in violation of the 0.5 ug/day and/or 15 ug/day “safe harbor” daily dose limits set forth in
26 Proposition 65’s regulations. Very significant is the fact that people are being exposed to lead
27 through ingestion as opposed to other not as harmful methods of exposure such as dermal
28 exposure. Ingestion of lead produces much higher exposure levels and health risks than does

1 dermal exposure to this chemical.

2 23. At all times relevant to this action, DEFENDANTS, therefore, have knowingly
3 and intentionally exposed the users, consumers and/or handlers of the PRODUCTS to the
4 LISTED CHEMICAL without first giving a clear and reasonable warning to such individuals.

5 24. The PRODUCTS have allegedly been sold by DEFENDANTS for use in
6 California since at least August 29, 2011. The PRODUCTS continue to be distributed and sold
7 in California without the requisite warning information.

8 25. On August 29, 2014, in compliance with the requirements of H&S Code
9 §25249.7(d) and the statute's implementing regulations, ERC served DEFENDANT YOR
10 HEALTH PRODUCTS and each of the appropriate public enforcement agencies with a document
11 entitled "Notice of Violations of California Health & Safety Code Section 25249.5" (NOTICE I)
12 that provided DEFENDANT and the public enforcement agencies with notice that DEFENDANT
13 was in violation of Proposition 65 for failing to warn purchasers and individuals using the
14 PRODUCTS that the use of the PRODUCTS exposes them to lead, a chemical known to the State
15 of California to cause cancer and/or reproductive toxicity. NOTICE I included, *inter alia*, the
16 following information: the name, address, and telephone number of the noticing individual; the
17 name of the alleged violator; the statute violated; the approximate time period during which
18 violations occurred; and descriptions of the violations including the chemicals involved, the
19 routes of toxic exposure, and the specific product or type of product causing the violations. YOR
20 HEALTH PRODUCTS was also served with a copy of the document entitled "The Safe Drinking
21 Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary," which is also known
22 as Appendix A to Title 27 of CCR §25903, via Certified Mail. A true and correct copy of
23 NOTICE I is **attached hereto as Exhibit A**, is hereby incorporated by reference, and is available
24 on the Attorney General's website located at <http://oag.ca.gov/prop65>.

25 26. On February 13, 2015, in compliance with the requirements of H&S Code
26 §25249.7(d) and the statute's implementing regulations, ERC served DEFENDANT YOR
27 HEALTH and each of the appropriate public enforcement agencies with a document entitled
28 "Notice of Violations of California Health & Safety Code Section 25249.5" (NOTICE II) that

1 provided DEFENDANT and the public enforcement agencies with notice that DEFENDANT
2 was in violation of Proposition 65 for failing to warn purchasers and individuals using the
3 PRODUCTS that the use of the PRODUCTS exposes them to lead, a chemical known to the
4 State of California to cause cancer and/or reproductive toxicity. NOTICE II included, *inter alia*,
5 the following information: the name, address, and telephone number of the noticing individual;
6 the name of the alleged violator; the statute violated; the approximate time period during which
7 violations occurred; and descriptions of the violations including the chemicals involved, the
8 routes of toxic exposure, and the specific product or type of product causing the violations. YOR
9 HEALTH was also served with a copy of the document entitled "The Safe Drinking Water and
10 Toxic Enforcement Act of 1986 (Proposition 65): A Summary," which is also known as
11 Appendix A to Title 27 of CCR §25903, via Certified Mail. A true and correct copy of the
12 NOTICE II is **attached hereto as Exhibit B**, is hereby incorporated by reference, and is
13 available on the Attorney General's website located at <http://oag.ca.gov/prop65>.

14 27. As a proximate result of acts by DEFENDANTS, as persons in the course of doing
15 business within the meaning of Health & Safety Code §25249.11, individuals throughout the
16 State of California, including in the County of Alameda have been exposed to the LISTED
17 CHEMICAL without a clear and reasonable warning on the PRODUCTS. The individuals
18 subject to the violative exposures include normal and foreseeable users of the PRODUCTS, as
19 well as all other persons exposed to the PRODUCTS.

20 28. The California Attorney General was provided copies of NOTICE I AND
21 NOTICE II ("NOTICES") and a Certificates of Merit by the attorney for the noticing party,
22 stating that there is a reasonable and meritorious case for this action, and attaching factual
23 information sufficient to establish a basis for the certificate, including the identity of the persons
24 consulted with and relied on by the certifier, and the facts, studies, or other data reviewed by
25 those persons, pursuant to H&S Code §25249.7(h) (2) via online submission.

26 29. After expiration of the sixty (60) day notice period, The appropriate public
27 enforcement agencies have failed to commence and diligently prosecute a cause of action under
28 H&S Code §25249.5, *et seq.* against DEFENDANTS based on the allegations herein.

1 **FIRST CAUSE OF ACTION**
2 **(Injunctive Relief for Violations of Health and Safety Code § 25249.5, *et seq.* concerning**
3 **the PRODUCTS described in the NOTICES)**
4 **Against DEFENDANTS**

5 30. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 29,
6 inclusive, as if specifically set forth herein.

7 31. By committing the acts alleged in this Complaint, DEFENDANTS at all times
8 relevant to this action, and continuing through the present, have violated H&S Code §25249.6
9 by, in the course of doing business, knowingly and intentionally exposing individuals in
10 California to chemicals known to the State of California to cause cancer or reproductive toxicity
11 without first giving clear and reasonable warnings to such persons who use, consume or handle
12 the PRODUCTS containing the LISTED CHEMICAL, pursuant to H&S Code §§ 25249.6 and
13 25249.11(f).

14 32. By the above-described acts, DEFENDANTS have violated H&S Code § 25249.6
15 and are therefore subject to preliminary and permanent injunctions ordering DEFENDANTS to
16 stop violating Proposition 65, to provide warnings to all present and future customers, and to
17 provide warnings to DEFENDANTS' past customers who purchased or used the PRODUCTS
18 without receiving a clear and reasonable warning.

19 33. An action for injunctive relief under Proposition 65 is specifically authorized by
20 H&S Code §25249.7(a).

21 34. Continuing commission by DEFENDANTS of the acts alleged above will
22 irreparably harm the citizens of the State of California, for which harm they have no plain, speedy,
23 or adequate remedy at law.

24 35. In the absence of preliminary and then permanent injunctive relief,
25 DEFENDANTS will continue to create a substantial risk of irreparable injury by continuing to
26 cause consumers to be involuntarily, unknowingly and unwittingly exposed to the LISTED
27 CHEMICAL through the use, consumption and/or handling of the PRODUCTS.

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1 **SECOND CAUSE OF ACTION**

2 **(Civil Penalties for Violations of Health and Safety Code § 25249.5, *et seq.* concerning the**
3 **PRODUCTS described in the NOTICES)**
4 **Against DEFENDANTS**

5 36. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 35,
6 inclusive, as if specifically set forth herein.

7 37. By committing the acts alleged in this Complaint, DEFENDANTS at all times
8 relevant to this action, and continuing through the present, have violated H&S Code §25249.6
9 by, in the course of doing business, knowingly and intentionally exposing individuals in
10 California to chemicals known to the State of California to cause cancer or reproductive toxicity
11 without first giving clear and reasonable warnings to such persons who use, consume or handle
12 the PRODUCTS containing the LISTED CHEMICAL, pursuant to H&S Code §§ 25249.6 and
13 25249.11(f).

14 38. By the above-described acts, DEFENDANTS are liable, pursuant to H&S Code
15 §25249.7(b), for a civil penalty of up to \$2,500 per day per violation for each unlawful exposure
16 to the LISTED CHEMICAL from the PRODUCTS, in an amount in excess of \$1 million.

17 **THE NEED FOR INJUNCTIVE RELIEF**

18 39. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 38,
19 inclusive, as if specifically set forth herein.

20 40. By committing the acts alleged in this Complaint, DEFENDANTS have caused
21 irreparable harm for which there is no plain, speedy or adequate remedy at law. In the absence
22 of equitable relief, DEFENDANTS will continue to create a substantial risk of irreparable
23 injury by continuing to cause consumers to be involuntarily and unwittingly exposed to the
24 LISTED CHEMICALS through the use and/or handling of the PRODUCTS.

25 **PRAYER FOR RELIEF**

26 Wherefore, PLAINTIFF prays for the following relief:

27 A. A preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),
28 enjoining DEFENDANTS, their agents, employees, assigns and all persons acting in concert or
participating with DEFENDANTS, from manufacturing, distributing, marketing or selling the

1 PRODUCTS in California without first providing a clear and reasonable warning, within the
2 meaning of Proposition 65, that the users and/or handlers of the PRODUCTS are exposed to the
3 LISTED CHEMICAL;

4 B. An injunctive order, pursuant to H&S Code §25249.7(b), compelling
5 DEFENDANTS to identify and locate each individual who has purchased the PRODUCTS since
6 August 29, 2011, and to provide a warning to such person that the use of the PRODUCTS will
7 expose the user to chemicals known to cause cancer, birth defects, and other reproductive harm;

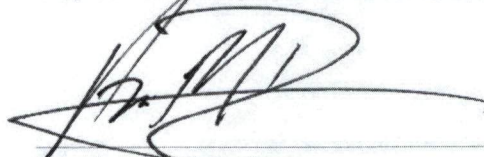
8 C. An assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),
9 against DEFENDANTS in the amount of \$2,500 per day for each violation of Proposition 65, in
10 an amount in excess of \$1 million, according to proof;

11 D. An award to PLAINTIFF of its reasonable attorney's fees and costs of suit
12 pursuant to California Code of Civil Procedure §§ 1032 *et. seq* and 1021.5, as PLAINTIFF shall
13 specify in further applications to the Court; and,

14 E. Such other and further relief as may be just and proper.

15
16 DATED: April 20, 2015

AQUA TERRA AERIS LAW GROUP

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19 Matthew C. Maclear
20 Anthony M. Barnes
21 Attorneys for Plaintiff
22 Environmental Research Center, Inc.
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