

1 Lee Weisberg (SBN 150436)  
Daniel Ip, (SBN 240033)  
2 **WEISBERG LAW**  
18543 Devonshire St. #330  
Northridge, CA 91324  
3 (747) 202-5004  
cognitorlaw@gmail.com  
4

**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

NOV 17 2015

Shorri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

5 Attorneys for Plaintiff Toxin Watchdog, LLC  
6  
7  
8  
9

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **FOR THE COUNTY OF LOS ANGELES**

12  
13 TOXIN WATCHDOG, LLC, a California  
limited liability company acting in the public  
14 interest;

15 Plaintiff,

16 vs.

17 IV SUPPLY COMPANY, a California  
corporation doing business as INTERSTATE  
18 VAPE; MIKE COOK, individually and doing  
19 business as DEMENTIA GALLERY; DAVID  
HADDAD, MICHAEL HADDAD, MOOSA  
20 M. SHAH, a partnership doing business as  
SMOKESMITH; TRANG DIEM TRAN,  
21 individually and doing business as LUSH  
VAPOR; MIKE'S SMOKE & GIFT SHOP,  
22 INC., a California corporation; ANDREW  
23 YUN, individually and doing business under  
the name US VAPOR CO.; and DOES 1  
24 through 20,

25 Defendants.  
26  
27  
28

) CASE NO.

BC 6 0 1 4 5 4

) **COMPLAINT FOR:**

) **INJUNCTIVE RELIEF AND CIVIL**  
) **PENALTIES**

) *Health & Safety Code § 25249.6*

) **(UNLIMITED JURISDICTION)**

1  
2  
3  
4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants' continuing failure to warn individuals in  
6 California that they are being exposed to the toxin nicotine, a chemical known to the State of  
7 California to cause reproductive harm. This Complaint addresses exposures that have occurred,  
8 and continue to occur, through the manufacture, distribution, sale, and/or use of products described  
9 as e-cigarettes or e-cigs" (collectively, "Products"). Individuals in California, including pregnant  
10 women, are exposed to nicotine through ordinary use of the Products.

11 2. Under California's Proposition 65, *Health & Safety Code* § 25249.5, *et seq.*, it is unlawful  
12 for businesses to knowingly and intentionally expose individuals in California to chemicals known  
13 to the State to cause cancer without providing clear and reasonable warnings to individuals prior to  
14 their exposure. Defendants introduce Products contaminated with significant quantities of nicotine  
15 into the California marketplace, exposing consumers of their Products to nicotine.

16 3. Despite the fact that Defendants expose pregnant women, and other people to nicotine,  
17 Defendants provide no warnings whatsoever about the carcinogenic hazards associated with these  
18 nicotine exposures. Defendants' conduct thus violates the warning provision of Proposition 65.  
19 *Health & Safety Code* § 25249.6.

20 **PARTIES**

21 4. Plaintiff Toxin Watchdog, LLC ("Toxin Watchdog") is a California limited liability  
22 company dedicated to protecting the public from environmental health hazards and toxic exposures.  
23 Toxin Watchdog is based in Southern California and is organized under the laws of the State of  
24 California. Toxin Watchdog is a "person" within the meaning of *Health & Safety Code* § 25249.1  
25 and brings this enforcement action in the public interest pursuant to *Health & Safety Code* §  
26 25249.7(d). Toxin Watchdog is a recognized environmental advocacy group that prosecutes  
27 Proposition 65 cases in the public interest. These cases will result in significant public benefit,  
28 including the reformulation of numerous products to remove toxic chemicals to make them safer.

1 Toxin Watchdog also provides information to Californians about the health risks associated with  
2 exposure to hazardous substances, where manufacturers and other responsible parties fail to do so.

3 5. On information and belief, Defendant IV Supply Company is a California corporation doing  
4 business in the County of Los Angeles as Interstate Vape ("Interstate Vape") and is a person in the  
5 course of doing business within the meaning of *Health & Safety Code* § 25249.1 1. Interstate Vape  
6 manufactures, distributes, and/or sells Products for sale or use in California, including, but not  
7 limited to, "Certified Premium E-Liquid" 15 ML 24 MG Nicotine Content. The product is sold  
8 without a warning, in violation of Proposition 65.

9 6. On information and belief, Defendant Mike Cook is an individual doing business under the  
10 name Dementia Gallery in the County of Los Angeles as Dementia Gallery ("Cook") and is a person  
11 in the course of doing business within the meaning of *Health & Safety Code* § 25249.1 1. Cook  
12 manufactures, distributes, and/or sells Products for sale or use in California, including, but not  
13 limited to, "Got Vape Juice" Organic Essential Oil Extract-Green Apple 20 ML; 24 MG Nicotine  
14 Content The product is sold without a warning, in violation of Proposition 65.

15 7. On information and belief, Defendants David Haddad, Michael Haddad, and Moosa M.  
16 Shah are a partnership doing business under the name Smokesmith, doing business in the County of  
17 Los Angeles as Interstate Vape ("Smokesmith") and is a person in the course of doing business  
18 within the meaning of *Health & Safety Code* § 25249.1 1. Interstate Vape manufactures, distributes,  
19 and/or sells Products for sale or use in California, including, but not limited to, "Clouds" and  
20 "Sweet" by Smokesmith. The product is sold without a warning, in violation of Proposition 65.

21 8. On information and belief, Defendant Trang Diem Tran is an individual doing business as  
22 Lush Vapor in the County of Los Angeles and is a person in the course of doing business within the  
23 meaning of *Health & Safety Code* § 25249.1 1. Mr. Tran manufactures, distributes, and/or sells  
24 Products for sale or use in California, including, but not limited to, Mount N Do, 30 ml juice; Misty  
25 BJ, 30 ml juice, UPC: 1556802128; 1556822122.

26 9. On information and belief, Defendant Mike's Smoke & Gift Shop, Inc. is a California  
27 corporation doing business in the County of Los Angeles ("Mike's") and is a person in the course of  
28 doing business within the meaning of *Health & Safety Code* § 25249.1 1. Mike's manufactures,

1 distributes, and/or sells Products for sale or use in California, including, but not limited to, Premium  
2 Vape Juice by U S Vapor Co. // MMXII // Signature // Banana Mucho // 6 // 15 ml. The product is  
3 sold without a warning, in violation of Proposition 65.

4 10. On information and belief, Defendant Andrew Yun is an individual doing business under the  
5 name US Vapor Co. in the County of Los Angeles ("Yun") and is a person in the course of doing  
6 business within the meaning of *Health & Safety Code* § 25249.1 1. Yun manufactures, distributes,  
7 and/or sells Products for sale or use in California, including, but not limited to, Premium Vape Juice  
8 by U S Vapor Co. // MMXII // Signature // Banana Mucho // 6 // 15 ml. The product is sold without  
9 a warning, in violation of Proposition 65.

10 11. DOES 1 through 20 are each a person in the course of doing business within the meaning of  
11 *Health & Safety Code* § 25249.11. DOES 1 through 20 manufacture, distribute, and/or sell Products  
12 for sale or use in California.

13 12. The true names of DOES I through 20 are unknown to Toxin Watchdog at this time. When  
14 their identities are ascertained, the Complaint shall be amended to reflect their true names.

15 13. The defendants identified in paragraphs 5 through 10 and DOES 1 through 20 are  
16 collectively referred to herein as "Defendants."

#### 17 JURISDICTION AND VENUE

18 14. The Court has jurisdiction over this action pursuant to *Health & Safety Code* § 25249.7,  
19 which allows enforcement in any court of competent jurisdiction, and pursuant to California  
20 Constitution Article VI, Section 10, because this case is a cause not given by statute to other trial  
21 courts.

22 15. This Court has jurisdiction over Defendants because each is a business entity that does  
23 sufficient business, has sufficient minimum contacts in California or otherwise intentionally avails  
24 itself of the California market through the sale, marketing, or use of Products in California and/or  
25 by having such other contacts with California so as to render the exercise of jurisdiction over it by  
26 the California courts consistent with traditional notions of fair play and substantial justice.

27 16. Venue is proper in the Los Angeles Superior Court because one or more of the violations  
28 arise in the County of Los Angeles.

1 BACKGROUND FACTS

2 17. The People of the State of California have declared by initiative under Proposition 65 their  
3 right "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other  
4 reproductive harm." Proposition 65, § I (b).

5 18. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed by the  
6 State of California as known to cause cancer, birth defects, or other reproductive harm without a  
7 "clear and reasonable warning" unless the business responsible for the exposure can prove that it fits  
8 within a statutory exemption. *Health & Safety Code* § 25249.6 states, in pertinent part:

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

12 20. On April 1, 1990 the California Environmental Protection Agency's Office of Environmental  
13 Health Hazard Assessment ("OEHHA") of the State of California officially listed nicotine as a  
14 chemical known to cause cancer. 27 C.C.R. § 27001(b).

15 21. On April 1, 1991, one year after it was listed as a chemical known to cause cancer, nicotine  
16 became subject to the clear and reasonable warning requirement regarding carcinogens under  
17 Proposition 65. 27 C.C.R. § 27001 (b); *Health & Safety Code* § 25249. 10(b). The chief purpose of  
18 the one-year grace period between the listing date of a chemical under Proposition 65 and the  
19 effective date of the warning requirement is to give potentially liable parties sufficient time to come  
20 into complete compliance with this requirement, such that all illegal exposures can be averted.

21 22. The Products are not "nicotine replacement products" or "smoking cessation products"  
22 within the meaning of *Dowhal v. SmithklineBeecham Consumer Healthcare*, 04 S.O.S. 1931. They  
23 a high-tech way to hook a new generation on a bad nicotine habit.

24 23. Defendants' Products contain sufficient quantities of nicotine such that individuals,  
25 including pregnant women, are exposed to nicotine through the average use of Products. The routes  
26 of exposure include inhalation by individuals when they consume the Products.

27 24. Any person acting in the public interest has standing to enforce violations of Proposition 65  
28 provided that such person has supplied the requisite public enforcers with a valid 60-Day Notice of

1 Violation and such public enforcers are not diligently prosecuting the action within such time.  
2 *Health & Safety Code* § 25249.7(d).

3 25. More than sixty days prior to naming each Defendant in this lawsuit, Toxin Watchdog  
4 provided a 60-Day "Notice of Violation of Proposition 65" to the California Attorney General, the  
5 District Attorneys of every county in California, the City Attorneys of every California city with a  
6 population greater than 750,000, and to each of the named Defendants. In compliance with *Health*  
7 *& Safety Code* § 25249.7(d) and 27 C.C.R. § 25903(b), each Notice included the following  
8 information: (1) the name and address of each violator; (2) the statute violated; (3) the time period  
9 during which violations occurred; (4) specific descriptions of the violations including (a) the routes  
10 of exposure to nicotine from Products, and (b) the specific type of Products sold and used in  
11 violation of Proposition 65; and (5) the name of the specific Proposition 65-listed chemical that is  
12 the subject of the violations described in each Notice.

13 26. More than sixty days prior to naming each Defendant in this lawsuit, concurrent with  
14 sending out Notices described in the preceding paragraph, Toxin Watchdog also sent a Certificate of  
15 Merit for each Notice to the California Attorney General, the District Attorneys of every county in  
16 California, the City Attorneys of every California city with a population greater than 750,000, and  
17 to the named Defendants.

18 27. In compliance with *Health & Safety Code* § 25249.7(d) and 11 C.C.R. § 3101, each of the  
19 Certificates certified that Toxin Watchdog's counsel: (1) has consulted with one or more persons  
20 with relevant and appropriate experience or expertise who reviewed facts, studies, or other data  
21 regarding the exposures to nicotine alleged in each of the Notices; and (2) based on the information  
22 obtained through such consultations, believes that there is a reasonable and meritorious case for a  
23 citizen enforcement action based on the facts alleged in each of the Notices. In compliance with  
24 *Health, & Safety Code* § 25249.7(d) and 11C.C.R. § 3102, each of the Certificates served on the  
25 Attorney General included factual information provided on a confidential basis, sufficient to  
26 establish the basis for the Certificate, including the identity of the person(s) consulted by Toxin  
27 Watchdog's counsel and the facts, studies, or other data reviewed by such persons.

28

1 28. None of the public prosecutors with the authority to prosecute violations of Proposition 65  
2 has commenced and/or is diligently prosecuting a cause of action against

3 29. Defendants under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in  
4 the Notices.

5 30. Defendants both know and intend that consumers in California, including infants and  
6 children, will use, touch, and/or handle the Products, thus exposing 0,C111 to nicotine.

7 31. Under Proposition 65, an exposure is "knowing" where the party responsible for such  
8 exposure has: knowledge of/the fact that a[n] ... exposure to a chemical listed pursuant to [*Health*  
9 *and Safety Code* § 25249.8(a)] is occurring. No knowledge that the ... exposure is unlawful is  
10 required.

11 32. 27 C.C.R. § 25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final  
12 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division 2, §  
13 12201).

14 33. No clear and reasonable warning is provided with the Products regarding the reproductive  
15 toxic hazards of nicotine.

16 34. Defendants have been informed of the nicotine in their Products by the 60-Day Notice of  
17 Violation and accompanying Certificate of Merit served on them by Toxin Watchdog.

18 35. As companies that manufacture, import, distribute, and/or sell Products for use in the  
19 California marketplace, Defendants know or should know that Products contain nicotine and that  
20 individuals who use the Products will be exposed to nicotine. These nicotine exposures are a natural  
21 and foreseeable consequence of Defendants' placing the Products into the stream of commerce.

22 36. Nevertheless] Defendants continue to expose consumers in California, including infants and  
23 children, to nicotine without prior clear and reasonable warnings regarding the carcinogenic hazards  
24 of nicotine.

25 37. Any person "violating or threatening to violate" Proposition 65 may be enjoined in any court  
26 of competent jurisdiction. *Health & Safety Code* § 25249.7. "Threaten to violate" is defined to mean  
27 "to create a condition in which there is a substantial probability that violation will occur." *Health &*  
28

1 *Safety Code* § 25249.11(e). Proposition 65 provides for civil penalties not to exceed \$2,500 per day  
2 for each violation of Proposition 65. *Health & Safety Code* § 25249.7(b).

3 **FIRST CAUSE OF ACTION**

4 (Violations of Health & Safety Code § 25249.6)

5 38. Toxin Watchdog realleges and incorporates by reference as though specifically set forth  
6 herein Paragraphs I through 38, inclusive.

7 39. Nicotine is a chemical listed by the State of California as known to cause cancer

8 40. By placing their Products into the stream of commerce, Defendants are each a person in the  
9 course of doing business within the meaning of Health & Safety Code § 25249.11.

10 41. Defendants know that average use of their Products will expose users of the Products to  
11 nicotine. Defendants intend that their Products be used in a manner that results in users of their  
12 Products being exposed to nicotine contained therein.

13 42. Defendants have failed, and continue to fail, to provide prior clear and reasonable warnings  
14 regarding the carcinogenicity of nicotine to users of their Products.

15 43. By committing the acts alleged above, Defendants have at all times relevant to this  
16 Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to  
17 nicotine without first giving clear and reasonable warnings to such individuals regarding the  
18 carcinogenicity of nicotine.

19 44. The Defendants, and each of them, have engaged in conduct that violated Proposition 65 on  
20 each day during the year preceding the filing of this complaint. As such, each of the Defendant is  
21 liable for civil penalties in the amount of \$912,500.00.

22 45. Wherefore, Toxin Watchdog prays for judgment against Defendants, as set forth hereafter.

23 **PRAYER FOR RELIEF**

24 Wherefore, Toxin Watchdog prays for judgment against Defendants; as follows:

25 1. That the Court, pursuant to *Health & Safety Code* § 25249.7(b), assess civil penalties against  
26 each Defendant in the amount of \$2,500 per day for each violation of Proposition 65 alleged herein  
27 according to proof, up to \$912,500.00;



1 2. That the Court, pursuant to *Health & Safety Code* § 25249.7(a), preliminarily and  
2 permanently enjoin Defendants from offering Products for sale in California without providing prior  
3 clear and reasonable Warnings, as Toxin Watchdog shall specify in further application to the Court;

4 3. That the Court, pursuant to *Health & Safety Code* § 25249.7(a), order Defendants to take  
5 action to stop ongoing unwarned exposures to nicotine resulting from use of Products sold by  
6 Defendants, as Toxin Watchdog shall specify in further application to the Court;

7 4. That the Court pursuant to Code of Civil Procedure § 1021.5 or any other applicable theory,  
8 grant Toxin Watchdog its reasonable attorneys' fees and costs of suit; and

9 5. That the Court grant such other and further relief as may be just and proper.

10 Dated: November 13, 2015

WEISBERG LAW

11  
12  
13 By: 

Lee Weisberg

Daniel Ip

Attorneys for Plaintiff Toxin Watchdog, Inc.

**SUMMONS  
(CITACION JUDICIAL)**

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

**CONFIRMED COPY  
OF ORIGINAL FILED**  
Los Angeles Superior Court

NOV 17 2015

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

IV SUPPLY COMPANY, a California corporation doing business as INTERSTATE VAPE; See Additional Parties Attachment

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

TOXIN WATCHDOG, LLC, a California limited liability company acting in the public interest

**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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://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): **Los Angeles Superior Court**  
111 N. Hill Street, Los Angeles, CA 90012

CASE NUMBER:  
(Número del Caso): **BC601454**

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):  
Lee Weisberg, Daniel Ip, Weisberg Law, 18543 Devonshire St. #330 Northridge, CA 91324, (747) 202-5004

DATE: **SHERRI R. CARTER** Clerk, by **M. Soto**, 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**

1.  as an individual defendant.

2.  as the person sued under the fictitious name of (specify):

3.  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):

4.  by personal delivery on (date):

(SEAL)

**NOV 17 2015**

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):  
Lee Weisberg (SBN 150436); Daniel Ip, (SBN 240033)  
WEISBERG LAW  
18543 Devonshire St. #330  
Northridge, CA 91324  
TELEPHONE NO.: (747) 202-5004 FAX NO.:  
ATTORNEY FOR (Name): Toxin Watchdog, LLC

FOR COURT USE ONLY  
**CONFORMED COPY  
OF ORIGINAL FILED**  
Los Angeles Superior Court  
  
NOV 17 2015  
  
Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles  
STREET ADDRESS: 111 N. Hill St.  
MAILING ADDRESS:  
CITY AND ZIP CODE: Los Angeles, CA 90012  
BRANCH NAME: Stanley Mosk Courthouse

CASE NAME:  
TOXIN WATCHDOG, LLC v. IV SUPPLY COMPANY, etc., et al,

**CIVIL CASE COVER SHEET**  
 **Unlimited**  
(Amount demanded exceeds \$25,000)  
 **Limited**  
(Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 **Counter**  **Joinder**  
Filed with first appearance by defendant  
(Cal. Rules of Court, rule 3.402)

CASE NUMBER:  
**BC601454**  
JUDGE:  
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input checked="" type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	--

2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:

a. <input type="checkbox"/> Large number of separately represented parties	d. <input type="checkbox"/> Large number of witnesses
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve	e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
c. <input type="checkbox"/> Substantial amount of documentary evidence	f. <input type="checkbox"/> Substantial postjudgment judicial supervision

3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive  
4. Number of causes of action (specify): One  
5. This case  is  is not a class action suit.  
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: November 13, 2015  
Lee Weisberg  
(TYPE OR PRINT NAME)

  
(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

**To Plaintiffs and Others Filing First Papers.** If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

## CASE TYPES AND EXAMPLES

<p><b>Auto Tort</b></p> <ul style="list-style-type: none"> <li>Auto (22)–Personal Injury/Property Damage/Wrongful Death</li> <li>Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)</li> </ul> <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <ul style="list-style-type: none"> <li>Asbestos (04) <ul style="list-style-type: none"> <li>Asbestos Property Damage</li> <li>Asbestos Personal Injury/Wrongful Death</li> </ul> </li> <li>Product Liability (<i>not asbestos or toxic/environmental</i>) (24)</li> <li>Medical Malpractice (45) <ul style="list-style-type: none"> <li>Medical Malpractice–Physicians &amp; Surgeons</li> <li>Other Professional Health Care Malpractice</li> </ul> </li> <li>Other PI/PD/WD (23) <ul style="list-style-type: none"> <li>Premises Liability (e.g., slip and fall)</li> <li>Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)</li> <li>Intentional Infliction of Emotional Distress</li> <li>Negligent Infliction of Emotional Distress</li> <li>Other PI/PD/WD</li> </ul> </li> </ul> <p><b>Non-PI/PD/WD (Other) Tort</b></p> <ul style="list-style-type: none"> <li>Business Tort/Unfair Business Practice (07)</li> <li>Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)</li> <li>Defamation (e.g., slander, libel) (13)</li> <li>Fraud (16)</li> <li>Intellectual Property (19)</li> <li>Professional Negligence (25) <ul style="list-style-type: none"> <li>Legal Malpractice</li> <li>Other Professional Malpractice (<i>not medical or legal</i>)</li> </ul> </li> <li>Other Non-PI/PD/WD Tort (35)</li> </ul> <p><b>Employment</b></p> <ul style="list-style-type: none"> <li>Wrongful Termination (36)</li> <li>Other Employment (15)</li> </ul>	<p><b>Contract</b></p> <ul style="list-style-type: none"> <li>Breach of Contract/Warranty (06) <ul style="list-style-type: none"> <li>Breach of Rental/Lease Contract (<i>not unlawful detainer or wrongful eviction</i>)</li> </ul> </li> <li>Contract/Warranty Breach–Seller Plaintiff (<i>not fraud or negligence</i>)</li> <li>Negligent Breach of Contract/Warranty</li> <li>Other Breach of Contract/Warranty</li> </ul> <p><b>Collections (e.g., money owed, open book accounts) (09)</b></p> <ul style="list-style-type: none"> <li>Collection Case–Seller Plaintiff</li> <li>Other Promissory Note/Collections Case</li> </ul> <p><b>Insurance Coverage (not provisionally complex) (18)</b></p> <ul style="list-style-type: none"> <li>Auto Subrogation</li> <li>Other Coverage</li> </ul> <p><b>Other Contract (37)</b></p> <ul style="list-style-type: none"> <li>Contractual Fraud</li> <li>Other Contract Dispute</li> </ul> <p><b>Real Property</b></p> <ul style="list-style-type: none"> <li>Eminent Domain/Inverse Condemnation (14)</li> <li>Wrongful Eviction (33)</li> <li>Other Real Property (e.g., quiet title) (26) <ul style="list-style-type: none"> <li>Writ of Possession of Real Property</li> <li>Mortgage Foreclosure</li> <li>Quiet Title</li> <li>Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)</li> </ul> </li> </ul> <p><b>Unlawful Detainer</b></p> <ul style="list-style-type: none"> <li>Commercial (31)</li> <li>Residential (32)</li> <li>Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)</li> </ul> <p><b>Judicial Review</b></p> <ul style="list-style-type: none"> <li>Asset Forfeiture (05)</li> <li>Petition Re: Arbitration Award (11)</li> <li>Writ of Mandate (02) <ul style="list-style-type: none"> <li>Writ–Administrative Mandamus</li> <li>Writ–Mandamus on Limited Court Case Matter</li> </ul> </li> <li>Writ–Other Limited Court Case Review</li> <li>Other Judicial Review (39) <ul style="list-style-type: none"> <li>Review of Health Officer Order</li> <li>Notice of Appeal–Labor Commissioner Appeals</li> </ul> </li> </ul>	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)</b></p> <ul style="list-style-type: none"> <li>Antitrust/Trade Regulation (03)</li> <li>Construction Defect (10)</li> <li>Claims Involving Mass Tort (40)</li> <li>Securities Litigation (28)</li> <li>Environmental/Toxic Tort (30)</li> <li>Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)</li> </ul> <p><b>Enforcement of Judgment</b></p> <ul style="list-style-type: none"> <li>Enforcement of Judgment (20) <ul style="list-style-type: none"> <li>Abstract of Judgment (Out of County)</li> <li>Confession of Judgment (<i>non-domestic relations</i>)</li> <li>Sister State Judgment</li> <li>Administrative Agency Award (<i>not unpaid taxes</i>)</li> <li>Petition/Certification of Entry of Judgment on Unpaid Taxes</li> <li>Other Enforcement of Judgment Case</li> </ul> </li> </ul> <p><b>Miscellaneous Civil Complaint</b></p> <ul style="list-style-type: none"> <li>RICO (27)</li> <li>Other Complaint (<i>not specified above</i>) (42) <ul style="list-style-type: none"> <li>Declaratory Relief Only</li> <li>Injunctive Relief Only (<i>non-harassment</i>)</li> <li>Mechanics Lien</li> <li>Other Commercial Complaint Case (<i>non-tort/non-complex</i>)</li> <li>Other Civil Complaint (<i>non-tort/non-complex</i>)</li> </ul> </li> </ul> <p><b>Miscellaneous Civil Petition</b></p> <ul style="list-style-type: none"> <li>Partnership and Corporate Governance (21)</li> <li>Other Petition (<i>not specified above</i>) (43) <ul style="list-style-type: none"> <li>Civil Harassment</li> <li>Workplace Violence</li> <li>Elder/Dependent Adult Abuse</li> <li>Election Contest</li> <li>Petition for Name Change</li> <li>Petition for Relief From Late Claim</li> </ul> </li> <li>Other Civil Petition</li> </ul>
---	--	--

**CIVIL CASE COVER SHEET ADDENDUM AND  
STATEMENT OF LOCATION  
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

**This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.**

**Item I.** Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL? YES      CLASS ACTION? YES      LIMITED CASE? YES      TIME ESTIMATED FOR TRIAL Five HOURS/✓DAYS

**Item II. Indicate** the correct district and courthouse location (4 steps – If you checked “Limited Case”, skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet form, find the main Civil Case Cover Sheet heading for your case in the left margin below, and, to the right in Column **A**, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column **B** below which best describes the nature of this case.

**Step 3:** In Column **C**, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Local Rule 2.3.

**Applicable Reasons for Choosing Courthouse Location (see Column C below)**

- |   |   |
|---|---|
| <ul style="list-style-type: none"> <li>1. Class actions must be filed in the Stanley Mosk Courthouse, central district.</li> <li>2. May be filed in central (other county, or no bodily injury/property damage).</li> <li>3. Location where cause of action arose.</li> <li>4. Location where bodily injury, death or damage occurred.</li> <li>5. Location where performance required or defendant resides.</li> </ul> | <ul style="list-style-type: none"> <li>6. Location of property or permanently garaged vehicle.</li> <li>7. Location where petitioner resides.</li> <li>8. Location wherein defendant/respondent functions wholly.</li> <li>9. Location where one or more of the parties reside.</li> <li>10. Location of Labor Commissioner Office</li> <li>11. Mandatory Filing Location (Hub Case)</li> </ul> |
|---|---|

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Auto Tort</b>	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
<b>Other Personal Injury/ Property Damage/ Wrongful Death Tort</b>	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 4. 1., 4. 1., 3. 1., 4.

SHORT TITLE: <b>TOXIN WATCHDOG, LLC v. IV SUPPLY COMPANY, etc., et al,</b>	CASE NUMBER
--	-------------

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Non-Personal Injury/ Property Damage/ Wrongful Death Tort</b>	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1., 2., 3.
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Other (35)	<input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2.,3.	
<b>Employment</b>	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1., 2., 3.
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10.
<b>Contract</b>	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2., 5.
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2., 5.
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1., 2., 5.
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1., 2., 5.
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	2., 5., 6, 11
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5, 11
<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)		5, 6, 11	
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1., 2., 3., 5.	
	<input type="checkbox"/> A6031 Tortious Interference	1., 2., 3., 5.	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 8.	
<b>Real Property</b>	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation      Number of parcels _____	2.
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2., 6.
<input type="checkbox"/> A6032 Quiet Title		2., 6.	
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2., 6.	
<b>Unlawful Detainer</b>	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.

SHORT TITLE:

TOXIN WATCHDOG, LLC v. IV SUPPLY COMPANY, etc., et al,

CASE NUMBER

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
<b>Provisionally Complex Litigation</b>	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
<b>Enforcement of Judgment</b>	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
<b>Miscellaneous Civil Complaints</b>	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8. 1., 2., 8.
<b>Miscellaneous Civil Petitions</b>	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition		2., 3., 4., 8. 2., 9.	

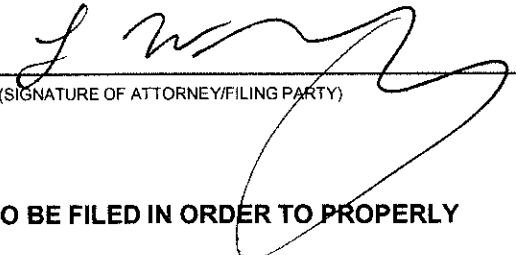
SHORT TITLE: TOXIN WATCHDOG, LLC v. IV SUPPLY COMPANY, etc., et al,	CASE NUMBER
---	-------------

**Item III. Statement of Location:** Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II., **Step 3** on Page 1, as the proper reason for filing in the court location you selected.

<b>REASON: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.</b>  <input type="checkbox"/> 1. <input type="checkbox"/> 2. <input type="checkbox"/> 3. <input checked="" type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.	ADDRESS: 6618 Hollywood Blvd., Hollywood, CA 90028	
	CITY: Hollywood	STATE: CA

**Item IV. Declaration of Assignment:** I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Stanley Mosk courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.3, subd.(a).

Dated: November 13, 2015

  
 (SIGNATURE OF ATTORNEY/FILING PARTY)

**PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:**

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/15).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.



SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES  
 NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE (NON-CLASS ACTION)  
 Case Number \_\_\_\_\_

BC 6 0 1 4 5 4

**THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT**

Your case is assigned for all purposes to the judge indicated below. There is more information on the reverse side of this form.

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Kevin C. Brazile	1	534	Hon. Elizabeth Allen White	48	506
Hon. Barbara A. Meiers	12	636	Hon. Deirdre Hill	49	509
Hon. Terry A. Green	14	300	Hon. Teresa A. Beaudet	50	508
X Hon. Richard Fruin	15	307	Hon. Michael J. Raphael	51	511
Hon. Rita Miller	16	306	Hon. Susan Bryant-Deason	52	510
Hon. Richard E. Rico	17	309	Hon. Steven J. Kleifield	53	513
Hon. Stephanie Bowick	19	311	Hon. Ernest M. Hiroshige	54	512
Hon. Dalila Corral Lyons	20	310	Hon. Malcolm H. Mackey	55	515
Hon. Robert L. Hess	24	314	Hon. Michael Johnson	56	514
Hon. Yvette M. Palazuelos	28	318	Hon. Rolf M. Treu	58	516
Hon. Barbara Scheper	30	400	Hon. Gregory Keosian	61	732
Hon. Samantha Jessner	31	407	Hon. Michael L. Stern	62	600
Hon. Mary H. Strobel	32	406	Hon. Mark Mooney	68	617
Hon. Michael P. Linfield	34	408	Hon. William F. Fahey	69	621
Hon. Gregory Alarcon	36	410	Hon. Suzanne G. Bruguera	71	729
Hon. Marc Marmaro	37	413	Hon. Ruth Ann Kwan	72	731
Hon. Maureen Duffy-Lewis	38	412	Hon. Rafael Ongkeko	73	733
Hon. Elizabeth Feffer	39	415	Hon. Teresa Sanchez-Gordon	74	735
Hon. Michelle R. Rosenblatt	40	414	Hon. Gail Ruderman Feuer	78	730
Hon. Holly E. Kendig	42	416			
Hon. Mel Red Recana	45	529	Hon. Emile H. Elias	324	CCW
Hon. Frederick C. Shaller	46	500	*Provisionally Complex Non-class Action Cases Assignment is Pending Complex Determination	324	CCW
Hon. Debre K. Weintraub	47	507			

**\*Complex**

All non-class action cases designated as provisionally complex are forwarded to the Supervising Judge of the Complex Litigation Program located in the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 90005), for complex/non-complex determination pursuant to Local Rule 3.3(k). This procedure is for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on \_\_\_\_\_ SHERRI R. CARTER, Executive Officer/Clerk

SHERRI R. CARTER

By M. Soto, Deputy Clerk

## **INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES**

The following critical provisions of the Chapter Three Rules, as applicable in the Central District, are summarized for your assistance.

### **APPLICATION**

The Chapter Three Rules were effective January 1, 1994. They apply to all general civil cases.

### **PRIORITY OVER OTHER RULES**

The Chapter Three Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

### **CHALLENGE TO ASSIGNED JUDGE**

A challenge under Code of Civil Procedure section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

### **TIME STANDARDS**

Cases assigned to the Individual Calendaring Court will be subject to processing under the following time standards:

**COMPLAINTS:** All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days of filing.

**CROSS-COMPLAINTS:** Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

A Status Conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

### **FINAL STATUS CONFERENCE**

The Court will require the parties at a status conference not more than 10 days before the trial to have timely filed and served all motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested jury instructions, and special jury instructions and special jury verdicts. These matters may be heard and resolved at this conference. At least 5 days before this conference, counsel must also have exchanged lists of exhibits and witnesses and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Eight of the Los Angeles Superior Court Rules.

### **SANCTIONS**

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party or if appropriate on counsel for the party.

**This is not a complete delineation of the Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is absolutely imperative.**

## VOLUNTARY EFFICIENT LITIGATION STIPULATIONS

The Early Organizational Meeting Stipulation, Discovery Resolution Stipulation, and Motions in Limine Stipulation are voluntary stipulations entered into by the parties. The parties may enter into one, two, or all three of the stipulations; however, they may not alter the stipulations as written, because the Court wants to ensure uniformity of application. These stipulations are meant to encourage cooperation between the parties and to assist in resolving issues in a manner that promotes economic case resolution and judicial efficiency.

*The following organizations endorse the goal of promoting efficiency in litigation and ask that counsel consider using these stipulations as a voluntary way to promote communications and procedures among counsel and with the court to fairly resolve issues in their cases.*

◆ Los Angeles County Bar Association Litigation Section ◆

◆ Los Angeles County Bar Association  
Labor and Employment Law Section ◆

◆ Consumer Attorneys Association of Los Angeles ◆

◆ Southern California Defense Counsel ◆

◆ Association of Business Trial Lawyers ◆

◆ California Employment Lawyers Association ◆



Superior Court of California  
County of Los Angeles

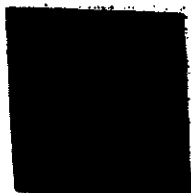


Los Angeles County  
Bar Association  
Litigation Section

Los Angeles County  
Bar Association Labor and  
Employment Law Section



Consumer Attorneys  
Association of Los Angeles



Southern California  
Defense Counsel



Association of  
Business Trial Lawyers



California Employment  
Lawyers Association

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			CASE NUMBER:
DEFENDANT:			
<b>STIPULATION – DISCOVERY RESOLUTION</b>			

This stipulation is intended to provide a fast and informal resolution of discovery issues through limited paperwork and an informal conference with the Court to aid in the resolution of the issues.

The parties agree that:

1. Prior to the discovery cut-off in this action, no discovery motion shall be filed or heard unless the moving party first makes a written request for an Informal Discovery Conference pursuant to the terms of this stipulation.
2. At the Informal Discovery Conference the Court will consider the dispute presented by parties and determine whether it can be resolved informally. Nothing set forth herein will preclude a party from making a record at the conclusion of an Informal Discovery Conference, either orally or in writing.
3. Following a reasonable and good faith attempt at an informal resolution of each issue to be presented, a party may request an Informal Discovery Conference pursuant to the following procedures:
  - a. The party requesting the Informal Discovery Conference will:
    - i. File a Request for Informal Discovery Conference with the clerk's office on the approved form (copy attached) and deliver a courtesy, conformed copy to the assigned department;
    - ii. Include a brief summary of the dispute and specify the relief requested; and
    - iii. Serve the opposing party pursuant to any authorized or agreed method of service that ensures that the opposing party receives the Request for Informal Discovery Conference no later than the next court day following the filing.
  - b. Any Answer to a Request for Informal Discovery Conference must:
    - i. Also be filed on the approved form (copy attached);
    - ii. Include a brief summary of why the requested relief should be denied;

SHORT TITLE:	CASE NUMBER:
--------------	--------------

- iii. Be filed within two (2) court days of receipt of the Request; and
  - iv. Be served on the opposing party pursuant to any authorized or agreed upon method of service that ensures that the opposing party receives the Answer no later than the next court day following the filing.
- c. No other pleadings, including but not limited to exhibits, declarations, or attachments, will be accepted.
- d. If the Court has not granted or denied the Request for Informal Discovery Conference within ten (10) days following the filing of the Request, then it shall be deemed to have been denied. If the Court acts on the Request, the parties will be notified whether the Request for Informal Discovery Conference has been granted or denied and, if granted, the date and time of the Informal Discovery Conference, which must be within twenty (20) days of the filing of the Request for Informal Discovery Conference.
- e. If the conference is not held within twenty (20) days of the filing of the Request for Informal Discovery Conference, unless extended by agreement of the parties and the Court, then the Request for the Informal Discovery Conference shall be deemed to have been denied at that time.
4. If (a) the Court has denied a conference or (b) one of the time deadlines above has expired without the Court having acted or (c) the Informal Discovery Conference is concluded without resolving the dispute, then a party may file a discovery motion to address unresolved issues.
5. The parties hereby further agree that the time for making a motion to compel or other discovery motion is tolled from the date of filing of the Request for Informal Discovery Conference until (a) the request is denied or deemed denied or (b) twenty (20) days after the filing of the Request for Informal Discovery Conference, whichever is earlier, unless extended by Order of the Court.
- It is the understanding and intent of the parties that this stipulation shall, for each discovery dispute to which it applies, constitute a writing memorializing a "specific later date to which the propounding [or demanding or requesting] party and the responding party have agreed in writing," within the meaning of Code Civil Procedure sections 2030.300(c), 2031.320(c), and 2033.290(c).
6. Nothing herein will preclude any party from applying *ex parte* for appropriate relief, including an order shortening time for a motion to be heard concerning discovery.
7. Any party may terminate this stipulation by giving twenty-one (21) days notice of intent to terminate the stipulation.
8. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day.

SHORT TITLE:	CASE NUMBER:
--------------	--------------

**The following parties stipulate:**

Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	(ATTORNEY FOR PLAINTIFF)
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	(ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	(ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	(ATTORNEY FOR DEFENDANT)
Date: _____ (TYPE OR PRINT NAME)	➤	(ATTORNEY FOR _____)
Date: _____ (TYPE OR PRINT NAME)	➤	(ATTORNEY FOR _____)
Date: _____ (TYPE OR PRINT NAME)	➤	(ATTORNEY FOR _____)

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Court's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
<b>STIPULATION - EARLY ORGANIZATIONAL MEETING</b>			CASE NUMBER:

**This stipulation is intended to encourage cooperation among the parties at an early stage in the litigation and to assist the parties in efficient case resolution.**

**The parties agree that:**

1. The parties commit to conduct an initial conference (in-person or via teleconference or via videoconference) within 15 days from the date this stipulation is signed, to discuss and consider whether there can be agreement on the following:
  - a. Are motions to challenge the pleadings necessary? If the issue can be resolved by amendment as of right, or if the Court would allow leave to amend, could an amended complaint resolve most or all of the issues a demurrer might otherwise raise? If so, the parties agree to work through pleading issues so that a demurrer need only raise issues they cannot resolve. Is the issue that the defendant seeks to raise amenable to resolution on demurrer, or would some other type of motion be preferable? Could a voluntary targeted exchange of documents or information by any party cure an uncertainty in the pleadings?
  - b. Initial mutual exchanges of documents at the "core" of the litigation. (For example, in an employment case, the employment records, personnel file and documents relating to the conduct in question could be considered "core." In a personal injury case, an incident or police report, medical records, and repair or maintenance records could be considered "core.");
  - c. Exchange of names and contact information of witnesses;
  - d. Any insurance agreement that may be available to satisfy part or all of a judgment, or to indemnify or reimburse for payments made to satisfy a judgment;
  - e. Exchange of any other information that might be helpful to facilitate understanding, handling, or resolution of the case in a manner that preserves objections or privileges by agreement;
  - f. Controlling issues of law that, if resolved early, will promote efficiency and economy in other phases of the case. Also, when and how such issues can be presented to the Court;
  - g. Whether or when the case should be scheduled with a settlement officer, what discovery or court ruling on legal issues is reasonably required to make settlement discussions meaningful, and whether the parties wish to use a sitting judge or a private mediator or other options as

SHORT TITLE:	CASE NUMBER:
--------------	--------------

discussed in the "Alternative Dispute Resolution (ADR) Information Package" served with the complaint;

- h. Computation of damages, including documents, not privileged or protected from disclosure, on which such computation is based;
  - i. Whether the case is suitable for the Expedited Jury Trial procedures (see information at [www.lasuperiorcourt.org](http://www.lasuperiorcourt.org) under "Civil" and then under "General Information").
2. The time for a defending party to respond to a complaint or cross-complaint will be extended to \_\_\_\_\_ (INSERT DATE) for the complaint, and \_\_\_\_\_ (INSERT DATE) for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68618(b), and the 30 days permitted by Code of Civil Procedure section 1054(a), good cause having been found by the Civil Supervising Judge due to the case management benefits provided by this Stipulation. A copy of the General Order can be found at [www.lasuperiorcourt.org](http://www.lasuperiorcourt.org) under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
  3. The parties will prepare a joint report titled "Joint Status Report Pursuant to Initial Conference and Early Organizational Meeting Stipulation, and if desired, a proposed order summarizing results of their meet and confer and advising the Court of any way it may assist the parties' efficient conduct or resolution of the case. The parties shall attach the Joint Status Report to the Case Management Conference statement, and file the documents when the CMC statement is due.
  4. References to "days" mean calendar days, unless otherwise noted. If the date for performing any act pursuant to this stipulation falls on a Saturday, Sunday or Court holiday, then the time for performing that act shall be extended to the next Court day

The following parties stipulate:

Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____
Date: _____ (TYPE OR PRINT NAME)	➤	_____



NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:		FAX NO. (Optional):	
E-MAIL ADDRESS (Optional):			
ATTORNEY FOR (Name):			
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
<b>INFORMAL DISCOVERY CONFERENCE</b> (pursuant to the Discovery Resolution Stipulation of the parties)			CASE NUMBER:

1. This document relates to:

Request for Informal Discovery Conference  
 Answer to Request for Informal Discovery Conference

2. Deadline for Court to decide on Request: \_\_\_\_\_ (insert date 10 calendar days following filing of the Request).
3. Deadline for Court to hold Informal Discovery Conference: \_\_\_\_\_ (insert date 20 calendar days following filing of the Request).
4. For a Request for Informal Discovery Conference, **briefly** describe the nature of the discovery dispute, including the facts and legal arguments at issue. For an Answer to Request for Informal Discovery Conference, **briefly** describe why the Court should deny the requested discovery, including the facts and legal arguments at issue.

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY:		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO: E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name):		FAX NO. (Optional):	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES</b>			
COURTHOUSE ADDRESS:			
PLAINTIFF:			CASE NUMBER:
DEFENDANT:			
<b>STIPULATION AND ORDER – MOTIONS IN LIMINE</b>			

**This stipulation is intended to provide fast and informal resolution of evidentiary issues through diligent efforts to define and discuss such issues and limit paperwork.**

**The parties agree that:**

1. At least \_\_\_\_ days before the final status conference, each party will provide all other parties with a list containing a one paragraph explanation of each proposed motion in limine. Each one paragraph explanation must identify the substance of a single proposed motion in limine and the grounds for the proposed motion.
2. The parties thereafter will meet and confer, either in person or via teleconference or videoconference, concerning all proposed motions in limine. In that meet and confer, the parties will determine:
  - a. Whether the parties can stipulate to any of the proposed motions. If the parties so stipulate, they may file a stipulation and proposed order with the Court.
  - b. Whether any of the proposed motions can be briefed and submitted by means of a short joint statement of issues. For each motion which can be addressed by a short joint statement of issues, a short joint statement of issues must be filed with the Court 10 days prior to the final status conference. Each side's portion of the short joint statement of issues may not exceed three pages. The parties will meet and confer to agree on a date and manner for exchanging the parties' respective portions of the short joint statement of issues and the process for filing the short joint statement of issues.
3. All proposed motions in limine that are not either the subject of a stipulation or briefed via a short joint statement of issues will be briefed and filed in accordance with the California Rules of Court and the Los Angeles Superior Court Rules.

SHORT TITLE:	CASE NUMBER:
--------------	--------------

**The following parties stipulate:**

Date:	_____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR PLAINTIFF)
Date:	_____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date:	_____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date:	_____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR DEFENDANT)
Date:	_____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)
Date:	_____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)
Date:	_____ (TYPE OR PRINT NAME)	➤	_____ (ATTORNEY FOR _____)

**THE COURT SO ORDERS.**

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

\_\_\_\_\_  
JUDICIAL OFFICER