## SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

MILJOCO CORP., a Florida corporation; and DOES 1 through 10, inclusive.

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

ECOLOGICAL ALLIANCE, LLC, a California limited liability company.

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

CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles

OCT 2 4 2016

Sherri R. Carter, Executive Officer/Clerk By Cristina Grijalva, Deputy

CASE NUMBER (Número del Caso)

BC 6 3 8 2 3 8

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information

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/selfheip), 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 podra quitar su sueldo, dinero y bienes sin mas 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 d	irección d	de la d	corte es):

Los Angeles Superior Court (Stanley Mosk Branch)

111 North Hill St., Los Angeles, CA 90012

The name, address, and telephone number of plaintiffs 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): Custodio & Dubey LLP; 448 S. Hill St., Suite 612, Los Angeles, CA 90013; (213) 785-2909						
DATECT 2 4 2016	SHERRIR.CARTER	Clerk, by (Secretario)	CRISTINA GRIJAI VA (Adjunto)			
(For proof of service of this su	immons, use Proof of Service of	Summons (form POS-0	10).)			
(Para prueba de entrega de e	sta citatión use el formulario Pro	of of Service of Summo	ns, (POS-010)).			
[SEAL]	1. as an individual def 2. as the person sued					
	3. on behalf of (specif	y): Miljoco Corp.				
	CCP 416.2	0 (corporation) 0 (defunct corporation) 0 (association or partner	CCP 416.60 (minor) CCP 416.70 (conservatee) Ship) CCP 416.90 (authorized person)			
	4 by personal deliver	on (date):				

Page 1 of 1

BC 6 3 8 2 3 8

## 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	RC
Hon. Kevin C. Brazile	ī	534	Hon. Elizabeth Allen White	48	5
Hon. Barbara A. Meiers	12	636	Hon. Deirdre Hill	49	50
Hon. Terry A. Green	14	300	Hon. Teresa A. Beaudet	50	50
Hon. Richard Fruin	15	307	Hon. Michael J. Raphael	51	51
Hon. Rita Miller	16	306	Hon. Susan Bryant-Deason	52	51
Hon. Richard E. Rico	17	309	Hon. Howard L. Halm	53	51.
Hon. Stephanie Bowick	19	311	Hon, Ernest M. Hiroshige	54	51
Hon. Dalila Corral Lyons	20	310	Hon. Malcolm H. Mackey	55	51:
Hon. Robert L. Hess	24	314	Hon. Michael Johnson	56	514
Hon. Yvette M. Palazuelos	28	318	Hon. John P. Doyle	58	510
Hon. Barbara Scheper	30	400	Hon. Gregory Keosian	61	732
Hon. Samantha Jessner	31	407	Hon. Michael L. Stern	62	600
Hon. Daniel S. Murphy	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. David Sotelo	40	414	Hon. Gail Ruderman Feuer	78	730
Hon. Holly E. Kendig	42	416			
Hon. Mel Red Recana	45	529	Hon. Steven J. Kleifield	324	CCV
Hon. Frederick C. Shaller	46	500	*Provisionally Complex Non-class Action Cases		
Hon. Debre K. Weintraub	47	507	Assignment is Pending Complex Determination	324	CCV

#### \*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	SH	ERRI R. CARTER	, Executive	Officer/Cleri
730	2 4 2010 By	$\mathcal{Q}$	/,	Deputy Cler
		1		

#### 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.

		CM-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Vineet Dubey #243208  Custodio & Dubey LLP	number, and address).	FOR COURT USE ONLY
448 S. Hill St., Suite 612 Los Angeles, CA 90013 TELEPHONE NO.: (213) 785-2909	FAX NO.: (213) 785-2899	CONFORMED GORY ORIGINAL FILED Superior Court of California
ATTORNEY FOR (Name) Plaintiff Ecological A		Superior Court of California County of Los Angeles
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOSTREET ADDRESS: 111 North Hill St.	os Angeles	OCT 2 4 2016
MAILING ADDRESS: Same		
CITY AND ZIP CODE: Los Angeles 90012  BRANCH NAME: Stanley Mosk		Sherri R. Carter, Executive Officer/Clerk
CASE NAME:		By Cristina Grijalva, Deputy
Ecological Alliance, LLC vs. Miljoo	o Corp.	
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER:
✓ Unlimited Limited		BC638238
(Amount (Amount	Counter Joinder	<b>86.69700</b>
demanded demanded is	Filed with first appearance by defend	ant JUDGE:
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:
Items 1–6 bel	ow must be completed (see instructions of	on page 2).
1. Check one box below for the case type that		,3).
Auto Tort	<u> </u>	Provisionally Complex Civil Litigation
Auto (22)		(Cal. Rules of Court, rules 3.400–3.403)
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)
Asbestos (04)	Other contract (37)	Securities litigation (28)
Product liability (24)	Real Property	
Medical malpractice (45)	Eminent domain/Inverse	Environmental/Toxic tort (30)
Other PI/PD/WD (23)	condemnation (14)	Insurance coverage claims arising from the above listed provisionally complex case
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)
		Enforcement of Judgment
Business tort/unfair business practice (07	, — , , , , , , ,	
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)
Defamation (13)		Miscellaneous Civil Complaint
Fraud (16)	Residential (32)	RICO (27)
Intellectual property (19)	Drugs (38)	✓ Other complaint (not specified above) (42)
Professional negligence (25)	Judicial Review	Miscellaneous Civil Petition
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Partnership and corporate governance (21)
Employment	Petition re: arbitration award (11)	Other petition (not specified above) (43)
Wrongful termination (36)	Writ of mandate (02)	Other petition (not specified above) (43)
Other employment (15)	Other judicial review (39)	
2. This case is is is not com	plex under rule 3.400 of the California Ru	les of Court. If the case is complex, mark the
factors requiring exceptional judicial mana a. Large number of separately repre	<del></del>	of witnesses
b. Extensive motion practice raising		
=		with related actions pending in one or more courts
issues that will be time-consuming		es, states, or countries, or in a federal court
c Substantial amount of documenta	•	stjudgment judicial supervision
<ol><li>Remedies sought (check all that apply): a.</li></ol>		eclaratory or injunctive relief c. punitive
4. Number of causes of action (specify): Or	ne (1)	
5. This case is is is not a class	ss action suit.	
6. If there are any known related cases, file a	and serve a notice of related case (You're	nav use form CM-015 )
	same a mana a rolate a acci. ( roj. !!	
Date: October 24, 2016	//	
Vineet Dubey		
(TYPE OR PRINT NAME)		GNATURE OF PARTY OR ATTORNEY FOR PARTY)
<ul><li>in sanctions.</li><li>File this cover sheet in addition to any cover</li></ul>	Welfare and Institutions Code). (Cal. Rule er sheet required by local court rule.	es of Court, rule 3.220.) Failure to file may result
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
Unless this is a collections case under rule	3.740 or a complex case, this cover she	et will be used for statistical purposes only.
The second secon	The state of the s	Page 1 of 2

#### 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 plaintiffs 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.

#### **Auto Tort**

Auto (22)-Personal Injury/Property Damage/Wrongful Death Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/ Property Damage/Wrongful Death)

Asbestos (04)

Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death

Product Liability (not asbestos or toxic/environmental) (24)

Medical Malpractice (45)

Medical Malpractice-

Physicians & Surgeons Other Professional Health Care

Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip

and fall)

Intentional Bodily Injury/PD/WD

(e.g., assault, vandalism) Intentional Infliction of

**Emotional Distress** 

Nealigent Infliction of

**Emotional Distress** 

Other PI/PD/WD

#### Non-PI/PD/WD (Other) Tort

**Business Tort/Unfair Business** 

Practice (07)

Civil Rights (e.g., discrimination, false arrest) (not civil

harassment) (08)

Defamation (e.g., slander, libel)

(13)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (not medical or legal)

Other Non-PI/PD/WD Tort (35)

**Employment** 

Wrongful Termination (36) Other Employment (15)

#### **CASE TYPES AND EXAMPLES**

#### Contract

Breach of Contract/Warranty (06) Breach of Rental/Lease

Contract (not unlawful detainer

or wrongful eviction)

Contract/Warranty Breach-Seller

Plaintiff (not fraud or negligence)

Negligent Breach of Contract/

Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open

book accounts) (09)

Collection Case-Seller Plaintiff

Other Promissory Note/Collections Case

Insurance Coverage (not provisionally

complex) (18)

Auto Subrogation

Other Coverage

Other Contract (37) Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse

Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent

domain, landlord/tenant, or

foreclosure)

#### **Unlawful Detainer**

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal

drugs, check this item; otherwise.

report as Commercial or Residential)

#### **Judicial Review**

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus

Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39) Review of Health Officer Order

Notice of Appeal-Labor

Commissioner Appeals

#### Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3,400-3,403)

Antitrust/Trade Regulation (03)

Construction Defect (10)

Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims

(arising from provisionally complex

case type listed above) (41)

#### **Enforcement of Judgment**

Enforcement of Judgment (20)

Abstract of Judgment (Out of

County)

Confession of Judgment (non-

domestic relations)

Sister State Judgment

Administrative Agency Award

(not unpaid taxes)

Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment

#### Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified

above) (42)

Declaratory Relief Only Injunctive Relief Only (non-

harassment)

Mechanics Lien

Other Commercial Complaint

Case (non-tort/non-complex)

Other Civil Complaint

(non-tort/non-complex)

#### Miscellaneous Civil Petition

Partnership and Corporate

Governance (21) Other Petition (not specified

above) (43)

Civil Harassment

Workplace Violence

Elder/Dependent Adult

Abuse

Election Contest

Petition for Name Change

Petition for Relief From Late

Claim

Other Civil Petition

# 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.

- Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.
- Step 2: In Column B, check the box for the type of action that best describes the nature of the case.
- **Step 3:** In Column C, circle the number which explains the reason for the court filing location you have chosen.

## Applicable Reasons for Choosing Court Filing Location (Column C)

- 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District.
- 2. Permissive filing in central district.
- 3. Location where cause of action arose.
- 4. Mandatory personal injury filing in North District.
- 5. Location where performance required or defendant resides.
- 6. Location of property or permanently garaged vehicle.

- 7. Location where petitioner resides.
- 8. Location wherein defendant/respondent functions wholly.
- 9. Location where one or more of the parties reside.
- 10. Location of Labor Commissioner Office.
- 11. Mandatory filing location (Hub Cases unlawful detainer, limited non-collection, limited collection, or personal injury).

Civil Case Cover Sheet Category No.	Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above	
Auto (22)	☐ A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11	
Uninsured Motorist (46)	□ A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11	
Asbestos (04)	☐ A6070 Asbestos Property Damage	1, 11	
Asbestos (04)	☐ A7221 Asbestos - Personal Injury/Wrongful Death	1, 11	
Product Liability (24)	☐ A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11	
Medical Malpractice (45)	☐ A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11	
Medical Malpraetice (45)	A7240 Other Professional Health Care Malpractice	1, 4, 11	
Other Personal	☐ A7250 Premises Liability (e.g., slip and fall)	1, 4, 11	
Injury Property  Damage Wrongful	☐ A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1, 4, 11	
Death (23)	□ A7270 Intentional Infliction of Ernotional Distress	1, 4, 11	
	□ A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11	

Auto Tort

Other Personal Injury/ Property Damage/ Wrongful Death Tort SHORT TITLE:

Ecological Alliance, LLC vs. Miljoco Corp.

CASE NUMBER

Non-Personal Injury/ Property Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	□ A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	☐ A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	☐ A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	☐ A6017 Legal Malpractice	1, 2, 3
	A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	☐ A6037 Wrongful Termination	1, 2, 3
Other Employment (15)	☐ A6024 Other Employment Complaint Case	1, 2, 3
	☐ A6109 Labor Commissioner Appeals	10
	A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
Breach of Contract/ Warranty	☐ A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
(06) (not insurance)	☐ A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
	☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
	1 A0020 Other Breach of Contract/Valianty (Not hadd of negligence)	
Collections (09)	☐ A6002 Collections Case-Seller Plaintiff	5, 6, 11
, , ,	☐ A6012 Other Promissory Note/Collections Case	5, 11
	A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt     Purchased on or after January 1, 2014)	5, 6, 11
Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	☐ A6009 Contractual Fraud	1, 2, 3, 5
Other Contract (37)	☐ A6031 Tortious Interference	1, 2, 3, 5
	☐ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	☐ A7300 Eminent Domain/Condemnation Number of parcels	2, 6
Wrongful Eviction (33)	☐ A6023 Wrongful Eviction Case	2, 6
	□ A6018 Mortgage Foreclosure	2, 6
Other Real Property (26)	□ A6032 Quiet Title	2, 6
	☐ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34)	□ A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	☐ A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: Ecological Alliance, LLC vs. Miljoco Corp.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
	Asset Forfeiture (05)	□ A6108 Asset Forfeiture Case	2, 3, 6
iew	Petition re Arbitration (11)	□ A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
Judicial Review		□ A6151 Writ - Administrative Mandamus	2, 8
dicia	Writ of Mandate (02)	☐ A6152 Writ - Mandamus on Limited Court Case Matter	2
3		A6153 Writ - Other Limited Court Case Review	2
	Other Judicial Review (39)	99) 🗆 A6150 Other Writ / Judicial Review 2,	
uo	Antitrust/Trade Regulation (03)	□ A6003 Antitrust/Trade Regulation	1, 2, 8
itigati	Construction Defect (10)	□ A6007 Construction Defect	1, 2, 3
nplex L	Claims Involving Mass Tort (40)	□ A6006 Claims Involving Mass Tort	1, 2, 8
ly Con	Securities Litigation (28)	□ A6035 Securities Litigation Case	1, 2, 8
Provisionally Complex Litigation	Toxic Tort Environmental (30)	□ A6036 Toxic Tort/Environmental	1, 2, 3, 8
Prov	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment		☐ A6141 Sister State Judgment	2, 5, 11
		□ A6160 Abstract of Judgment	2, 6
	Enforcement	☐ A6107 Confession of Judgment (non-domestic relations)	2, 9
forc	of Judgment (20)	☐ A6140 Administrative Agency Award (not unpaid taxes)	2, 8
ᅙ		☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		A6112 Other Enforcement of Judgment Case	2, 8, 9
. £	RICO (27)	☐ A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints		☐ A6030 Declaratory Relief Only	1, 2, 8
ellan omp	Other Complaints	☐ A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
lisce vil C	(Not Specified Above) (42)	☐ A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
≥ ່ວັ		A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
	Partnership Corporation Governance (21)	☐ A6113 Partnership and Corporate Governance Case	2, 8
		☐ A6121 Civil Harassment	2, 3, 9
Suc		☐ A6123 Workplace Harassment	2, 3, 9
ane	Other Petitions (Not	□ A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
Miscellaneous Civil Petitions	Specified Above) (43)	☐ A6190 Election Contest	2
ž 5		☐ A6110 Petition for Change of Name/Change of Gender	2,7
		☐ A6170 Petition for Relief from Late Claim Law	2, 3, 8
		□ A6100 Other Civil Petition	2, 9

SHORT TITLE: Ecolo	ogical Alliance, LLC vs. Miljoco Corp.	CASE NUMBER	

**Step 4: Statement of Reason and Address:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

□ 1. ∠ 2. □ 3. □ 4. □ 5. □ 6. □ 7.			i e	
	LO. L. 9. 1	⊒ 10 <u>,</u> ⊒ 11.		
city: La Habra	STATE:	ZIP CODE: 90631		
tep 5: Certification of Assignr	nent: I cert	ify that this	case is properly filed in the	District o

Dated: October 24, 2016

## PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY

(SIGNATURE OF ATTORNEY/FILING PARTY)

- COMMENCE YOUR NEW COURT CASE:
   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.
  - Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
  - 5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
  - 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.
  - 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.

1 2 3 4 5	MIGUEL CUSTODIO, STATE BAR NO. 248' VINEET DUBEY, STATE BAR NO. 243208 CUSTODIO & DUBEY LLP 448 S. Hill St., Suite 612 Los Angeles, CA 90013 Telephone: (213) 785-2909 Facsimile: (213) 785-2899  Attorneys for Plaintiff	CONFORMED COPY Superior Court of California County of Los Angeles  OCT 2 4 2016  Sherri R. Carter, Executive Officer/Clerk By Cristina Grijalva, Deputy
6	ECOLOGICAL ALLIANCE, LLC	
7	SUPERIOR COURT OF	THE STATE OF CALIFORNIA
8	COUNTY C	OF LOS ANGELES
9	UNLIMITED C	IVIL JURISDICTION
10	ECOLOGICAL ALLIANCE, LLC, a California limited liability company,	CASE NO.: BC 6 3 8 2 3 8
11	Plaintiffs,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF
13	VS.	(Health & Safety Code. § 25249.6 et seq.)
14	MILJOCO CORP., a Florida corporation; and DOES 1 through 10, inclusive,	(
15	Defendants.	
16		
17		
18		5
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
l li	COMPLAINT FOR CIVIL PEN	ALTIES AND INJUNCTIVE RELIEF

NATURE OF THE ACTION

- 1. This Complaint is brought by plaintiff ECOLOGICAL ALLIANCE, LLC ("Plaintiff") in the public interest of the People of the State of California to enforce their right to be informed of the presence of chemicals listed by the State of California, pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.6 et seq. ("Proposition 65"), including Lead.
- 2. Plaintiffs seek to remedy Defendants' failure to warn citizens of the State of California, in violation of Proposition 65, about the presence of Lead ("Listed Chemical") in Defendant's thermometers and pressure gauges with NPT Connectors offered for sale throughout the State of California ("Products").
  - Defendant's Products contain the Listed Chemical and consumers of Products in the State of California are exposed to the Listed Chemical through dermal exposure and ingestion of Products.
  - 4. Defendants know and intend that their Products expose consumers in the State of California to the Listed Chemical.
  - 5. Attached hereto and incorporated by reference are copies of letters ("60-Day Notices"), dated July 12, 2016 and August 24, 2016, which Plaintiff sent to Defendant and California's Attorney General. Identical letters were sent to every District Attorney in the state, to the City Attorneys of every California city with a population greater than 750,000, and to all Defendants. Attached to the 60-Day Notices were Certificates of Merit attesting to the reasonable and meritorious basis for this action, Certificates of Service attesting to service of the letters on each entity described above, and a description of Proposition 65 prepared by the California Office of Environmental Health Hazard Assessment. Furthermore, factual information sufficient to establish the basis of the Certificates of Merit was enclosed with the 60-Day Notice sent to California's Attorney General.
  - 6. After receiving the claims asserted in the 60-Day Notice, the public enforcement agencies identified in Paragraph 5 have failed to commence and diligently prosecute a cause of action against Defendants under Proposition 65.

- 7. Plaintiff seeks preliminary and permanent injunctive relief to compel Defendants to provide the warning required under Proposition 65 regarding the Products.
- 8. Pursuant to Health and Safety Code section 25249.7(b), Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65.

## **PARTIES**

- 9. Plaintiff is a California limited liability company. It brings this action in the public interest pursuant to Health and Safety Code section 25249.7(d).
- 10. The Defendant is a "Person" in the course of doing business within the meaning of Health and Safety Code section 25249.11(a) "Person" means an individual, trust, firm, joint stock company, corporation, company, partnership, limited liability company, and association."
- 11. The Defendant is a Florida corporation that manufactures, distributes, and/or offers for sale in the State of California, Products that contain the Listed Chemical
- 12. Defendants DOES 1-10, which manufacture, distribute, offer for sale, sell, and/or serve in the State of California Products that contain the Listed Chemical, are each persons in the course of doing business within the meaning of Health and Safety Code section 25249.11. At this time, the true names and capacities of defendants DOES 1 through 10, inclusive, are unknown to Plaintiff, who, therefore, sues said defendants by their fictitious names pursuant to Code of Civil Procedure section 474. Plaintiff is informed and believes, and on that basis alleges, that each of the fictitiously named defendants is responsible for the acts and occurrences alleged herein. When ascertained, their true names and capacities shall be reflected in an amended complaint.

## **VENUE AND JURISDICTION**

13. The Court has jurisdiction over this action pursuant to Health and Safety Code section 25249.7. Pursuant to California Constitution Article VI, section 10, the California Superior Court has "original jurisdiction in all causes except those given by statute to other trial courts." The statute under which this action is brought does not specify any other trial courts that should have jurisdiction.

14.	The Court has jurisdiction over Defendants based on Plaintiff's information and
good faith be	elief that each Defendant is a person, firm, corporation, or association that is a
citizen of the	e State of California, has sufficient minimum contacts in the State of California,
and/or other	wise purposefully avails itself of the California market. Defendants' purposeful
availment re	nders the exercise of personal jurisdiction by the Court consistent with traditional
notions of fa	ir play and substantial justice.

15. Venue is proper in this Court because Defendants manufacture, distribute, offer for sale, sell, and/or serve Products that contain the Listed Chemical. Liability for Plaintiff's causes of action, or some parts thereof, has accordingly arisen during the times relevant to this Complaint and Plaintiff accordingly seeks civil penalties and forfeitures imposed by statutes.

## FIRST CAUSE OF ACTION

## (Violation of Proposition 65 - Against All Defendants)

- 16. Plaintiff realleges and incorporates by reference, as if fully set forth herein, Paragraphs 1 through 15, inclusive.
- 17. Pursuant to Health and Safety Code section 25249.7(b), as a consequence of the above-described acts, Defendants are liable for a violation of Proposition 65.

## PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 1. That the Court, pursuant to Health and Safety Code section 25249.7(a), preliminarily and permanently enjoin Defendants from manufacturing, distributing, offering for sale, selling, and/or serving in the State of California Products that contain the Listed Chemical without first providing a "clear and reasonable warning" under Proposition 65;
  - 2. That the Court grant Plaintiff's reasonable attorneys' fees and costs of suit;
- 3. That the Court, pursuant to Health and Safety Code section 25249.7(b), assess civil penalties against Defendants in such amount as the Court deems appropriate; and
  - 4. That the Court grant such other and further relief as may be just and proper.

1 2	Dated: October 24, 2016	Respectfully Submitted, CUSTODIO & DUBEY LLP
3		COSTODIO & DOBET LLP
4		By:
5 6		Vineet Dubey Custodio & Dubey LLP Attorneys for Plaintiff ECOLOGICAL ALLIANCE, LLC
7		ECOLOGICAL ALLIANCE, LLC
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
- 1	II .	



August 24, 2016

Miljoco Corp. c/o Howard O. Trerice 200 Elizabeth St. Mt. Clemens, MI 48083

Miljoco Corp. c/o CT Corporation System 1200 S. Pine Island Rd. Plantation, FL 33324

Amazon.com, Inc. c/o Corporation Service Company 2711 Centerville Rd., Suite 400 Wilmington, DE 19808

Re: NOTICE OF VIOLATION AGAINST MILJOCO CORP. AND AMAZON.COM, INC. OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.6

To Whom It May Concern and to Public Prosecutors:

Ecological Alliance, LLC, a California limited liability company ("Alliance") is a California company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxics reduction, the promotion and improvement of human health, the improvement of workers and consumer rights, environmental education and corporate accountability. As described below, Alliance has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65" or "Act"), codified at Cal. Health & Safety Code §25249.5 *et seq.* by Miljoco Corp., a Florida corporation and Amazon.com, Inc., a Delaware corporation (collectively the "Violators"). This letter serves to provide Alliance's notification of these violations to the Violators and elected prosecutors. Pursuant to §25249.7(d) of the statute, Alliance intends to bring an enforcement action sixty (60) days or more after effective service of this notice unless the appropriate public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

The products which are causing an exposure without a warning in violation of Proposition 65, are

Gauges ("Products") manufactured/distributed by Miljoco Corp. and offered for sale by Amazon.com, Inc., to California consumers.

A copy of the Proposition 65 summary prepared by the Office of Environmental Health Hazard Assessment is attached, to the copy of this letter served to the Violators.

Because of this lack of a warning, consumers were exposed to the following chemicals without the proper required Proposition 65 warnings: 1) Lead. The routes of exposure for this chemical are ingestion and dermal. Such exposure can cause birth defects and other reproductive harm. Exposures to the listed chemical from the use of the Products have been occurring without the clear and reasonable warnings required by Proposition 65, dating as far back as August 24, 2015, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the Products. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from contact with the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from reasonable foreseeable use of the Products.

Alliance intends to file a private enforcement action as provided for in the Act for the alleged violations by the Violators, unless Violaters agree in an enforceable written instrument to: (1) recall the listed products so as to eliminate further exposures to the identified chemicals; or (2) affix clear and reasonable Proposition 65 warning labels for products sold in the future or reformulate such products to eliminate the exposures; and (3) pay an appropriate civil penalty.

Consistent with the public interest goals of Proposition 65, Alliance is interested in seeking a constructive resolution to this matter, and invites Violators, should they seek early resolution of this matter, to communicate directly with Alliance's attorneys. Such resolution will avoid further unwarned consumer exposures, as well as resource intensive litigation.

Please direct all questions concerning this notice to Alliance's attorney, Vineet Dubey (dubey@cd-lawyers.com), Custodio & Dubey LLP, 448 S. Hill St., Suite 612, Los Angeles, CA 90013, 213-785-2909.

Sincerely,

Vineet Dubey

Custodio & Dubey LLP

cc: see attached distribution list

Attachments:
Proposition 65 summary
Certificate of Merit
Certificate of Service

## **CERTIFICATE OF MERIT**

Health and Safety Code Section 25249.7(d)

Re: Ecological Alliance, LLC's Notice of Proposition 65 Violations by Miljoco Corp. and Amazon.com, Inc.

- I, Vineet Dubey, hereby declare:
- 1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
- 2. I am an attorney for the noticing party.
- 3. I have consulted with one or more persons with relevant and appropriate experience and have assembled evidence attached to the copy for the California Attorney General as Exhibit 1 to this Certificate of Merit regarding the lack of warnings for the listed chemical that is the subject of the notice.
- 4. Based on the information obtained and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
- 5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2).

Dated: August 24, 2016

Vineet Dubey, Attorney at Law

## **CERTIFICATE OF SERVICE**

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 448 S. Hill St., Ste 612, Los Angeles, CA 90013.

On the date shown below, I served the following:

1) 60-Day Notice of Intent to Sue Under Health and Safety Code section 25249.6

2) Certificate of Merit; Health and Safety Code Section 25249.7(d)

- 3) Certificate of Merit (Attorney General Copy); Factual information sufficient to establish the basis of the certificate of merit (only sent to Attorney General)
- 4) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65); A Summary

on the alleged violator listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entity listed below and providing such envelope to a United States Postal Service Representative:

Miljoco Corp. c/o Howard O. Trerice 200 Elizabeth St. Mt. Clemens, MI 48083

Miljoco Corp. c/o CT Corporation System 1200 S. Pine Island Rd. Plantation, FL 33324

Amazon.com, Inc. c/o Corporation Service Company 2711 Centerville Rd., Suite 400 Wilmington, DE 19808

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to the parties listed on the attached Distribution List.

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

August 24, 2016

Vineet Dubey

Alameda County Dispicy Agorbey 1225 Fallon St. Room 900	Los Angeles County District Attorney : 210 W Temple St. 18th Floor	Mono Councy District Attorney
Oakland, CA 94612	Los Angeles, CA Sunt 2	PO Box 647 Bridgepost, CA 93517
Alpine County District Attorney	Madera Conny District Attorney	San Jeaquin County District Antorney
PO Box 248	209 W Yosemite Ave	PO Box 990
MarkJeeville, CA 96120 Amador County District Advancy	Madera, CA 93637	Stoclaton, CA 95201 -0990
708 Court. Suite 20:	Mariposa County District Attorney   P.O. Box 730	Sun Francisco County District Amorney
Jackson, CA 95642	Mariposa, CA 95338	850 Bryant St. Rm 322 San Francisco, CA 94103
Bulie County District Autoracy	Maria County District Attorney	San Diego County District Attorney
25 County Center Dr.	3501 Civic Center Drive, #130	220 W. D. Alcol. 12 W.
Oroville, CA 95965-3385	San Rafael, CA 94903	San Diego, CA 92101-3803
Culayeras County District Automey 891 Mountain Ranch Road	Mendocino County District Attorney P.O. Box 1000	San Bernardino County District Autorney
Son Andreas, CA 95249	Uklah, CA 95482	316 N Mountain View Ave San Bernardino, CA 92415-0004
Office of the Attorney General	Lo: Angeles City Attorney	
P.O. Rox 70550	200 N Main St Ste 1800	Son Francisco City Attorney # 1 Dr. Carlton B. Goodlen Place, Suite 234
Oakland, CA 94612-0550	Los Angeles CA 90012	San Francisco, CA 94102
Colusa County District Attorney	Inyo County District Attorney	Placer County District Automey
Countinuise, 547 Market St. Colasa, CA 95932	P.O. Drawer D	10810 Justice Center Drive
COURTE DA 91932	Independence, CA 93526	Suite 240
Contra Costa County District Attorney	Orange County District Attorney	Roseville, CA 95678-6231 Merced County District Attorney
725 Court St. Room 402	PO Box 808	550 W. Main St.
Martinez, CA 94553	Santa Ana, CA 92702	Merced, CA 95340
Del Norte County District Attorney 450 "H" St.	Nevada County District Autorney	Napa Conny District Attorney
Crescent City, CA 95531	10075 Levon Ave.	P0 Box 720
El Dorado County District Attorney	Truckee, CA 96161 Plumas County District Attorney	Nana, CA 94559-0720
515 Main St. 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	520 Main Street, Rm 404	Riverside County District Attorney 3960 Orange Street, Suite 6
Placerville, CA 95667-5697	Oniney, CA 95971	Riverside, CA 92501
Fresho County District Auomey	Sacramemo County District Attorney	San Benito County District Attorney
2220 Tulare St. Ste. 1000 Fresno, CA 93721	901 G Street Sucramento, CA 95814	419 4th St
Glenn County District Autorney	San Luis Obispo County District Attorney	Hollister, CA 95023
PO Box 430	County Government Center, Rm 450	Siskiyou County District Attorney PO Box 986
Willows, CA 95988	San Luis Obispo, CA 93408	Yreka, CA 96097
Humboldt County District Anomey	San Mateo County District Attorney	Solano County District Attorney
825 5th St. 4th Floor Eureka, CA 95501	400 County Center Redwood City, CA 94063	600 Union Ave
Imperial County District Attoracy	Santa Barbara County District Attorney	Fairfield, CA 94533
939 W. Main St., 2nd Floor	1112 Santa Barbara St.	Sonoma County District Attorney 600 Administration Dr.
El Centro, CA 92243-2860	SantuBarbara, CA 93101	Rm 212-J
		Santa Rosa, CA 95403
Kern County District Attorney 1215 Truxtun Ave.	Santa Clara County District Attorney   70W Hedding St.	Shasta County District Attorney
Bakersifeld, CA 93301	San Jose, CA 95110	1355 West St.
Kings County District Attorney	Santa Cruz County District Attorney	Redding, CA 96001-1632 Sierra County District Automey
Gov't Cir. 1400 W Lacey Blvd	701 Ocean St., Room 200	P0 Box 457
Hanford, CA 93230	Sama Cruz, CA 95060	Downleville, CA 95936-0457
Lake County District Attorney 255 N Forbes St	Stanislaus County District Automey	Trinity County District Attorney
Lakeport, CA 95453-4790	PO Box 442	PO Box 310
	Modesto, CA 95353	Weaverville, CA 96093
Modoc County District Attorney 204 S. Court Street	Sutter County District Attorney	Yuba County District Attorney
Alturas, CA 96101 4020	446 Second Street Yuba City, CA 95991	215 5th St
San Diego City Attorney	Lassen County District Attorney	Marysville, CA 95901  Monterey County District Attorney
City Center Plaza	200 S Lassen St. Suite 8	PO Box 1131
12003rd Ave # 1100	Susanville, CA 96130	Salinas, CA 93902
San Diego, CA 92101		
Fuolumne County District Attorney 2 S Green St	Tulare County District Attorney	Yolo County District Attorney
5 Schools CA 95370	County Civic Center, Rm 224	310 Second St
Ventura County District Attorney	Visalia, CA 93291 Tehama County District Attorney	Woodland, CA 95695 Sun Jose City Attorney
(00 S Victoria Ave	P.O. Box 519	200 E. Santa Clara St
Ventura, CA 93009	Red Bluff: CA 96080	Joth Floor
		San Jose, CA 95110



July 12, 2016

Miljoco Corp. c/o Howard O. Trerice 200 Elizabeth St. Mt. Clemens, MI 48083

Miljoco Corp. c/o CT Corporation System 1200 S. Pine Island Rd. Plantation, FL 33324

Amazon.com, Inc. c/o Corporation Service Company 2711 Centerville Rd., Suite 400 Wilmington, DE 19808

Re: NOTICE OF VIOLATION AGAINST MILJOCO CORP. AND AMAZON.COM, INC. OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.6

To Whom It May Concern and to Public Prosecutors:

Ecological Alliance, LLC, a California limited liability company ("Alliance") is a California company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxics reduction, the promotion and improvement of human health, the improvement of workers and consumer rights, environmental education and corporate accountability. As described below, Alliance has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65" or "Act"), codified at Cal. Health & Safety Code §25249.5 *et seq.* by Miljoco Corp., a Florida corporation and Amazon.com, Inc., a Delaware corporation (collectively the "Violators"). This letter serves to provide Alliance's notification of these violations to the Violators and elected prosecutors. Pursuant to §25249.7(d) of the statute, Alliance intends to bring an enforcement action sixty (60) days or more after effective service of this notice unless the appropriate public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

The products which are causing an exposure without a warning in violation of Proposition 65, are

NPT Connectors ("Products") manufactured/distributed by Miljoco Corp. and offered for sale by Amazon.com, Inc., to California consumers.

A copy of the Proposition 65 summary prepared by the Office of Environmental Health Hazard Assessment is attached, to the copy of this letter served to the Violators.

Because of this lack of a warning, consumers were exposed to the following chemicals without the proper required Proposition 65 warnings: 1) Lead. The routes of exposure for this chemical are ingestion and dermal. Such exposure can cause birth defects and other reproductive harm. Exposures to the listed chemical from the use of the Products have been occurring without the clear and reasonable warnings required by Proposition 65, dating as far back as July 12, 2015, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the Products. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from contact with the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from reasonable foreseeable use of the Products.

Alliance intends to file a private enforcement action as provided for in the Act for the alleged violations by the Violators, unless Violaters agree in an enforceable written instrument to: (1) recall the listed products so as to eliminate further exposures to the identified chemicals; or (2) affix clear and reasonable Proposition 65 warning labels for products sold in the future or reformulate such products to eliminate the exposures; and (3) pay an appropriate civil penalty.

Consistent with the public interest goals of Proposition 65, Alliance is interested in seeking a constructive resolution to this matter, and invites Violators, should they seek early resolution of this matter, to communicate directly with Alliance's attorneys. Such resolution will avoid further unwarned consumer exposures, as well as resource intensive litigation.

Please direct all questions concerning this notice to Alliance's attorney, Vineet Dubey (dubey@cd-lawyers.com), Custodio & Dubey LLP, 448 S. Hill St., Suite 612, Los Angeles, CA 90013, 213-785-2909.

Sincerely,

Vineet Dubey

Custodio & Dubey LLP

cc: see attached distribution list

Attachments:

Proposition 65 summary Certificate of Merit

Certificate of Service

## **CERTIFICATE OF MERIT**

Health and Safety Code Section 25249.7(d)

Re: Ecological Alliance, LLC's Notice of Proposition 65 Violations by Miljoco Corp. and Amazon.com, Inc.

- I, Vineet Dubey, hereby declare:
- 1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
- 2. I am an attorney for the noticing party.
- 3. I have consulted with one or more persons with relevant and appropriate experience and have assembled evidence attached to the copy for the California Attorney General as Exhibit 1 to this Certificate of Merit regarding the lack of warnings for the listed chemical that is the subject of the notice.
- 4. Based on the information obtained and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
- 5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2).

Dated: July 12, 2016

Vineet Dubey, Attorney at Law

## **CERTIFICATE OF SERVICE**

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 448 S. Hill St., Ste 612, Los Angeles, CA 90013.

On the date shown below, I served the following:

- 1) 60-Day Notice of Intent to Sue Under Health and Safety Code section 25249.6
- 2) Certificate of Merit; Health and Safety Code Section 25249.7(d)
- 3) Certificate of Merit (Attorney General Copy); Factual information sufficient to establish the basis of the certificate of merit (only sent to Attorney General)
- 4) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65); A Summary

on the alleged violator listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entity listed below and providing such envelope to a United States Postal Service Representative:

Miljoco Corp. c/o Howard O. Trerice 200 Elizabeth St. Mt. Clemens, MI 48083

Miljoco Corp. c/o CT Corporation System 1200 S. Pine Island Rd. Plantation, FL 33324

Amazon.com, Inc. c/o Corporation Service Company 2711 Centerville Rd., Suite 400 Wilmington, DE 19808

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to the parties listed on the attached Distribution List.

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

July 12, 2016

Vineet Dubey

Alameda County District Attorney 1225 Fallon St. Room 900 Oakland, CA 94612	Los Angeles County District Attorney 210 W Temple St. 18th Floor Los Angeles   CA 90012	Mono County District Attorney PO Box 617 Reichtunger CA 193517
Alpine County District Attorney	Madera County District Anomey	Bridgeport, CA 93517 San Joaquin County District Attorney
PO Box 248 Markleeville, CA 96120	209 W Yosemite Ave	PO Box 990
Amador County District Attorney	Madera, CA 93637 Mariposa County District Attorney	Stockton, CA 95201-0990 San Francisco County District Amorney
708 Court, Suite 202	PO. Box 730	850 Bryant St. Rm 322
Jackson, CA 95642 Butte County District Attorney	Mariposa, CA 95338 Marin County District Attorney	San Francisco, CA 94103 San Diego County District Attorney
25 County Center Dr.	3501 Civic Center Drive, #130	230 W. Dr. 1997 - 1300
Oroville, CA 95965-3385 Calaveras County District Attorney	San Rafael, CA 94903 Mendocino County District Attorney	San Diego, CA 92101-3803 San Bernardino County District Automey
S91 Mountain Runch Road	P.O. Box 1000	316 N Mountain View Ave
Son Andreas, CA 95249	Ukiah, CA 95482	San Bernardino, CA 93415-0004
Office of the Attorney General P.O. Box 70550	Los Angeles City Attorney	San Francisco City Attorney
Oalland, CA 94612-0550	200 N Main St Ste 1800 Los Angeles CA 90012	# 11)r. Carlton B. Goodlett Place, Suite 234 San Francisco, CA 94102
Colusa County District Attorney	Inyo County District Attorney	Placer County District Attorney
Courthouse, 547 Market St. Colusa, CA 95932	P.O. Drawer D Independence, CA 93526	10810 Justice Cemer Drive Suite 240
		Roseville, CA 95678-6231
Contra Costa County District Attorney 725 Count St., Room 402	Orange County District Attorney	Merced County District Anomey
Martinez, CA 94553	PO Box 808 Santa Ana, CA 92702	550 W. Main St. Morced, CA 95340
Del Norte County District Attorney	Nevada County District Attorney	Napa County District Attorney
450 "H" St. Crescent City, CA 95531	10075 Levon Ave. Truckee, CA 96161	P0 Box 720 Nana, CA 94559-0720
El Dorado County District Attorney	Plumas County District Attorney	Riverside County District Attorney
515 Main St. Placeryille, CA 95667-5697	520 Main Street, Rm 404	3960 Orange Street, Suite 6
Fresno County District Attorney	Ouines, CA 95971 Sucramento County District Attorney	Riverside, CA 92501 San Benito County District Attorney
2220 Tulare St. Ste. 1000	901 G Sirver	419 4th St
Fresno, CA 93721 Glenn County District Attorney	Sacramento, CA 95814 San Luis Obispo County District Attorney	Hollister, CA 95023 Siskiyou County District Attorney
PO Box 430	County Government Center, Rm 450	PO Box 986
Willows, CA 95988 Humboldt County District Attorney	San Luis Obispo, CA 93408 San Mateo County District Attorney	Yreka, CA 96097 Solano County District Attorney
825 5th St. 4th Floor	400 County Center	600 Union Ave
Eureka: CA 95501 Imperial County District Attorney	Redwood City CA 94063	Fairfield, CA 94533
939 W. Main St., 2nd Floor	Santa Barbara County District Attorney 1112 Santa Barbara St.	Sonoma County District Attorney 600 Administration Dr.
El Centro, CA 92243-2860	Santa Barbara, CA 93101	Rm 312-J
Kern County District Attorney	Santa Clara County District Attorney	Santa Rosa, CA 95403 Shasta County District Autorney
1215 Truxium Ave.	DW Hedding St.	1355 West St.
Bakersfield, CA 93301 Kings County District Attorney	San Jose, CA 95110	Redding, CA 96001-1632
Gov't Ctr. 1400 W Lacey Blvd	Santa Cruz County District Attorney 701 Ocean St., Room 200	Sierra County District Attorney PO Box 457
Hunford, CA 93230	Sama Cruz, CA 95060	Downieville, CA 95936-0457
Lake County District Attorney 255 N Forbes, St.	Stanislaus County District Attorney P0 Box 442	Trinity County District Attorney PO Box 340
Lakeport, CA 95453-4790	Modesto, CA 95353	Weaverville, CA 96093
Modoc County District Attorney	Suffer County District Afformey	Yuba County District Autorney
204 S. Court Street Alturas, CA 96101-4020	446 Second Street Yuba City, CA 95991	215 5th St Marysville, CA 95901
San Diego City Attorney	Lassen County District Autorney	Monterey County District Attorney
City Center Plaza 1200 3rd Ave # 1100	200 S Lassen St. Suite 8	PO Box 1131
1200 3rd Ave # 1100 San Diego, CA 92101	Susanville, CA 96130	Salinas, CA 93902
Tuolumne County District Attorney	Tulare County District Attorney	Yolo County District Attorney
2 S Green St Sonora, CA 95370	County Civic Center, Rm 224	310 Second St
Ventura County District Attorney	Visalia, CA 93291 Tehama County District Attorney	Woodland, CA 95695 San Jose City Attorney
800 S Victoria Ave Ventura, CA 93009	P.O. Box 519	200 E. Santa Clara Si
	Red Bluff: CA 96080	16th Floor