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FILED
CIVIL BUSINESS OFFICE 9
CENTRAL DIVISION

2018 MAY 22 A 10:21

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 UNLIMITED CIVIL JURISDICTION

11
12 KINGPUN CHENG,

13 Plaintiff,

14 vs.

15 TARGET BRANDS, INC.; TARGET
16 CORPORATION; AND DOES 1-25

17 Defendants.

CASE NO.: 37-2018-00025297-CU-NP-CTL

COMPLAINT FOR CIVIL
PENALTIES AND INJUNCTIVE
RELIEF

(Cal. Health & Safety Code § 25249.6 et
seq.)

18 NATURE OF THE ACTION

19 1. This Complaint is a representative action brought by plaintiff Kingpun Cheng, in
20 the public interest of the citizens of the State of California, to enforce the people's right to be
21 informed of the presence of DI[2-Ethylhexyl]Phthalate (DEHP) found in Room Essentials
22 Multipurpose Hook and Room Essentials Utility Hook.

23 2. By this Complaint, plaintiff seeks to remedy Defendants' failure to warn California
24 citizens about the risks of exposure to DI[2-Ethylhexyl]Phthalate present in Room Essentials
25 Multipurpose Hook and Room Essentials Utility Hook and components manufactured,
26 distributed and/or offered for sale to consumers throughout the State of California.
27

1 3. Detectable levels of DI[2-Ethylhexyl]Phthalate and/or DI[2-Ethylhexyl]Phthalate
2 are found in Room Essentials Multipurpose Hook and Room Essentials Utility Hook that
3 Defendants manufactures, distributes and/or offers for sale to consumers throughout the State of
4 California.

5 4. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986,
6 California Health & Safety Code § 25249.5 et seq. (Proposition 65), "No person in the course of
7 doing business shall knowingly and intentionally expose any individual to a chemical known to
8 the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning
9 to such individual..." (*Cal. Health & Safety Code § 25249.6.*)

10 5. Under Proposition 65, California identified and listed DI[2-Ethylhexyl]Phthalate as
11 chemicals known to cause cancer or reproductive harm.

12 6. DI[2-Ethylhexyl]Phthalate shall hereinafter be referred to as the "LISTED
13 CHEMICALS."

14 7. Defendants manufactures, distributes and/or sells without a health hazard warning
15 in California of items, Room Essentials Multipurpose Hook UPC490021105219 and Room
16 Essentials Utility Hook UPC490021105141, containing the LISTED CHEMICALS shall
hereinafter be referred to as the "PRODUCTS."

17 8. Defendants' failure to warn consumers and/or other individuals in the State of
18 California about their exposure to the LISTED CHEMICALS in conjunction with Defendants'
19 sale of the PRODUCTS is a violation of Proposition 65 and subjects Defendants to enjoinder of
20 such conduct as well as civil penalties for each such violation.

21 9. For Defendants' violations of Proposition 65, plaintiff seeks preliminary injunctive
22 and permanent injunctive relief to compel Defendants to provide purchasers or users of the
23 PRODUCTS with the required warning regarding the health hazards of the LISTED
24 CHEMICAL. (*Cal. Health & Safety Code § 25249.7(a).*)

25 10. Plaintiff also seeks civil penalties against Defendants for its violations of
26 Proposition 65, as provided for by California Health & Safety Code § 25249.7(b).

1 PARTIES

2 11. Plaintiff Kingpun Cheng is a citizen of the City of Carlsbad, County of San Diego,
3 in the State of California, who is dedicated to protecting the health of California citizens through
4 the elimination or reduction of toxic exposures from consumer products, represented by and
5 through its counsel of record, Parker A. Smith. Plaintiff brings this action in the public interest
6 pursuant to California Health & Safety Code § 25249.7.

7 12. Target Brands, Inc., ("DEFENDANT") is a person doing business within the
8 meaning of California Health & Safety Code § 25249.11.

9 13. Defendant Target Brands, Inc., manufacture, distributes, and/or offers the
10 PRODUCTS for sale or use in the State of California or implies by their conduct that it
11 manufactures, distributes and/or offers the PRODUCTS for sale or use in the State of California.

12 14. The Target Corporation ("DEFENDANT") is a person doing business within the
13 meaning of California Health & Safety Code § 25249.11.

14 15. Defendant Target Corporation, manufactures, distributes, and/or offers the
15 PRODUCTS for sale or use in the State of California or implies by their conduct that it
16 manufactures, distributes and/or offers the PRODUCTS for sale or use in the State of California.

17 16. The parties in paragraphs 12 and 15 of this Complaint shall be collectively referred
18 to as "Defendants".

19 17. The identities of DOES 1-25 are unknown to Plaintiff at this time. Plaintiff suspects
20 that they are business entities with at least ten or more employees that have sold, authorized the
21 distribution, or sale of the said products under the name "Room Essentials" and other brand
22 names, that contain and/or produce THE LISTED CHEMICAL, for sale within the State of
23 California, without giving clear and reasonable warning.

24 VENUE AND JURISDICTION

25 18. Venue is proper in the San Diego County Superior Court, pursuant to Code of Civil
26 Procedure § § 394, 495, 395.5, because this Court is a court of competent jurisdiction, because
27 one or more instances of wrongful conduct occurred, and continues to occur, in the County of San
28 Diego and/or because Defendants conducted, and continues to conduct, business in this County
with respect to the PRODUCTS.

19. The California Superior Court has jurisdiction over this action pursuant to California Constitution Article VI, § 10, which grants the Superior Court “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 basis of subject matter jurisdiction.

20. The California Superior Court has jurisdiction over Defendants based on plaintiff's information and good faith belief that Defendants is a person, firm, corporation or association that either are citizens of the State of California, has sufficient minimum contacts in the State of California, or otherwise purposefully avail itself of the California market. Defendants' purposeful availment renders the exercise of personal jurisdiction by California courts consistent with traditional notions of fair play and substantial justice.

FIRST CAUSE OF ACTION

(Violation of Proposition 65 – Against Defendants)

21. Plaintiff alleges and incorporates by reference, as if full reference, as if full set forth herein, Paragraphs 1 through 20, inclusive.

22. The citizens of the State of California have expressly stated in the Safe Drinking Water and Toxic Enforcement Act of 1986, California Health & Safety Code § 25249.5, et seq. (Proposition 65) that they must be informed “about exposures to chemicals that cause cancer, birth defects and order reproductive harm.” (*Cal. Health & Safety Code § 25249.6.*)

23. Proposition 65 states, “No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or productive toxicity without first giving clear and reasonable warning to such individual (*Id.*)”

24. On May 26, 2017, a sixty-day notice of violation, together with the requisite certificates of merit, was provided to Defendants, other potential violators and various public enforcement agencies, including the California Attorney General's Office, stating that as a result of the Defendants' sale of the PRODUCTS, purchasers and users in the State of California were being exposed to the LISTED CHEMICALS resulting from the reasonably foreseeable users of the PRODUCTS, without the individual purchasers and users first having been provided with a "clear and reasonable warning" regarding such toxic exposures.

1 25. Defendants manufactures, distributes and/or offers the PRODUCTS for sale or use
2 in violation of California Health & Safety Code § 25249.6 and Defendants' manufacture,
3 distribution and/or offering of the PRODUCTS for sale or use in violation of California Health &
4 Safety Code § 25249.6 has continued to occur beyond Defendants' receipt of plaintiff's sixty-day
5 notices of violation. Plaintiff further alleges and believes that such violations will continue to
6 occur into the future.

7 26. After receipt of the claims asserted in the sixty-day notices of violation, the
8 appropriate public enforcement agencies have failed to commence and diligently prosecute a
9 cause of action against Defendants under Proposition 65.

10 27. The PRODUCTS manufactured, distributed, and/or offered for sale or use in
11 California by Defendants contained the LISTED CHEMICALS above the allowable state limits.

12 28. Defendants knew or should have known that the PRODUCTS manufactured,
13 distributed, and/or for sale or use by Defendants in California contained the LISTED
14 CHEMICALS.

15 29. The LISTED CHEMICALS were present in or on the PRODUCTS in such a way
16 as to expose individuals to the LISTED CHEMICALS through dermal contact and/or ingestion
17 during the reasonably foreseeable use of the PRODUCTS.

18 30. The normal and reasonably foreseeable use of the PRODUCTS have caused and
19 continue to cause consumer exposure to the LISTED CHEMICALS, as such exposure is defined
20 by 27 CCR§ 25602(b).

21 31. Defendants had knowledge that the normal and reasonably foreseeable use of the
22 PRODUCTS would expose individuals to the LISTED CHEMICALS through dermal contact
23 and/or ingestion.

24 32. Defendants intended that such exposures to the LISTED CHEMICAL from the
25 reasonably foreseeable use of the PRODUCTS would occur by its deliberate, non-accidental
26 participation in the manufacture, distribution and/or offer for sale or use of PRODUCTS to
27 individuals in the State of California.

28 33. Defendants failed to provide a "clear and reasonable warning" to those consumers
and/or other individuals in the State of California who were or who could become exposed to the

1 LISTED CHEMICALS through dermal contact and/or ingestion during the reasonably
2 foreseeable use of the PRODUCTS.

3 34. Contrary to the express policy and statutory prohibition of Proposition 65, enacted
4 directly by California voters, individuals exposed to the LISTED CHEMICALS through dermal
5 contact and/or ingestion resulting from the reasonably foreseeable use of the PRODUCTS, sold
6 by Defendants without a "clear and reasonable warning," have suffered, and continue to suffer,
7 irreparable harm, for which harm they have no plain, speedy or adequate remedy at law.

8 35. As a consequence of the above-described acts, each Defendants is liable for a
9 maximum civil penal of \$2,500 per day for each violation pursuant to California Health & Safety
10 Code § 25249.7(b).

11 36. As a consequence of the above-described acts, California Health & Safety Code §
12 25249.7(a) also specifically authorizes the Court to grant injunctive relief against Defendants.

13 37. Wherefore, plaintiff prays for judgment against Defendants as set forth hereinafter.

14 PRAYER FOR RELIEF

15 Wherefore, plaintiff prays for judgment against Defendants as follows:


16 1. That the Court, pursuant to California Health & Safety Code § 25249.7(b), assess
17 civil penalties against Defendants, in the amount of \$2,500 per day for each violation alleged
18 herein;

19 2. That the Court, pursuant to California Health & Safety Code § 25249.7(a),
20 preliminarily and permanently enjoin Defendants from manufacturing, distributing or offering the
21 PRODUCTS for sale or use in California, without providing "clear and reasonable warnings" as
22 detailed by 27 CCR § 25601, as to the harms associated with exposures to the LISTED
23 CHEMICALS;

24 3. That the Court grant plaintiff his reasonable attorneys' fees and cost of suit; and
25 that the Court grant such other and further relief as may be just and proper.

26 Respectfully Submitted,

27 Dated: May 22, 2018

28 By: 
Parker A. Smith
Attorney for Plaintiff

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Parker A. Smith (#290311) and Lori A. Toyama (#110021) Sy and Smith, PC. 11622 El Camino Real, Suite 100 San Diego, CA 92130 TELEPHONE NO.: (858) 746-9554 FAX NO.: (858) 746-5199 ATTORNEY FOR (Name): Plaintiff, Kingpun Cheng		FOR COURT USE ONLY <div style="text-align: center;">FILED CIVIL BUSINESS OFFICE CENTRAL DIVISION</div> 2018 MAY 22 A 10: 21 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice		CASE NUMBER: 37-2018-00025297-CU-NP-CTL JUDGE: DEPT:	
CASE NAME: KINGPUN CHENG v. TARGET BRANDS, INC., et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

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:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <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) Non-PI/PD/WD (Other) Tort <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 checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <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) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <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)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <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) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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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
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
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
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 (1)
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: May 22, 2018
 Parker A. Smith, Esq.

(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.

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 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

Auto Tort	Contract	Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400-3.403)
Auto (22)-Personal Injury/Property Damage/Wrongful Death	Breach of Contract/Warranty (06)	Antitrust/Trade Regulation (03)
Uninsured Motorist (46) (<i>if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto</i>)	Breach of Rental/Lease	Construction Defect (10)
	Contract (<i>not unlawful detainer or wrongful eviction</i>)	Claims Involving Mass Tort (40)
	Contract/Warranty Breach-Seller	Securities Litigation (28)
	Plaintiff (<i>not fraud or negligence</i>)	Environmental/Toxic Tort (30)
	Negligent Breach of Contract/Warranty	Insurance Coverage Claims (<i>arising from provisionally complex case type listed above</i>) (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other Breach of Contract/Warranty	Enforcement of Judgment
Asbestos (04)	Collections (e.g., money owed, open book accounts) (09)	Enforcement of Judgment (20)
Asbestos Property Damage	Collection Case-Seller Plaintiff	Abstract of Judgment (Out of County)
Asbestos Personal Injury/Wrongful Death	Other Promissory Note/Collections Case	Confession of Judgment (<i>non-domestic relations</i>)
Product Liability (<i>not asbestos or toxic/environmental</i>) (24)	Insurance Coverage (<i>not provisionally complex</i>) (18)	Sister State Judgment
Medical Malpractice (45)	Auto Subrogation	Administrative Agency Award (<i>not unpaid taxes</i>)
Medical Malpractice-Physicians & Surgeons	Other Coverage	Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Professional Health Care Malpractice	Other Contract (37)	Other Enforcement of Judgment Case
Other PI/PD/WD (23)	Contractual Fraud	Miscellaneous Civil Complaint
Premises Liability (e.g., slip and fall)	Other Contract Dispute	RICO (27)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)	Real Property	Other Complaint (<i>not specified above</i>) (42)
Intentional Infliction of Emotional Distress	Eminent Domain/Inverse Condemnation (14)	Declaratory Relief Only
Negligent Infliction of Emotional Distress	Wrongful Eviction (33)	Injunctive Relief Only (<i>non-harassment</i>)
Other PI/PD/WD	Other Real Property (e.g., quiet title) (26)	Mechanics Lien
Non-PI/PD/WD (Other) Tort	Writ of Possession of Real Property	Other Commercial Complaint Case (<i>non-tort/non-complex</i>)
Business Tort/Unfair Business Practice (07)	Mortgage Foreclosure	Other Civil Complaint (<i>non-tort/non-complex</i>)
Civil Rights (e.g., discrimination, false arrest) (<i>not civil harassment</i>) (08)	Quiet Title	Miscellaneous Civil Petition
Defamation (e.g., slander, libel) (13)	Other Real Property (<i>not eminent domain, landlord/tenant, or foreclosure</i>)	Partnership and Corporate Governance (21)
Fraud (16)	Unlawful Detainer	Other Petition (<i>not specified above</i>) (43)
Intellectual Property (19)	Commercial (31)	Civil Harassment
Professional Negligence (25)	Residential (32)	Workplace Violence
Legal Malpractice	Drugs (38) (<i>if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential</i>)	Elder/Dependent Adult Abuse
Other Professional Malpractice (<i>not medical or legal</i>)	Judicial Review	Election Contest
Other Non-PI/PD/WD Tort (35)	Asset Forfeiture (05)	Petition for Name Change
Employment	Petition Re: Arbitration Award (11)	Petition for Relief From Late Claim
Wrongful Termination (36)	Writ of Mandate (02)	Other Civil Petition
Other Employment (15)	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	

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

TARGET BRANDS, INC., TARGET CORPORATION and DOES 1 - 25

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

KINGPUN CHENG

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

FILED
CIVIL BUSINESS OFFICE 9
CENTRAL DIVISION

2018 MAY 22 A 10:20

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

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

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Superior Court of California,
County of San Diego, Hall of Justice
330 West Broadway, San Diego, CA 92101

CASE NUMBER:
(Número del Caso):

37-2018-00025297-CU-NP-CTL

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):
Parker A. Smith, SY & SMITH, PC., 11622 El Camino Real, S100, San Diego, CA 92130

DATE: MAY 23 2018
(Fecha)

Clerk, by
(Secretario)

M. PHAM

Deputy
(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)).

[SEAL]

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):