

**SUMMONS
(CITACION JUDICIAL)**

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

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

OCT 04 2017

Sherri R. Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy

COPY

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

DOLLAR TREE STORES, INC., a Virginia Corporation; and DOES 1 through 50, inclusive,

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

CENTER FOR ADVANCED PUBLIC AWARENESS, 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), 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.

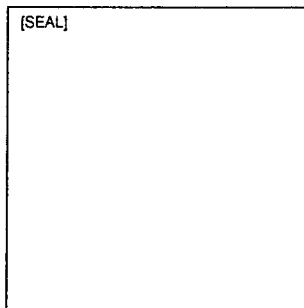
The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles Superior Court
111 North Hill Street, Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):
BC 678168

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):
Kawahito Law Group APC, 222 N. Sepulveda Blvd., Suite 2222, El Segundo, CA 90245, 310-746-5300

DATE: **OCT 04 2017**
(Fecha) **SHERRI R. CARTER** Clerk, by **SHAUNYA BOLDEN**, Deputy
(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):

COPY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Kawahito Law Group APC
James Kawahito, SBN 234851
222 N. Sepulveda Blvd., Suite 2222
El Segundo, CA 90245
TELEPHONE NO.: 310-746-5300 FAX NO.: 310-593-2520
ATTORNEY FOR (Name): Center for Advanced Public Awareness

FOR COURT USE ONLY

CONFIRMATION
OF ORIGINAL FILED
Los Angeles Superior Court

OCT 04 2017

Sherri R. Carver, Executive Officer/Clerk

By Shaunya Bolden, Deputy

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

CASE NAME:
Center for Advanced Public Awareness v. Dollar Tree Stores, Inc.

CASE NUMBER:

JUDGE:

DEPT:

BC 678168

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)

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

Auto (22)
 Uninsured motorist (46)

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

Asbestos (04)
 Product liability (24)
 Medical malpractice (45)
 Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

Business tort/unfair business practice (07)
 Civil rights (08)
 Defamation (13)
 Fraud (16)
 Intellectual property (19)
 Professional negligence (25)
 Other non-PI/PD/WD tort (35)

Employment

Wrongful termination (36)
 Other employment (15)

Contract

Breach of contract/warranty (06)
 Rule 3.740 collections (09)
 Other collections (09)
 Insurance coverage (18)
 Other contract (37)

Real Property

Eminent domain/Inverse condemnation (14)
 Wrongful eviction (33)
 Other real property (26)

Unlawful Detainer

Commercial (31)
 Residential (32)
 Drugs (38)

Judicial Review

Asset forfeiture (05)
 Petition re: arbitration award (11)
 Writ of mandate (02)
 Other judicial review (39)

Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)

Antitrust/Trade regulation (03)
 Construction defect (10)
 Mass tort (40)
 Securities litigation (28)
 Environmental/Toxic tort (30)
 Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

Enforcement of judgment (20)

Miscellaneous Civil Complaint

RICO (27)
 Other complaint (not specified above) (42)

Miscellaneous Civil Petition

Partnership and corporate governance (21)
 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. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. 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): 2

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:
October 3, 2017

(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.

**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.

COPY

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. | 7. Location where petitioner resides. |
| 2. Permissive filing in central district. | 8. Location wherein defendant/respondent functions wholly. |
| 3. Location where cause of action arose. | 9. Location where one or more of the parties reside. |
| 4. Mandatory personal injury filing in North District. | 10. Location of Labor Commissioner Office. |
| 5. Location where performance required or defendant resides. | 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
| 6. Location of property or permanently garaged vehicle. | |

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

SHORT TITLE:

Center for Advanced Public Awareness v. Dollar Tree Stores, Inc.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 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 type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3	
Employment	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
Contract	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	5, 6, 11
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	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, 9	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
	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	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE:

Center for Advanced Public Awareness v. Dollar Tree Stores, Inc.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 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
Provisionally Complex Litigation	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
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment <input type="checkbox"/> A6160 Abstract of Judgment <input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations) <input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes) <input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax <input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 5, 11 2, 6 2, 9 2, 8 2, 8 2, 8, 9
	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 checked="" type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 1, 2, 8
Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8	
Miscellaneous Civil Petitions	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/Change of Gender	2, 7
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 8 2, 9

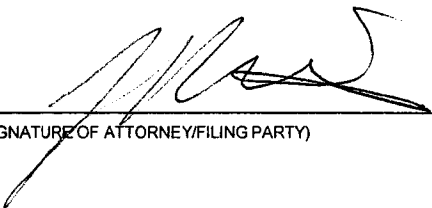
SHORT TITLE: Center for Advanced Public Awareness v. Dollar Tree Stores, Inc.	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input 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: 5057 W. Washington Blvd.
CITY: Los Angeles	STATE: CA	ZIP CODE: 90016	

Step 5: Certification of Assignment: I certify that this case is properly filed 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(a)(1)(E)].

Dated: 10/3/17



 (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. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
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.

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OF ORIGINAL FILED
Los Angeles Superior Court

OCT 04 2017

Sherril R. Carter, Executive Officer/Clerk
By Shaunya Bolden, Deputy

1 JAMES KAWAHITO (SBN 234851)
2 KAWAHITO LAW GROUP APC
222 N. Sepulveda Blvd. Suite 2222
3 El Segundo, CA 90245
Telephone: (310) 746-5300
4 Facsimile: (310) 593-2520
Email: jkawahito@kawahitolaw.com

5 Attorneys for Plaintiff the Center for Advanced Public Awareness

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF LOS ANGELES

9 CENTER FOR ADVANCED PUBLIC
10 AWARENESS, in the public interest,

11 Plaintiff,

12 vs.

13 DOLLAR TREE STORES, INC., a Virginia
14 Corporation; and DOES 1 through 50,
inclusive,

15 Defendants.

Case Number: **BC 678168**

**COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES**

**Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement Act
of 1986 (Health and Safety Code § 25249.5 et
seq.)**

18 Plaintiff the Center for Advanced Public Awareness ("CAPA"), in the public interest,
19 alleges as follows as to matters within their own knowledge, and on information and belief as to
20 all other matters:

21 **INTRODUCTION**

22 1. This action seeks to remedy the continuing failure of Defendants Dollar Tree, Inc. and
23 DOES 1-50 (hereinafter individually referred to as "Defendant" and collectively as
24 "Defendants") to warn consumers in California that they are being exposed to Diisononyl
25 Phthalate ("DINP"), a substance known to the State of California to cause cancer. Such
26 exposures have occurred, and continue to occur, through the manufacture, distribution, sale and
27 consumer use of Defendant's vinyl gloves containing DINP (the "Products"). California
28

1 consumers are directly exposed to DINP through the placement of the vinyl gloves on their
2 hands. In addition, DINP transferred to the hand is then ingested through hand to mouth contact.

3 2. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, Health and
4 Safety Code Section 25249.5 *et seq.* (hereinafter "Proposition 65"), it is unlawful for businesses
5 to knowingly and intentionally expose individuals in California to chemicals known to the State
6 to cause cancer and/or birth defects or other reproductive harm above the safe harbor levels,
7 which include the No Significant Risk Levels ("NSRLs") and/or Maximum Allowable Dose
8 Levels ("MADLs") without providing "clear and reasonable" warnings to individuals prior to
9 their exposure.

10 3. Despite the fact that Defendants' Products expose consumers to levels of DINP above the
11 listed NSRLs, Defendants failed to provide any warnings whatsoever about the carcinogenic
12 hazards associated with DINP exposure. Moreover, Defendants' continued manufacture,
13 packaging, distribution, marketing, and/or sales of the Products without the required health
14 hazard warnings, causes consumers to be involuntarily, unknowingly and unwittingly exposed to
15 levels of DINP that violate Proposition 65. Thus, Defendants' conduct subjects it to civil
16 penalties and injunctive relief.

17 JURISDICTION AND VENUE

18 4. This Court has jurisdiction over this action pursuant to Cal. Health & Safety Code
19 §25249.7, which allows enforcement in any court of competent jurisdiction. The California
20 Superior Court has jurisdiction over this action pursuant to California Constitution Article VI,
21 Section 10, which grants the Superior Court "original jurisdiction in all cases except those given
22 by statute to other trial courts." The statute under which this is brought does not specify any other
23 court with jurisdiction.

24 5. This Court has jurisdiction over Defendants because they are business entities that does
25 sufficient business, has sufficient minimum contacts or otherwise intentionally avails itself of the
26 California market through the sale, marketing, or use of the Products in the California market
27
28

1 and/or by having such other contact with California so as to render the exercise of jurisdiction over
2 it by the California courts consistent with traditional notions of fair play and substantial justice.

3 6. Venue is proper in this Court because, upon information and belief, Defendants marketed,
4 offered for sale, and sold the Products in Los Angeles County.

5 **THE PARTIES**

6 7. CAPA is a non-profit corporation organized under the laws of California acting in the
7 interest of the general public seeking to further, among other causes, the protection of the
8 environment, awareness of dangerous chemicals in consumer products, and corporate
9 accountability. CAPA is a "person" within the meaning of Cal. Health & Safety Code
10 §25249.11(a) and brings this enforcement action in the public interest pursuant to Cal. Health &
11 Safety Code §25249.7(d).

12 8. CAPA is informed and believes, and thereon alleges, that Defendant Dollar Tree Inc., is a
13 Virginia Corporation with numerous retail stores in the state of California. Defendant is a "person
14 in the course of doing business" within the meaning of Cal. Health & Safety Code §25249.11(b).

15 9. CAPA is unaware of the true names or capacities of the Defendants sued herein under the
16 fictitious names DOES 1-50, but prays for leave to amend and serve such fictitiously named
17 Defendants pursuant to California Code of Civil Procedure § 474, once their names and capacities
18 become known.

19 10. CAPA is informed and believes, and thereon alleges, that each and all of the acts and
20 omissions alleged herein were performed by, or are attributable to, Defendant and DOES 1-50,
21 each acting as the agent for the other, with legal authority to act on the other's behalf. Upon
22 information and belief, the acts of Defendants were in accordance with, and represent the official
23 policies of Defendants.

24 11. At all times herein mentioned, upon information and belief, the Defendants, and each of
25 them, ratified each and every act or omission complained of herein. At all times herein
26 mentioned, upon information and belief, Defendants, and each of them, aided and abetted the acts
27
28

1 and omissions of each and all the other Defendants proximately causing the damages herein
2 alleged.

3 12. CAPA is informed and believes, and thereon alleges, that each of Defendants are in some
4 manner intentionally, negligently, or otherwise responsible for the acts, omissions, occurrences,
5 and transactions alleged herein.

6 **STATUTORY AND REGULATORY BACKGROUND**

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

10 14. To effectuate this goal, Proposition 65 requires that individuals be provided with a "clear
11 and reasonable warning" before being exposed to substances listed by the State of California as
12 causing cancer or reproductive toxicity. Cal. Health and Safety Code §25249.6 states, in pertinent
13 part:

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

17 15. A product exposure to a chemical is one that "results from a person's acquisition,
18 purchase, storage, consumption, or other reasonably foreseeable use of a product" 27 C.C.R.
19 §25600(h).

20 16. Proposition 65 provides that any "person who violates or threatens to violate" the statute
21 may be enjoined in a court of competent jurisdiction. Cal. Health & Safety Code §25249.7. The
22 phrase "threaten to violate" is defined to mean creating "a condition in which there is a substantial
23 probability that a violation will occur" Cal. Health & Safety Code §25249.11(e). Violators are
24 liable for civil penalties of up to \$2,500 per day for each violation of the Act. Cal. Health &
25 Safety Code §25249.7.

26 17. On December 20, 2013, the State of California officially listed DINP as a chemical known
27 to cause cancer. On December 20, 2014, on year after it was listed as a chemical known to cause
28 cancer, DINP became subject to the clear and reasonable warning requirement regarding cancer

1 under Proposition 65. 27 C.C.R. §27001(c); Cal. Health & Safety Code §25249.10(b). Due to the
2 toxicity of DINP, the California Office of Environmental Health Hazard Assessment (“OEHHA”)
3 set the NSRL for exposure to DINP at 146 micrograms per day.

4 **STATEMENT OF RELEVANT FACTS**

5 18. CAPA purchased the Product on April 30, 2017.

6 19. To test Defendants’ Product for phthalates, CAPA engaged a well-respected and accredited
7 testing laboratory to determine amount of DINP contained in the product pursuant to testing
8 methods adopted by the Federal Consumer Products Safety Commission. The testing revealed the
9 that Product had levels of DINP that would result in exposure of DINP to consumers far higher
10 than the limit proscribed by the NSRL.

11 20. Defendants’ Products contain sufficient quantities of DINP such that individuals who
12 handle the Products are exposed to significant amounts of DINP through the average and intended
13 use of the Products. For example, ordinary consumer absorb DINP through the skin when they
14 touch, use, handle, put on, wear, and/or take off the Products. Ordinary consumers also directly
15 ingest DINP when then put the Products in their mouth during normal use, including when put on,
16 wear, or take-off the Products. Ordinary consumers ingest DINP via hand to mouth contact after
17 they touch, use, handle, put on, wear, and/or take off the Products and then touch their mouths or
18 other objects that are then placed in their mouths.

19 21. Defendants know and intend that consumers will use the products in manner stated above,
20 and that they will be exposed to any chemicals such as DINP that exist in the Products.

21 22. At all times relevant to this action, Defendants, therefore, have knowingly and
22 intentionally exposed the users, consumers and/or handlers of the Products to DINP without first
23 giving a clear and reasonable warning to such individuals.

24 23. CAPA is informed and believes, and thereon alleges, that Defendants have, since April
25 2017, and continuing through the present, exposed consumers to DINP without providing clear
26 and reasonable warnings regarding the cancer hazards of DINP.

1 24. As a proximate result of acts by Defendants, as persons in the course of doing business
2 within the meaning of Health & Safety Code §25249.11, they have subjected consumers to
3 violative exposures through the normal and foreseeable use of the Products.

4 25. Any person acting in the public interest has standing to enforce violations of Proposition
5 65 provided that such person has supplied the requisite public enforcers with a valid 60-Day
6 Notice of Violation and such public enforcers are not diligently prosecuting the action with such
7 time. Cal. Health & Safety Code §25249.7(d).

8 26. On July 17, 2017, CAPA provided a “60-Day Notice of Violations of California Health &
9 Safety Code Section 25249.5 et seq.” (“Notice”) to the California Attorney General, the District
10 Attorneys of every county in California, and the City Attorneys of every California city with a
11 population greater than \$750,000.00. Defendant was also provided a copy of the Notice. The
12 Notice included, *inter alia*, the following information: the name, address, and telephone number of
13 the noticing individual; the name of the alleged violator; the statute violated; the approximate time
14 period during which violations occurred; and descriptions of the violations including the
15 chemicals involved, the routes of toxic exposure, and the specific product or type of product
16 causing the violations. In compliance with California Health & Safety Code § 25249.7(d) and 11
17 C.C.R. §3102, CAPA provided factual information – provided on a confidential basis – to the
18 Attorney General sufficient to satisfy basis for the Certificate of Merit, including the testing
19 performed by CAPA, and/or its litigation consultants, and the facts, studies, or other data
20 supporting the Certificate.

21 27. On or around September 14, 2017, counsel for Defendant alleged that CAPA had provided
22 an outdated version of the OEHHA Summary (“Appendix A”) in conjunction with the Notice.
23 Based on the foregoing, CAPA served the most current version of Appendix A on Defendant on or
24 around September 19, 2017.

25 28. CAPA is informed an believes, and thereon alleges, that Defendant has been provided
26 multiple Notices of Violation from other plaintiffs in the past with the current version of Appendix
27 A, and therefore is familiar with the information contained therein.

28

1 29. After expiration of the sixty (60) day notice period, the appropriate public enforcement
2 agencies have failed to commence and diligently prosecute a cause of action under California
3 Health & Safety Code §25249.5 *et seq.* against Defendants based on the allegations herein.

4 30. CAPA has engaged in good faith efforts to resolve the claims alleged herein prior to filing
5 this complaint.

6 **FIRST CAUSE OF ACTION**

7 **(Injunctive Relief Pursuant to Cal. Health & Safety Code §25249.5 *et seq.*)**

8 31. CAPA incorporates by reference and re-alleges as if fully stated herein the material
9 allegations set out in paragraphs 1 through 30, inclusive.

10 32. By committing the acts alleged in this Complaint, Defendants at all times relevant to this
11 action, and continuing through the present, have violated California Health & Safety Code
12 §25249.6 by, in the course of doing business, knowingly and intentionally exposing individuals in
13 California to chemicals known to the State of California to cause cancer or reproductive toxicity
14 without first giving clear and reasonable warnings to such persons who use, consume or handle the
15 Products containing DINP, pursuant to California Health & Safety Code §§25249.6 and
16 25249.11(f).

17 33. By the above-described acts, Defendants have violated California Health & Safety Code
18 §25249.6 and are therefore subject to preliminary and permanent injunctions ordering Defendants
19 to stop violating Proposition 65, to provide warnings to all present and future customers, and to
20 provide warnings to Defendants' past customers who purchased or used the Products without
21 receiving a clear and reasonable warning.

22 34. An action for injunctive relief under Proposition 65 is specifically authorized by California
23 Health & Safety Code Code §25249.7(a).

24 35. Defendants actions in selling the Products with clear and reasonable warnings will
25 irreparably harm the citizens of the State of California, for which harm they have no plain, speedy,
26 or adequate remedy at law.

1 36. In the absence of preliminary and then permanent injunctive relief, Defendants will
2 continue to create a substantial risk of irreparable injury by continuing to cause consumers to be
3 involuntarily, unknowingly and unwittingly exposed to the DINP through the use, consumption
4 and/or handling of the Products.

5 **SECOND CAUSE OF ACTION**

6 **(Civil Penalties Pursuant to Cal. Health & Safety Code §25249.5 *et seq*)**

7 37. CAPA incorporates by reference and re-alleges as if fully stated herein the material
8 allegations set out in paragraphs 1 through 36, inclusive.

9 38. By committing the acts alleged in this Complaint, Defendants at all times relevant to this
10 action, and continuing through the present, have violated California Health & Safety Code
11 §25249.6 by, in the course of doing business, knowingly and intentionally exposing individuals in
12 California to chemicals known to the State of California to cause cancer or reproductive toxicity
13 without first giving clear and reasonable warnings to such persons who use, consume or handle the
14 Products containing DINP, pursuant to California Health & Safety Code §§25249.6 and
15 25249.11(f).

16 39. By engaging in the above-described acts, Defendants are liable, pursuant to California
17 Health & Safety Code §25249.7(b), for a civil penalty of up to \$2,500 per day per violation for
18 each unlawful exposure to DINP from the Products in an amount in excess of \$1 million.

19 **PRAYER FOR RELIEF**

20 WHEREFORE, CAPA prays for relief and judgment against Defendants, and each of
21 them, as follows:

22 **As to the Causes of Action**

23 1. A preliminary and permanent injunction, pursuant to California Health &
24 Safety Code Code §25249.7(a), enjoining Defendants, their agents, employees, assigns and all
25 persons acting in concert or participating with Defendants, from manufacturing, distributing,
26 marketing or selling the Products in California without either reformulating the Products or
27
28

1 providing a clear and reasonable warning, within the meaning of Proposition 65, that the users
2 and/or handlers of the Products are exposed to DINP;

3 2. An Order pursuant to California Health & Safety Code §25249.7(a)
4 compelling Defendants to use best methods to identify and locate each individual who purchased
5 the Products during the statutory period, and to provide a warning to such person that the use of
6 the Products will expose them to chemicals known to cause cancer;


7 3. An assessment of civil penalties pursuant to California Health & Safety
8 Code §25249.7(b) against Defendants in the amount of \$2,500 per day for each violation of
9 Proposition 65, in an amount to be determined at trial;

10 4. For an award to CAPA of its reasonable attorneys' fees and costs of suit
11 incurred herein; and

12 5. For such equitable or other relief as the Court may deem just and proper.

13
14 Dated: October 3, 2017

KAWAHITO LAW GROUP APC

15
16
17 By: 
18 James Kawahito
19 Attorneys for Plaintiff
20 CENTER FOR ADVANCED PUBLIC
21 AWARENESS
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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. Debre K. Weintraub	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
	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. Howard L. Halm	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. John P. Doyle	58	516
	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. Monica Bachner	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. Michelle Williams Court	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	CCW
	Hon. Frederick C. Shaller	46	500		*Provisionally Complex Non-class Action Cases Assignment is Pending Complex Determination	308	CCW
	Hon. Randolph Hammock	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
 By _____, 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



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

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 ◆

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):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION – DISCOVERY RESOLUTION		CASE NUMBER:

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:
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- 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:
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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 _____)

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):	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
STIPULATION – EARLY ORGANIZATIONAL MEETING		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:
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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.lacourt.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 _____ for the complaint, and _____ for the cross-complaint, which is comprised of the 30 days to respond under Government Code § 68616(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.lacourt.org under "Civil", click on "General Information", then click on "Voluntary Efficient Litigation Stipulations".
(INSERT DATE) (INSERT DATE)
 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)	➤	_____

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): _____		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES		
COURTHOUSE ADDRESS:		
PLAINTIFF:		
DEFENDANT:		
INFORMAL DISCOVERY CONFERENCE (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):		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
STIPULATION AND ORDER – MOTIONS IN LIMINE		CASE NUMBER:	

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:
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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
-------------	---------------------------

Superior Court of California County of Los Angeles



ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION PACKET

The person who files a civil lawsuit (plaintiff) must include the ADR information Packet with the complaint when serving the defendant. Cross-complainants must serve the ADR Information Packet on any new parties named to the action together with the cross-complaint.

There are a number of ways to resolve civil disputes without having to sue someone. These alternatives to a lawsuit are known as alternative dispute resolution (ADR).

In ADR, trained, impartial persons decide disputes or help parties decide disputes themselves. These persons are called neutrals. For example, in mediations, the neutral is the mediator. Neutrals normally are chosen by the disputing parties or by the court. Neutrals can help resolve disputes without having to go to court.

Advantages of ADR

- Often faster than going to trial
- Often less expensive, saving the litigants court costs, attorney's fees and expert fees.
- May permit more participation, allowing parties to have more control over the outcome.
- Allows for flexibility in choice of ADR processes and resolution of the dispute.
- Fosters cooperation by allowing parties to work together with the neutral to resolve the dispute and mutually agree to remedy.
- There are fewer, if any, court appearances. Because ADR can be faster and save money, it can reduce stress.

Disadvantages of ADR - ADR may not be suitable for every dispute.

- If ADR is binding, the parties normally give up most court protections, including a decision by a judge or jury under formal rules of evidence and procedure, and review for legal error by an appellate court.
- ADR may not be effective if it takes place before the parties have sufficient information to resolve the dispute.
- The neutral may charge a fee for his or her services.
- If the dispute is not resolved through ADR, the parties may then have to face the usual and traditional costs of trial, such as attorney's fees and expert fees.

The Most Common Types of ADR

- **Mediation**

In mediation, a neutral (the mediator) assists the parties in reaching a mutually acceptable resolution of their dispute. Unlike lawsuits or some other types of ADR, the parties, rather than the mediator, decide how the dispute is to be resolved.

- **Mediation is particularly effective** when the parties have a continuing relationship, like neighbors or business people. Mediation is also very effective where personal feelings are getting in the way of a resolution. This is because mediation normally gives the parties a chance to express their feelings and find out how the other sees things.
- **Mediation may not be effective** when one party is unwilling to cooperate or compromise or when one of the parties has a significant advantage in power over the other. Therefore, it may not be a good choice if the parties have a history of abuse or victimization.

- **Arbitration**

In arbitration, a neutral person called an “arbitrator” hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is typically less formal than a trial, and the rules of evidence may be relaxed. Arbitration may be either “binding” or “non-binding.” Binding arbitration means the parties waive their right to a trial and agree to accept the arbitrator’s decision as final. Non-binding arbitration means that the parties are free to request a trial if they reject the arbitrator’s decision.

Arbitration is best for cases where the parties want another person to decide the outcome of their dispute for them but would like to avoid the formality, time, and expense of a trial. It may also be appropriate for complex matters where the parties want a decision-maker who has training or experience in the subject matter of the dispute.

- **Mandatory Settlement Conference (MSC)**

Settlement Conferences are appropriate in any case where settlement is an option.

Mandatory Settlement Conferences are ordered by the Court and are often held near the date a case is set for trial. The parties and their attorneys meet with a judge who devotes his or her time exclusively to preside over the MSC. The judge does not make a decision in the case but assists the parties in evaluating the strengths and weaknesses of the case and in negotiating a settlement.

The Los Angeles Superior Court Mandatory Settlement Conference (MSC) program is free of charge and staffed by experienced sitting civil judges who devote their time exclusively to presiding over MSCs. The judges participating in the judicial MSC program and their locations are identified in the List of Settlement Officers found on the Los Angeles Superior Court website at <http://www.lacourt.org/>. This program is available in general jurisdiction cases with represented parties from independent calendar (IC) and Central Civil West (CCW) courtrooms. In addition, on an ad hoc basis, personal injury cases may be referred to the program on the eve of trial by the personal injury master calendar courts in the Stanley Mosk Courthouse or the asbestos calendar court in CCW.

In order to access the Los Angeles Superior Court MSC Program the judge in the IC courtroom, the CCW Courtroom or the personal injury master calendar courtroom must refer the parties to the program. Further, all parties must complete the information requested in the Settlement Conference Intake Form and email the completed form to mscdept18@lacourt.org.

Additional Information

To locate a dispute resolution program or neutral in your community:

- Contact the California Department of Consumer Affairs (www.dca.ca.gov) Consumer Information Center toll free at 800-952-5210, or;
- Contact the local bar association (<http://www.lacba.org/>) or;
- Look in a telephone directory or search online for “mediators; or “arbitrators.”

There may be a charge for services provided by private arbitrators and mediators.

A list of approved State Bar Approved Mandatory Fee Arbitration programs is available at <http://calbar.ca.gov/Attorneys/MemberServices/FeeArbitration/ApprovedPrograms.aspx#19>

To request information about, or assistance with, dispute resolution, call the number listed below. Or you may call a Contract Provider agency directly. A list of current Contract Provider agencies in Los Angeles County is available at the link below.

<http://css.lacounty.gov/programs/dispute-resolution-program-drp/>

County of Los Angeles Dispute Resolution Program
3175 West 6th Street, Room 406
Los Angeles, CA 90020-1798
TEL: (213) 738-2621
FAX: (213) 386-3995