SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

HARBOR FREIGHT TOOLS USA, INC., a Delaware corporation; and DOES 1 through 10, inclusive,

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

ECOLOGICAL ALLIANCE, LLC, a California limited liability company.

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

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

MAR 1 4 2018

Sherri R. Carter, Exessions Officer/Clerk
Moses Sato

CASE NUMBER

(Número del Caso).

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.lawhelpcalifomia.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.

			addres				
El n	nombre	y d	irección	de	la c	orte	es):

Los Angeles Superior Court (Stanley Mosk Branch)

111 North Hill St., Los Angeles, CA 90012

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):

Custodio & Dubey II P: 448 S. Hill St. Suite 612 I os Angeles. CA 90013: (213) 785-2000

Custou	IU & L	/UU	СУ	LLF,	146 S. Hill St., Suite 612, Los Angeles, CA 90013; (213) 785-2909	
1. 00,700				2018	(Secretario)	, Deputy _ (Adjunto)
					mons, use Proof of Service of Summons (form POS-010).) a citatión 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): Harbor Freight Tools USA, Inc. under: CCP 416.10 (corporation) CCP 416.60 (minor)	
					under: CCP 416.10 (corporation) CCP 416.60 (minor) CCP 416.20 (defunct corporation) CCP 416.70 (conservate CCP 416.40 (association or partnership) CCP 416.90 (authorized	
					other (specify): 4. by personal delivery on (date):	

Page 1 of 1

BC 6 9 8 2 3 3

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE - IC

Case Number	BC	в	ĝ	8	2	3	3
						0	v

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below.

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	X	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. Holly J. Fujie	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	T T	Hon. Gail Ruderman Feuer	78	730
Hon. Holly E. Kendig	42	416				
Hon. Mel Red Recana	45	529				
Hon. Frederick C. Shaller	46	500				
Hon. Randolph Hammock	47	507				

Given to the Plaintiff/Cross-Complainant/A	ttorney of Record on	
-		(Date)
SHERRI R. CARTER, Executive Officer/C	lerk of Court	
Ву	, Deputy Clerk	

		CM-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Vineet Dubey #243208	number, and address)	FOR COURT USE ONLY
Custodio & Dubey LLP		
448 S. Hill St., Suite 612		
Los Angeles, CA 90013 TELEPHONE NO.: (213) 785-2909	FAX NO.: (213) 785-2899	CONFORMED COPY
ATTORNEY FOR (Name): Plaintiff Ecological A	Alliance LLC	ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LO		Superior Court of California County of Los Angeles
STREET ADDRESS: 111 North Hill St.	7 Migeles	County of Los Angelos
MAILING ADDRESS: Same		MAR 1 4 2018
CITY AND ZIP CODE: Los Angeles 90012		
BRANCH NAME: Stanley Mosk		Sherri R. Carter, exasting Officer/Clerk
CASE NAME:		(2y) M. July , Beputy
Ecological Alliance, LLC vs. Harbon	r Freight Tools USA, Inc.	Moses Sate
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER:
✓ Unlimited		BC 6 9 8 2 3 3
(Amount (Amount	Counter Joinder	
demanded demanded is	Filed with first appearance by defenda	nt JUDGE:
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT;
Items 1–6 bel	ow must be completed (see instructions on	page 2).
Check one box below for the case type that		1
Auto Tort	1 1	ovisionally Complex Civil Litigation
Auto (22)		al. Rules of Court, rules 3.400-3.403)
Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort	Other collections (09)	Construction defect (10)
Asbestos (04)	Insurance coverage (18)	Mass tort (40)
Product liability (24)	Other contract (37)	Securities litigation (28)
Medical malpractice (45)	Real Property	Environmental/Toxic tort (30)
Other PI/PD/WD (23)	Eminent domain/Inverse condemnation (14)	Insurance coverage claims arising from the
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	above listed provisionally complex case types (41)
Business tort/unfair business practice (07		of Judgment
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)
Defamation (13)		
Fraud (16)	Residential (32)	scellaneous Civil Complaint
Intellectual property (19)	Drugs (38)	RICO (27)
Professional negligence (25)	Judicial Review	Other complaint (not specified above) (42)
Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	scellaneous Civil Petition
Employment (33)	Petition re: arbitration award (11)	Partnership and corporate governance (21)
Wrongful termination (36)	Writ of mandate (02)	Other petition (not specified above) (43)
Other employment (15)	Other judicial review (39)	
		a of Court 1645 i 1 1 1
factors requiring exceptional judicial manage	pement:	s of Court. If the case is complex, mark the
a. Large number of separately repres		f witnesses
b. Extensive motion practice raising		
issues that will be time-consuming		th related actions pending in one or more courts
c. Substantial amount of documenta		s, states, or countries, or in a federal court
		tjudgment judicial supervision
Remedies sought (check all that apply): a.	✓ monetary b. ✓ nonmonetary; deal	claratory or injunctive relief c. punitive
Number of causes of action (specify): On	e (1)	
	s action suit.	
If there are any known related cases, file a	nd serve a notice of related case. (Yeu ma	y use form CM-015.)
Date: March 14, 2018	//	
Vineet Dubey		
(TYPE OR PRINT NAME)	(SIGI	NATURE OF PARTY OR ATTORNEY FOR PARTY)
	NOTICE	
Plaintiff must file this cover sheet with the funder the Brobete Code, Family Code, and the code for the	irst paper filed in the action or proceeding	(except small claims cases or cases filed
in sanctions.	veirare and Institutions Code). (Cal. Rules	of Court, rule 3.220.) Failure to file may result
 File this cover sheet in addition to any cover 	er sheet required by local court rule	
 If this case is complex under rule 3.400 et s 	seq. of the California Rules of Court, you m	nust serve a copy of this cover sheet on all
other parties to the action or proceeding.		į
 Unless this is a collections case under rule 	3.740 or a complex case, this cover sheet	will be used for statistical purposes only.
Form Adopted for Mandalory Use	CIVIL CASE COVER SHEET	Page 1 of 2 Cal Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.740,
Judicial Council of California CM-010 [Rev. July 1, 2007]	OIVIL OAGE COVER SHEET	Cal. Standards of Judicial Administration, std. 3.10
		www.courtinfo.ca.gov

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

Auto Tort

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

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

Asbestos (04) Asbestos Property Damage Asbestos Personal Injury/

Wrongful Death Product Liability (not asbestos or

toxic/environmental) (24) Medical Malpractice (45)

Medical Malpractice-Physicians & Surgeons

Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip

Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)

Intentional Infliction of **Emotional Distress**

Negligent Infliction of **Emotional Distress** Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)

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

harassment) (08) Defamation (e.g., slander, libel)

(13)Fraud (16)

Intellectual Property (19)

Professional Negligence (25) Legal Malpractice Other Professional Malpractice

(not medical or legal) Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

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

Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence)

Negligent Breach of Contract/ Warranty

Other Breach of Contract/Warranty Collections (e.g., money owed, open

book accounts) (09) Collection Case-Seller Plaintiff

Other Promissory Note/Collections Case

Insurance Coverage (not provisionally complex) (18)

Auto Subrogation Other Coverage

Other Contract (37)

Contractual Fraud Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

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

Mortgage Foreclosure Quiet Title

Other Real Property (not eminent domain, landlord/tenant, or

foreclosure) Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise. report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05) Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39) Review of Health Officer Order

> Notice of Appeal-Labor Commissioner Appeals

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

Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40)

Securities Litigation (28)

Environmental/Toxic Tort (30) Insurance Coverage Claims

(arising from provisionally complex case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20)

Abstract of Judgment (Out of County)

Confession of Judgment (nondomestic relations)

Sister State Judgment Administrative Agency Award

(not unpaid taxes) Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

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

Declaratory Relief Only Injunctive Relief Only (non-

harassment)

Mechanics Lien

Other Commercial Complaint Case (non-tort/non-complex)

Other Civil Complaint (non-tort/non-complex)

Miscellaneous Civil Petition

Partnership and Corporate

Governance (21)

Other Petition (not specified above) (43)

Civil Harassment Workplace Violence

Elder/Dependent Adult Abuse

Election Contest

Petition for Name Change Petition for Relief From Late

Other Civil Petition

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

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

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

Applicable Reasons for Choosing Court Filing Location (Column C)

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

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

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

Auto Tort

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

Ecological Alliance vs. Harbor Freight Tools USA, Inc.

CASE NUMBER

Non-Personal Injury/ Property Damage/ Wrongful Death Tort

Employment

Confract

Real Property

Unlawful Detainer

Chief Case Cover Sheet Type of Action (Check only one) Reasons - Sae Above			
Civil Rights (98)	Civil Case Cover Sheet	Type of Action	C Applicable Reasons - See Step 3 Above
Defamation (13)	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Fraud (16)	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1, 2, 3
Professional Negligence (25)	Defamation (13)	☐ A6010 Defamation (slander/libel)	1, 2, 3
Professional Negligence (25)	Fraud (16)	☐ A6013 Fraud (no contract)	1, 2, 3
A6025 Other Non-Personal Injury/Property Damage tort	Professional Negligence (25)		1, 2, 3
Wrongful Termination (36) □ A6037 Wrongful Termination 1, 2, 3 Other Employment (15) □ A6024 Other Employment Complaint Case 1, 2, 3 □ A6109 Labor Commissioner Appeals 10 Breach of Contract/ Warranty (06) (not insurance) □ A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) 2, 5 □ A6019 Negligent Breach of Contract/Warranty (no fraud) 1, 2, 5 □ A6028 Other Breach of Contract/Warranty (not fraud or negligence) 1, 2, 5 □ A6028 Other Breach of Contract/Warranty (not fraud or negligence) 1, 2, 5 □ A6012 Other Promissory Note/Collections Case 5, 11 □ A6012 Other Promissory Note/Collections Case 5, 11 □ Insurance Coverage (18) □ A6015 Insurance Coverage (not complex) 1, 2, 3, 5 □ A6015 Insurance Coverage (not complex) 1, 2, 3, 5 □ A6027 Other Contract (37) □ A6031 Tortious Interference 1, 2, 3, 5 □ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence) 1, 2, 3, 8, 9 Eminent Domain/Inverse Condemnation (14) □ A7300 Eminent Domain/Condemnation Number of parcels 2, 6 Wrongful Eviction (33) □ A6023 Wrongful Eviction Case 2, 6 Other Real Prop		☐ A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
A6024 Other Employment Complaint Case	Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
A6109	Wrongful Termination (36)	☐ A6037 Wrongful Termination	1, 2, 3
A6109 Labor Commissioner Appeals 10	Other Employment (15)	☐ A6024 Other Employment Complaint Case	1, 2, 3
Breach of Contract/ Warranty (06)		☐ A6109 Labor Commissioner Appeals	10
Breach of Contract/ Warranty (06) (not insurance) A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) A6019 Negligent Breach of Contract/Warranty (not fraud or negligence) A6028 Other Breach of Contract/Warranty (not fraud or negligence) A6028 Other Breach of Contract/Warranty (not fraud or negligence) Collections (09) A6020 Collections Case-Seller Plaintiff A6012 Other Promissory Note/Collections Case A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014) Insurance Coverage (18) A6015 Insurance Coverage (not complex) A6009 Contractual Fraud A6001 Tortious Interference A6001 Tortious Interference A6001 Other Contract Dispute(not breach/insurance/fraud/negligence) Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) A6023 Wrongful Eviction Case Other Real Property (26) A6032 Quiet Title A6033 Quiet Title A6034 Unlawful Detainer-Commercial DA6034 Unlawful Detainer-Commercial A6035 Unier Real Property (not eminent domain, landlord/tenant, foreclosure) 2, 6 Unlawful Detainer-Commercial		A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful	2.5
(not insurance) A6019 Negligent Breach of Contract/Warranty (no fraud) A6028 Other Breach of Contract/Warranty (not fraud or negligence) A6028 Other Breach of Contract/Warranty (not fraud or negligence) A6029 Other Breach of Contract/Warranty (not fraud or negligence) A6020 Collections Case-Seller Plaintiff A6012 Other Promissory Note/Collections Case A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014) Insurance Coverage (18) A6015 Insurance Coverage (not complex) A6009 Contractual Fraud A6009 Contractual Fraud A6000 Tortious Interference A6000 Other Contract Dispute(not breach/insurance/fraud/negligence) A6000 Tortious Interference Condemnation (14) Wrongful Eviction (33) A6020 Wrongful Eviction Case Other Real Property (26) A6000 Other Real Property (not eminent domain, landford/tenant, foreclosure) A6000 Other Real Property (not eminent domain, landford/tenant, foreclosure) Unlawful Detainer-Commercial	7	,	2.5
Collections (09) A6002 Collections Case-Seller Plaintiff A6012 Other Promissory Note/Collections Case A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014) Insurance Coverage (18) A6005 Contractual Fraud A6006 Contractual Fraud A6007 Contractual Fraud A6007 Contractual Fraud A6007 Contractual Fraud A6007 Other Contract Dispute(not breach/insurance/fraud/negligence) Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) A6008 Wrongful Eviction Case Other Real Property (26) A6009 Contractual Fraud A6009 Contract Dispute(not breach/insurance/fraud/negligence) A6007 Other Contract Dispute(not breach/insurance/fraud/negligence) 2, 6 Other Real Property (26) A6008 Wrongful Eviction Case Other Real Property (26) A6009 Contractual Fraud A6008 Wrongful Eviction Case 2, 6 Unlawful Detainer-Commercial A6008 Uniter Real Property (not eminent domain, landlord/tenant, foreclosure) A6008 Uniter A6	` *		1
Collections (09) A6002 Collections Case-Seller Plaintiff 5, 6, 11 A6012 Other Promissory Note/Collections Case 5, 11 A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014) Insurance Coverage (18)	(,		l
Collections (09) A6012 Other Promissory Note/Collections Case Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014) Insurance Coverage (18) A6015 Insurance Coverage (not complex) A6009 Contractual Fraud 1, 2, 3, 5 A6031 Tortious Interference A6032 Other Contract Dispute(not breach/insurance/fraud/negligence) Eminent Domain/Inverse Condemnation (14) Wrongful Eviction (33) A6023 Wrongful Eviction Case Other Real Property (26) A6032 Quiet Title A6030 Other Real Property (not eminent domain, landlord/tenant, foreclosure) Unlawful Detainer-Commercial A6034 Universe Condemnation Condemnation Interference Condemnation Condemn		☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
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		A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
	Unlawful Detainer-Commercial (31)	□ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)		☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34) A6020F Unlawful Detainer-Post-Foreclosure 2, 6, 11		□ A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38) A6022 Unlawful Detainer-Drugs 2, 6, 11	Unlawful Detainer-Drugs (38)	□ A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE: Ecological Alliance vs. Harbor Freight Tools USA, Inc.

CASE NUMBER

	Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
	Asset Forfeiture (05)	☐ A6108 Asset Forfeiture Case	2, 3, 6
ew	Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
Judicial Review		☐ A6151 Writ - Administrative Mandamus	2, 8
<u>:5</u>	Writ of Mandate (02)	☐ A6152 Writ - Mandamus on Limited Court Case Matter	2
Jud		☐ A6153 Writ - Other Limited Court Case Review	2
	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2, 8
5	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1, 2, 8
tigatic	Construction Defect (10)	□ A6007 Construction Defect	1, 2, 3
Provisionally Complex Litigation	Claims Involving Mass Tort (40)	☐ A6006 Claims Involving Mass Tort	1, 2, 8
y Con	Securities Litigation (28)	□ A6035 Securities Litigation Case	1, 2, 8
isionali	Toxic Tort Environmental (30)	□ A6036 Toxic Tort/Environmental	1, 2, 3, 8
Prov	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
		□ A6141 Sister State Judgment	2, 5, 11
4 4	Enforcement of Judgment (20)	☐ A6160 Abstract of Judgment	2, 6
ame Jme		☐ A6107 Confession of Judgment (non-domestic relations)	2, 9
Enforcement of Judgment		☐ A6140 Administrative Agency Award (not unpaid taxes)	2, 8
후		☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		□ A6112 Other Enforcement of Judgment Case	2, 8, 9
. 99	RICO (27)	□ A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints		☐ A6030 Declaratory Relief Only	1, 2, 8
ellan omp	Other Complaints	☐ A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
lisc.	(Not Specified Above) (42)	☐ A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
ا ڌُ ≥		☑ A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
	Partnership Corporation Governance (21)	☐ A6113 Partnership and Corporate Governance Case	2, 8
Miscellaneous Civil Petitions		□ A6121 Civil Harassment	2, 3, 9
		☐ A6123 Workplace Harassment	2, 3, 9
	Other Petitions (Not	☐ A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
	Specified Above) (43)	☐ A6190 Election Contest	2
		☐ A6110 Petition for Change of Name/Change of Gender	2,7
		☐ A6170 Petition for Relief from Late Claim Law	2, 3, 8
		☐ A6100 Other Civil Petition	2, 3, 8
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SHORT TITLE;	Ecological Alliance vs. Harbor Freight Tools USA, Inc.	CASE NUMBER
· · · · · · · · · · · · · · · · · · ·		

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

REASON: □ 1. ℤ 2. □ 3. □ 4. □ 5. □ 6. □ 7. □	8. 🗆 9. 🗆	10. □ 11.	ADDRESS: 1418 Yorkshire Lane
	 -		
La Habra	STATE: CA	2IP CODE: 90631	

Step 5: Certification of Assignment: I cer	rtify that this case is properly filed in the Central	District of
the Superior Court of California, Coι	unty of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3	(a)(1)(E)].

(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.
- Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
- 5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
- A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
- 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.

1 2 3	MIGUEL CUSTODIO, STATE BAR NO. 248 VINEET DUBEY, STATE BAR NO. 243208 CUSTODIO & DUBEY LLP 448 S. Hill St., Suite 612 Los Angeles, CA 90013 Telephone: (213) 785-2909	CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles
4	Facsimile: (213) 785-2899	MAR 1 4 2018
5 6	Attorneys for Plaintiff ECOLOGICAL ALLIANCE, LLC	Sheryl R. Carret, excusus officer/Clerk By:, Deputy Moses Scio
7	STIDED TO COLUDE OF	THE OF A TRACE
		THE STATE OF CALIFORNIA
8	COUNTY	OF LOS ANGELES
9	UNLIMITED (CIVIL JURISDICTION
10	ECOLOGICAL ALLIANCE, LLC, a	CASE NO.:
11	California limited liability company,	BC 6 9 8 2 3 3
12	Plaintiffs,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF
13	VS.	(Health & Safety Code. § 25249.6 et seq.)
14	HARBOR FREIGHT TOOLS USA, INC., a Delaware corporation; and DOES 1 through	(Trouble & Safety Code, § 25249.0 et seq.)
15	10, inclusive,	
16	Defendants.	
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COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

NATURE OF THE ACTION

- 1. This Complaint is brought by plaintiff ECOLOGICAL ALLIANCE, LLC ("Plaintiff") in the public interest of the People of the State of California to enforce their right to be informed of the presence of chemicals listed by the State of California, pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.6 et seq. ("Proposition 65"), including Di(2-ethylhexyl)phthalate [DEHP].
- 2. Plaintiffs seek to remedy Defendants' failure to warn citizens of the State of California, in violation of Proposition 65, about the presence of DEHP ("Listed Chemical") in Defendant's electrical clip sets and scraper sets offered for sale throughout the State of California ("Products").
 - 3. Defendant's Products contain the Listed Chemical and consumers of Products in the State of California are exposed to the Listed Chemical through dermal exposure and ingestion of Products.
- 4. Defendants know and intend that their Products expose consumers in the State of California to the Listed Chemical.
- 5. Attached hereto and incorporated by reference are copies of letters ("60-Day Notices"), dated November 3, 2017, which Plaintiff sent to Defendant and California's Attorney General. Identical letters were sent to every District Attorney in the state, to the City Attorneys of every California city with a population greater than 750,000, and to all Defendants. Attached to the 60-Day Notices were Certificates of Merit attesting to the reasonable and meritorious basis for this action, Certificates of Service attesting to service of the letters on each entity described above, and a description of Proposition 65 prepared by the California Office of Environmental Health Hazard Assessment. Furthermore, factual information sufficient to establish the basis of the Certificates of Merit was enclosed with the 60-Day Notice sent to California's Attorney General.

- 6. After receiving the claims asserted in the 60-Day Notice, the public enforcement agencies identified in Paragraph 5 have failed to commence and diligently prosecute a cause of action against Defendants under Proposition 65.
- 7. Plaintiff seeks preliminary and permanent injunctive relief to compel Defendants to provide the warning required under Proposition 65 regarding the Products.
- 8. Pursuant to Health and Safety Code section 25249.7(b), Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65.

PARTIES

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

VENUE AND JURISDICTION

13. The Court has jurisdiction over this action pursuant to Health and Safety Code section 25249.7. Pursuant to California Constitution Article VI, section 10, the California

Superior Court has "original jurisdiction in all causes except those given by statute to other trial courts." The statute under which this action is brought does not specify any other trial courts that should have jurisdiction.

- 14. The Court has jurisdiction over Defendants based on Plaintiff's information and good faith belief that each Defendant is a person, firm, corporation, or association that is a citizen of the State of California, has sufficient minimum contacts in the State of California, and/or otherwise purposefully avails itself of the California market. Defendants' purposeful availment renders the exercise of personal jurisdiction by the Court consistent with traditional notions of fair play and substantial justice.
- 15. Venue is proper in this Court because Defendants manufacture, distribute, offer for sale, sell, and/or serve Products that contain the Listed Chemical. Liability for Plaintiff's causes of action, or some parts thereof, has accordingly arisen during the times relevant to this Complaint and Plaintiff accordingly seeks civil penalties and forfeitures imposed by statutes.

FIRST CAUSE OF ACTION

(Violation of Proposition 65 - Against All Defendants)

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

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

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

1	civil penalties against Defendants in such amount as the Court deems appropriate; and
2	4. That the Court grant such other and further relief as may be just and proper.
3	Dated: March 14, 2018
4	Respectfully Submitted, CUSTODIO & DUBEY LLP
5	COSTODIO & DOBEY LLP
6	
7	By:
8	Vineet Dubey Custodio & Dubey LLP
9	Custodio & Dubey LLP Attorneys for Plaintiff ECOLOGICAL ALLIANCE, LLC
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November 3, 2017

Harbor Freight Tools USA, Inc. c/o Corporate Creations Network, Inc. 1430 Truxtun Ave., 5th Floor Bakersfield, CA 93301

Re: NOTICE OF VIOLATION AGAINST HARBOR FREIGHT TOOLS USA, INC. OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.6

To Whom It May Concern and to Public Prosecutors:

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

The products which are causing an exposure without a warning in violation of Proposition 65, are scraper sets, including but not limited to UPC #792363940368 ("Products") manufactured/distributed by Harbor Freight Tools USA, Inc. and offered for sale by retailers, including Harbor Freight Tools USA, Inc., to California consumers.

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

Because of this lack of a warning, consumers were exposed to the following chemicals without the proper required Proposition 65 warnings: 1) Di(2-ethylhexyl)phthalate. The routes of exposure for this chemical are ingestion and dermal. Such exposure can cause cancer, birth defects and other

Vineet Dubey, Esq. dubey@CD-Lawyers.com

reproductive harm. Exposures to the listed chemical from the use of the Products have been occurring without the clear and reasonable warnings required by Proposition 65, dating as far back as November 3, 2016, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the Products. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from contact with the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from reasonable foreseeable use of the Products.

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

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

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

Sincerely,

Vinéet Dubey

Custodio & Dubey LLP

cc: see attached distribution list

Attachments:

Proposition 65 summary

Certificate of Merit

Certificate of Service

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

Re: Ecological Alliance, LLC's Notice of Proposition 65 Violations by Harbor Freight Tools USA, Inc.

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

Dated: November 3, 2017

Vineet Dubey, Attorney at Law

CERTIFICATE OF SERVICE

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

On the date shown below, I served the following:

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

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

Harbor Freight Tools USA, Inc. c/o Corporate Creations Network, Inc. 1430 Truxtun Ave., 5th Floor Bakersfield, CA 93301

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

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

November 3, 2017

Vineet Dubey

Alamoda County District Attorney 1225 Fallon St. Roum 900 Oakland. CA 94612 Alpine County District Attorney PO Box 248 Markleeville. CA 96120 San Rarleeville. CA 96120 San Andreas. C	dub
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November 3, 2017

Harbor Freight Tools USA, Inc. c/o Corporate Creations Network, Inc. 1430 Truxtun Ave., 5th Floor Bakersfield, CA 93301

Re: NOTICE OF VIOLATION AGAINST HARBOR FREIGHT TOOLS USA, INC. OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.6

To Whom It May Concern and to Public Prosecutors:

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

The products which are causing an exposure without a warning in violation of Proposition 65, are electrical clip sets, including but not limited to Item #67589 ("Products") manufactured/distributed by Harbor Freight Tools USA, Inc. and offered for sale by retailers, including Harbor Freight Tools USA, Inc., to California consumers.

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

Because of this lack of a warning, consumers were exposed to the following chemicals without the proper required Proposition 65 warnings: 1) Di(2-ethylhexyl)phthalate. The routes of exposure for this chemical are ingestion and dermal. Such exposure can cause cancer, birth defects and other

Vineet Dubey, Esq. dubey@CD-Lawyers.com

reproductive harm. Exposures to the listed chemical from the use of the Products have been occurring without the clear and reasonable warnings required by Proposition 65, dating as far back as November 3, 2016, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the Products. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from contact with the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from reasonable foreseeable use of the Products.

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

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

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

Sincerely,

Vineet Dubey

Custodio & Dubey LLP

cc: see attached distribution list

Attachments:

Proposition 65 summary Certificate of Merit

Certificate of Service

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

Re: Ecological Alliance, LLC's Notice of Proposition 65 Violations by Harbor Freight Tools USA, Inc.

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

Dated: November 3, 2017

Vineet Dubey, Attorney at Law

CERTIFICATE OF SERVICE

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

On the date shown below, I served the following:

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

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

3) Certificate of Merit (Attorney General Copy); Factual information sufficient to establish the basis of the certificate of merit (only sent to Attorney General)

4) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65); A Summary

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

Harbor Freight Tools USA, Inc. c/o Corporate Creations Network, Inc. 1430 Truxtun Ave., 5th Floor Bakersfield, CA 93301

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

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

November 3, 2017

Vineet Dubey

Los Angeles County District Attorney 210 W Temple St. 18th Floor Los Angeles. CA 90012 Madera County District Attorney 209 W Yosemite Ave Madera. CA 93637 Mariposa County District Attorney PO. Box 730 Mariposa. CA 95338 Marin County District Attorney 3501 Civic Center Drive. #130 San Rafael-CA 94903 Mendocino County District Attorney P.O. Box 1000 Ukiah. CA 95482 Los Angeles City Attorney 200 N Main St Sie 1800 Los Angeles CA 90012 Inyo County District Attorney P.O. Drawer D Independence. CA 93526 Orange County District Attorney PO Box 806 Santa Ana. CA 92702 Nevada County District Attorney 10075 Levon Ave.	Mono County District Attorney Pt Box 617 Bridgeport, CA 93517 San Josquin County District Attorney PO Box 990 Stockton, CA 95201-0990 San Francisco County District Attorney 850 Bryant St. Rm 322 San Francisco, CA 94103 San Diego County District Attorney 220 W Bostonic County District Attorney 220 W Bostonic County District Attorney 316 N Mountain View Ave San Bernardino, CA 92415-0004 San Francisco City Attorney # 1Dr. Carlton B. Goodlett Place, Suite 232 San Francisco, CA 94102 Placer County District Attorney 10810 Justice Center Drive Suite 240 Roseville, CA 95678-6231 Merced County District Attorney
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Plumas County District Attorney	Nana, CA 94559-0720
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Juiney, CA 95971	Riverside, CA 92501
Sacramento County District Attorney	San Benito County District Attorney
801 G Street	419 4th St
acramento, CA 95814	Hollister, CA 95023
an Luis Obispo County District Attorney	Siskiyou County District Attorney
ounty Government Center, Rm 450	PO Box 986
an Luis Obispo, CA 93408	Yreka, CA 96097
an Mateo County District Attorney (R) County Center	Solano County District Attorney
edwood City CA 94663	600 Union Ave
anta Barbara County Dietries Attorney	Fairfield, CA 94533
H2 Sama Barbara St.	Sonoma County District Attorney
ama Barbara, CA 93401	600 Administration Dr. Rm 212-1
	Santa Rosa, CA 95403
anta Clara County District Attorney	Shasta County District Attorney
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