SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

MIZCO INTERNATIONAL, INC., a New York 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 GOPY
ORIGINAL FILED

Superior Court of California County of Los Angeles

MAR 1 4 2018

CASE NUMBER: (Número del Caso).

Charries Carres execution officer/Clerk	
Sherri R. Carrer, executive utilicer/Clerk	
By. M. Deputs	
Moses Scto	

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 (Stanley Mosk Branch)

111 North Hill St., Los Angeles, CA 90012

The name, address, and telephone number of plaintiffs attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es): Custodio & Dubey LLP; 448 S. Hill St., Suite 612, Los Angeles, CA 90013; (213) 785-2909

DATE: (Fecha)	MAR		2018	SHERRI R. CARTER	Clerk, by (Secretario)	M. Soto	, Deputy _ (Adjunto)
				ons, use Proof of Service of Sum citatión use el formulario Proof of		0)).	
[SEAL]	_		1 2	as an individual defenda as the person sued under on behalf of (specify): M	nt. or the fictitious name of (specify)):	
			3	under:	rporation) funct corporation) sociation or partnership)	CCP 416.60 (minor) CCP 416.70 (conservate CCP 416.90 (authorized	- /

Page 1 of 1

BC 6 9 8 2 3 2

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

Case Number	BC 6	3 9	8	3	2	3	2	
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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		Hon. Emest 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		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/	Attorney of Record on		
•		(Date)	•
SHERRI R. CARTER, Executive Officer/6	Clerk of Court		
Ву	, Deputy Clerk		

		CM-010
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar Vineet Dubey #243208 Custodio & Dubey LLP 448.5 LEIL Spring Ch	number, and address):	FOR COURT USE ONLY
448 S. Hill St., Suite 612 Los Angeles, CA 90013 TELEPHONE NO.: (213) 785-2909 ATTORNEY FOR (Name): Plaintiff Ecological A	FAX NO. (213) 785-2899 Alliance, LLC	CONFORMED COPY ORIGINAL FILED Superior Court of California County of Los Angeles
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOSTREET ADDRESS: 111 North Hill St.	os Angeles	
MAILING ADDRESS. Same		MAR 1 4 2018
CITY AND ZIP CODE: Los Angeles 90012		Sherri R. Capter, exessions unicer/Clerk
BRANCH NAME: Stanley Mosk		
CASE NAME:		By: Deputy
Ecological Alliance, LLC vs. Mizco	International, Inc.	Moses Sain
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER:
✓ Unlimited	Counter Joinder	BC 6 9 8 2 3 2
(Amount (Amount demanded demanded demanded demanded demanded demanded is	Filed with first appearance by defendant	
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402)	DEPT:
	ow must be completed (see instructions on p	
1. Check one box below for the case type tha	t best describes this case:	-34-7/.
Auto Tort	Contract Prov	risionally Complex Civil Litigation
Auto (22)	~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~ ~	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 Eminent domain/Inverse	Environmental/Toxic tort (30)
Other PI/PD/WD (23)	condemnation (14)	Insurance coverage claims arising from the above listed provisionally complex case
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)
Business tort/unfair business practice (07)	Other real property (26) Enfo	rcement of Judgment
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)
Defamation (13)		ellaneous Civil Complaint
Fraud (16)	Residential (32)	RICO (27)
Intellectual property (19)	☐ Drugs (38)	Other complaint (not specified above) (42)
Professional negligence (25) Other non-PI/PD/WD tort (35)	Judicial Review Misc	ellaneous Civil Petition
Employment (35)	Asset forfeiture (05) 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)	
	olex under rule 3.400 of the California Rules	of Court. If the case is sempley modulibre
ractors reduiting exceptional Indicial manag	jement:	or court. If the case is complex, mark the
a. Large number of separately repres	sented parties d. Large number of v	vitnesses
b Extensive motion practice raising of		related actions pending in one or more courts
issues that will be time-consuming	to resolve in other counties,	states, or countries, or in a federal court
c Substantial amount of documentar	y evidence f. L Substantial postju	dgment judicial supervision
3. Remedies sought (check all that apply): a.	✓ monetary b. ✓ nonmonetary decla	ratory or injunctive relief c. punitive
Number of causes of action (specify): On	e (1)	putitive
5. This case 🔲 is 🗸 is not a class		
If there are any known related cases, file at	nd serve a notice of related case. (You may	use form CM-015.)
Date: March 14, 2018	\hat{O}	_
Vineet Dubey		
(TYPE OR PRINT NAME)	(SIGNAT	URE OF PARTY OR ATTORNEY FOR PARTY)
Plaintiff must file this cover sheet with the 5	NOTICE TO THE PROPERTY OF THE	
 Plaintiff must file this cover sheet with the fi under the Probate Code, Family Code, or V 	יפג Paper med in the action or proceeding (e) Velfare and Institutions Code). (Cal. Rules of	ccept small claims cases or cases filed Court, rule 3.220.) Failure to file may result
in sanctions.		Total quality (1.220.) I allule to life may result
 File this cover sheet in addition to any cove If this case is complex under rule 3 400 et s 	r sneet required by local court rule.	Di nomen a nome di Mala
 If this case is complex under rule 3.400 et s other parties to the action or proceeding. 	eq. or the Camornia Rules of Court, you mus	st serve a copy of this cover sheet on all
Unless this is a collections case under rule	3.740 or a complex case, this cover sheet w	ill be used for statistical purposes only.
Form Adopted for Mandatory Use		Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

Auto Tort

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

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

Asbestos (04)

Asbestos Property Damage Asbestos Personal Injury/ Wrongful Death

Product Liability (not asbestos or toxic/environmental) (24) Medical Malpractice (45)

Medical Malpractice-

Physicians & Surgeons

Other Professional Health Care Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip

and fall)

Intentional Bodily Injury/PD/WD

(e.g., assault, vandalism)

Intentional Infliction of

Emotional Distress 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)

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

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

Employment

Wrongful Termination (36) Other Employment (15)

CASE TYPES AND EXAMPLES

Contract

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

Contract (not unlawful detainer

or wrongful eviction) Contract/Warranty Breach-Seller

Plaintiff (not fraud or negligence)

Negligent Breach of Contract/

Warranty

Other Breach of Contract/Warranty

Collections (e.g., money owed, open

book accounts) (09)

Collection Case-Seller Plaintiff Other Promissory Note/Collections

Case Insurance Coverage (not provisionally

complex) (18)

Auto Subrogation

Other Coverage

Other Contract (37)

Contractual Fraud

Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)

Wrongful Eviction (33)

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

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent

domain, landlord/tenant, or

foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item; otherwise,

report as Commercial or Residential)

Judicial Review

Asset Forfeiture (05)

Petition Re: Arbitration Award (11)

Writ of Mandate (02)

Writ-Administrative Mandamus

Writ-Mandamus on Limited Court

Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39)

Review of Health Officer Order

Notice of Appeal-Labor

Commissioner Appeals

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

Antitrust/Trade Regulation (03)

Construction Defect (10)

Claims Involving Mass Tort (40) Securities Litigation (28)

Environmental/Toxic Tort (30)

Insurance Coverage Claims

(arising from provisionally complex

case type listed above) (41)

Enforcement of Judgment

Enforcement of Judgment (20) Abstract of Judgment (Out of

County)

Confession of Judgment (non-

domestic relations)

Sister State Judgment

Administrative Agency Award

(not unpaid taxes)

Petition/Certification of Entry of

Judgment on Unpaid Taxes

Other Enforcement of Judgment 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

Claim

Other Civil Petition

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

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

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

Applicable Reasons for Choosing Court Filing Location (Column C)

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

Death (23)

Location of property or permanently garaged vehicle.

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

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

В

Auto Tort

Other Personal Injury/ Property Damage/ Wrongful Death Tort

☐ A7220 Other Personal Injury/Property Damage/Wrongful Death

☐ A7270 Intentional Infliction of Emotional Distress

1, 4, 11

1, 4, 11

C

SHORT TITLE

Ecological Alliance vs. Mizco International, Inc.

CASE NUMBER

Non-Personal Injury/ Property
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
Civil Rights (08)	□ A6005 Civil Rights/Discrimination	1, 2, 3
Defamation (13)	☐ A6010 Defamation (slander/libel)	1, 2, 3
Fraud (16)	□ A6013 Fraud (no contract)	1, 2, 3
Professional Negligence (25)	☐ A6017 Legal Malpractice	1, 2, 3
	A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Wrongful Termination (36)	☐ A6037 Wrongful Termination	1, 2, 3
Other Empleyment (45)	☐ A6024 Other Employment Complaint Case	1, 2, 3
Other Employment (15)	☐ A6109 Labor Commissioner Appeals	10
	A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
Breach of Contract/ Warranty (06)	A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
(not insurance)	□ A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
	☐ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
Collections (09)	☐ A6002 Collections Case-Seller Plaintiff	5, 6, 11
	☐ A6012 Other Promissory Note/Collections Case	5, 11
	☐ A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11
Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	☐ A6009 Contractual Fraud	1, 2, 3, 5
Other Contract (37)	☐ A6031 Tortious Interference	1, 2, 3, 5
	☐ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9
Eminent Domain/Inverse Condemnation (14)	□ A7300 Eminent Domain/Condemnation Number of parcels	2, 6
Wrongful Eviction (33)	☐ A6023 Wrongful Eviction Case	2, 6
	☐ A6018 Mortgage Foreclosure	2, 6
Other Real Property (26)	□ A6032 Quiet Title	2, 6
	A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6
Unlawful Detainer-Commercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer-Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
Unlawful Detainer- Post-Foreclosure (34)	□ A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
Unlawful Detainer-Drugs (38)	□ A6022 Unlawful Detainer-Drugs	2, 6, 11

Ecological Alliance vs. Mizco International, Inc.

CASE NUMBER

	Civil Case Cover Sheet Category No.	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
Jicia Jicia	Writ of Mandate (02)	☐ A6152 Writ - Mandamus on Limited Court Case Matter	2
Juc		☐ 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
itigati	Construction Defect (10)	□ A6007 Construction Defect	1, 2, 3
nplex L	Claims Involving Mass Tort (40)	A6006 Claims Involving Mass Tort	1, 2, 8
y Con	Securities Litigation (28)	☐ A6035 Securities Litigation Case	1, 2, 8
Provisionally Complex Litigation	Toxic Tort Environmental (30)	☐ A6036 Toxic Tort/Environmental	1, 2, 3, 8
Prov	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
		□ A6141 Sister State Judgment	2, 5, 11
# # # # # # # # # # # # # # # # # # #		☐ A6160 Abstract of Judgment	2, 6
Enforcement of Judgment	Enforcement	☐ A6107 Confession of Judgment (non-domestic relations)	2, 9
forc	of Judgment (20)	☐ A6140 Administrative Agency Award (not unpaid taxes)	2, 8
E P		☐ A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		A6112 Other Enforcement of Judgment Case	2, 8, 9
, <u>s</u>	RICO (27)	☐ A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints		☐ A6030 Declaratory Relief Only	1, 2, 8
ellar omi	Other Complaints	☐ A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
lisco vil C	(Not Specified Above) (42)	☐ A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
≥ ່ວັ		☑ A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
	Partnership Corporation Governance (21)	□ A6113 Partnership and Corporate Governance Case	2, 8
		☐ A6121 Civil Harassment	2, 3, 9
suo		☐ A6123 Workplace Harassment	2, 3, 9
lane etiti	Other Petitions (Not	☐ A6124 Elder/Dependent Adult Abuse Case	2, 3, 9
Miscellaneous Civil Petitions	Specified Above) (43)	☐ A6190 Election Contest	2
ž 5		☐ A6110 Petition for Change of Name/Change of Gender	2,7
		☐ A6170 Petition for Relief from Late Claim Law	1 '
		☐ A6100 Other Civil Petition	2, 3, 8
E			2, 9

SHORT TITLE:	Ecological Alliance vs. Mizco International, 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:	8. 9.	10. 🛭 11.	ADDRESS: 1418 Yorkshire Lane
сіту _ї La Habra	STATE: CA	ZIP CODE: 90631	

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:	March	14,	2018	
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(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.
- Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

1 2 3 4	MIGUEL CUSTODIO, STATE BAR NO. 248' VINEET DUBEY, STATE BAR NO. 243208 CUSTODIO & DUBEY LLP 448 S. Hill St., Suite 612 Los Angeles, CA 90013 Telephone: (213) 785-2909 Facsimile: (213) 785-2899	Sherri R. varces, causing unicer/Clerk	
5	Attorneys for Plaintiff ECOLOGICAL ALLIANCE, LLC	By: Moses Scho Deputy	
7	SUPERIOR COURT OF	THE STATE OF CALIFORNIA	
8	COUNTY OF LOS ANGELES		
9	UNLIMITED CIVIL JURISDICTION		
10	ECOLOGICAL ALLIANCE, LLC, a	CASE NO.: BC 6 9 8 2 3 2	
11	California limited liability company,	00090232	
12	Plaintiffs,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF	
13	VS.	(Health & Safety Code. § 25249.6 et seq.)	
14	MIZCO INTERNATIONAL, INC., a New York corporation; and DOES 1 through 10, inclusive,	44	
15	Defendants.		
16	Detendants.		
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- 11	COMPLAINT FOR CIVIL PEN	ALTIES AND INJUNCTIVE RELIEF	

NATURE OF THE ACTION

- 1. This Complaint is brought by plaintiff ECOLOGICAL ALLIANCE, LLC ("Plaintiff") in the public interest of the People of the State of California to enforce their right to be informed of the presence of chemicals listed by the State of California, pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.6 et seq. ("Proposition 65"), including 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 ear bud cords 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 6, 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 New York 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 civil penalties against Defendants in such amount as the Court deems appropriate; and
 - 4. That the Court grant such other and further relief as may be just and proper.

1	Dated: March 14, 2018	D
2	2	Respectfully Submitted, CUSTODIO & DUBEY LLP
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4	1	Ву:
5	5	Vineet Dubey
6	5	Vineet Dubey Custodio & Dubey LLP Attorneys for Plaintiff ECOLOGICAL ALLIANCE, LLC
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November 6, 2017

IP Holdings Unltd LLC c/o Corporation Service Company 251 Little Falls Dr. Wilmington, DE 19808

Family Dollar, Inc. c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Dr., Ste 150N Sacramento, CA 95833

Re: NOTICE OF VIOLATION AGAINST IP HOLDINGS UNLTD LLC AND FAMILY DOLLAR, 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 IP Holdings Unitd LLC, a Delaware limited liability company and Family Dollar, Inc., a North Carolina 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 earbud cords, including but not limited to UPC #758302095063 ("Products") manufactured/distributed by IP Holdings Unitd LLC and offered for sale by retailers, including Family Dollar, Inc., to California

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

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 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 6, 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 IP Holdings Unitd LLC and Family Dollar, 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 6, 2017

Vińeet 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:

IP Holdings Unltd LLC c/o Corporation Service Company 251 Little Falls Dr. Wilmington, DE 19808

Family Dollar, Inc. c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Dr., Ste 150N Sacramento, CA 95833

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 6, 2017

Vineet Dubey

Alama la Causta Di nel a tu		dube
Alameda County District Attorney 1225 Fallon St. Room 900	Los Angeles County District Attorney	Mono County District Attorney
Oakland, CA 94612	210 W Temple St. 18th Floor Los Angeles, CA 90012	P0 Box 617
Alpine County District Attorney		Bridgeport, CA 93517
PO Box 248	Madera County District Attorney 209 W Yosemite Ave	San Joaquin County District Attorney
Markleeville, CA 96120	Madera, CA 93637	PO Box 990
Amador County District Attorney	Mariposa County District Attorney	Stockton, CA 95201 -0990
708 Court. Suite 202	PO. Box 730	San Francisco County District Attorney
Jackson, CA 95642	Mariposa, CA 95338	850 Bryant St. Rm 322 San Francisco, CA 94103
Butte County District Attorney	Marin County District Attorney	San Diego County District Attorney
25 County Center Dr.	3501 Civic Center Drive, #130	220 W. Dale June 1 15 1100
Oroville, CA 95965-3385	San Rafael, CA 94903	San Diego, CA 92101-3803
Calaveras County District Attorney	Mendocino County District Attorney	San Bernardino County District Attorney
891 Mountain Ranch Road	P.O. Box 1000	316 N Mountain View Ave
San Andreas, CA 95249	Ukish, CA 95482	San Bernardino, CA 92415-0004
Office of the Attorney General	Los Angeles City Attorney	San Francisco City Attorney
P.O. Box. 70550	200 N Main St Ste 1800	# 1Dr. Curlion B. Goodlett Place, Suite 234
Oakland, CA 94612-0550	J. Lus Angeles CA 90012	Sun Francisco, CA 94102
Colusa County District Attorney	Inyo County District Attorney	Placer County District Automocy
Courthouse, 547 Marker St. Cohesi, OA 95932	P.G. Drawer D	10810 Justice Cemer Drive
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Contra Costa County District Attorney	Orange Company	Roseville, CA 95678-6231
725 Court St., Room 402	Orange County District Aftorney Po Box 808	Merced County District Attorney
Martinez, CA 94553	Sama Ana. CA 92702	550 W. Main St.
Del None County District Attorney	Nevada County District Autorney	Merced, CA 95340
50 "H" St.	10075 Levon Ave.	Napa County District Attorney
rescent City, CA 95531	Truckee, CA 96161	P0 Box 720 Nana, CA 94559-0720
I Dorado County District Attorney	Plumas County District Attorney	Riverside County District Attorney
US Main St.	520 Main Street, Rm 404	3960 Orange Street, Suite 6
Placerville, CA 95667-5697	Ouiney, CA 95971	Riverside, CA 92501
resno County District Attorney	Sacramento County District Attorney	San Benito County District Attorney
220 Tulare St. Ste. 1000	901 G Street	419 4th St
resno, CA 93721 Henn County District Attorney	Sacramento, CA 95814	Hollister, CA 95023
PO Box 430	San Luis Obispo County District Aftorney	Siskiyou County District Attorney
Villows, CA 95988	County Government Center, Rm 450	PO Box 986
Jumboldt County District Attorney	San Luis Obispo, CA 93408 San Mateo County District Attorney	Yreka, CA, 96097
25 5th St. 4th Floor	400 County Center	Solano County District Attorney
ureka. CA 95501	Redwood City CA 94063	600 Union Ave
operial County District Attorney	Santa Barbara County District Attorney	Fairfield, CA 94533 Sonona County District Attorney
39 W. Main St., 2nd Floor	1112 Sama Barbara St.	5000 administration Dr.
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H5 Traxim Ave	7) W Hedding St. San Jose, CA 951101	1355 West St.
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inford, CA 93230	701 Ocean St., Room 200	P0 Ecy 457
he County District Attorney	Sania Cruz. CA 95060	Downicyille, CA 95936-0457
5 K Forbes St	Stanislaus County District Amorney PO Box 442	Trinity County District Astorney
Lepen, CA 95-853-4790	Modesio, CA 95353	POTRICK STO
doc County District Attorney	§	Weavarille, (A 96043
S Court Street	Sutter County District Afromey	Yuba County District Attorney
totas, CA 96101-4020	246 Second Street	215 5th St
n Diego City Attorney	Yuba City, CA 95991 Lussen County District Attorney	Marysville, CA 95901
y Cemer Plaza	209 S Lassen St. Suite 8	Monterey County District Attorney
90 2rd Ave # 1100	Susanville, CA 96130	PO Box, 4134
n Diego, CA 92101	William W. A. Milling	Salinas, CA 93902
olumne County District Autorney	Tolare County District Attorney	Yolo County District Autorney
Green St	County Civic Center, Rm 224	310 Second St
note, CA 95370	Visalia, CA 93291	Woodhad, CA 95695
ntora County District Atterney	Tehama County District Attorney	SanJose City Attorney
9 S Victoria Ave	P.O. Box 519	200 E. Sama Clara Si
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