

FILED
CLERK'S BUSINESS OFFICE 2
CENTRAL DIVISION

2018 JUL 10 PM 3:32

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

PARKER SMITH, ESQ. (SBN 290311)
LORI TOYAMA, ESQ. (SBN 110021)
SY AND SMITH, PC.
11622 El Camino Real, Suite 100
San Diego, CA 92130
Telephone: (858) 746-9554
Facsimile: (858) 746-5199

Attorneys for Plaintiff, Kingpun Cheng

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN DIEGO
UNLIMITED CIVIL JURISDICTION

KINGPUN CHENG,

Plaintiff,

vs.

STANDEX INTERNATIONAL
CORPORATION, BAKERS PRIDE OVEN
COMPANY, AMAZON.COM, INC., and DOES
1-25,

Defendants.

CASE NO.: 37-2018-00033952-CU-NP-CTL

COMPLAINT FOR CIVIL
PENALTIES AND INJUNCTIVE
RELIEF

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

NATURE OF THE ACTION

1. Plaintiff KINGPUN CHENG (hereinafter, "Plaintiff") brings this representative action, in the public interest of the citizens of the State of California (hereinafter, "citizens"), to enforce the citizen's right to be informed of the presence of LEAD AND/OR LEAD COMPOUNDS (hereinafter, "Lead") found in Defendants STANDEX INTERNATIONAL CORPORATION and AMAZON.COM, INC.'s (hereinafter, collectively referred to as "Defendants") products—specifically BAKER'S PRIDE R3032A STANDARD GAS VALVE SKU B00HV0Q7N6 (hereinafter, "Gas Valves").

2. Plaintiff seeks to remedy Defendants' failure to warn citizens about the risks of exposure to lead present in Defendants' Gas Valves manufactured, distributed and/or offered for sale to consumers throughout the State of California.

3. Defendants manufacture, distribute or offer for sale to consumers throughout the State of California Gas Valves containing detectable levels of lead.

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

5. Under Proposition 65, California identified and listed lead as chemicals known to cause cancer, birth defects and other reproductive harm.

6. Defendants manufacture, distribute or sell Gas Valves containing lead without a health hazard warning in California.

7. Defendants' failure to warn consumers and/or other individuals in the State of California about their exposure to lead in conjunction with Defendants' sale of Gas Valves is a violation of Proposition 65 which subjects Defendants to enjoinder of such conduct as well as civil penalties for each such violation.

8. For Defendants' violations of Proposition 65, plaintiff seeks preliminary injunctive and permanent injunctive relief to compel Defendants to provide purchasers or users of Gas Valves with the required warning regarding the health hazards of lead. (*Cal. Health & Safety Code* § 25249.7(a).)

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

PARTIES

10. Plaintiff resides in the City of Carlsbad, County of San Diego, in the State of California and as such, as citizen of the state of California. Plaintiff is dedicated to protecting the health of California citizens through the elimination or reduction of toxic exposures from

1 consumer products, represented by and through its counsel of record, Parker A. Smith. Plaintiff
2 brings this action in the public interest pursuant to *California Health & Safety Code § 25249.7*.

3 11. Standex International Corporation is a person doing business within the meaning of
4 *California Health & Safety Code § 25249.11*.

5 12. Baker's Pride Oven Company is a person doing business within the meaning of
6 *California Health & Safety Code § 25249.11*.

7 13. Amazon.com, Inc., is a person doing business within the meaning of *California*
8 *Health & Safety Code § 25249.11*.

9 VENUE AND JURISDICTION

10 14. Venue is proper in the San Diego County Superior Court, pursuant to Code of Civil
11 Procedure § § 394, 495, 395.5, because this Court is a court of competent jurisdiction, because
12 one or more instances of wrongful conduct occurred, and continues to occur, in the County of San
13 Diego and/or because Defendants conducted, and continues to conduct, business in this County
14 with respect to Gas Valves.

15 15. The California Superior Court has jurisdiction over this action pursuant to
16 California Constitution Article VI, § 10, which grants the Superior Court "original jurisdiction in
17 all causes except those given by statute to other trial courts." The statute under which this action
18 is brought does not specify any other basis of subject matter jurisdiction.

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

25 FIRST CAUSE OF ACTION

26 (Violation of Proposition 65 – Against Defendants)

27 17. Plaintiff alleges and incorporates by reference, as if full reference, as if full set forth
28 herein, Paragraphs 1 through 16, inclusive.

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

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

8 20. On or about July 21, 2015, a sixty-day notice of violation, together with the
9 requisite certificates of merit, was provided to Defendants, other potential violators and various
10 public enforcement agencies, including the California Attorney General’s Office, stating that as a
11 result of the Defendants’ sale of Gas Valves, purchasers and users in the State of California were
12 being exposed to lead resulting from the reasonably foreseeable users of the Gas Valves without
13 the individual purchasers and users first having been provided with a “clear and reasonable
14 warning” regarding such toxic exposures.

15 21. On or about April 30, 2018, a supplemental sixty-day notice of violation, together
16 with the requisite certificates of merit, was provided to Defendants, other potential violators and
17 various public enforcement agencies, including the California Attorney General’s Office, stating
18 that as a result of the Defendants’ sale of Gas Valves, purchasers and users in the State of
19 California were being exposed to lead resulting from the reasonably foreseeable users of the Gas
20 Valves without the individual purchasers and users first having been provided with a “clear and
21 reasonable warning” regarding such toxic exposures.

22 22. Defendants manufactures, distributes and/or offers Gas Valves for sale or use in
23 violation of *California Health & Safety Code § 25249.6* and Defendant’s manufacture,
24 distribution and/or offering of Gas Valves for sale or use in violation of *California Health &*
25 *Safety Code § 25249.6* has continued to occur beyond Defendant’s receipt of Plaintiff’s sixty-day
26 Notice of Violation. Plaintiff further alleges and believes that such violations will continue to
27 occur into the future.
28

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

4 24. The Gas Valves manufactured, distributed, and/or offered for sale or use in
5 California by Defendants contained lead above the allowable state limits.

6 25. Defendants knew or should have known that the Gas Valves manufactured,
7 distributed, and/or for sale or use by Defendants in California contained lead.

8 26. Lead was present in or on the Gas Valves in such a way as to expose individuals to
9 lead through dermal contact and/or ingestion during the reasonably foreseeable use of the Gas
10 Valves.

11 27. The normal and reasonably foreseeable use of the Gas Valves have caused and
12 continue to cause consumer exposure to lead, as such exposure is defined by 27 CCR§ 25602(b).

13 28. Defendants had knowledge that the normal and reasonably foreseeable use of the
14 Gas Valves would expose individuals to lead through dermal contact and/or ingestion.

15 29. Defendants intended that such exposures to lead from the reasonably foreseeable
16 use of the Gas Valves would occur by its deliberate, non-accidental participation in the
17 manufacture, distribution and/or offer for sale or use of the Gas Valves to purchasers, consumers,
18 or users in the State of California.

19 30. Defendants failed to provide a “clear and reasonable warning” to those consumers
20 and/or other individuals in the State of California who were or who could become exposed to lead
21 through dermal contact and/or ingestion during the reasonably foreseeable use of the Gas Valves.

22 31. Contrary to the express policy and statutory prohibition of Proposition 65, enacted
23 directly by California voters, individuals exposed to lead through dermal contact and/or ingestion
24 resulting from the reasonably foreseeable use of the Gas Valves, sold by Defendants without a
25 “clear and reasonable warning,” have suffered, and continue to suffer, irreparable harm, for which
26 harm they have no plain, speedy or adequate remedy at law.

27 32. As a consequence of the above-described acts, each Defendants are liable for a
28 maximum civil penal of \$2,500.00 per day for each violation pursuant to *California Health&
Safety Code § 25249.7(b)*.

1 33. As a consequence of the above-described acts, *California Health & Safety Code* §
2 25249.7(a) also specifically authorizes the Court to grant injunctive relief against Defendants.

3 34. Wherefore, Plaintiff prays for judgment against Defendants as set forth hereinafter.

4 PRAYER FOR RELIEF

5 Wherefore, Plaintiff prays for judgment against Defendants as follows:

6 1. That the Court, pursuant to *California Health & Safety Code* § 25249.7(b), assess
7 civil penalties against Defendants, in the amount of \$2,500.00 per day for each violation alleged
8 herein;

9 2. That the Court, pursuant to *California Health & Safety Code* § 25249.7(a),
10 preliminarily and permanently enjoin Defendants from manufacturing, distributing or offering
11 Gas Valves for sale or use in California, without providing "clear and reasonable warnings" as
12 detailed by 27 CCR § 25601, as to the harms associated with exposures to lead;

13 3. That the Court grant Plaintiff reasonable attorneys' fees and cost of suit; and
14 the Court grant such other and further relief as may be just and proper.

15 Respectfully Submitted,

16 Dated: July 10, 2018

17
18 By: 

19 Parker A. Smith
20 Attorney for Plaintiff
21
22
23
24
25
26
27
28

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Parker A. Smith (#290311) and Lori A. Toyama (#110021) Sy and Smith, PC. 11622 El Camino Real, Suite 100 San Diego, CA 92130 TELEPHONE NO.: (858) 746-9554 FAX NO.: (858) 746-5199 ATTORNEY FOR (Name): Plaintiff, King Pun Cheng		FOR COURT USE ONLY BUSINESS OFFICE CENTRAL DIVISION 2018 JUL 10 PM 3:32 CLERK-SUPERIOR COURT SAN DIEGO COUNTY, CA	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Diego STREET ADDRESS: 330 West Broadway MAILING ADDRESS: CITY AND ZIP CODE: San Diego, CA 92101 BRANCH NAME: Hall of Justice		CASE NAME: KINGPUN CHENG v. STANDEX INTERNATIONAL CORP., et al.	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	
CASE NUMBER: 37-2018-00033952-CU-NP-CTL		JUDGE: DEPT:	

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
---	--	---

2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |

3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify): One (1)

5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: July 10, 2018

Parker A. Smith, Esq.

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

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

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

CASE TYPES AND EXAMPLES

Auto Tort

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) (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)

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

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

STANDEX INTERNATIONAL CORPORATION, BAKERS PRIDE
OVEN COMPANY, AMAZON.COM, INC. and DOES 1 - 25

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

KINGPUN CHENG

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

BUSINESS OFFICE
CENTRAL DIVISION

2018 JUL 10 PM 3:38

CLERK-SUPERIOR COURT
SAN DIEGO COUNTY, CA

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

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

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case.

¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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

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

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

CASE NUMBER:
(Número del Caso):
37-2018-00033952-CU-NP-CTL

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Parker A. Smith and Stephanie Sy, SY & SMITH, PC., 11622 El Camino Real, S100, San Diego, CA 92130

DATE:
(Fecha)

July 10 2018

Clerk, by
(Secretario)

J. Jones

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☐ by personal delivery on (date):