Internet index of the standard internet	Environmental Resear(Fax: 18662346280 T	o: 5102675739@rcfax.com	39 Page: 3 of 28 07/01/2019 9:56 AM
Clucks W. Proc. (SB): 33300) Fill Community Complexity (Complexity) Bit Community (SS): (SS)			CM-0
Environmental Resume from Center, Inc. III Camine Device Name 109-500-3000 Fixer Action Science 109-500-500-500-500-500-500-500-500-500-5		ar number and addree):	FOR COURT USE ONLY
3111 Camino Del Río North, Suíte 440 Tablem, CA 2018 Tablem, C	Environmental Research Center, Inc.		
ALAYED COUNTY ADDED ADD	3111 Camino Del Rio North, Suite 400		
arrener in page Plaintiff Environmental Research Center, Inc. July 01, 2019 expense could proceed curves and count work Alameda CLERK OP expense 1225 Failon Street The Superior Count of Alameda expense could proceed curves and count of Alameda CLERK OP expense 1225 Failon Street The Superior Count of Alameda expense could proceed curves Oak Kinni, CA 94(1) 2 expense could proceed curves Oak Kinni, CA 94(1) 2 expense could proceed curves Oak Kinni, CA 94(1) 2 expense could proceed curves Oak Kinni, CA 94(1) 2 expense could proceed curves Oak Kinni, CA 94(1) 2 expense could proceed curves Oak Count, Curves July Countee Count (Curves) 30(nder (Alamout curves Cannout the docurbes this case (Alamout curves Cannout the counteed curves (G) (Alan C2) Cannout the curves (G)			
Superior Court of CALFORMA, COUNT OF A Limeda STREET ACCES, 1225 Fallon Street Mains Arecces 1225 Fallon Street Mains Arecces 1225 Fallon Street Count of C	TELEPHONE NO.: 619-500-3090	EAX NO. 706-858-0326	ALAMEDA COUNTY
Subtract Could for CallFool Action 1235 Fallors Street Marke access 1235 Fallors Street 1235 Fallors 1235 Fallor 1235 Fallors 1235 Fallor 1235 Fallors 1235 Fallors 1			
Image Arrowson IDE SUPERIOR COURT by Shabot spraw, Deputy any account Rene C, Davidson The SupErior Court by Shabot spraw, Deputy CASE NAME CMUL CASE COVER SHEET Unionmental Research Center, Inc. v. Well Beyond, LLC RG19025217 CIVIL CASE COVER SHEET Unimental Research Center, Inc. v. Well Beyond, LLC Doc Current demanced exceeds 325,000 or less) Count rel Status of Count, rule 3,422 Doc Item 1-C bear Mark be completed (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 2-74 obtains (see instructors on page 2) Item 1-C bear Mark be completed (see instructors on page 2) Item 2-74 bear Mark		Alameda	
By Shabra Iyani, Deputy CASE NAME: By Shabra Iyani, Deputy CASE NAME: Benic 1, Deputy CASE NAME: Benic 1, Deputy CASE NAME: Benic 1, Deputy CASE NAME: Complex Case Designation Unlimited Limited Counter Joinder Monoint demanded is Field with first appearance by defendant wroeds \$25,000, \$25,000 et less (Cal Rules of Court, rule 3, Addo 2, Deputy (Cal Rules of Court, rule 3, Addo 2, Deputy (Cal Rules of Court, rule 3, Addo 3, Deputy (Cal Rules of Court, rule 3, Ad	STREET ADDRESS: 1225 Fallon Street		
CASE NUMBER: RC19025217 CASE NUMBER: CASE NUMBER: CASE NUMBER: RC19025217 CASE NUMBER: CASE NUMBER: RC19025217 CASE NUMBER: CASE	MAILING ADDRESS: 1225 Fallon Street		
CASE NAME RG19025217 Environmental Research Center, Inc. v. Well Beyond, LLC Complex Case Designation Complex Case Designation Unlimited Limited Complex Case Designation Complex Case Designation Complex Case Designation Case With first appearance by defendant Complex Case Designation Adde: Complex Case Designation Case With first appearance by defendant Complex Case Designation Adde: Items 1-6 balow must be completed (see instructors on page 2) Case With State Designation (SB) Case With State Designation (SB) Dher PIPDWD (Personal Injury/Property Balow must be completed (see instructors on page 2) Frovisionally Complex Civil Litigation Abbots (G4) Product liability (24) Beautifier of contract (G7) Beautifier State of Court, rules 3400-3403 Balow model (G4) Differ reinproving (B) Differ reinproving (B) Beautifier State of Case (B) Beautifier State of Case (B) Balow model (G4) Differ reinproving (B) Beautifier State of Case (B) Beautifier State of Case (B) Beautifier State of Case (B) Balow model (G4) Differ reinproving (B) Beautifier State of Case (B) Beautifier State of Case (B) Beautifier State (Case (B) <td>CITY AND ZIP CODE: Oakland, CA 94612</td> <td></td> <td>By Snabra Iyamu, Deputy</td>	CITY AND ZIP CODE: Oakland, CA 94612		By Snabra Iyamu, Deputy
CASE INVALE: RG19025217 Environmental Research Center, Inc. v. Well Beyond, LLC Complex Case Designation Complex Case Designation Unlimited Limited Complex Case Designation Complex Case Designation Complex Case Designation Unlimited Limited Complex Case Designation Complex Case Designation Complex Case Designation Items 7-6 below for the case type that beachibes this case: Case Rules of Court, rule 3:400-3:403 Addec: Auto C2; Contract Contract Frovisionally Complex Civil Litigation Other PIPDWD (Personal Injury/Property Discretors (09) Other contract (37) Bacimes togalation (28) Other PIPDWD (20) Real Property Real Property Sectors (20) Discretors (20) Other releption (14) Product liability (24) Real Property Bacimes toful (14) Discretors (20) Deter releption (25) Commercia (31) Environmental/ Cale Club and compare (20) Environmental/ Cale Club and Club and (20) Bacimes (16) Fraud (16) Distribution (14) Working Levisor (13) Environmental/ Cale Club and C	BRANCH NAME: Rene C. Davidson		CASE NUMBER:
Environmental Research Center, Inc. v. Well Bayond, LLC CIVIL CASE COVER SHEET Complex Case Designation Marchine Limited (Amount Center Second S25,000; S25,000 or less) Terms 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 C2 Contract S25,000; Uninstruct Contract S25,000; Marco C2 Contract S25,000; Uninstruct Contract S25,000; Auto C2 Contract S25,000; Uninstruct Call Rules of Court, Rule 3400; Auto C2 Contract S25,000; Uninstruct Contract S25,000; Deter contract/Warmany (B6 Provisionally Complex Civil Liluation Auto C2 Contract S25,000; Deter contract (37) Contract S25,000; Deter contract Civil Contract S25,000; Contract S25,000; Deter contract (37) Contract S25,000; Deter contract (37) Contract S25,000; Deter contract (37) Contract S25,000; Deter contract (36) Contract S25,000; Deter contract (36) Contract S25,000; <td></td> <td></td> <td>RG19025217</td>			RG19025217
Unlike Code of the real property and the real property (a) Description Image wrong to be below for the case type that best describes this case: Auto for the case type that best describes this case: Auto for the case type that best describes this case: Auto for the case type that best describes this case: Contract Provisionally Complex Civil Liftgation (Cal. Rules of Court, rule 3.402) Check one box below for the case type that best describes this case: Contract Provisionally Complex Civil Liftgation (Cal. Rules of Court, rule 3.402) Auto for Contract (Gal. Rules of Court, rule 3.402) Construction defect (10) Unline work mode model (46) Other contract (37) Construction defect (10) Abstate (44) Other contract (37) Construction defect (10) Mess tori (40) Model inalignation (45) Eminent domain/newse condemnation (14) Eminent domain/newse condemnation (14) Eminent domain/newse condemnation (14) Eminent domain/newse condemnation (13) Enforcement of Judgment (20) Model in anipractic (46) Commercial (31) Enforcement of Judgment (20) Miscellaneous Civil Complant (20) Business torturate business practice (37) Under Kervew Condemnent (20) Miscellaneous Civil Complant (20) Pradu (18) Indefection (35)	Environmental Research Center, In	c. v. Well Beyond, LLC	
(Amount demanded exceeds \$25,000 (Amount (Cal. Rules of Court, rule 3,402) (Dem (Cal. Rules of Court, rule 3,400) (Dem (Cal. Rules of Court (Cal) (Dem (Cal. Rules of Court (Cal) (Cal. Rules		Complex Case Designation	CASE NUMBER:
(amount demanded is 225,000 or less) Filed with first appaarance by defendant store to defendant store store store to defendant store st	✓ Unlimited Limited		
demanded demanded is exceeds 325,000 Filed with first appearance by defendant (cal. Rules of Court, rules 3.402) Cort Items 1–6 below must be completed (see instructions on page 2). Check on page 2). Check one box below for the case type that bed describes this case: Provisionaly Complex Civil Litigation (Cal. Rules of Court, rules 3.400) Muto Tort Rule 3.740 collections (09) Antitrust/Trade regulation (03) Unnsured metorist (46) Other collections (09) Construction defeet (10) Demage/Wrong/full Dealty Tort Rule 3.740 collections (09) Construction defeet (10) Demage/Wrong/full Dealty Tort Rule 3.740 collections (09) Construction defeet (10) Demage/Wrong/full Dealty Tort Rule 3.740 collections (09) Construction defeet (10) Defension (13) Red Property (26) Insurance coverage (18) Insurance coverage (18) Defension (13) Conmercial (31) Red Property (26) Insurance coverage (18) Defension (13) Conmercial (31) Red Property (26) Insurance coverage (18) Defension (16) Defension (16) Red Property (26) Insurance coverage (20) Defension (16) Defension (10) Red Property (26) Insurance coverage (20) NorPI/PDWD (Other)	(Amount (Amount		
Items 1-6 below must be completed (see instructors on page 2). 1. Check one box below for the case type that best describes this case. Auto (2) Unissued metric (46) Other PI/PDWD (Personal Injury/Property Danage/Wronglut Death) Tort Danage/Wronglut Death) Tort Define and inalpractice (45) Other collections (39) Non-PI/PDWD (Orecompt Local) Define and in the case property (26) Define and on the case property (26) Define and propert	demanded demanded is	Filed with first appearance by defer	ndant bobel
1. Check one box below for the case type that best describes this case: Provisionally Complex Civil Litigation Auto Tort Contract Provisionally Complex Civil Litigation Auto (22) Breach of contract/warranty (6) Rules of Court, rules 3 400-3403) Other PIPD/WD (Personal Injury/Property Dimesree increase (16) Antirus/Priade regulation (03) Other PIPD/WD (Personal Injury/Property Dimesree increase (16) Other contract (37) Product liability (24) Basiness torfunfair business practice (17) Differ rein/Porty Non-RIPD/WD (Other) Tort Business torfunfair business practice (07) Other rein/Porty Enforcement of Judgment Defension (12) Continersitial (31) Residential (32) Enforcement of Judgment Protestionaling (16) Dirage (33) Dirage (33) Dirage (33) Protestionaling (16) Dirage (33) Dirage (34) Dirage number of separately represented parties a Large number of separately represented parties d. Large number of separately represented parties d. Large number of und secore sheet with the first paper file dir to novel Continer counties, states, or counplex, mark the factors requiring exceptional genemics, or in a federal court a Large number of separately represented parties d	exceeds \$25,000) \$25,000 or less	(Cal. Rules of Court, rule 3.402	2) DEPT:
Auto Tort Contrad Provisionally complex Chil Litigation Auto (22) Breach of contract/warmshy (6) Provisionally complex Chil Litigation Auto (22) Other collections (09) Antitrust/Trade regulation (03) Construction detect (10) DamageWrongIu Death) Tot Other collections (09) Construction detect (10) Securities litigation (23) Product libility (24) Center contract (37) Environmental/Totic tot (30) Environmental/Totic tot (30) Definition (13) Product libility (24) Construction detect (10) Securities lightion (28) Mon-Pi/PDWD (Other) Tort Environmental/Totic tot (30) Environmental/Totic tot (30) Environmental/Totic tot (30) Definition (36) Other real property Other real property (26) Miscollaneous Civil Complant Definition (36) Other real property (30) Enforcement of Judgment Enforcement of Judgment (20) Other non-Pi/PDWD tot (35) Productial Review (39) Miscollaneous Civil Complain (<i>Inst specified above</i>) (42) Wrongful eminition (36) Writ of mandate (22) Differ complaint (<i>Inst specified above</i>) (42) Miscollaneous Civil Patition Environmental (21) Miscollaneous Civil Complaint Rice Care Is no complex under rule 3.4	Items 1–6 b	elow must be completed (see instructions	s on page 2).
Auto (22) Breach of contract/warranty (06) Cal. Fulles 3:400-3:403 Matto (22) Breach of contract/warranty (06) Antifusu/Trado regulation (03) Other PI/PDWD (Dersonal Injury/Property Breach of contract (30) Antifusu/Trado regulation (03) Adabation (44) Other outpract (37) Breach of contract (37) Breach of contract (37) Product liability (24) Beach of contract (37) Breach of contract (37) Beach of contract (37) Non-PI/PDWD (Other Tort) Business totu/nair business practice (07) Business totu/nair business practice (07) Beach of contract (32) Product (16) Conmercial (31) Rescience coverage claims ansing from the above itseld process (24) Professional negligance (25) Durgs (33) Business cotu/nair business practice (07) Professional negligance (25) Durgs (33) Beach of contract/warranty (30) Professional negligance (25) Durgs (33) Beach of above) (42) Miccial Review Micial Review (39) Cather complaint (not specified above) (42) Miccial Review Micial Review (39) Cather makers (30) Partnership and contract (30) Professional negligance (25) Durgs (33) Beach of above) (42) Miccianereusciew (30) Cather			
Winnsured motorist (44) Rule 3.740 collections (09) Antitrust/Trade regulation (03) Other PI/PD/WD (Personal Injury/Property Other collections (09) Construction detect (10) Asbestos (04) Other collections (09) Construction detect (10) Asbestos (04) Other collections (09) Construction detect (10) Model Inability (24) Other collections (09) Construction detect (10) Model Inability (24) Other collections (09) Construction detect (10) Model Inability (24) Other collections (13) Securities litigation (23) Non-PI/PD/MD (Other) Torl Other real property (26) Insurance coverage claims assing from the systemation (13) Defamation (13) Residential (32) Informental Toxic torl (20) Defamation (13) Conservice (10) Durge (33) Perdessional negligence (25) Judicial Review Miscellaneous Civil Petition Other employment (15) Durge (18) evere (13) Patnership and corporate governance (21) Other petition (rab specified above) (42) Miscellaneous Civil Petition Miscellaneous Civil Petition Patnership and corporate governance (21) Defamation (13) Intelectual property (18) Defamatiship and corporate governance (21)			
Other PI/PD/WD (Personal Injury/Property Other collectors (09) Construction defet (10) Mage/Wrong/LD Death) Tort Other contract (37) Securities litigation (28) Product liability (24) Real Property Securities litigation (28) Wordal malpractice (45) Wrong/Ld eviction (33) Biscontraction defet (10) Other PI/PD/WD (223) Wrong/Ld eviction (33) Biscontraction defet (20) Defension (13) Fraid (16) Commodial (31) Biscontraction dugment Fraid (16) Commodial (31) Residential (32) Miscellaneous Civil Complaint Propoyment (16) Drugs (38) Miscellaneous Civil Complaint Pathership and corporate governance (21) Other employment (15) Drugs (38) Miscellaneous Civil Complaint Pathership and corporate governance (21) Other reply/PD/WD tor (35) Asset forfelure (05) Pathership and corporate governance (21) Other replyment (15) Other indialit review (39) Contractions pather is a state of the management: a. Large number of separately represented paths d. Large number of witnesses b. Extensive motion practice raising difficult on rovel e. Coordination with related catos pathing in one or more civil substantial postjudgment judicial sup	Auto (22)	Breach of contract/warranty (06)	
Damage/Wrongful Death) Tort Insurance coverage (18) Mess tort (40) Asbestos (04) Other contract (37) Real Property Wedical maipractice (45) Other contract (37) Environmental/Taxis tort (30) Other PVPD/WD (02) Frequencies Insurance coverage (18) Insurance coverage (18) Mon-PVPD/WD (01her) Fort Other real property (28) Environmental/Taxis tort (30) Insurance coverage (18) Insurance coverage (18)<	Uninsured motorist (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)
Asbestos (04) Imata coverage (15) Securities lingation (23) Product liability (24) Imata coverage (15) Securities lingation (23) Mon-PMPD/WD (04) Imata coverage (15) Imata coverage (15) Other environmental/Taxis to tot (30) Imata coverage (15) Imata coverage (15) Other real property (26) Imata coverage (15) Imata coverage (15) Other real property (26) Imata coverage (15) Imata coverage (15) Other real property (26) Imata coverage (15) Imata coverage (15) Other real property (15) Drugs (13) Imata coverage (15) Other environmental (13) Residential (13) Residential (12) Prodessional negigence (25) Judicial Review Imata coverage (15) Other environment (15) Other environment (15) Other environment (15) Other environment (10) Other environment (15) Other environment (15) Other coverage (17) Other coverage (17) 2. This case is is is is of 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: Imata coverage (17) Other coverage (17) 3. Remecies sought (check all that apply): a. (monetary b. (monetary) b. (monetary) decla	Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)
Asbestos (4) Other contract (3') Securities litigation (29) Product liability (24) Other contract (3') Becurities litigation (29) Mon-PI/PD/WD (23) Diment domain/Inverse condemnation (11) Disurance coverage claims ansing from the bypes (41) Mon-PI/PD/WD (00ther) Tort Other real property (26) Differentiation (13) Bisiness tort/unfair business practice (07) Defension (13) Commercial (31) Residential (32) Miscellaneous Civil Complaint Product life (16) Drugs (33) Other complaint (not specified above) (42) Miscellaneous Civil Pettion Asset forefuture (05) Partnership and corporate governance (21) Professional negligence (25) Other domain (15) Other domain (10) Other on-PUPD/WD tot (25) Asset forefuture (05) Partnership and corporate governance (21) Other employment (15) Other domain (10) Wits delaneous Civil Pettion (not specified above) (43) Xint cases is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management. a. Large number of separately represented partles d. Large number of witnesses b. Estensive motion practice raising difficult or novel is not a class action su	Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)
Product liability (24) Medical mapractice (45) Control Contract (37) Real Property Environmental/Tax to tr(30) Enviro	Asbestos (04)		
Medical malpractice (45) Other PI/PD/WD (23) Instrume coverage class ansing from the dove listed provisionally complex case by dove listed provisionally complex case by the dove listed provisional provisionally complex case by the dove listed provisional provisional provisional case dove listed provisional provisional provisional case dove listed provisional case by the dove listed provisional case by the dove listed provisional case case case by the dove listed provisional case case case filed case. (You may use form CM-015) Define the dove list dove listed provision In onter counties, states, or countries, or in a federal court case is complex with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Cade, Family Ca			
Other PI/PD/WD (23) condemnation (14) bit is a condemnation (14) Non-PI/PD/WD (Other) Tort Other real property (26) bypes (41) Business tort/unfair business practice (07) Other real property (26) Enforcement of judgment (20) Defamation (13) Commercial (31) Enforcement of judgment (20) Press tort/unfair business practice (07) Dubwrul Detainer Enforcement of judgment (20) Defamation (13) Commercial (31) Miscellaneous Civil Complaint Professional negligence (25) Judicial Review Miscellaneous Civil Petition Other non-PI/PD/WD tort (35) Asset forfeiture (05) Pattnership and corporate governance (21) Wrongful termination (36) Wit of mandate (02) Other puttion (not specified above) (43) Witrogful termination (36) Wit of mandate (02) Other puttion (not specified above) (43) Other putpersented parties d. Large number of witnsesse Description (not specified above) (43) States tortium instance complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. Califier at apply): a. [] monetary b. [] nonmonetary; declaratory or injunctive relief C. [] puntit A. Number of causes of action (specify): 2 F			
With our public Down (of the cash of the cash o			
Non-Ph/PD/W0 (bitter) for ☐ Windpat Check (0) ☐ Enforcement of Judgment ☐ Subjects tort/Unitar business practice (07) ☐ Other real property (28) ☐ Enforcement of Judgment (20) ☐ Fraud (16) ☐ Commercial (31) Miscellaneous Civil Complaint ☐ Pradu (16) ☐ Residential (32) ☐ Miscellaneous Civil Complaint ☐ Other real property (28) ☐ Other complaint (not specified above) (42) ☐ Pradu (16) ☐ Residential (32) ☐ Miscellaneous Civil Petition ☐ Other real property (19) ☐ Drugs (33) ☐ Other complaint (not specified above) (42) ☐ Other mon-PI/PD/WD tot (35) ☐ Petition re: arbitration award (11) ☐ Other petition (not specified above) (43) ☐ Wrong'ul termination (36) ☐ Writ of mandate (02) Miscellaneous Civil Petition ☐ Unage number of separately represented parties d. ☐ Large number of witnesses b. ☐ Extensive motion practice raising difficult or novel is other counties, states, or countries, or in a federal court c. ☐ Substantial postjudgment judicial supervision 3. 3. Remedies sought (check all that apph)): a. [] monetary b. [] nonmonetary; declaratory or injunctive relief c			
Contraction Defermation (13) Commercial (31) Miscellaneous Civil Complaint Prad (16) Residential (32) RiCO (27) Intellectual property (19) Drugs (33) Other complaint (not specified above) (42) Professional negligence (25) Judicial Review Miscellaneous Civil Complaint Other non-PI/PD/WD tot (25) Drugs (33) Other complaint (not specified above) (42) Employment Other rom-Pi/PD/WD tot (25) Patnership and corporate governance (21) Conter employment (15) Other routeway (39) Other petition (not specified above) (43) Wrongful termination (36) Writ of mandate (02) Other petition (not specified above) (43) Chire employment (15) Other judicial review (39) Other petition (not specified above) (43) 2. This case is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. Large number of separately represented parties d. Large number of witnesses b. Extensive motion practice raising difficult or novel e. Cocordination with related actions pending in one or more c c. Substantial amount of documentary evidence f. Substantial aposity periodicial usupervision	Non-PI/PD/WD (Other) Tort		
Defamation (13) Commercial (31) Residential (32) Drugs (33) Drugs (33) Residential (32) Drugs (33) Drugs (33) Drugs (33) Other complaint (not specified above) (42) Miscellaneous Civil Complaint Residential (32) Drugs (33) Other complaint (not specified above) (42) Miscellaneous Civil Petition Partnership and corporate governance (21) Drugs (35) Drugs	Business tort/unfair business practice (0	(7) Other real property (26)	
Defamation (13) Commercial (31) Residential (32) Drugs (38)		· · · · · · · · · · · · · · · · · · ·	Enforcement of judgment (20)
Fraud (16) Residential (32) RICO (27) Intellectual property (15) Drugs (33) Other complaint (not specified above) (42) Miscellaneous Civil Petition Partnership and corporate governance (21) Other non-PI/PD/WD tort (35) Petition re: arbitration award (11) Partnership and corporate governance (21) Wrongful termination (36) Wti of mandate (02) Other petition (not specified above) (43) Other employment (15) Other public under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. Large number of separately represented parties d. Large number of witnesses b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve f. Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. (monetary b. (monetary; declaratory or injunctive relief c. (monetary); acclaratory or injunctive relief c. (monetary); brief caratory or injunctive relief c. (monetary); coerding (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 regin in sanctons. b. If there are any known related cases of out or sover sheet required by local court rule. SIGUATJRE SEPARTY OR ATTORNEY TOR PARTY) NOTICE VPECR PENINTIAME) SIGUATJRE SEPARTY OR ATTORNEY TOR		Commercial (31)	
Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD for (35) Employment Wrongful termination (36) Wrongful termination (36) Writ of mandate (02) Other employment (15) Other gruph of the petition is a class of the petition and the petition is substantial anount of documentary evidence a. Large number of separately represented parties b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (<i>check all that apply</i>): a. Y now provide the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.200, of the file and serve a notice of related case. (You may use form CM-015) Date: 6/24/2019 Chain file this cover sheet with the first paper file in the action or proceeding (except small claims cases or cases file under rule 3.400 or the California Rules of Court, rule 3.200, of the claim or rule 3.740 or a complex case, this cover sheet on all class cound rule. • Plaintiff must file this cover sheet in addition to any cover sheet required by local court rule. • File this is cover sheet in addition to any cover sheet required by local court rule. • Plaintiff must file this cover sheet in addition to any cover sheet required by local court rule. • Plaintiff must file this cover sheet in addition to any cover sheet required by local court rule. • Plaintiff must file this			
Professional negligence (25) Other non-PI/PD/WD tort (35) Asset forfeiture (05) Pathership and corporate governance (21) Asset forfeiture (05) Pathership and corporate governance (21) Writ of mandate (02) Other employment (15) Other employment (15) Other judicial review (39) Other employment (15) Other judicial management: a. Large number of separately represented parties b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision a. Remedies sought (<i>check all that apph</i>): a. monetary b. Monter causes of action (<i>specify</i>): 2 This case is in in a class action suit. f. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Charles W. Poss If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Plaintiff must file this cover sheet with the first paper file in institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may regime a complex case, this cover sheet in addition to any cover sheet required by local court rule. If the is case is complex under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only. CIVIL CASE COVER SHEET			
Other non-PI/PDWD tot (35) Asset forfeiture (05) Partnership and corporate governance (21) Employment Patnership and corporate governance (21) Wrongful termination (36) Writ of mandate (02) Other employment (15) Other judicial review (39) 2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. Large number of separately represented parties d. b. Extensive motion practice raising difficult or novel e. c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. (// monetary) b. (// nonmonetary; declaratory or injunctive relief c. punitit 4. Number of causes of action (specify): 2 2 file the cover sheet with the first paper file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Charles W. Poss (SIGNATJRE DEPARTY OR ATTORNEY FOR PARTY) Plaintiff must file this cover sheet with the first paper file in the action or proceeding (except small claims cases or cases file under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.20.) Failure to file may rest in sanctions. Plaintiff must file this cover sheet with the first paper file t			✓ Other complaint (not specified above) (42)
	Professional negligence (25)	Judicial Review	Miscellaneous Civil Petition
Employment Petition re: arbitration award (11) Other petition (not specified above) (43) Wrongful ternination (36) Writ of mandate (02) Other employment (15) Other publicial review (39) 2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. Large number of separately represented parties d. Large number of witnesses b. Extensive motion practice raising difficult or novel e. Coordination with related actions pending in one or more counties, states, or countries, or in a federal court c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitit 4. Number of causes of action (specify): 2 2 5. This case 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: 6/24/2019 Charles W. Poss STICE Image: Sought 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 resine sactot	Other non-PI/PD/WD tort (35)	Asset forfeiture (05)	Partnership and corporate governance (21)
Wrongful termination (36) Writ of mandate (02) Other judicial review (39) 2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: a. Large number of separately represented parties d. Large number of witnesses b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve e. Coordination with related actions pending in one or more consuming to resolve c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (<i>check all that apply</i>): a. () monetary monetary b. () (nonmonetary; declaratory or injunctive relief c. () () () () () () () () () () () () ()	Employment	Petition re: arbitration award (11)	
 This case is complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: Large number of separately represented parties Large number of separately represented parties Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve issues that will be time-consuming to resolve Substantial amount of documentary evidence Substantial postjudgment judicial supervision Remedies sought (<i>check all that apply</i>): a. monetary Number of causes of action (<i>specify</i>): 2 This case is is is in ontal cases action suit. If there are any known related cases, file and serve a notice of related case. (<i>You may use form CM-015</i>.) Date: 6/24/2019 Charles W. Poss 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 refine sactions. 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. Cal. Standards of Judicial Administration, sture user (Cal. Rules of Court, rules 2.30, 3.20, 3.400-3.403, Cal. Standards of Judicial Administration, sture user (Court) of California Court of California Court user (Cal. Rules of Court, rules 2.30, 3.20, 3.400-3.403, Cal. Standards of Judicial Administration, sture user user)	Wrongful termination (36)	Writ of mandate (02)	
 This case is complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management: Large number of separately represented parties Large number of separately represented parties Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve issues that will be time-consuming to resolve Substantial amount of documentary evidence Substantial postjudgment judicial supervision Remedies sought (check all that apply): a. monetary b. monetary; declaratory or injunctive relief c. puniti Number of causes of action (specify): 2 This case is is is in on a class action suit. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Charles W. Poss 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 resin sanctons. 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 parites 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. Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. Call Rules of Court, ru	Other employment (15)	Other judicial review (39)	
factors requiring exceptional judicial management: a. Large number of separately represented parties b. Extensive motion practice raising difficult or novel Issues that will be time-consuming to resolve c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. ↓ monetary b. ↓ monetary f. Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. ↓ monetary b. ↓ nonmonetary; declaratory or injunctive relief C. ↓ puniti 4. Number of causes of action (specify): 2 b. ↓ nonmonetary; declaratory or injunctive relief C. ↓ puniti 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Charles W. Poss			Rules of Court If the case is complex mark the
 b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (<i>check all that apply</i>): a. monetary b. monetary; declaratory or injunctive relief c. multiplication (<i>specify</i>): 2 5. This case is more a class action suit. 6. If there are any known related cases, file and serve a notice of related case. (<i>You may use form CM-015</i>.) Date: 6/24/2019 CITYPE CR PRINT NAME) 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 resin sanctions. • File this cover sheet in addition to any cover sheet required by local court rule. • If this case is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only. Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • CIVIL CASE COVER SHEET Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Rules of Court, rules 2.30, 3.20, 3.400-3.403. • Call Caller is court rule 3.740 or a complex case, this cover sheet will be used for statistical purposes on ly. • CIVIL CASE COVER SHEET			tares of court in the case is complex, many the
Issues that will be time-consuming to resolve in other counties, states, or countries, or in a federal court c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. puniti 4. Number of causes of action (specify): 2 5. This case is is not a class action suit. 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Charles W. Poss (TYPE CR PRINT NAME) SiGNATJRE DF 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 resin sanctions. • File this cover sheet in addition to any cover sheet required by local court rule. • If this case is complex under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only. • Cal. Rules of Court, rules 2.0, 3.20, 3.400-3.400. • Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes	a. 📃 Large number of separately repr	esented parties d. 🔛 Large numb	er of witnesses
Issues that will be time-consuming to resolve in other counties, states, or countries, or in a federal court c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. puniti 4. Number of causes of action (specify): 2 5. This case is is not a class action suit. 6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Charles W. Poss (TYPE CR PRINT NAME) SiGNATJRE DF 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 resin sanctions. • File this cover sheet in addition to any cover sheet required by local court rule. • If this case is complex under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only. • Cal. Rules of Court, rules 2.0, 3.20, 3.400-3.400. • Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes		•	
 c. Substantial amount of documentary evidence f. Substantial postjudgment judicial supervision 3. Remedies sought (<i>check all that apply</i>): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitie 4. Number of causes of action (<i>specify</i>): 2 5. This case is in a class action suit. 6. If there are any known related cases, file and serve a notice of related case. (<i>You may use form CM-015.</i>) Date: 6/24/2019 Charles W. Poss (TYPE CR PRINT NAME) 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 rest 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 on ly. Page addition of Judicial Addition, the advocation of Judicial Advocation, statistical council of California Rules of Judicial Advocation, statistical Rules of Judicial Advocation, statistical council of California Rules of Judicial Advocation, statistical rules 2.30, 3.220, 3.400-3.403, Cal. Standerds of Judicial Advocation, statistical rules and Judicial Advocation, statistical rules and Judicial Advocation, statistical rules and Judicial Advocation, statistican, statistical rules and Judicial Advocation, statistical rul	· ·		
 Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punities Number of causes of action (specify): 2 This case is is is is not a class action suit. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Charles W. Poss (TYPE CR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY) 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 resin 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. Fage additional of auditors of Judicial Administration, statistical purposes on Judicial Courd rules of Judicial Administration, statistical Judicial Administration, statis			
 4. Number of causes of action (<i>specify</i>): 2 5. This case is is is not a class action suit. 6. If there are any known related cases, file and serve a notice of related case. (<i>You may use form CM-015.</i>) Date: 6/24/2019 Charles W. Poss (TYPE CR PRINT NAME) ISIGNATURE 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 resin 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. Fage court and addition of any down or a complex case, this cover sheet will be used for statistical purposes only. Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.400.3.400-3.400.3.400-3.400.3.400-3.400.400.400.400.400.400.400.400.400.40			
 5. This case is is is is not a class action suit. 5. This case is is 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: 6/24/2019 Charles W. Poss (TYPE CR PRINT NAME) WOTICE • 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 resin 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 council of California Rules of Court, rules 2.30, 3.220, 3.400-3.403, (Cal. Standerds of Judicial Administration, statistical purposes on ly. Page council of California Rules of Court, rules 2.30, 3.220, 3.400-3.403, (Cal. Standerds of Judicial Administration, statistical purposes on ly. Page council of California Rules of Court, rules 2.30, 3.220, 3.400-3.403, (Cal. Standerds of Judicial Administration, statistical purposes on ly. Page council of California Rules of Court, rules 2.30, 3.220, 3.400-3.403, (Cal. Standerds of Judicial Administration, statistical purposes on ly. Page council of California Rules of Court, rules 2.30, 3.220, 3.400-3.403, (Cal. Standerds of Judicial Administration, statistical purposes on ly. Page council of California Rules of Court, rules 2.30, 3.220, 3.400-3.403, (Cal. Standerds of Judicial Administration, statistical purposes cand publical Administration, statistical Publical Council of	3. Remedies sought (check all that apply):	a. 🖌 monetary 🛛 b. 🖌 nonmonetary;	; declaratory or injunctive relief Cpunitiv
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.) Date: 6/24/2019 Charles W. Poss (TYPE CR PRINT NAME) (TYPE CR PRINT NAME) (TYPE CR 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 resin 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 • Orm Adopted for Mandatory Use Culculate Council of California Rules of Court, rules 2.30, 3.220, 3.400-3.400, -3.4	 Number of causes of action (specify): 2 		
Date: 6/24/2019 Image: Grade Structure S	5. This case 🔛 is 🗹 is not a cli	ass action suit.	
Charles W. Poss (TYPE CR 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 resin 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 • orm Adopted for Mardatory Use under (Use of Court, rules 2.30, 3.220, 3.400-3.403, 3.200, 3.400-3.403, 3.2	6. If there are any known related cases, file	and serve a notice of related case. (You	ı may use form CM-015.)
Charles W. Poss (TYPE CR 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 resin 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 CIVIL CASE COVER SHEET Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, 3.	Date: 6/2//2019	AT.	and the second
(TYPE CR 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 resin 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 Porm Adopted for Mandatory Use under fruite COURT CASE COVER SHEET Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, Cal. Standerds of Judicial Administration, statulation of grave. Cal. Standerds of Judicial Administration, statulation of grave. If the statule of Court, rules 2.30, 3.220, 3.400-3.403, Cal. Standerds of Judicial Administration, statulation of grave. Cal. Standerds of Judicial Administration, statulate of Court, rules 2.30, 3.220, 3.400-3.403, Cal. Standerds of Judicial Administration, statulation of proceeding of Judicial Administration, statulation of grave. Court of Court, rules 2.30, 3.220, 3.400-3.403, Cal. Standerds of Judicial Administration, statulation of proceeding of Judicial Administration, statulatis of Judicial Administration, statulatis o		NUU.	and the second se
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 resin 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 Pom Adopted for Mandatory Use Unders of Court, Judical Coverd of Court, Judical Administration, 33. CH-010 [Rev. July 1, 2007]			(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
 under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may resin 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. <u>Page</u> Form Adopted for Mandatory Use under rule 2.30, 3.220, 3.400–3.403, 3. Cal. Standards of Judicial Administration, 3.5 	, , , , , , , , , , , , , , , , , , ,	NOTICE	
 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 horm Adopted for Mandatory Use cudicial Council of California CM-010 [Rev. July 1, 2007] 	 Plaintiff must file this cover sheet with the 	e first paper filed in the action or proceed	ing (except small claims cases or cases filed
 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 Norm Adopted for Mandatory Use udicial Council of California CM-010 [Rev. July 1, 2007] 	under the Probate Code, Family Code, o	r Welfare and Institutions Code). (Cal. Ru	ules of Court, rule 3.220.) Failure to file may res
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 Porm Adopted for Mandatory Use udicial Council of California CM-010 [Rev. July 1, 2007] Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, standards of Judicial Administration, state www.courtinto	in sanctions.		
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 +orm Adopted for Mandatory Use udicial Council of California CM-010 [Rev. July 1, 2007] CIVIL CASE COVER SHEET			
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 Porm Adopted for Mandatory Use udicial Council of California CM-010 [Rev. July 1, 2007] Cal. Rules of Court, rules 2.30, 3.220, 3.400–3.403, state of Court, rules 2.30, state of Court, rules 2.3		t seq. of the California Rules of Court, yo	ou must serve a copy of this cover sheet on all
Page Page Form Adopted for Mandatory Use udicial Council of California CM-010 [Rev. July 1, 2007] Cal. Rules of Count, rules 2.30, 3.220, 3.400–3.400, 3. Cal. Standards of Judicial Administration, 3. <i>www.countinto.:</i>			· · · · · · · · · · · · ·
->rm Adopted for Mandatory Use _udicial Council of California CM-010 [Rev. July 1, 2007] Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, Cal. Standards of Judicial Administration, sto www.courtlinto.:	 Unless this is a collections case under rule 	le 3.740 or a complex case, this cover sh	neet will be used for statistical purposes only. Page 1
CM-010 [Rev. July 1, 2007]		CIVIL CASE COVER SHEET	Cal. Rules of Court, rules 2.30, 3.220, 3.400-3.403, 3
	Judicial Council of California	STUE VAGE GOVEN SHEET	Cal. Standards of Judicial Administration, std.
			Amorican LogalNot, I

CM-010

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 Contract

Breach of Contract/Warranty (06)

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)

Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) Contract/Warranty Breach-Seller Plaintiff (not fraud or negligence) Negligent Breach of Contract/ Warrantv 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 (nonharassment) 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

F. ADDENDUM TO CIVIL CASE COVER SHEET
Short Title: Environmental Research Center, Inc. v. Well Beyond, LLC

Case Number:

	THIS FORM IS REQUIRED IN	ALL NE	W <u>UNL</u>	IMITED CIVIL CASE FILINGS IN 1	THE
	SUPERIOR COUR	T OF CAL	IFORN	IIA, COUNTY OF ALAMEDA	
				[] Hayward Hall of Justice((447)
Oakland, Rer	ne C. Davidson Alameda County Courth	nouse (44	6)	[] Pleasanton, Gale-Scheno	one Hall of Justice (448)
Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alam	oda Co	ounty Case Type (check only c	ane)
Auto Tort	Auto tort (22)		34	Auto tort (G)	
] no
Other PI /PD /	Asbestos (04)	[]	75	Asbestos (D)	-
WD Tort	Product liability (24)		89	Product liability (not asbestos or toxic	c tort/environmental) (G)
	Medical malpractice (45)		97	Medical malpractice (G)	
	Other PI/PD/WD tort (23)		33	Other PI/PD/WD tort (G)	
Non - PI /PD /	Bus tort / unfair bus. practice (07)		79	Bus tort / unfair bus. practice (G)	
WD Tort	Civil rights (08)		80	Civil rights (G)	
	Defamation (13)		84	Defamation (G)	
	Fraud (16)		24	Fraud (G)	
	Intellectual property (19)		24 87	Intellectual property (G)	
	Professional negligence (25)		59	Professional negligence - non-medic	al (C)
	Other non-PI/PD/WD tort (35)		03	Other non-PI/PD/WD tort (G)	
Employment	Wrongful termination (36)		38	Wrongful termination (G)	
Employment	Other employment (15)		30 85	Other employment (G)	
			53	Labor comm award confirmation	
			54	Notice of appeal - L.C.A.	
Contract	Breach contract / Wrnty (06)		04	Breach contract / Wrnty (G)	
	Collections (09)		81	Collections (G)	
	Insurance coverage (18)		86	Ins. coverage - non-complex (G)	
	Other contract (37)		98	Other contract (G)	
Real Property	Eminent domain / Inv Cdm (14)		18	Eminent domain / Inv Cdm (G)	
	Wrongful eviction (33)		17	Wrongful eviction (G)	
	Other real property (26)	[]	36	Other real property (G)	
Unlawful Detainer	Commercial (31)	[]	94	Unlawful Detainer - commercial	Is the deft. in possessior
	Residential (32)	[]	47	Unlawful Detainer - residential	of the property?
	Drugs (38)	[]	21	Unlawful detainer - drugs	[]Yes []No
Judicial Review	Asset forfeiture (05)	[]	41	Asset forfeiture	
	Petition re: arbitration award (11)	[]	62	Pet. re: arbitration award	
	Writ of Mandate (02)		49	Writ of mandate	
	Other judicial review (30)	Is this		A action (Publ.Res.Code section 21	l000 et seq)
Provisionally	Other judicial review (39) Antitrust / Trade regulation (03)	<u> </u>	64 77	Other judicial review Antitrust / Trade regulation	
,	Construction defect (10)		82	Construction defect	
Complex	Claims involving mass tort (40)				
	3 ()		78 01	Claims involving mass tort	
	Securities litigation (28)		91 02	Securities litigation	
	Toxic tort / Environmental (30)		93 05	Toxic tort / Environmental Ins covrg from complex case type	
Enforcement of	Ins covrg from cmplx case type (41)		95	- · · · ·	
Enforcement of Judgment	Enforcement of judgment (20)		19 08	Enforcement of judgment	
			08	Confession of judgment	
Misc Complaint	RICO (27)		90 。。	RICO (G)	
	Partnership / Corp. governance (21) Other complaint (42)	[] [X]	88 68	Partnership / Corp. governance (G) All other complaints (G)	
Misc. Civil Petition	Other petition (43)		06	Change of name	
moo. Own'r cuuOn		' ∕	00	onange of name	

Page: 6 of 28 07/01/2019 9:56 AM

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

FILED BY FAX

ALAMEDA COUNTY July 01, 2019

CLERK OF THE SUPERIOR COURT

By Shabra Iyamu, Deputy

SUM-100

Environmental Resear(Fax: 18662346280	To: 5102675739@rcfax.com	Fax: (510) 267-5739
	UMMONS CION JUDICIAL)	
NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):		
WELL BEYOND, LLC and D	OES 1-100	
YOU ARE BEING SUED BY PLA (LO ESTÁ DEMANDANDO EL DI		
ENVIRONMENTAL RESEAU non-profit corporation,	RCH CENTER, INC. a C	alifornia
NOTICE! You have been sued. The court below. You have 30 CALENDAR DAYS after t served on the plaintiff. A letter or phone c case. There may be a court form that you Online Self-Help Center (www.courtinfo.c the court clerk for a fee waiver form. If you may be taken without further warning from There are other legal requirements. You referral service. If you cannot afford an at these nonprofit groups at the California Legal formation and the formation of the form	his summons and legal papers are all will not protect you. Your written can use for your response. You c <i>a.gov/selfhelp</i>), your county law lit u do not file your response on time n the court. bu may want to call an attorney rig torney, you may be eligible for free	e served on you to file a wr n response must be in prop an find these court forms a brary, or the courthouse ne e, you may lose the case by ht away. If you do not know e legal services from a non

NOTICE! You h u respond within 30 days. Read the information below.

You have 30 ritten response at this court and have a copy served on the p per legal form if you want the court to hear your case. There may and more information at the California Courts Online Self-Helt earest you. If you cannot pay the filing fee, ask the court clerk f y default, and your wages, money, and property may be taken w

There are of w an attorney, you may want to call an attorney referral service. profit legal services program. You can locate these nonprofit fornia 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.

Court

The name and address of the court is:	
(El nombre y dirección de la corte es);	Alameda County Superior

ASE NUMBER: lúmero del Caso):	
RG1	9025217

1225 Fallon Street

Oakland, California 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección γ el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es). Charles W. Poss, ERC, Inc., 3111 Camino Del Rio North, Ste. 40⁻ Jiego, CA 92108 (619) 500-3090

	D. Cogarria	
DATE: July 01, 2019	Clerk, by (Secretario)	, Deputy <i>(Adjunto</i>)
	 mmons, use Proof of Service of Summons (form POS-010).) sta citatión use el formulario Proof of Service of Summons, (POS-010)). NOTICE TO THE PERSON SERVED: You are served 1. as an individual defendant. 2. as the person sued under the fictitious name of (specify): 3. on behalf of (specify): under: CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.70 (conservatee) CCP 416.40 (association or partnership) CCP 416.90 (authorized partnership) 4. by personal delivery on (date): 	

m: Environm	' ental Resear(Fax: 18662346280 	To: 5102675739@rcfax.com	Fax: (510) 267-5739	Page: 7 of 28	07/01/2019 9:56
1 2 3 4 5 6 7	Charles W. Poss (SBN 3252 Environmental Research Ce 3111 Camino Del Rio North San Diego, CA 92108 Ph: (619) 500-3090 Fax: (706) 858-0326 Attorney for Plaintiff Envir	enter, Inc. h, Suite 400	enter, Inc.	FILED BY F. ALAMEDA COUNT July 01, 2019 CLERK OF THE SUPERIOR CO By Shabra Iyamu, Do CASE NUMBER: RG19025	∪RT eputy
8	SUPERIC	OR COURT OF THI	E STATE OF CAI	LIFORNIA	
9		COUNTY OF			
10					
11	ENVIRONMENTAL RES	SEARCH CENTER,	, CASE NO.		
12	INC., a California non-pr	ofit corporation	COMPLAIN	T FOR INJUNC	TIVE
13	Plaintiff, vs.		AND DECL CIVIL PEN	ARATORY RELI	EF AND
14					(40)]
15 16	WELL BEYOND, LLC an Defendants.			us Civil Complaint 5, Health & Safety 9.5 et seq.]	
17					
18					
19	Plaintiff Environmental Res				
20		I			
21 22	1 Plaintiff Environme	<u>INTROD</u>		Plaintiff" or "FRC") hrings
22	1. Plaintiff Environmental Research Center, Inc. (hereinafter "Plaintiff" or "ERC") brings this action as a private attorney general enforcer and in the public interest pursuant to Health &				
23 24	Safety Code section 25249.7, subdivision (d). The Safe Drinking Water and Toxic Enforcement				
25	Act of 1986 (Health & Safety Code section 25249.5 <i>et seq.</i>) also known as "Proposition 65,"				
26	mandates that businesses with ten or more employees must provide a "clear and reasonable				
27	warning" prior to exposing any individual to a chemical known to the state to cause cancer or				
28	reproductive toxicity. Lead	and cadmium are ch	emicals known to t	he State of Californ	ia to
	Complaint	Page 1 for Injunctive and Decl		ivil Penalties	

cause cancer, birth defects, and other reproductive harm. This Complaint seeks injunctive and declaratory relief and civil penalties to remedy the ongoing failure of Defendants Well Beyond, LLC ("Well Beyond") and Does 1-100 (hereinafter individually referred to as "Defendant" or collectively as "Defendants"), to warn consumers that they have been exposed to lead and/or cadmium from a number of Well Beyond's nutritional health products as set forth in paragraph 3 at levels exceeding the applicable Maximum Allowable Dose Level ("MADL") and requiring a warning pursuant to Health & Safety Code section 25249.6.

Π

PARTIES

2. Plaintiff ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by reducing the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

3. Defendant Well Beyond is a business that develops, manufactures, markets, distributes, and/or sells nutritional health products that have exposed users to lead and/or cadmium in the State of California within the relevant statute of limitations period. These "SUBJECT PRODUCTS" (as identified in the Notice of Violation dated April 11, 2019 attached hereto as Exhibit A) are: (1) Beyond Shake Balanced Nutrition Meal Replacement Salted Caramel Vanilla (lead), (2) Beyond Shake High-Antioxidant Meal Replacement Dark Chocolate (lead), and (3) Beyond Healthy Chocolate Xobiotic Squares (lead, cadmium). Well Beyond is a company subject to Proposition 65 as it employs ten or more persons and has employed ten or more persons at all times relevant to this action.

4. Defendants Does 1-100, are named herein under fictitious names, as their true names and capacities are unknown to ERC. ERC is informed and believes, and thereon alleges, that each of said Does is responsible, in some actionable manner, for the events and happenings hereinafter referred to, either through said Does' conduct, or through the conduct of its agents, servants or employees, or in some other manner, causing the harms alleged by ERC in this Complaint. When said true names and capacities of Does are ascertained, ERC will seek leave

1

2

3

4

5

6

7

8

9

10

11

12

13

15

17

18

21

22

25



to amend this Complaint to set forth the same.

Ш

JURISDICTION AND VENUE

5. This Court has jurisdiction pursuant to California Constitution Article VI, Section 10, which grants the Superior Court original jurisdiction in all causes except those given by statute to other trial courts. The statute under which this action is brought does not specify any other basis for jurisdiction.

6. This Court has jurisdiction over Well Beyond because Well Beyond has sufficient minimum contacts with California, and otherwise intentionally avails itself of the California market through the marketing, distribution, and/or sale of the SUBJECT PRODUCTS in the State of California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

7. The Complaint is based on allegations contained in the Notice of Violation dated April 11, 2019, served on the California Attorney General, other public enforcers, and Well Beyond. The Notice of Violation constitutes adequate notice to Well Beyond because it provided adequate information to allow Well Beyond to assess the nature of the alleged violations, consistent with Proposition 65 and its implementing regulations. A certificate of merit and a certificate of service accompanied each copy of the Notice of Violation, and both certificates comply with Proposition 65 and its implementing regulations. The Notice of Violation served on Well Beyond also included a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary." Service of the Notice of Violation and accompanying documents complied with Proposition 65 and its implementing regulations. Attached hereto as **Exhibit A** is a true and correct copy of the Notice of Violation and associated documents. More than 60 days have passed since ERC mailed the Notice of Violation and no public enforcement entity has filed a Complaint in this case.

8. This Court is the proper venue for the action because the causes of action have arisen in the County of Alameda where some of the violations of law have occurred, and will continue to occur, due to the ongoing sale of Well Beyond's products. Furthermore, venue is proper in this

Page 3 of 9

1 Court under Code of Civil Procedure section 395.5 and Health & Safety Code section 25249.7. 2 IV 3 **STATUTORY BACKGROUND** 4 9. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute 5 passed as "Proposition 65" by an overwhelming majority vote of the people in November of 6 1986. 7 10. The warning requirement of Proposition 65 is contained in Health & Safety Code 8 section 25249.6, which provides: 9 No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to 10 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual, except as provided in Section 11 25249.10. 12 13 11. The Office of Environmental Health Hazard Assessment ("OEHHA"), a division of Cal 14 EPA, is the lead agency in charge of the implementation of Proposition 65. OEHHA 15 administers the Proposition 65 program and administers regulations that govern Proposition 65 16 in general, including warnings to comply with the statute. The warning regulations are found at 17 Title 27 of the California Code of Regulations, Article 6. The regulations define expose as "to 18 cause to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed 19 chemical. An individual may come into contact with a listed chemical through water, air, food, 20 consumer products and any other environmental exposure as well as occupational exposures." 21 (Cal. Code Regs., tit. 27, § 25102, subd. (i).) 22 12. In this case, the exposures are caused by consumer products. A consumer product is 23 defined as "any article, or component part thereof, including food, that is produced, distributed, 24 or sold for the personal use, consumption or enjoyment of a consumer." (Cal. Code Regs., tit. 25 27, § 25600.1, subd. (d).) Food includes "dietary supplements as defined in California Code of 26 Regulations, title 17, section 10200." (Id. at subd. (g).) A consumer product exposure is "an 27 exposure that results from a person's acquisition, purchase, storage, consumption, or any 28 reasonably foreseeable use of a consumer product, including consumption of a food." (Id. at

1 || subd. (e).)

13. On August 30, 2016, the Office of Administrative Law approved the adoption of OEHHA's amendments to Article 6, Clear and Reasonable Warnings of the California Code of Regulations. This action repealed virtually all the regulatory provisions of Title 27 of the California Code of Regulations, Article 6 (sections 25601 et seq.) The action replaced the repealed sections with a new regulation set forth in two new Subarticles to Article 6 that became operative on August 30, 2018. The repealed and new regulations provide, among other things, methods of transmission and content of warnings deemed to comply with Proposition 65. Well Beyond is subject to the warning regulations set forth both prior to and subsequent to August 30, 2018.

14. Prior to the enactment of the new warning regulations, whenever a clear and reasonable warning was required under Health & Safety Code section 25249.6, the "method employed to transmit the warning must be reasonably calculated considering the alternative methods available under the circumstances, to make the warning message available prior to exposure." (Cal. Code Regs., tit. 27, §25601.) The warning requirement would be satisfied by a warning that appeared on a product's label or other labeling, shelf labeling, signs, a system of signs, public advertising identifying the system and toll-free information services, or any other system, that provided clear and reasonable warnings. (Cal. Code Regs., tit. 27, §25603.1, subd. (a)-(d).) Pursuant to the new warning regulations, consumer product warnings "must be prominently displayed on a label, labeling, or sign, and must be displayed with such conspicuousness as compared with other words, statements, designs or devices on the label, labeling, or sign, as to render the warning likely to be seen, read, and understood by an ordinary individual under customary conditions of purchase or use." (*Id.* at § 25601, subd. (c).)

15. Proposition 65 establishes a procedure by which the State is to develop a list of chemicals "known to the State to cause cancer or reproductive toxicity." (Health & Safety Code, § 25249.8.) There is no duty to provide a clear and reasonable warning until 12-months after the chemical is published on the State list. (Health & Safety Code, § 25249.10, subd. (b).)
16. Lead was listed as a chemical known to the State of California to cause developmental

toxicity in the fetus and male and female reproductive toxicity on February 27, 1987. Lead was
listed as a chemical known to the State of California to cause cancer on October 1, 1992. (State of California EPA OEHHA Safe Drinking Water and Toxic Enforcement Act of 1986
Chemicals Known to the State to Cause Cancer and Reproductive Toxicity.) The MADL for
lead as a chemical known to cause reproductive toxicity is 0.5 micrograms per day. (Cal. Code
Regs., tit. 27, §25805, subd. (b).) The No Significant Risk Level for lead as a carcinogen is 15
micrograms per day. (Cal. Code Regs., tit. 27, §25705, subd. (b).)

17. Cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997, while cadmium and cadmium compounds were listed as chemicals known to the State of California to cause cancer on October 1, 1987. (State of California EPA OEHHA Safe Drinking Water and Toxic Enforcement Act of 1986 Chemicals Known to the State to Cause Cancer and Reproductive Toxicity.) The MADL for cadmium as a chemical known to cause reproductive toxicity is 4.1 micrograms per day. (Cal. Code Regs., tit. 27, §25805, subd. (b).)

18. Proposition 65 provides that any person "violating or threatening to violate" Proposition
65 may be enjoined in any court of competent jurisdiction. (Health & Safety Code, §25249.7,
subd. (a).) To "threaten to violate" means "to create a condition in which there is a substantial
probability that a violation will occur." (Health & Safety Code, § 25249.11, subd. (e).)
Furthermore, violators are subject to a civil penalty of up to \$2,500 per day for each violation.
(Health & Safety Code, § 25249.7, subd. (b)(1).)

19. Proposition 65 may be enforced by any person in the public interest who provides notice sixty days before filing suit to both the violator and designated law enforcement officials. The failure of law enforcement officials to file a timely Complaint enables a citizen suit to be filed pursuant to Health & Safety Code section 25249.7, subdivisions (c) and (d).

V

STATEMENT OF FACTS

20. Well Beyond has developed, manufactured, marketed, distributed, and/or sold the SUBJECT PRODUCTS containing lead and/or cadmium into the State of California.

Page 6 of 9

Consumption of the SUBJECT PRODUCTS according to the directions and/or

recommendations provided for said products causes consumers to be exposed to lead at levels exceeding the 0.5 micrograms per day MADL and/or cadmium at levels exceeding the 4.1 micrograms per day MADL and requiring a warning. Consumers have been ingesting these products for many years, without any knowledge of their exposure to these very dangerous chemicals.

21. For many years, Well Beyond has knowingly and intentionally exposed numerous persons to lead and/or cadmium without providing any type of Proposition 65 warning. Prior to ERC's Notice of Violation and this Complaint, Well Beyond failed to provide a warning on the labels of the SUBJECT PRODUCTS or provide any other legally acceptable warning. Well Beyond has, at all times relevant hereto, been aware that the SUBJECT PRODUCTS contained lead and/or cadmium and that persons using these products have been exposed to these chemicals. Well Beyond has been aware of the presence of lead and/or cadmium in the SUBJECT PRODUCTS and has failed to disclose the presence of these chemicals to the public, who undoubtedly believe they have been ingesting totally healthy and pure products pursuant to the company's statements.

22. Both prior and subsequent to ERC's Notice of Violation, Well Beyond failed to provide consumers of the SUBJECT PRODUCTS with a clear and reasonable warning that they have been exposed to chemicals known to the State of California to cause cancer, birth defects and other reproductive harm. This failure to warn is ongoing.

<u>FIRST CAUSE OF ACTION</u> (Violation of Section 25249.6 of the Health and Safety Code, Failure to Provide Clear and Reasonable Warning under Proposition 65)

23. ERC refers to paragraphs 1-22, inclusive, and incorporates them herein by this reference.

24. By committing the acts alleged above, Well Beyond has, in the course of doing business,
knowingly and intentionally exposed users of the SUBJECT PRODUCTS to lead and/or
cadmium, chemicals known to the State of California to cause cancer, birth defects, and other

Page 7 of 9

Complaint for Injunctive and Declaratory Relief and Civil Penalties

reproductive harm, without first giving clear and reasonable warning to such individuals within the meaning of Health & Safety Code section 25249.6. In doing so, Well Beyond has violated Health & Safety Code section 25249.6 and continues to violate the statute with each successive sale of the SUBJECT PRODUCTS.

25. Said violations render Well Beyond liable for civil penalties, up to \$2,500 per day for each violation, and subject Well Beyond to injunction.

SECOND CAUSE OF ACTION (Declaratory Relief)

26. ERC refers to paragraphs 1-25, inclusive, and incorporates them herein by this reference.

27. There exists an actual controversy relating to the legal rights and duties of the Parties, within the meaning of Code of Civil Procedure section 1060, between ERC and Well Beyond, concerning whether Well Beyond has exposed individuals to chemicals known to the State of California to cause cancer, birth defects, and other reproductive harm without providing clear and reasonable warning.

VI

PRAYER

WHEREFORE ERC prays for relief as follows:

1. On the First Cause of Action, for civil penalties for each and every violation according to proof;

2. On the First Cause of Action, and pursuant to Health & Safety Code section 25249.7, subdivision (a), for such temporary restraining orders, preliminary and permanent injunctive orders, or other orders as are necessary to prevent Well Beyond from exposing persons to lead and/or cadmium without providing clear and reasonable warning;

3. On the Second Cause of Action, for a declaratory judgment pursuant to Code of Civil Procedure section 1060 declaring that Well Beyond has exposed individuals to lead and/or cadmium without providing clear and reasonable warning; and

4. On all Causes of Action, for reasonable attorneys' fees pursuant to Code of Civil

1	Procedure section 1021.5 or the substantial benefit theory;
2	5. For costs of suit herein; and
3	6. For such other relief as the Court may deem just and proper.
4	
5 6	DATED:6/24/2019 ENVIRONMENTAL RESEARCH CENTER, INC.
7	u
8	Charles W. Poss In-House Counsel for Plaintiff
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	
	Dags 0 of 0
	Page 9 of 9 Complaint for Injunctive and Declaratory Relief and Civil Penalties





April 11, 2019

NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 *ET SEQ.* (PROPOSITION 65)

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I am the Executive Director of Environmental Research Center, Inc. ("ERC"). ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

ERC has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violator identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violator and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, ERC intends to file a private enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

<u>General Information about Proposition 65</u>. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is attached with the copy of this letter served to the alleged Violator identified below.

<u>Alleged Violator</u>. The name of the company covered by this notice that violated Proposition 65 (hereinafter the "Violator") is:

Well Beyond, LLC

<u>Consumer Products and Listed Chemicals</u>. The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

- 1. Beyond Shake Balanced Nutrition Meal Replacement Salted Caramel Vanilla Lead
- 2. Beyond Shake High-Antioxidant Meal Replacement Dark Chocolate Lead
- 3. Beyond Healthy Chocolate Xobiotic Squares Lead, Cadmium

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Cadmium was officially listed as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997, while cadmium and cadmium compounds were listed as chemicals known to the State of California to cause cancer on October 1, 1987.

It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

<u>Route of Exposure</u>. The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to these chemicals has been and continues to be through ingestion.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least April 11, 2016, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violator violated Proposition 65 because it failed to provide persons ingesting these products with appropriate warnings that they are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violator to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as an expensive and time-consuming litigation.

Please direct all questions concerning this notice to ERC at the above listed address and telephone number.

Sincerely,

Sand State

Chris Heptinstall Executive Director Environmental Research Center

Attachments

Certificate of Merit Certificate of Service OEHHA Summary (to Well Beyond, LLC and its Registered Agents for Service of Process only) Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Well Beyond, LLC

I, Chris Heptinstall, declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

2. I am the Executive Director for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemicals that are the subject of the notice.

4. Based on the information obtained through those consultants, 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. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Shaff the the state

Dated: April 11, 2019

Chris Heptinstall

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On April 11, 2019, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY" on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO Well Beyond, LLC	Current President or CEO Well Beyond, LLC
807 E South Temple, Ste 101	431 N Neil Armstrong Rd
Salt Lake City, UT 84102	Salt Lake City, UT 84116

Current President or CEO Well Beyond, LLC 674 Country Ct North Salt Lake, UT 84054

Current President or CEO Well Beyond, LLC 9855 Double R Blvd, Ste 220 Reno, NV 89521 Jeremy Reynolds (Registered Agent for Well Beyond, LLC) 674 Country Ct North Salt Lake, UT 84054

Registered Agent Solutions, Inc. (Registered Agent for Well Beyond, LLC) 4625 W Nevso Dr Ste 2 Las Vegas, NV 89103

On April 11, 2019, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ*.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1) were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at https://oag.ca.gov/prop65/add-60-day-notice :

Office of the California Attorney General Prop 65 Enforcement Reporting 1515 Clay Street, Suite 2000 Post Office Box 70550 Oakland, CA 94612-0550

On April 11, 2019, between 8:00 a.m. and 5:00 p.m. Eastern Time, verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5** *ET SEQ.*; **CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Nancy O'Malley, District Attorney Alameda County 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org Barbara Yook, District Attorney Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249 Prop65Env@co.calaveras.ca.us

Stacey Grassini, Deputy District Attorney Contra Costa County 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org

Thomas L. Hardy, District Attorney Inyo County 168 North Edwards Street Independence, CA 93526 inyoda@inyocounty.us

Michelle Latimer, Program Coordinator Lassen County 220 S. Lassen Street Susanville, CA 96130 mlatimer@co.lassen.ca.us

Dije Ndreu, Deputy District Attorney Monterey County 1200 Aguajito Road Monterey, CA 93940 Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney Napa County 1127 First Street, Suite C Napa, CA 94559 CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney Riverside County 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org

Anne Marie Schubert, District Attorney Sacramento County 901 G Street Sacramento, CA 95814 Prop65@sacda.org

Mark Ankcorn, Deputy City Attorney San Diego City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov

Gregory Alker, Assistant District Attorney San Francisco County 732 Brannan Street San Francisco, CA 94103 gregory.alker@sfgov.org Valerie Lopez, Deputy City Attorney San Francisco City Attorney 1390 Market Street, 7th Floor San Francisco, CA 94102 Valerie.Lopez@sfcityatty.org

Tori Verber Salazar, District Attorney San Joaquin County 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney San Luis Obispo County County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 edobroth@co.slo.ca.us

Christopher Dalbey, Deputy District Attorney Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us

Yen Dang, Supervising Deputy District Attorney Santa Clara County 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org

Jeffrey S. Rosell, District Attorney Santa Cruz County 701 Ocean Street Santa Cruz, CA 95060 Prop65DA@santacruzcounty.us

Stephan R. Passalacqua, District Attorney Sonoma County 600 Administration Dr Sonoma, CA 95403 jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney Tulare County 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney Ventura County 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org

Jeff W. Reisig, District Attorney Yolo County 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org

On April 11, 2019, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ*.; CERTIFICATE OF MERIT on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on April 11, 2019, in Fort Oglethorpe, Georgia.

Phyllis Unnor

Phyllis Dunwoody

Service List

District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120

District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642

District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965

District Attorney, Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932

District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531

District Attorney, El Dorado County 778 Pacific St. Placerville, CA 95667

District Attorney, Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721

District Attorney, Glenn County Post Office Box 430 Willows, CA 95988

District Attorney, Humboldt County 825 5th Street 4th Floor Eureka, CA 95501

District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243

District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301

District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230

District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453 District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012

District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637

District Attorney, Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903

District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338

District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482

District Attorney, Merced County 550 W. Main Street Merced, CA 95340

District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020

District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517

District Attorney, Nevada County 201 Commercial Street Nevada City, CA 95959

District Attorney, Orange County 401 West Civic Center Drive Santa Ana, CA 92701

District Attorney, Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678

District Attorney, Plumas County 520 Main Street, Room 404 Quincy, CA 95971

District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023 District Attorney,San Bernardino County 303 West Third Street San Bernadino, CA 92415

District Attorney, San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101

District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063

District Attorney, Shasta County 1355 West Street Redding, CA 96001

District Attorney, Sierra County 100 Courthouse Square, 2nd Floor Downieville, CA 95936

District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097

District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533

District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354

District Attorney, Sutter County 463 2nd Street Yuba City, CA 95991

District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080

District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093

District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370

District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901 Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012

San Jose City Attorney's Office 200 East Santa Clara Street, 16th Floor San Jose, CA 95113

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: http://oehha.ca.gov/prop65/law/P65law72003.html. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: http://oehha.ca.gov/prop65/law/P65Regs.html.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: http://www.oehha.ca.gov/prop65/law/index.html.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: <u>http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html</u>.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical unless an exemption applies. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (http://www.oehha.ca.gov/prop65/law/index.html) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "No Significant Risk Levels" (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at:

http://www.oehha.ca.gov/prop65/getNSRLs.html for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level" divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: http://www.oehha.ca.gov/prop65/getNSRLs.html for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a "significant amount" of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" level for chemicals that cause cancer or that is 1,000 times below the "no observable effect" level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at: http://oehha.ca.gov/prop65/law/p65law72003.html.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.