SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

BASIC RESOURCES, INC., a New York corporation; and DOES 1 through 10, inclusive,

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

ECOLOGICAL ALLIANCE, LLC, a California limited liability company.

	SUM-100
FOR COURT USE ONLY	

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

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

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lewhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte pueda 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 haye un formutario que usted puede 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 presente su respueste a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y blenes 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.lawhelpcalifomla.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por Imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and	address of	the	court	is:
(El nombre y d	lirección de	la c	orte e	s):

Los Angeles Superior Court (Stanley Mosk Branch)

111 North Hill St., Los Angeles, CA 90012

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Custodio & Dubey LLP; 448 S. Hill St., Suite 615, Los Angeles, CA 90013; (213) 593-9095

Sherri R. Carter Executive Officer / Clerk of Court

(Fecha) 08/22/2019 DATE: Clerk, by Deputy Nancy Alvarez (Secretario) (Adjunto) (For proof of service of this summons, use Proof of Service of Summons (form POS-010).) (Para prueba de entrega de esta citatión use el formulario Proof of Service of Summons, (POS-010)). NOTICE TO THE PERSON SERVED: You are served il defendant sued under the fictitious name of (specify): pecify): Basic Resources, Inc.

WORVA CO	as an individual defendant. as the person sued under the fictitious name of (s _i)
- SII	3. on behalf of (specify): Basic Resources, Inc. under: CCP 416.10 (corporation) CCP 416.20 (defunct corporation) CCP 416.40 (association or partnership) other (specify): 4. by personal delivery on (date):
	ay he are an arrively are (all and).

Page 1 of 1

CCP 416.60 (minor)

CCP 416.70 (conservatee) CCP 416.90 (authorized person)

CASE NUMBER: (Número del Ceso):

<u>98T.CV30019</u>

Reserved for Clerk's File Stamp SUPERIOR COURT OF CALIFORNIA **COUNTY OF LOS ANGELES** COURTHOUSE ADDRESS: FILED Stanley Mosk Courthouse Superior Court of California County of Los Angeles 111 North Hill Street, Los Angeles, CA 90012 08/22/2019 Sherri R. Carter, Executive Officer / Clerk of Court NOTICE OF CASE ASSIGNMENT Nancy Alvarez Deouty **UNLIMITED CIVIL CASE** CASE NUMBER: Your case is assigned for all purposes to the judicial officer indicated below. 19STCV30019

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

	ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
1	Mark V. Mooney	68				

Given to the Plaintiff/Cross-Complainant/Attorney of Record

Sherri R. Carter, Executive Officer / Clerk of Court

By Nancy Alvarez, Deputy Clerk

(Date)

LASC Approved 05/06

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

*Provisionally Complex Cases

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.

		CM-01
ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Be Vincet Dubey #243208 Custodio & Dubey LLP	er number, and eddress):	FOR COURT USE ONLY
448 S. Hill St., Suite 615 Los Angeles, CA 90013		
TELEPHONE NO.: (213) 593-9095 ATTORNEY FOR (Name): Plaintiff Ecological	FAX NO.: (213) 785-2899	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF L		
STREET ADDRESS: 111 North Hill St.		
MAILING ADDRESS: Same		
CITY AND ZIP CODE: Los Angeles 90012 BRANCH NAME: Stanley Mosk		
CASE NAME:		:
Ecological Alliance, LLC vs. Basic	Resources, Inc.	CASE MUMBER:
CIVIL CASE COVER SHEET	Complex Case Designation	19STCV30019
✓ Unlimited Limited (Amount (Amount	Counter Joinder	
demanded demanded is	Filed with first appearance by defer	
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402 low must be completed (see instructions	
Check one box below for the case type that		on page 2).
Auto Tort	Contract	Provisionally Complex Civil Litigation
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400–3.403) Antitrust/Trade regulation (03)
Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property	Rule 3.740 collections (09) Other collections (09)	Construction defect (10)
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)
Asbestos (04)	Other contract (37)	Securities litigation (28)
Product liability (24)	Real Property	Environmental/Toxic tort (30)
Medical malpractice (45) Other PI/PD/WD (23)	Eminent domain/Inverse condemnation (14)	Insurance coverage claims arising from the above listed provisionally complex case
Non-PKPD/WD (Other) Tort	Wrongful eviction (33)	types (41)
Business tort/unfair business practice (07)		Enforcement of Judgment
Civil rights (08)	Unlawful Detainer Commercial (31)	Enforcement of judgment (20)
Defamation (13) Fraud (16)	Residential (32)	Miscellaneous Civil Complaint RICO (27)
Intellectual property (19)	Drugs (38)	Other complaint (not specified above) (42)
Professional negligence (25)	Judicial Review	Miscellaneous Civil Petition
Other non-PI/PD/WD tort (35)	Asset forfelture (05)	Partnership and corporate governance (21)
Employment Wrongful termination (36)	Petition re: arbitration award (11) Writ of mandate (02)	Other petition (not specified above) (43)
Other employment (15)	Other judicial review (39)	9
		ules of Court. If the case is complex, mark the
factors requiring exceptional judicial manag		
a. Large number of separately repres		er of witnesses with related actions pending in one or more courts
b. Extensive motion practice raising of Issues that will be time-consuming		ties, states, or countries, or in a federal court
c. Substantial amount of documentar		ostjudgment judicial supervision
3. Remedies sought (check all that apply): a.[✓ monetary b. ✓ nonmonetary:	declaratory or injunctive rellef c. punitive
4. Number of causes of action (specify): One		
	action suit.	
6. If there are any known related cases, file ar	nd serve a notice of related case. You i	may use form _y CM-015.)
Date: August 22, 2019	1/2	
Vineet Dubey (TYPE OR PRINT NAME)		SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)
	NOTICE	and the second s
in sanctions.	/elfare and Institutions Code). (Cal. Rule	es of Court, rule 3.220.) Failure to file may result
 File this cover sheet in addition to any cover. If this case is complex under rule 3.400 et si other parties to the action or proceeding. 	eq. of the California Rules of Court, you	1
Unless this is a collections case under rule:	3.740 or a complex case, this cover she	et will be used for statistical purposes only.

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 files 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.

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Auto Tort
     Auto (22)-Personal Injury/Property
         Damage/Wrongful Death
     Uninsured Motorist (46) (if the
         case involves an uninsured
         motorist claim subject to
         arbitration, check this item
         instead of Auto)
Other PI/PD/WD (Personal Injury)
Property Damage/Wrongful Death)
    Asbestos (04)
Asbestos Property Damage
         Asbestos Personal Injury/
              Wrongful Death
     Product Liability (not asbestos or
    toxic/environmental) (24)
Medical Malpractice (45)
         Medical Malpractice
              Physicians & Surgeons
         Other Professional Health Care
              Malpractice
    Other PI/PD/WD (23)
         Premises Liability (e.g., slip
             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)
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CASE TYPES AND EXAMPLES
 Contract
     Breach of Contract/Warranty (06)
          Breach of Rental/Lease
              Contract (not unlawful detainer
         or wrongful eviction)
Contract/Warranty Breach—Seller
             Plaintiff (not fraud or negligence)
         Negligent Breach of Contract/
             Warranty
         Other Breach of Contract/Warranty
     Collections (e.g., money owed, open
         book accounts) (09)
         Collection Case-Seller Plaintiff
         Other Promissory Note/Collections
     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, landford/tenant, or
        foraclosure)
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
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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
         (erising from provisionally complex case type listed above) (41)
 Enforcement of Judgment
     Enforcement of Judgment (20)
         Abstract of Judgment (Out of
              County)
         Confession of Judgment (non-
             domestic relations)
         Sister State Judgment
         Administrative Agency Award
            (not unpaid taxes)
         Petition/Certification of Entry of
            Judgment on Unpaid Taxes
         Other Enforcement of Judgment Case
Miscellaneous Civil Complaint
    RICO (27)
    Other Complaint (not specified above) (42)
        Declaratory Relief Only Injunctive Relief Only (non-
             harassment)
         Mechanics Lien
        Other Commercial Complaint
             Case (non-tort/non-complex)
         Other Civil Complaint
            (non-tort/non-complex)
Miscellaneous Civil Petition
    Partnership and Corporate
        Governance (21)
    Other Petition (not specified
        above) (43)
        Civil Harassment
        Workplace Violence
        Elder/Dependent Adult
            Abuse
        Election Contest
        Petition for Name Change
        Petition for Relief From Late
            Claim
        Other Civil Petition
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Wrongful Termination (36)

Other Employment (15)

Other Judicial Review (39)
Review of Health Officer Order

Notice of Appeal-Labor

Review

SHORT TITLE Ecological Alliance vs. Basic Resources, Inc.	CASE NUMBER

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

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

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

Applicable Reasons for Choosing Court Filing Location (Column C)

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

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

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

Auto

Other Personal Injury/ Property Damage/ Wrongful Death Tort SHORT TITLE: Ecological Alliance vs. Basic Resources, Inc.

	A Civil Case Cover Sheet Category No.	Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
perty 1 Tort	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1, 2, 3
ry/ Pro I Death	Defamation (13)	☐ A6010 Defamation (slander/libel)	1, 2, 3
al Injur	Fraud (16)	A6013 Fraud (no contract)	1, 2, 3
Non-Personal Injury/ Property Damage/ Wrongful Death Tort	Professional Negligence (25)	☐ A6017 Legal Malpractice ☐ A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3 1, 2, 3
žö	Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
ent	Wrongful Termination (36)	☐ A8037 Wrongful Termination	1, 2, 3
Employment	Other Employment (15)	A6024 Other Employment Complaint Case A6109 Labor Commissioner Appeals	1, 2, 3 10
Confract	Breach of Contract/ Warranty (06) (not insurance)	□ A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) □ A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) □ A6019 Negligent Breach of Contract/Warranty (no fraud) □ A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2, 5 2, 5 1, 2, 5 1, 2, 5
	Collections (09)	☐ A6002 Collections Case-Seller PlaintIff ☐ A6012 Other Promissory Note/Collections Case ☐ A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11 5, 11 5, 6, 11
	Insurance Coverage (18)	☐ A6015 Insurance Coverage (not complex)	1, 2, 5, 8
	Other Contract (37)	□ A6009 Contractual Fraud □ A6031 Tortious Interference □ A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 5 1, 2, 3, 5 1, 2, 3, 8, 9
	Eminent Domain/Inverse Condemnation (14)	□ A7300 Eminent Domain/Condemnation Number of parcets	2, 6
operfy	Wrongful Eviction (33)	□ A6023 Wrongful Eviction Case	2, 6
Real Prope	Other Real Properly (26)	 □ A8018 Mortgage Foreclosure □ A6032 Quiet Title □ A6060 Other Real Property (not eminent domain, landford/tenant, foreclosure) 	2, 6 2, 6 2, 6
ا تة	Unlawful Detainer-Gommercial (31)	☐ A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Unlawful Detainer	Unlawful Detainer-Residential (32)	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
awful l	Unlawful Detainer- Post-Foreclosure (34)	A6020FUniawful Detainer-Post-Foreclosure	2, 6, 11
5	Unlawful Detainer-Drugs (38)	☐ A6022 Unlawful Detainer-Drugs	2, 6, 11

Ecological Alliance vs. Basic Resources, Inc.

CASE NUMBER

	A Civil Case Cover Sheet Category No.	Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
	Asset Forfelture (05)	☐ A6108 Asset Forfeiture Case	2, 3, 6
×	Petition re Arbitration (11)	☐ A6115 Patition to Compet/Confirm/Vacate Arbitration	2, 5
Judicial Review	Writ of Mandate (02)	☐ A6151 Writ - Administrative Mandamus ☐ A6152 Writ - Mandamus on Limited Court Case Matter ☐ A6153 Writ - Other Limited Court Case Review	2, 8 2 2
-5	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2, 8
5	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1, 2, 8
igatio	Construction Defect (10)	☐ A6007 Construction Defect	1, 2, 3
plex Lit	Claims involving Mass Tort (40)	☐ A6006 Claims Involving Mass Tort	1, 2, 8
Com	Securities Liligation (28)	☐ A6035 Securitles Litigation Case	1, 2, 8
Provisionally Complex Littgation	Toxic Tort Environmental (30)	☐ A6036 Toxic Tort/Environmental	1, 2, 3, 8
Provi	Insurance Coverage Claims from Complex Case (41)	☐ A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
		□ A6141 Sister State Judgment	2, 5, 11
# #		☐ A6160 Abstract of Judgment	2, 6
Enforcement of Judgment	Enforcement	☐ A6107 Confession of Judgment (non-domestic relations)	2, 9
a de	of Judgment (20)	☐ A6140 Administrative Agency Award (not unpaid taxes)	2, 8
of L		A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		A6112 Other Enforcement of Judgment Case	2, 8, 9
s e	RICO (27)	A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints		☐ A6030 Declaratory Relief Only	1, 2, 8
dime	Other Complaints	A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
SC Z	(Not Specified Above) (42)	☐ A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
₹ .5 E		A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
	Partnership Corporation Governance (21)	□ A6113 Partnership and Corporate Governance Case	2, 8
1	9.	□ A6121 Civil Harassment	2, 3, 9
ន្ទ			2, 3, 9
Miscellaneous Civil Petitions			2, 3, 9
Pel le	Other Petitions (Not Specified Above) (43)	A6190 Election Contest	2
Miscellaneous Civil Petitions	-F		2, 7
2			2, 3, 8
		The state of the s	2, 9
-			

SHORT TITLE:	CASE NUMBER
Ecological Alliance vs. Basic Resources, Inc.	

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

REASON:		ADDRESS: 1418 Yorkshire Lane		
City: La Habra	state: CA	zip code: 90631	⊛	

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

Dated:	August	22,	2019	
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MENGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

- 1. Original Complaint or Petition.
- 2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
- 3. Civil Case Cover Sheet, Judicial Council form CM-010.
- Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16)
- 5. Payment in full of the filling fee, unless there is court order for walver, partial or scheduled payments.
- A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or pellitioner is a minor under 18 years of age will be required by Court in order to Issue a summons.
- Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Mark Mooney

MIGUEL CUSTODIO, STATE BAR NO. 248744 1 VINEET DUBEY, STATE BAR NO. 243208 CUSTODIO & DUBEY LLP 2 448 S. Hill St., Suite 615 Los Angeles, CA 90013 3 Telephone: (213) 593-9095 Facsimile: (213) 785-2899 4 Attorneys for Plaintiff 5 ECOLÓGICAL ALLIANCE, LLC 6 SUPERIOR COURT OF THE STATE OF CALIFORNIA 7 COUNTY OF LOS ANGELES 8 UNLIMITED CIVIL JURISDICTION 9 CASE NO.: ECOLOGICAL ALLIANCE, LLC, a 10 California limited liability company, 11 COMPLAINT FOR CIVIL PENALTIES Plaintiffs, AND INJUNCTIVE RELIEF 12 VS, (Health & Safety Code. § 25249.6 et seq.) 13 BASIC RESOURCES, INC., a New York corporation; and DOES 1 through 10, 14 inclusive, 15 Defendants. 16 17 18 19 20 21 22 23 24 25 26 27 28 COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

NATURE OF THE ACTION

- 1. This Complaint is brought by plaintiff ECOLOGICAL ALLIANCE, LLC ("Plaintiff") in the public interest of the People of the State of California to enforce their right to be informed of the presence of chemicals listed by the State of California, pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.6 et seq. ("Proposition 65"), including Di(2-ethylhexy)phthalate [DEHP].
- 2. Plaintiffs seek to remedy Defendants' failure to warn citizens of the State of California, in violation of Proposition 65, about the presence of DEHP ("Listed Chemical") in Defendant's underwear with plastic packaging offered for sale throughout the State of California ("Products").
 - Defendant's Products contain the Listed Chemical and consumers of Products in the State of California are exposed to the Listed Chemical through dermal exposure and ingestion of Products.
 - Defendants know and intend that their Products expose consumers in the State of California to the Listed Chemical.
- Notices"), dated May 29, 2019, which Plaintiff sent to Defendant and California's Attorney General. Identical letters were sent to every District Attorney in the state, to the City Attorneys of every California city with a population greater than 750,000, and to all Defendants. Attached to the 60-Day Notices were Certificates of Merit attesting to the reasonable and meritorious basis for this action, Certificates of Service attesting to service of the letters on each entity described above, and a description of Proposition 65 prepared by the California Office of Environmental Health Hazard Assessment. Furthermore, factual information sufficient to establish the basis of the Certificates of Merit was enclosed with the 60-Day Notice sent to California's Attorney General.

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

<u>PARTIES</u>

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

VENUE AND JURISDICTION

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

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

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

FIRST CAUSE OF ACTION

(Violation of Proposition 65 - Against All Defendants)

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

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

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

1	civil penalties against Defendants in such amount as the Court deems appropriate; and	
2	4. That the Court grant such other and further relief as may be just and proper.	
3		
4		
5	Dated: August 22, 2019 Respectfully Submitted, CUSTODIO & DUBEY LLP	
6	COSTODIO & DOBET BEI	
7	By:	
8	Vineet Dubey	
9	Custodio & Dubey LLP Attorneys for Plaintiff ECOLOGICAL ALLIANCE, LLC	
10	ECOLOGICAL ALLIANCE, LLC	
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EXHIBIT A



May 29, 2019

Basic Resources, Inc. c/o John J. Allen, Esq. Allen Matkins Leck Gamble Mallory & Natsis LLP 865 South Figueroa Street, Suite 2800 Los Angeles, CA 90017-2543

Burlington Coat Factory Direct Corporation c/o CT Corporation System 818 W. 7th St., #930 Los Angeles, CA 90017

Re: AMENDED NOTICE OF VIOLATION AGAINST THE BASIC RESOURCES, INC. AND BURLINGTON COAT FACTORY DIRECT CORPORATION OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.6

To Whom It May Concern and to Public Prosecutors:

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

The products which are causing an exposure without a warning in violation of Proposition 65, are boxer briefs, including but not limited to Style #IZM183UG03 ("Products") manufactured/distributed by Basic Resources, Inc. and offered for sale by retailers, including Burlington Coat Factory Direct Corporation, to California consumers.

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

Because of this lack of a warning, consumers were exposed to the following chemicals without the proper required Proposition 65 warnings: 1) Di(2-ethylhexyl)phthalate [DEHP]. The routes of exposure for this chemical are ingestion and dermal. Such exposure can cause cancer, birth defects and other reproductive harm. Exposures to the listed chemical from the use of the Products have been occurring without the clear and reasonable warnings required by Proposition 65, dating as far back as May 29, 2018, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the Products. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from contact with the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from reasonable foreseeable use of the Products.

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

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

Please direct all questions concerning this notice to Alliance's attorney, Vineet Dubey (dubey@cd-lawyers.com), Custodio & Dubey LLP, 448 S. Hill St., Suite 615, Los Angeles, CA 90013, 213-593-9095.

Sincerely,

Vineet Dubey

Custodio & Dubey LLP

cc: see attached distribution list

Attachments:
Proposition 65 summary
Certificate of Merit
Certificate of Service

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

Re: Ecological Alliance, LLC's Amended Notice of Proposition 65 Violations by Basic Resources, Inc. and Burlington Coat Factory Direct Corporation

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

Dated: May 29, 2019

Vineet Dubey, Attorney at Law

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 448 S. Hill St., Ste 615, Los Angeles, CA 90013.

On the date shown below, I served the following:

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

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

Basic Resources, Inc. c/o John J. Allen, Esq. Allen Matkins Leck Gamble Mallory & Natsis LLP 865 South Figueroa Street, Suite 2800 Los Angeles, CA 90017-2543

Burlington Coat Factory Direct Corporation c/o CT Corporation System 818 W. 7th St., #930 Los Angeles, CA 90017

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

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

May 29, 2019

Vineet Dubey

Alameda County District Attorney 1225 Fallon St, Room 900	Los Angeles County District Attorney 210 W Temple St, 18th Floor	Mono County District Attorney PO Box 617
Oakland, CA 94612	Los Angeles, CA 90012	Bridgeport, CA 93517
Alpine County District Attorney	Madera County District Attorney	San Joaquin County District Attorney
PO Box 248	209 W Yosemite Ave	PO Box 990
Marklecville, CA 96120	Madera, CA 93637 Mariposa County District Attorney	Stockton, CA 95201 -0990 San Francisco County District Attorney
Amador County District Attorney 708 Court, Suite 202	P.O. Box 730	B50 Bryant St, Rm 322
Jackson, CA 95642	Mariposa, CA 95338	San Francisco, CA 94103
Butte County District Attorney	Marin County District Attorney	San Diego County District Attorney
25 County Center Dr.	3501 Civic Center Drive, #130	
Oraville, CA 95965-3385	San Rafael, CA 94903	San Diego, CA 92101-3803
Calayeras County District Attorney	Mendocino County District Attorney	San Bernardino County District Attorney
891 Mountain Ranch Road	P.O. Box 1000	316 N Mountain View Ave San Bernardino, CA 92415-0004
San Andreas, CA 95249	Ukiah, CA 95482	
Office of the Attorney General	Los Angeles City Attorney	San Francisco City Attorney # 1 Dr. Carlton B. Goodlett Place, Suite 234
P.O. Box 70550	200 N Main St Ste 1800	San Francisco, CA 94102
Oakland, CA 94612-0550 Colusa County District Attorney	Los Angeles CA 90012 Inyo County District Attorney	Placer County District Attorney
Courthouse, 547 Market St	P.O. Drawer D	10810 Justice Center Drive
Colusa, CA 95932	Independence, CA 93526	Suite 240
		Roseville, CA 95678-6231
Contra Costa County District Attorney	Orange County District Attorney	Merced County District Attorney
725 Court St., Room 402	P0 Box 808	550 W. Main St.
Martinez, CA 94553	Santa Ana, CA 92702	Merced, CA 95340
Del Norte County District Attorney	Nevada County District Attorney	Napa County District Attorney PO Box 720
450 'H" St. Crescent City, CA 95531	10075 Levon Ave. Truckee, CA 96161	Nana, CA 94559-0720
El Dorado County District Attorney	Plumas County District Attorney	Riverside County District Attorney
515 Main St.	520 Main Street, Rm 404	3960 Orange Street, Suite 6
Placerville, CA 95667-5697	Ouincy, CA 95971	Riverside, CA 92501
Presno County District Attorney	Sacramento County District Attorney	San Benito County District Attorney
2220 Tulare St, Ste. 1000	901 G Street	419 4th St
Presno, CA 93721	Sacramento, CA 95814	Hollister, CA 95023
Glenn County District Attorney	San Luis Obispo County District Attorney County Government Center, Rm 450	Siskiyou County District Attorney PO Box 986
PO Box 430 Willows, CA 95988	San Luis Obispo, CA 93408	Yreka, CA 96097
Humboldt County District Attorney	San Mateo County District Attorney	Solano County District Attorney
825 5th St., 4th Floor	400 County Center	600 Union Ave
Eureka, CA 95501	Redwood City, CA 94063	Fairfield, CA 94533
Imperial County District Attorney	Santa Barbara County District Attorney	Sonoma County District Attorney
939 W. Main St., 2nd Floor	1112 Santa Barbara St.	600 Administration Dr.
El Centro, CA 92243-2860	Santa Barbara, CA 93101	Rm 212-J
V Cut- Dietwist Attornorr	Santa Clara County District Attorney	Santa Rosa, CA 95403 Shasta County District Attorney
Kern County District Attorney 1215 Truxtum Ave.	DWHedding St.	1355 West St.
Bakersfield, CA 93301	San Jose, CA 95110	Redding, CA 96001-1632
Kings County District Attorney	Santa Cruz County District Attorney	Sierra County District Attorney
Gov't Cir, 1400 W Lacey Blvd	701 Ocean St., Room 200	P0 Box 457
Hanford, CA 93230	Santa Cruz, CA 95060	Downleville, CA 95936-0457
ake County District Attorney	Stanislaus County District Attorney	Trinity County District Attorney PO Box 310
255 N Forbes St	P0 Box 442	Weaverville, CA 96093
.akeport, CA 95453-4790	Modesto, CA 95353	
Aodoc County District Attorney	Sutter County District Attorney	Yuba County District Attorney
04 S. Court Street	446 Second Street	215 5th St Marysville, CA 95901
Muras, CA 96101-4020	Yuba City, CA 95991	Monterey County District Attorney
an Diego City Attorney Lity Center Plaza	Lassen County District Attorney 200 S Lassen St. Suite 8	PO Box 1131
200 3rd Ave # 1100	Susanville, CA 96130	Salinas, CA 93902
an Diego, CA 92101	was a supplier of the supplier	
uolumne County District Attorney	Tulare County District Attorney	Yolo County District Attorney
S Green St	County Civic Center, Rm 224	310 Second St
onora, CA 95370	Visalia, CA 93291	Woodland, CA 95695
entura County District Attorney	Tehama County District Attorney	San Jose City Attorney
00 S Victoria Ave	P.O. Box 519 Red Bluff; CA 96080	200 E. Santa Clara St 16th Floor
'entura, CA 93009	NGU DIUII; CA 70000	San Jose, CA 95110