SUMMONS	
(CITACION JUDICIAL	.)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

APEX PRODUCTS, LLC, an Illinois limited liability company; and DOES 1 through 10, inclusive,

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

ECOLOGICAL ALLIANCE, LLC, a California limited liability company.

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

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

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filling 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 services. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be pald before the court will dismiss the case. [AVISO] Lo han demendado. 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 formalo 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 e tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay ofros requisilos legales. Es recomendable que ilame a un abogado inmediatamente. Si no conoce a un abogado, puede ilamar 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.lawhelpcallifornia.org), en el Centro de Ayuda de las Cortes de Celifornia, (www.eucorte.ca.gov) o poniêndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho e 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.

CASE NUMBER

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

Los Angeles Superior Court (Stanley Mosk Branch)

111 North Hill St., Los Angeles, CA 90012

The name, address, and telephone number of 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):

Crosto dia 8. Dubou III B. 448 S. Hill St. Suito 615 I an Appelon CA 00013: (212) 503 0005

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

Sherri R. Carter Executive Officer / Clerk of Court

DATE: 11/19/2019

Clerk, by
(Secretario) Romunda Clifton
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (from POS-010).)

(Para prueba de entrega de esta citatión use el formularlo 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): Apex Products, LLC

WITORW.	as an individual defendant.     as the person sued under the fictitious name of (specify):
	3. on behalf of (specify): Apex Products, LLC
	under: CCP 416.10 (corporation) CCP 416.60 (minor)
	CCP 416,20 (defunct corporation) CCP 416,70 (conservatee)
	CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
199 · 337	other (specify):

4. by personal delivery on (date):

Page 1 of 1

19STCV41723

# SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012 NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE Reserved for Clerk's File Stamp Reserved for Clerk's File Stamp Reserved for Clerk's File Stamp FILED Superior Count of California County of Los Angeles 11/19/2019 Sherri R. Carter, Executive Officer / Quelt of Count By: Romunda Clifton Deporty CASE NUMBER:

#### THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

19STCV41723

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

	ASSIGNED JUDGE	DEPT	ROOM	ASS	IGNED JUDGE	DEPT	ROOM
1	Stephanie M. Bowick	19					

Given to the Plaintiff/Cross-Complainant/Attorney of Record on 11/20/2019

By Romunda Clifton Deputy Clerk

#### 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 B) Vineet Dubey #243208 Custodio & Dubey LLP 448 S. Hill St., Suite 615	er number, end address):	FOR COURT USE ONLY
Los Angeles, CA 90013  TELEPHONE NO.: (213) 593-9095  ATTORNEY FOR (Norro): Plaintiff Ecological.	FAX NO.: (213) 785-2899 Alliance I.I.C	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS: 111 North Hill St.	os Aligoios	
MAILING ADDRESS: Same		i
CITY AND ZIP CODE: Los Angeles 90012		
BRANCH NAME: Stanley Mosk		
CASE NAME:	,	
Ecological Alliance, LLC vs. Apex	Products, LLC	
CIVIL CASE COVER SHEET	Complex Case Designation	CASE NUMBER:
✓ Unlimited Limited		
(Amount (Amount	Counter Joinder	
demanded demanded is	Filed with first appearance by defer	ndant Judge:
exceeds \$25,000) \$25,000 or less)	(Cal. Rules of Court, rule 3.402	
Items 1–6 be	ow must be completed (see instructions	on page 2).
1. Check one box below for the case type that	t best describes this case:	
Auto Tort	Contract	Provisionally Complex Civil Litigation
Auto (22)	Breach of contract/warranty (06)	(Cal. Rules of Court, rules 3.400-3.403)
Uninsured motorlst (46)	Rule 3.740 collections (09)	Antitrust/Trade regulation (03)
Other PI/PD/WD (Personal Injury/Property	Other collections (09)	Construction defect (10)
Damage/Wrongful Death) Tort	Insurance coverage (18)	Mass tort (40)
Asbestos (04)	Other contract (37)	Securitles litigation (28)
Product liability (24)	Real Property	Environmental/Toxic tort (30)
Medical malpractice (45)	Eminent domain/inverse	
Other PI/PD/WD (23)	condemnation (14)	Insurance coverage claims arising from the above listed provisionally complex case
Non-PI/PD/WD (Other) Tort	Wrongful eviction (33)	types (41)
Business tort/unfair business practice (07)	Other real property (26)	Enforcement of Judgment
Civil rights (08)	Unlawful Detainer	Enforcement of judgment (20)
Defametion (13)	Commercial (31)	Miscellaneous Civil Complaint
Fraud (16)	Residential (32)	RICO (27)
1 <del> </del>	Drugs (38)	
Intellectual property (19)	- ' '	Other complaint (not specified above) (42)
Professional negligence (25)	Judicial Review  Asset forfeiture (05)	Miscellaneous Civil Petition
Other non-Pl/PD/WD tort (35)		Partnership and corporate governance (21)
Employment (Association (AS)	Petitlon re: arbitration award (11)	Other petition (not specified above) (43)
Wrongful termination (36)	Writ of mandate (02)	
Other employment (15)	Other judicial review (39)	
factors requiring exceptional judicial manag	ement:	ules of Court. If the case is complex, mark the
a. Large number of separately repres		
b. Extensive motion practice raising d	lifficult or novel e. Coordination	with related actions pending in one or more courts
issues that will be time-consuming	to resolve in other count	ties, states, or countries, or in a federal court
c. Substantial amount of documentar	y evidence f Substantial po	ostjudgment judicial supervision
3. Remedies sought (check all that apply): a.[	✓ monetary b. ✓ nonmonetary: d	feclaratory or injunctive relief cpunitive
4. Number of causes of action (specify): One		, ,
5. This case is is is not a class		
6. If there are any known related cases, file ar		nev use form CM-015 )
·	in solve a mailes of related subsect for in	ייים מייים אייים איי
Date: November 19, 2019		
Vineet Dubey		IGNATURE OF PARTY OR ATTORNEY FOR PARTY)
(TYPE OR PRINT NAME)	NOTICE	STATURE OF PARTI OR ASSOCIATED FOR PARTY
	st paper filed in the action or proceeding	g (except small claims cases or cases filed as of Court, rule 3.220.) Failure to file may result
<ul><li>in sanctions.</li><li>File this cover sheet in addition to any cover</li></ul>	sheet required by local court rule	24
<ul> <li>If this case is complex under rule 3,400 et s</li> </ul>		must serve a copy of this cover sheet on all
able	-	1
<ul> <li>Unless this is a collections case under rule :</li> </ul>	3.740 or a complex case, this cover shee	et will be used for statistical purposes only.
		Page 1 of 2

#### INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

```
Auto Tort
    Auto (22)--Personal Injury/Property
        Damage/Wrongful Death
    Uninsured Motorist (46) (If the
        cese 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 Maloractice

Other PI/PD/WD (23) Premises Liability (e.g., slip

and fall)

Intentional Bodify Injury/PD/WD (e.g., assault, vandalism) intentional infliction of

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

Non-PI/PD/WD (Other) Tort

**Business Tort/Unfair Business** Practice (07) Civil Rights (e.g., discrimination,

false arrest) (not civil harassment) (08)

Defamation (e.g., slander, libel) (13)

Fraud (16)

Intellectual Property (19) Professional Negligence (25)

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

Employment

Wrongful Termination (36) Other Employment (15)

#### **CASE TYPES AND EXAMPLES**

Contract Breach of Contract/Warranty (06)

> Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)
> Contract/Warranty Breach—Seller

Plaintiff (not fraud or negligence) Negligant 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, landlord/tenent, or

(oreclosure) 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)

Pelition Re: Arbitration Award (11)

Writ of Mandate (02)
Writ-Administrative Mandamus Writ-Mandamus on Limited Court Case Matter

Writ-Other Limited Court Case

Review

Other Judicial Review (39)
Review of Health Officer Order Notice of Appeal-Labor Commissioner Appeals

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

Antitrust/Trade Regulation (03) Construction Defect (10) Claims Involving Mass Tort (40) Securities Litigation (28) Environmental/Toxic Tort (30)

Insurance Coverage Claims

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

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

Confession of Judgment (nondomestic relations)

Sister State Judgment Administrative Agency Award

(not unpaid taxes)
Petition/Certification of Entry of Judgment on Unpaid Taxes Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

Declaratory Relief Only Injunctive Relief Only (non-

harassment)

Mechanics Lien Other Commercial Complaint

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

(non-tort/non-complex) Miscellaneous Civil Petition

Partnership and Corporate

Governance (21) Other Petition (not specified

above) (43) Civil Harassment Workplace Violence

Elder/Dependent Adult Abuse

**Election Contest** Petition for Name Change Petition for Relief From Late Clalm

Other Civil Petition

SHORT TITLE. Ecological Alliance vs. Apex Products, LLC	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.

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

Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto (22) Uninsured Motorist (46)	A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death     A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Asbestos (04)	A6070 Asbestos Property Damage     A7221 Asbestos - Personal Injury/Wrongful Death	1, †1 1, 11
Product Liability (24)  Medical Malpractice (45)	A7280 Product Liability (not asbestos or toxic/environmental)     A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11 1, 4, 11 1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	□ A7240 Other Professional Health Care Malpractice      □ 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

Other Personal Injury/ Property Damage/ Wrongful Death Tort

Auto

SHORT TITLE: Ecological Alliance vs. Apex Products, LLC

CASE NUMBER

	A Civil Case Cover Sheet Category No,	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
	Business Tort (07)	☐ A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
perty 1 Tort	Civil Rights (08)	☐ A6005 Civil Rights/Discrimination	1, 2, 3
y/ Pro Death	Defamation (13)	☐ A6010 Defamation (slander/libel)	1, 2, 3
al Injur ongful	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
ZĞ	Other (35)	☐ A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
ent	Wrongful Termination (36)	☐ A6037 Wrongful Termination	1, 2, 3
Employment	Other Employment (15)	☐ A6024 Other Employment Complaint Case ☐ A6109 Labor Commissioner Appeals	1, 2, 3
Confract	Breach of Contract/ Warrenty (06) (not insurance)	A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)  A6008 Contract/Warranty Breach - Selier Plaintiff (no fraud/negligence)  A6019 Negligent Breach of Contract/Warranty (no fraud)	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)	6, 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 parcels	2, 6
Real Property	Wrongful Eviction (33)	□ A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	□ A6018 Mortgage Foreclosure □ A6032 Quiet Title □ A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2, 6 2, 6 2, 6
in in	Unlawful Detainer-Commercial (31)	A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
Uniawfui Defainer	Unlawful Detalner-Residential	☐ A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
wfui E	Unlawful Detainer- Post-Foreclosure (34)	☐ A6020F Unlawful Detainer-Post-Foreclosure	2, 8, 11
nuit Nuit	Unlawful Detainer-Drugs (38)	□ A6022 Unlawful Detainer-Drugs	2, 6, 11

LACIV 109 (Rev 2/16) LASC Approved 03-04 **CIVIL CASE COVER SHEET ADDENDUM** AND STATEMENT OF LOCATION

Local Rule 2.3

Page 2 of 4

SHORT TITLE: Ecological Alliance vs. Apex Products, LLC

	A Civil Case Cover Sheet Category No.	S Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
	Asset Forfeiture (05)	☐ A6108 Asset Forfelture Case	2, 3, 6
W	Petition re Arbitration (11)	☐ A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
Judicial Review	Writ of Mandate (02)	A6151 Writ - Administrative Mandamus     A6152 Writ - Mandamus on Limited Court Case Matter	2, 8
Jac		□ A6153 Writ - Other Limited Court Case Review	2
	Other Judicial Review (39)	☐ A6150 Other Writ /Judicial Review	2, 8
e a	Antitrust/Trade Regulation (03)	☐ A6003 Antitrust/Trade Regulation	1, 2, 8
figati	Construction Defect (10)	☐ A6007 Construction Defect	1, 2, 3
plex Li	Cialms Involving Mass Tort (40)	☐ A6006 Claims Involving Mass Fort	1, 2, 8
Com	Securities Litigation (28)	□ A6035 Securitles Litigation Case	1, 2, 8
Provisionally Complex Liftgation	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
ĵ	Enforcement of Judgment (20)	☐ A6141 Sister State Judgment	2, 5, 11
E E		☐ A6160 Abstract of Judgment	2, 6
Enforcement of Judgment			2,9
Jud			2, 8
E P			2, 8
[		☐ A6112 Other Enforcement of Judgment Case	2, 8, 9
	RICO (27)	☐ A6033 Racketeering (RICO) Case	1, 2, 8
Miscellaneous Civil Complaints		A6030 Declaratory Relief Only	1, 2, 8
omp	Other Complaints	☐ A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
3 E	(Not Specified Above) (42)	☐ A6011 Other Commercial Complaint Case (non-tort/non-complex)	1, 2, 8
≥ 5		ZI A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8
Ī	Partnership Corporation Governance (21)	A6113 Partnership and Corporate Governance Case	2, 8
Miscellaneous Civil Petitions	•	□ A6121 Civil Harassment 2	2, 3, 9
		☐ A6123 Workplace Harassment 2	2, 3, 9
		☐ A6124 Elder/Dependent Adult Abuse Case 2	2, 3, 9
i Pe	Other Petitions (Not Specified Above) (43)	☐ A6190 Election Contest	
C S S		7 10440 Detilon for Observe of Blance / Channe of Condes	.7
	Ì	7. AGATO, Battley for Ballofform Late Claim Laur	3,8
		- taken out of the thin	, 9
L			

SHORT TITLE:	CASE NUMBER
Gillon Title Carlanian Allinana va Apout Dundricto I.I.C.	
Ecological Alliance vs. Apex Products, LLC	1
	\$

**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).

			ADDRESS: 1418 Yorkshire Lane
□1. □2. □3. □4. □5. □6. □7. □	8. 🗆 9. 🗆	10. 🛭 11.	
сıv: 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: November 19, 2019

(SIGNATURE OF ATTORNEY/FILING PARTY)

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

- 1. Original Complaint or Petition.
- 2. If filling a Complaint, a completed Summons form for issuance by the Clerk.
- 3. Civil Case Cover Sheet, Judicial Council form CM-010.
- Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
- 5. Payment In full of the filing fee, unless there is court order for walver, partial or scheduled payments.
- A signed order appointing the Guardian ad Litern, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
- Additional copies of documents to be conformed by the Cterk. 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: Stephanie Bowick

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 б 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 APEX PRODUCTS, LLC, an Illinois limited liability company; 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 Diisononyl phthalate [DINP].
- Plaintiffs seek to remedy Defendants' failure to warn citizens of the State of California, in violation of Proposition 65, about the presence of DINP ("Listed Chemical") in Defendant's grass shears and covers 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.
- 4. Defendants know and intend that their Products expose consumers in the State of California to the Listed Chemical.
- 5. Attached hereto and incorporated by reference are copies of a letter ("60-Day Notices"), dated July 26, 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.
- Plaintiff seeks preliminary and permanent injunctive relief to compel Defendants to provide the warning required under Proposition 65 regarding the Products.
- 8. Pursuant to Health and Safety Code section 25249.7(b), Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65.

#### **PARTIES**

- 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 an Illinois limited liability company 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)

- 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;

## EXHIBIT 1



July 26, 2019

Apex Products, LLC c/o Lee N. Smith Coleman & Horowitt, LLP 499 W. Shaw Ave., Ste. 116 Fresno, CA 93704

Re: NOTICE OF VIOLATION AGAINST APEX PRODUCTS, LLC 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 Apex Products, LLC, an Illinois limited liability company (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 agencles 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, grass shears and covers, including but not limited to UPC #082901052753 ("Products") manufactured/distributed by Apex Products, LLC and offered for sale by retailers 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) Diisononyl phthalate [DINP]. The routes of exposure for this chemical are ingestion and dermal. Such exposure can cause cancer, birth defects and other

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

reproductive harm. Exposures to the listed chemical from the use of the Products have been occurring without the clear and reasonable warnings required by Proposition 65, dating as far back as July 26, 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 unwarmed 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 Notice of Proposition 65 Violations by Apex Products, LLC

- 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: July 26, 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) 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:

Apex Products, LLC c/o Lee N. Smith Coleman & Horowitt, LLP 499 W. Shaw Ave., Ste. 116 Fresno, CA 93704

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.

July 26, 2019

∜ineet Dubey

	<u></u>	dubey
Alameda County District Attorney 1225 Fallon St, Room 900 Oakland, CA 94612	Los Angeles County District Attorney 210 W Temple St, 18th Floor Los Angeles, CA 90012	Mono County District Aftorney PO Box 617 Bridgeport, CA 93517
Alpine County District Attorney PO Box 248 Markleeville, CA 96120	Madera County District Attorney 209 W Yosemite Ave Madera, CA 93637	San Joaquin County District Attorney PO Box 990 Stockton, CA 95201 -0990
Amador County District Attorney 708 Court, Suite 202 Jackson, CA 95642	Meriposa County District Attorney P.O. Box 730 Mariposa, CA 95338	San Francisco County District Attorney 830 Bryant St, Rm 322 San Francisco, CA 94103
Butte County District Attorney 25 County Center Dr. Oroville, CA 95965-3385	Marin County District Attorney 3501 Civic Center Drive, #130 San Rafael, CA 94903	San Diego County District Attorney 220 W Brandway at 1200 San Diego, CA 92101-3803
Calaveras Counly District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	Mendocino County District Attorney P.O. Box 1000 Ukiah, CA 95482	San Bernardino County District Attorney 316 N Mountain View Ave San Bernardino, CA 92415-0004
Office of the Attorney General P.O. Box 70550 Oakland, CA 94612-0550	Los Angeles City Attorney 200 N Main St Ste 1800 Los Angeles CA 90012	San Francisco City Attorney # 1 Dr. Carlton B. Goodlett Place, Suite 234
Colusa County District Attorney Courthouse, 547 Market St Colusa, CA 95932	Inyo County District Attorney P.O. Drawer D Independence, CA 93526	San Francisco, CA 94102  Placer County District Attorney 10810 Justice Center Drive Suite 240 Roseville, CA 95678-6231
Contra Costa County District Attorney 725 Court St., Room 402 Martinez, CA 94553	Orange County District Attorney PO Box 808 Santa Ana, CA 92702	Merced County District Attorney 550 W. Main St. Merced, CA 95340
Del Norte County District Attorney 450 'H" St. Crescent City, CA 95531 El Dorado County District Attorney	Nevada County District Aftorney 10075 Levon Ave. Truckee, CA 96161	Napa County District Attorney P0 Box 720 Nana, CA 94559-0720
515 Main St. Placerville, CA 95667-5697 Preson County District Attorney	Plumas County District Attorney 520 Main Street, Rm 404 Onincy, CA 95971 Sacramento County District Attorney	Riverside County District Attorney 3960 Orange Street, Suite 6 Riverside, CA 9250!
2220 Tulare St, Stc. 1000 Fresno, CA 93721 Glenn County District Attorney	901 G Street Sacramento, CA 95814 San Luis Obispo County District Attorney	San Benito County District Attorney 419 4th St Hollister, CA 95023 Siskiyon County District Attorney
PO Box 430 Willows, CA 95988 Humboldt County District Attorney	County Government Center, Rm 450 San Luis Obispo, CA 93408 San Mateo County District Attorney	PO Box 986 Yreka, CA 96097 Solano County District Attorney
825 5th St, 4th Floor Eureka, CA 95501 Imperial County District Attorney	400 County Center Redwood City, CA 94063 Santa Barbara County District Attorney	600 Union Ave Fairfield, CA 94533 Sonoma County District Attorney
939 W. Main St., 2nd Floor El Centro, CA 92243-2860	1112 Santa Barbara St. Santa Barbara, CA 93101	600 Administration Dr. Rm 212-7 Santa Rosa, CA 95403
Kern County District Attorney 1215 Truxtum Ave. Bakersfield, CA 93301	Santa Chria County District Attorney TOW Hedding St. San Jose, CA 95110	Shasia County District Attorney 1355 West St. Redding, CA 96001-1632
Kings County District Attorney Gov1 Ctr, 1400 W Lacey Blvd Hanford, CA 93230	Santa Cruz County District Attorney 701 Ocean St., Room 200 Santa Cruz, CA 95060	Sierra County District Attorney PO Box 457 Downieville, CA 95936-0457
Lake County District Attorney 255 N Forbes St Lakeport, CA 95453-4790	Stanislaus County District Attorney PO Box 442 Modesto, CA 95353	Trinity County District Attorney PO Box 310 Weaverville, CA 96093
Modoc County District Attorney 204 S. Court Street Alturas, CA 96101-4020	Suiter County District Attorney 446 Second Street Yuba City, CA 95991	Yuba County District Alforney 215 5th St Marysville, CA 95901
San Diego City Attorney City Center Plaza 1200 3rd Ave # 1100 San Diego, CA 92101	Lassen County District Attorney 200 S Lassen St, Suite 8 Susanville, CA 96130	Monterey County District Attorney PO Box 1131 Salinas, CA 93902
Twolumne County District Attorney 2 S Green St Sonora, CA 95370	Tulare County District Attorney County Civic Center, Rm 224 Visalia, CA 93291	Yolo County District Attorney 310 Second St Woodland, CA 95695
800 S Victoria Ave	Tehama County District Attorney P.O. Box 519 Red Bluff; CA 96080	San Jose City Attorney 200 B. Santa Clara St 16th Floor San Jose, CA 95110