

**SUMMONS
(CITACION JUDICIAL)**

NOTICE TO DEFENDANT: ANABI REAL ESTATE DEVELOPMENT, LLC; RADCO
(AVISO AL DEMANDADO): ENTERPRISES, INC., and DOES 1 through 50,
inclusive,

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

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

APR 05 2024

BY MARIAH MORA
MARIAH MORA, DEPUTY

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

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

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

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

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

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

The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of San Bernardino
247 West Third Street
San Bernardino, Ca 92415

CASE NUMBER:
(Número de Caso) **CIV SB 2407282**

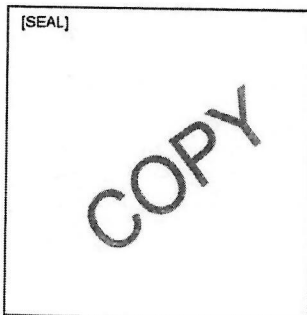
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: Joseph R. Manning, Jr. #223381
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Manning Law, APC
26100 Towne Center Drive, Foothill Ranch, CA 92610

DATE: **APR 05 2024**
(Fecha)

Clerk, by **Mariah Mora** 949-200-8755, Deputy
(Secretario) *(Adjunto)*

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



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of *(specify)*:
3. on behalf of *(specify)*:
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify)*:
4. by personal delivery on *(date)*:



**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF SAN BERNARDINO**

San Bernardino District
247 West 3rd St
San Bernardino CA 92415
www.sb-court.org
909-708-8678

Eden -v- Anabi Real Estate Development, LLC et al	
NOTICE OF TRIAL SETTING CONFERENCE and NOTICE OF CASE ASSIGNMENT	Case Number CIVSB2407282

Manning Law, APC
26100 Towne Centre Drive
Foothill Ranch CA 92610

This case has been assigned to: Wilfred J Schneider, Jr. in Department S32 - SBJC for all purposes.

Notice is hereby given that the above-entitled case has been set for Trial Setting Conference on:

Hearing Date: 10/02/2024 at 8:30 AM in Department S32 - SBJC

Date: 4/5/2024

By: **Mariah Mora**

Mariah Mora, Deputy Clerk

CERTIFICATE OF SERVICE

I am a Deputy Clerk of the Superior Court for the County of San Bernardino at the above-listed address. I am not a party to this action and on the date and place shown below, I served a copy of the above-listed notice by:

- Enclosed in a sealed envelope mailed to the interested party addressed above for collection and mailing this date, following standard Court practices.
- Enclosed in a sealed envelope, first class postage prepaid in the U.S. mail at the location shown above, mailed to the interested party and addressed as shown above or as shown on the attached listing.
- A copy of this notice was given to the filing party at the counter.
- A copy of this notice was placed in the bin located at this office and identified as the location for the above law firm's collection of file-stamped documents.

Date of Mailing: 4/5/2024

I declare under penalty of perjury that the forgoing is true and correct. Executed on 4/5/2024 at San Bernardino, CA.

By: **Mariah Mora**

Mariah Mora, Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO

Ramy Kaufler Eden

CASE NO.: CIV SB 2407282

vs.

CERTIFICATE OF ASSIGNMENT

Anabi Real Estate Development, LLC, et al.



A civil action or proceeding presented for filing must be accompanied by this Certificate. If the ground is the residence of a party, name and residence shall be stated.

The undersigned declares that the above-entitled matter is filed for proceedings in the San Bernardino District of the Superior Court under Rule 404 of this court for the checked reason:

- General Collection

Table with 2 columns: Nature of Action and Ground. Includes 21 categories such as Adoption, Conservator, Contract, etc.

The address of the accident, performance, party, detention, place of business, or other factor which qualifies this case for filing in the above-designed district is:

ANABI REAL ESTATE DEVELOPMENT, LLC 202 S. Mountain Ave. NAME - INDICATE TITLE OR OTHER QUALIFYING FACTOR ADDRESS

Upland CA 91786 CITY STATE ZIP CODE

I declare, under penalty of perjury, that the foregoing is true and correct and that this declaration was executed on 03/26/2024 at Manning Law, APC, 26100 Towne Center Drive, Foothill Ranch, 92610, California

Handwritten signature

Signature of Plaintiff/Party

CERTIFICATE OF ASSIGNMENT

NAME AND ADDRESS OF ATTORNEY OR PARTY WITHOUT ATTORNEY		STATE BAR NUMBER	Reserved for Clerk's File Stamp
TELEPHONE NO.:	TRIAL SETTING CONFERENCE DATE: _____		
E-MAIL ADDRESS:	UNLIMITED CASE: _____		
ATTORNEY FOR (Name):	LIMITED CASE: _____		
FAX NO. (Optional):			
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN BERNARDINO			
COURTHOUSE ADDRESS:			
PLAINTIFF:			
DEFENDANT:			
INITIAL TRIAL SETTING CONFERENCE STATEMENT			CASE NUMBER:

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided. This document must be filed and served at least 15 days prior to the trial setting conference date.

- Party or parties (answer one):
 - This statement is submitted by party (name):
 - This statement is submitted jointly by parties (names):
- Service of Complaint on all parties has has not been completed.
- Service of Cross-Complaint on all parties has has not been completed.
- Description of case in Complaint:
- Description of case in Cross-Complaint:
- Has all discovery been completed: Yes No Date discovery anticipated to be completed: _____
- Do you agree to mediation? Yes No Please check type agreed to: Private: _____ Court-sponsored: _____
- Related cases, consolidation, and coordination: Please attach a Notice of Related Case.

A motion to consolidate Trial dates requested: Yes No Available dates: _____

 Time estimate: _____
- Other issues:

The following additional matters are requested to be considered by the Court:
- Meet and Confer:

The parties represent that they have met and conferred on all subjects required by California Rules of Court, Rule 3.724.

The parties have entered into the following stipulation(s):
- Total number of pages attached (if any): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and alternative dispute resolution, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the Initial Trial Setting Conference, including the written authority of the party where required.
Date: _____

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

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Jarrett Charo, Esq. (SBN 224001)
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jcharo@charolaw.com
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(949) 200-8755 Phone
7 (866) 843-8308 Fax
newgasemailaddress@manninglawoffice.com
8

9 Attorneys for Plaintiff
RAMY KAUFLEDER EDEN

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

APR 05 2024

BY MARIAH MORA
MARIAH MORA, DEPUTY

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN BERNADINO
13

14 RAMY KAUFLEDER EDEN

15 Plaintiff,

16 v.

17 ANABI REAL ESTATE
18 DEVELOPMENT, LLC; RADC
19 ENTERPRISES, INC., and DOES 1
through 50, inclusive,

20 Defendants.
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Case No.: CIV SB 2407282

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

(Violation of Health & Safety Code section
25249.5, *et seq.*)



1 Plaintiff Ramy Kaufler Eden (“Plaintiff”), by and through his attorneys, alleges the following
2 based on information and belief and investigation of counsel:

3 **INTRODUCTION**

4 1. California’s Proposition 65, codified in California Health & Safety Code section
5 25249.5, *et seq.*, makes it unlawful for businesses to knowingly and intentionally expose individuals
6 in California to chemicals known to the State to cause cancer, birth defects or other reproductive harm
7 without first providing clear and reasonable warnings to the exposed individuals.

8 2. Unleaded Gasoline (Wholly Vaporized) (herein, “Gasoline”) is known to the State of
9 California to cause cancer.

10 3. Defendant Anabi Real Estate Development, LLC (“Anabi”) and RADC Enterprises,
11 Inc. (“RADC” and, together with Anabi, “Defendants”) own and operate service stations located at
12 202 S. Mountain Ave., Upland, California 91786 (“Mountain Station”) and 5137 N. Figueroa St., Los
13 Angeles, California 90042 (“Figueroa Station”). These service stations are collectively referred to
14 herein as the (“Subject Service Stations”).

15 4. Defendants expose individuals who come onto the Subject Service Stations’ premises
16 to Gasoline without first warning of such exposure.

17 5. By exposing individuals to Gasoline at the Subject Service Stations without providing
18 any warnings whatsoever about the carcinogenic hazards associated with Gasoline exposure,
19 Defendants violate the warning provision of Proposition 65. *See* Health & Saf. Code § 25249.6.

20 6. This Complaint (“Complaint”) seeks to remedy Defendants’ failure to warn of these
21 toxic exposures and hold Defendants accountable for violating California’s Proposition 65.

22 **PARTIES**

23 7. Plaintiff is a citizen of the State of California acting in the interest of the general public
24 to promote awareness of exposures to toxic chemicals in California. He brings this action in the public
25 interest pursuant to Health & Safety Code section 25249.7(d).

26 8. Defendant Anabi is incorporated or organized in the State of Delaware, has its principal
27 place of business in the County of San Bernardino, State of California, and is a “person in the course
28 of doing business” within the meaning of Health & Safety Code section 25249.11. Anabi owns and

1 operates the Subject Service Stations and exposes individuals there to Gasoline without first providing
2 any warnings of the carcinogenic hazards associated with such exposure.

3 9. Defendant RADC is incorporated or organized in the State of California, has its
4 principal place of business in the County of San Bernardino, State of California, and is a “person in
5 the course of doing business” within the meaning of Health & Safety Code section 25249.11. RADC
6 owns and operates the Subject Service Stations and exposes individuals there to Gasoline without first
7 providing any warnings of the carcinogenic hazards associated with such exposure.

8 10. DOES 1 through 50 are each a “person in the course of doing business” within the
9 meaning of Health & Safety Code section 25249.11.

10 11. The true names of DOES 1 through 50 are either unknown to Plaintiff at this time or
11 the applicable time period before which Plaintiff may file a Proposition 65 action against them has not
12 yet run. When their identities are ascertained or the applicable time period before which Plaintiff may
13 file a Proposition 65 action against them has run, the Complaint shall be amended to reflect their true
14 names. Defendants and DOES 1 through 50 are collectively referred to herein as “Defendants.”

15 **JURISDICTION AND VENUE**

16 12. The Court has jurisdiction over this action pursuant to Health & Safety Code section
17 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to California
18 Constitution Article VI, Section 10, because this case is a cause not given by statute to other trial
19 courts.

20 13. This Court has jurisdiction over Defendants because each is either a citizen of the State
21 of California, has sufficient minimum contacts with the State of California, and/or intentionally avails
22 itself of the California market through operation of the Subject Service Stations in California or by
23 having such other contacts with California so as to render the exercise of jurisdiction over it by the
24 California courts consistent with traditional notions of fair play and substantial justice.


25 14. Venue is proper in San Bernadino County Superior Court because both Defendants
26 reside in the County of San Bernardino and because one or more of the violations arise in the County
27 of San Bernadino.
28

1 **STATUTORY BACKGROUND**

2 15. The People of the State of California have declared by initiative under Proposition 65
3 their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
4 reproductive harm.” Proposition 65, § 1(b).

5 16. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed by
6 the State of California as known to cause cancer, birth defects or other reproductive harm without a
7 “clear and reasonable warning” unless the business responsible for the exposure can prove that it fits
8 within a statutory exemption. Health & Safety Code section 25249.6 states, in pertinent part: “No
9 person in the course of doing business shall knowingly and intentionally expose any individual to a
10 chemical known to the state to cause cancer or reproductive toxicity without first giving clear and
11 reasonable warning to such individual” Health & Saf. Code § 25249.6

12 17. California Code of Regulations Title 27, sections 25607.26 and 25607.27 set forth
13 “clear and reasonable warnings” for environmental exposures from service stations. Such warnings
14 consist of the following content—printed in no smaller than 22-point type and enclosed in a box—
15 posted on a sign at each gas pump of the service station:

16  **WARNING:** Breathing the air in this area or skin contact with petroleum products
17 can expose you to chemicals including benzene, motor vehicle exhaust and carbon
18 monoxide, which are known to the State of California to cause cancer and birth
19 defects or other reproductive harm. Do not stay in this area longer than necessary.
20 For more information go to www.P65Warnings.ca.gov/service-station

21
22
23 18. Additionally, if other signage at the service station is provided for the public in a
24 language other than English, the warning content set forth above must be provided in both English and
25 that other language.

26 19. Proposition 65 provides that any “person who violates or threatens to violate” the
27 statute may be enjoined in a court of competent jurisdiction. Health & Saf. Code § 25249.7. Violators
28 are liable for civil penalties of up to \$2,500 per day for each violation of the Act. *See id.* Any person

1 acting in the public interest has standing to enforce violations of Proposition 65 provided that such
2 person has supplied the requisite public enforcers with a valid 60-Day Notice of Violation and such
3 public enforcers are not diligently prosecuting the action within such time. *See* Health & Saf. Code §
4 25249.7(d).

5 20. On April 1, 1988, the State of California officially listed Gasoline as a chemical known
6 to cause cancer and one year later, Gasoline became subject to the clear and reasonable warning
7 requirement under Proposition 65. Health & Saf. Code § 25249.10(b).

8 **FACTUAL BACKGROUND**

9 21. At all relevant times—including the period from at least one year preceding the filing
10 of this Complaint and continuing through the filing of this Complaint—Defendants knowingly and
11 intentionally exposed individuals who came onto the premises of the Subject Service Stations to
12 Gasoline without first providing a “clear and reasonable” warning of such exposure. The primary route
13 of exposure to Gasoline at the Subject Service Stations is through inhalation.

14 22. At all such times, each Defendant was a “person in the course of doing business” within
15 the meaning of Health & Safety Code section 25249.11. During such times, as a proximate result of
16 acts by Defendants, individuals have been exposed to Gasoline on the premises of the Subject Service
17 Stations without first being provided a clear and reasonable warning concerning such exposure.

18 **SATISFACTION OF NOTICE REQUIREMENTS**

19 23. More than sixty days prior to naming Defendants in this lawsuit, Plaintiff served a 60-
20 Day Notice of Violation of Proposition 65 (“Notice”) concerning the Mountain Station upon the
21 named Defendants, the California Attorney General, and the San Bernadino County District Attorney
22 and a Notice concerning the Figueroa Station upon the named Defendants, the California Attorney
23 General, the Los Angeles County District Attorney, and the Los Angeles City Attorney.

24 24. Both Notices complied with all procedural requirements of Proposition 65, including
25 the attachment of a Certificate of Merit.

26 25. After receiving the Notices, and to the best of Plaintiff’s information and belief, as of
27 the filing of this Complaint, none of the noticed public enforcement agencies have commenced and
28 diligently prosecuted a cause of action against Defendants under Proposition 65 to enforce the alleged

1 violations set forth in either of the Notices.

2 26. Plaintiff is commencing this action more than sixty days from the date of the Notices
3 to Defendants.

4 **FIRST CAUSE OF ACTION**

5 **(Against Defendants for Violations of Health & Safety Code Section 25249.6 at Mountain
6 Station)**

7 27. Plaintiff hereby repeats and incorporates by reference the preceding paragraphs of this
8 Complaint as though fully set forth herein.

9 28. Defendants have, at all times mentioned herein, acted as a person in the course of doing
10 business within the meaning of Health & Safety Code section 25249.11.

11 29. Defendants, through their ownership and operation of the Mountain Station, have
12 exposed individuals who come onto that station's premises to Gasoline, a hazardous chemical known
13 to the State of California to cause cancer.

14 30. Defendants know that individuals will be exposed to Gasoline when those individuals
15 come onto that station's premises.

16 31. Defendants failed to provide such individuals with any clear or reasonable warnings
17 concerning Gasoline exposure on the Mountain Station's premises.

18 32. Plaintiff is informed and believes that at all relevant times herein, and at least as of one
19 year preceding the filing of this Complaint, Defendants knowingly and intentionally exposed
20 individuals who came onto the premises of the Mountain Station to Gasoline without providing the
21 warnings required by Proposition 65—and Defendants continue to do so.

22 33. Plaintiff has engaged in good faith efforts to resolve the claims set forth in this Cause
23 of Action prior to filing this Complaint.

24 34. Pursuant to Health and Safety Code section 25249.7(b), as a consequence of the above-
25 described acts at the Mountain Station, Defendants are each liable for a maximum civil penalty of
26 \$2,500 per day.

27 35. Pursuant to Health and Safety Code section 25249.7(a), this Court is specifically
28 authorized to grant injunctive relief in favor of Plaintiff and against Defendants.

1 **SECOND CAUSE OF ACTION**

2 **(Against Defendants for Violations of Health & Safety Code Section 25249.6 at Figueroa**
3 **Station)**

4 36. Plaintiff hereby repeats, and incorporates by reference, paragraphs 1 through 26 of this
5 Complaint as though fully set forth herein.

6 37. Defendants have, at all times mentioned herein, acted as a person in the course of doing
7 business within the meaning of Health & Safety Code section 25249.11.

8 38. Defendants, through their ownership and operation of the Figueroa Station, have
9 exposed individuals who come onto that station's premises to Gasoline, a hazardous chemical known
10 to the State of California to cause cancer.

11 39. Defendants know that individuals will be exposed to Gasoline when those individuals
12 come onto that station's premises.

13 40. Defendants failed to provide such individuals with any clear or reasonable warnings
14 concerning Gasoline exposure on the Figueroa Station's premises.

15 41. Plaintiff is informed and believes that at all relevant times herein, and at least as of one
16 year preceding the filing of this Complaint, Defendants knowingly and intentionally exposed
17 individuals who came onto the premises of the Figueroa Station to Gasoline without providing the
18 warnings required by Proposition 65—and Defendants continue to do so.

19 42. Plaintiff has engaged in good faith efforts to resolve the claims set forth in this Cause
20 of Action prior to filing this Complaint.

21 43. Pursuant to Health and Safety Code section 25249.7(b), as a consequence of the above-
22 described acts at the Figueroa Station, Defendants are each liable for an additional maximum civil
23 penalty of \$2,500 per day.

24 44. Pursuant to Health and Safety Code section 25249.7(a), this Court is specifically
25 authorized to grant injunctive relief in favor of Plaintiff and against Defendants.

26 **PRAYER FOR RELIEF**

27 Plaintiff prays for judgment against Defendants as follows:

28 1. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and

1 permanently enjoin Defendants from exposing individuals to Gasoline at each of the Subject Service
2 Stations without providing prior clear and reasonable warnings as to such exposure;

3 2. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil penalties
4 against each Defendant in the amount of \$2,500 per day per Subject Service Station for each violation
5 of Proposition 65 according to proof;

6 3. That the Court, pursuant to Health & Safety Code §25249.7(a), order Defendants to
7 take action to stop ongoing unwarned exposures to Gasoline at the Subject Service Stations;

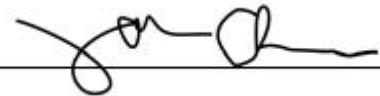
8 4. That the Court, pursuant to Code of Civil Procedure §1021.5 or any other applicable
9 theory, grant Plaintiff his reasonable attorneys' fees and costs of suit; and

10 5. That the Court grant such other and further relief as may be just and proper.

11
12 Dated: March 26, 2024

JARRETT CHARO APC

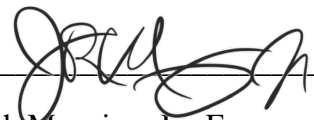
13
14 By: _____



Jarrett S. Charo, Esq.
Attorneys for Plaintiff

15
16
17 MANNING LAW APC

18
19 And By: _____



Joseph Manning, Jr., Esq.
Attorneys for Plaintiff