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9 RAMY KAUFLEDER EDEN

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

14 RAMY KAUFLEDER EDEN

15 Plaintiff,

16 v.

17 EDCO STATIONS, INC; TABBAA
18 FAMILY LIMITED PARTNERSHIP;
19 TABBAA MANAGEMENT COMPANY,
LLC, and DOES 1 through 50, inclusive,

20 Defendants.

Case No.: **24STCV07614**

**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 EDCO Stations, Inc. (“EDCO”), Tabbaa Family Limited Partnership
11 (“Tabbaa Family”), and Tabbaa Management Company, LLC (“Tabbaa Management” and, together
12 with EDCO and Tabbaa Family, “Defendants”) own and operate the service station located at 5050 E.
13 Olympic Blvd., Los Angeles, California 90022 (“Subject Service Station”).

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

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

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

21 **PARTIES**

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

25 8. Defendant EDCO is incorporated or organized in the State of California, has its
26 principal place of business in the County of Los Angeles, State of California, and is a “person in the
27 course of doing business” within the meaning of Health & Safety Code section 25249.11. EDCO owns
28 and operates the Subject Service Station and exposes individuals there to Gasoline without first

1 providing any warnings of the carcinogenic hazards associated with such exposure.

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

7 10. Defendant Tabbaa Management is incorporated or organized in the State of California,
8 has its principal place of business in the County of Los Angeles, State of California, and is a “person
9 in the course of doing business” within the meaning of Health & Safety Code section 25249.11. Tabbaa
10 Management owns and operates the Subject Service Station and exposes individuals there to Gasoline
11 without first providing any warnings of the carcinogenic hazards associated with such exposure.

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

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

19 **JURISDICTION AND VENUE**

20 13. The Court has jurisdiction over this action pursuant to Health & Safety Code section
21 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to California
22 Constitution Article VI, Section 10, because this case is a cause not given by statute to other trial
23 courts.

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

1 the filing of this Complaint, none of the noticed public enforcement agencies have commenced and
2 diligently prosecuted a cause of action against Defendants under Proposition 65 to enforce the alleged
3 violations set forth in either of the Notice.

4 27. Plaintiff is commencing this action more than sixty days from the date of the Notices
5 to Defendants.

6 **FIRST CAUSE OF ACTION**

7 **(Against Defendants for Violations of Health & Safety Code Section 25249.6)**

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

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

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

15 31. Defendants know that individuals will be exposed to Gasoline when those individuals
16 come onto the station's premises.

17 32. Defendants failed to provide such individuals with any clear or reasonable warnings
18 concerning Gasoline exposure on the Subject Service Station's premises.

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

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

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

28 36. Pursuant to Health and Safety Code section 25249.7(a), this Court is specifically

1 authorized to grant injunctive relief in favor of Plaintiff and against Defendants.

2 **PRAYER FOR RELIEF**

3 Plaintiff prays for judgment against Defendants as follows:

4 1. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and
5 permanently enjoin Defendants from exposing individuals to Gasoline at each of the Subject Service
6 Station without providing prior clear and reasonable warnings as to such exposure;

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

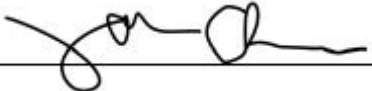
10 3. That the Court, pursuant to Health & Safety Code §25249.7(a), order Defendants to
11 take action to stop ongoing unwarned exposures to Gasoline at the Subject Service Station;

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

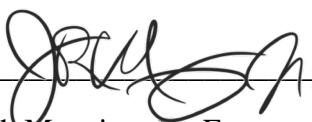
14 5. That the Court grant such other and further relief as may be just and proper.

15
16 Dated: March 26, 2024

JARRETT CHARO APC

17
18 By: 
19 Jarrett S. Charo, Esq.
20 Attorneys for Plaintiff

21 MANNING LAW APC

22
23 And By: 
24 Joseph Manning, Jr., Esq.
25 Attorneys for Plaintiff