Electronically Filed Superior Court of CA County of Contra Costa 10/8/2026 12:47 PM By: A. Adams, Deputy

SUM-100

SUMMONS
(CITACION JUDICIAL)

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

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
Peak Revival Co., and Does 1 through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
Center for Consumer Safety, LLC, a California limited liability company

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): Wakefield Taylor Courthouse

725 Court Street, Martinez CA 94553

CASE NUMBER:
(Número del Caso):
C26-03422

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):

DATE: 10/8/2026 12:47 PM *(Fecha)*
Clerk, by *(Secretario)* /s/ A. Adams , Deputy *(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)).*

[SEAL]

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)*:

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courts.ca.gov

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Electronically Filed Superior Court of CA County of Contra Costa 10/8/2026 12:47 PM By: A. Adams, Deputy

CHRISTINA TUSAN (SBN 192203)
ctusan@ctusanlaw.com
ADRIAN BARNES (SBN 253131)
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TUSAN LAW, P.C.
680 E. Colorado #180
Pasadena, CA 91101
Telephone: (626) 418-8203

Attorneys for Plaintiff Center for Consumer Safety, LLC

SUMMONS ISSUED

Per local Rule, This case is assigned to Judge Marquez, Leonard E., for all purposes.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

CENTER FOR CONSUMER SAFETY, LLC, a California Limited Liability Company,
Plaintiff,

vs.

PEAK REVIVAL CO. and DOES 1-10 inclusive,
Defendants.

CASE NO. C26-03422

COMPLAINT FOR INJUNCTIVE AND DECLARATORY RELIEF AND CIVIL PENALTIES

Health & Safety Code § 25249.5 et seq.

Plaintiff **Center for Consumer Safety, LLC** ("Plaintiff" or "CCS"), acting in the public interest, based on information and belief and investigation of counsel, except for information based on knowledge, hereby alleges as follows:

I. INTRODUCTION

1. CCS brings this action as a private enforcer acting in the public interest under Health and Safety Code section 25249.7, subdivision (d).

2. The Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.5 et seq. ("Proposition 65"), prohibits a person in the course of doing business from knowingly and intentionally exposing an individual to a chemical known to the State of California to cause cancer or reproductive toxicity without first providing a clear and reasonable warning, unless an exemption applies. Lead is known to the State of California to cause cancer and birth defects or other reproductive harm.

3. This action seeks injunctive and declaratory relief and civil penalties to remedy the continuing failure of Defendants Peak Revival Co. ("Defendant") and DOES 1–10 (collectively,

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"Defendants") to provide a clear and reasonable warning before exposing consumers to lead from the following product (the "Subject Product"):

Peak Revival-X Electrolytes Powder Packets

II. PARTIES

4. Plaintiff CCS is a California limited liability company acting in the public interest and is a "person" within the meaning of Health & Safety Code section 25249.11, subdivision (a). CCS is dedicated to protecting consumers and the environment from exposures to chemicals known to the State of California to cause cancer or reproductive toxicity.

5. Defendant Peak Revival Co. is identified as the manufacturer of the Subject Product.

6. During the relevant period, the Subject Product has been offered for sale to California consumers through the Amazon.com online marketplace. Amazon.com Services LLC is not named as a defendant in this action.

7. Plaintiff is ignorant of the true names and capacities of Defendants sued herein as DOES 1 through 10, inclusive, and therefore sues those defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed and believes, and on that basis alleges, that each Doe Defendant is responsible in some manner for the acts and omissions alleged below and caused Plaintiff and members of the public to be exposed to lead from the Subject Product without a clear and reasonable warning.

8. At all relevant times, Defendants were persons in the course of doing business within the meaning of Health and Safety Code section 25249.11 and employed ten or more employees.

III. JURISDICTION AND VENUE

9. This Court has jurisdiction over this action pursuant to Health & Safety Code § 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to Article VI, section 10 of the California Constitution because Proposition 65 does not provide another court with exclusive jurisdiction.

10. This Court has personal jurisdiction over Defendant because Defendant is a business entity that does sufficient business, has sufficient minimum contacts in California, or otherwise has

purposefully availed itself of the California market through the sale, marketing, distribution, or use of the Subject Product in California or by having such other contacts with California so as to render the exercise of jurisdiction over it by the California courts consistent with traditional notions of fair play and substantial justice.

11. This Complaint is based on the allegations in the 60-Day Notice of Violation dated June 18, 2026 (the "Notice"). CCS served the Notice, a Certificate of Merit, and the other materials required by Proposition 65 and its implementing regulations on Defendant, the California Attorney General, and the appropriate public prosecutors. A true and correct copy of the Notice and its associated service materials is attached as **Exhibit A** and incorporated by this reference.

12. More than sixty days have elapsed since service of the Notice. No public prosecutor has commenced and is diligently prosecuting an action against Defendant concerning the violations alleged in the Notice.

13. Venue is proper in this Court under Code of Civil Procedure section 395.5 and Health and Safety Code section 25249.7 because the causes of action arose, in whole or in part, in Contra Costa County. The Subject Product was purchased over the Internet on October 9, 2025, and shipped to Center for Consumer Safety LLC in Walnut Creek, California, without a clear and reasonable Proposition 65 warning.

IV. STATUTORY BACKGROUND

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

15. Proposition 65 prohibits a person in the course of doing business from knowingly and intentionally exposing an individual to a chemical known to the State of California to cause cancer or reproductive toxicity without first providing a clear and reasonable warning. (Health & Saf. Code, § 25249.6.)

16. The Office of Environmental Health Hazard Assessment ("OEHHA"), a division of the California Environmental Protection Agency, is the lead agency charged with implementing

Proposition 65, including its clear-and-reasonable-warning regulations in title 27 of the California Code of Regulations.

17. The regulations define "expose" to mean causing an individual to ingest, inhale, contact via body surfaces, or otherwise come into contact with a listed chemical. (Cal. Code Regs., tit. 27, § 25102, subd. (i).) A consumer-product exposure includes exposure resulting from a person's acquisition, purchase, storage, consumption, or reasonably foreseeable use of a consumer product. (Id., § 25600.1, subd. (e).)

18. For a consumer product purchased over the Internet, a warning is not clear and reasonable unless the warning, or a clearly marked hyperlink using the word "WARNING" or the words "CA WARNING" or "CALIFORNIA WARNING" that links to the warning, is provided on the product display page or an otherwise prominently displayed warning is provided to the purchaser before completion of the purchase. (Cal. Code Regs., tit. 27, § 25602, subd. (b).)

19. Lead was listed by the State of California as a chemical known to cause cancer and reproductive toxicity long before the exposures alleged in this Complaint. The one-year grace period under Health and Safety Code section 25249.10, subdivision (b), expired long before those exposures.

20. A person who violates or threatens to violate Health and Safety Code section 25249.6 may be enjoined and is liable for a civil penalty not to exceed $2,500 per day for each violation. (Health & Saf. Code, § 25249.7, subds. (a), (b)(1).)

21. A person acting in the public interest may enforce Proposition 65 after giving at least sixty days' notice to the alleged violator, Attorney General, and appropriate local prosecutor, provided that no such public prosecutor has commenced and is diligently prosecuting an action against the violation. (Health & Saf. Code, § 25249.7, subd. (d).)

22. Defendant has manufactured and/or sold the Subject Product in and into California, including Contra Costa County.

V. STATEMENT OF FACTS

23. The Subject Product is an electrolyte powder sold in packets as a variety pack. The package photographs show manufacturer suggested use of one packet mixed with 16–32 fluid ounces of water. The expert assessment assumes a 5.5-gram serving for its exposure calculation.

24. Testing of a sample of the Subject Product, Batch A601700, found lead at a concentration of 0.26 parts per million, equivalent to 0.26 micrograms of lead per gram of product.

25. Accordingly, using the expert assessment's assumed 5.5-gram serving, one daily serving results in an estimated exposure of approximately 1.4 micrograms of lead per day: 0.26 µg lead/g product × 5.5 g product = 1.43 µg lead/day (approximately 1.4 µg lead/day).

26. The Proposition 65 maximum allowable dose level ("MADL") for lead based on developmental and reproductive toxicity is 0.5 micrograms per day. The daily exposure from the Subject Product therefore exceeds the MADL by approximately **2.8 times**.

27. The Subject Product was sold through Amazon.com under ASIN B0D96DX2Y7. The product display page identifies the brand as Peak Revival-X, the product form as electrolyte powder packets, the product as a variety pack, and the seller as Peak Revival-X, and reflects that the product ships from Amazon.

28. The Subject Product was ordered on Amazon on October 9, 2025, and shipped that day to Center for Consumer Safety LLC in Walnut Creek, California.

29. The Subject Product packaging did not contain a Proposition 65-compliant clear and reasonable warning. The Amazon product display or point-of-sale page likewise did not provide a Proposition 65-compliant clear and reasonable warning before the purchaser completed the purchase.

30. Defendant has manufactured and/or sold the Subject Product in California, and the Notice alleges violations since at least October 9, 2025, and, on information and belief, its violations are continuing. Plaintiff is informed and believes that additional units of the Subject Product have been sold or delivered to California consumers during the relevant period.

31. Before and after CCS served the Notice, Defendant knowingly and intentionally exposed California consumers, including consumers in Contra Costa County, to lead from the Subject Product at daily exposure levels exceeding the lead MADL without first providing a clear and reasonable warning. Defendant's failure to provide the required warning on the product packaging, product display page, point-of-sale page, or by another legally permissible method is ongoing.

32. Defendant also affirmatively represents on its website that its products are "clean formulas" and claims they are "third party verified" by "Eurofins Scientific", leading consumers to believe that they do not in fact contain lead. Defendant's website states:



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

33. Plaintiff realleges and incorporates by reference paragraphs 1 through 32 as though fully set forth herein.

34. By committing the acts alleged above, Defendant knowingly and intentionally exposed users of the Subject Product to lead, a chemical known to the State of California to cause

cancer and reproductive toxicity, without first providing a clear and reasonable warning as required by Health and Safety Code section 25249.6.

35. Defendant's violations render it liable for civil penalties of up to $2,500 per day for each violation under Health and Safety Code section 25249.7, subdivision (b), and subject it to injunctive relief under Health and Safety Code section 25249.7, subdivision (a).

SECOND CAUSE OF ACTION
(Declaratory Relief)

36. Plaintiff realleges and incorporates by reference paragraphs 1 through 34 as though fully set forth herein.

37. An actual controversy exists between Plaintiff and Defendant within the meaning of Code of Civil Procedure section 1060 concerning Defendant's ongoing duties under Proposition 65 as to the Subject Product.

38. Plaintiff contends that Defendant has a present and continuing duty to provide a clear and reasonable warning before exposing individuals in California to lead from the Subject Product, including on the product packaging and, for Internet sales, on the product display or point-of-sale page before the purchase is completed.

39. Plaintiff is informed and believes, and on that basis alleges, that Defendant disputes those obligations, contends no warning is required, and/or contends that any warning it provides is legally sufficient. A judicial declaration of the parties' rights and duties is necessary because civil penalties for past violations alone will not resolve Defendant's ongoing warning obligations.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for relief as follows:

1. For civil penalties in the maximum amount authorized by Health and Safety Code section 25249.7, subdivision (b), for each and every violation, and of at least $100,000, according to proof;

2. For preliminary and permanent injunctive relief under Health and Safety Code section 25249.7, subdivision (a), enjoining Defendant from exposing persons in California to lead from the Subject Product without first providing a clear and reasonable warning;

3. For a declaration that Defendant violated Proposition 65 by exposing individuals in California to lead from the Subject Product without a clear and reasonable warning, and that Defendant must provide a legally compliant warning for the Subject Product going forward;

4. For an award of reasonable attorneys' fees and costs, of at least $50,000, under Code of Civil Procedure section 1021.5 and/or the substantial-benefit doctrine;

5. For costs of suit; and

6. For such other and further relief as the Court may deem just and proper.

Dated: October 8, 2026

Respectfully submitted,

TUSAN LAW, PC

Christina Tusan

CHRISTINA TUSAN
ADRIAN BARNES
Attorneys for Plaintiff
Center for Consumer Safety, LLC

EXHIBIT A

TUSAN LAW, PC

Christina Tusan
Attorney at Law

Tel: 626-418-8203 | Fax: 626-619-8253 | ctusan@ctusanlaw.com | www.ctusanlaw.com
680 E. Colorado Blvd. #180, Pasadena, CA 91101

June 18, 2026

VIA CERTIFIED MAIL

ALLEGED VIOLATOR(S)	
Current CEO or President Peak Revival Co. 3101 N. Central Ave, Ste 183 Phoenix, AZ 85012	Current CEO or President Peak Revival Co. 2942 N. 24th St, Ste 114 Phoenix, AZ 85016
Andy Jassy Amazon.com Services LLC 410 Terry Ave N Seattle, WA 98109	Andy Jassy Amazon.com Services LLC c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833

Notice sent to alleged Violator(s) above and the public prosecutors listed on the service list accompanying the attached Certificate of Service.

Re: 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act (Proposition 65)

To Whom It May Concern:

We represent the Center for Consumer Safety, LLC ("CCS"), an organization in the State of California acting in the interest of the general public. CCS' responsible individual within the entity is Mike White (email: mike@centerforconsumersafety.com | phone: (510) 636-5051), at 2001 Addison St, Ste 300 #834, Berkeley, CA 94704.

This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act ("Prop 65") codified at California Health & Safety Code § 25249.5, *et seq*. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the product(s) detailed below in California.

This Notice satisfies a prerequisite for CCS to commence an action against the Violator(s) in any Superior Court of California.

I. Description of the Violation

a. **Enforcer**: Center for Consumer Safety, LLC. 2001 Addison St, Ste 300, Berkeley, CA 94704.

b. **Alleged Violator(s):** Peak Revival Co., Amazon.com Services LLC.

c. **Time Period of Exposure**: Violations have been occurring since at least October 9, 2025, and are continuing to this day.

d. **Listed Chemical(s)**: Lead. Lead is listed under Proposition 65 as a chemical known to the State of California to cause cancer and birth defects or other reproductive harm.

e. **Product(s)**:

Product Type(s)	Non-Exhaustive Example(s) of the Product[1]
Electrolyte Powder Packets	Peak Revival-X Electrolytes Powder Packets – Batch No. A601700

f. **Route(s) of Exposure**: Exposures that are the subject of this Notice result from the purchase, acquisition, handling, and normal and reasonably foreseeable use of this product. Exposures from the Product(s) include: Ingestion.

g. **Warnings Provided**: As the Product(s) was/were purchased via the Internet, per Cal. Code Regs. Tit. 27, § 25602(b), Proposition 65-compliant, clear, and reasonable warnings must be made on both the product packaging AND the product display page/point of sale page:

   a. The Product(s) DO NOT contain Proposition 65-compliant, clear, and reasonable warnings on the product packaging;

   b. The Product(s) DO NOT contain Proposition 65-compliant, clear, and reasonable warnings on the product display page/point of sale page.

II. Proposition 65 Information

For the alleged Violator(s)' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at (916) 445-6900 or https://www.p65warnings.ca.gov/contact-us-proposition-65-help-desk.

III. Obligation to Preserve Evidence Given Anticipated Litigation Pursuant to this Notice

The alleged Violator(s) are hereby requested to preserve any and all evidence relating to the violations described herein. This includes, without limitation, preserving any and all:

- Warning materials provided to consumers regarding the Product(s) or Product Type(s) listed above,
- Testing reports relating to the Product(s) or Product Type(s) listed above,
- Advertising or marketing materials relating to the Product(s) or Product Type(s) listed above,
- Information regarding the sale of the Product(s) or Product Type(s) listed above in California or to California consumers,
- Efforts to comply with Proposition 65 with respect to the Product(s) or Product Type(s) listed above, and,
- Communications with any person or entity relating to the presence or potential presence of the Listed Chemicals in the Product(s) or Product Type(s) listed above.

IV. Demand for Retailer, Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(g), to Identify Manufacturer(s), Producer(s), Packager(s), Importer(s), Supplier(s), and Distributor(s) of Product(s)

Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(g), "The retail seller of a product that may cause a consumer product exposure shall promptly provide the name and contact information for the

[1] The specifically identified example of the Product in this Notice is to assist the recipients' investigation into, among other things, the magnitude and breadth of potential exposures to the Listed Chemical from other items within the Product Type(s). This is not intended to be a comprehensive identification of each offending Product. CCS maintains the position that the alleged Violator(s) is/are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, or stored during the period to ensure full compliance.

manufacturer, producer, packager, importer, supplier, and distributor of the product to the following persons on written request, to the extent that this information is reasonably available to the retail seller," including "[a]ny person who has served notice under Section 25249.7(d)(1) of the Act alleging that the consumer product causes an exposure that requires a warning under the Act."

Please accept this Notice as a formal demand for any non-manufacturing seller or distributor receiving this Notice to promptly provide the names and contact information for any and all manufacturers, producers, packagers, importers, suppliers, and/or distributors of the Product(s) listed above. This information should be provided by electronic mail to ctusan@ctusanlaw.com.

V. Resolution of Claims

Based on the allegations set forth in this Notice, Tusan Law intends to file a citizen enforcement lawsuit on behalf of CCS against the alleged Violator(s) should no appropriate governmental authority take action and should no resolution be reached by August 27, 2026.

However, consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, CCS is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation. If you are interested in discussing a potential pre-filing resolution of these claims, please contact me promptly.

*****

CCS has retained Tusan Law in connection with this Notice and, therefore, all communications relating to this Notice or to this matter should be directed to **Christina Tusan** via:

- Email: ctusan@ctusanlaw.com (copying my law partner, Adrian Barnes at abarnes@ctusanlaw.com, and my legal assistant Amy Saturday at asaturday@ctusanlaw.com)
- Phone: (626) 418-8203
- Mail: Christina Tusan, Tusan Law, P.C., 680 E. Colorado Blvd. #180, Pasadena, CA 91101

Sincerely,



Christina Tusan

cc: Adrian Barnes, Esq.

Attachments:

Certificate of Merit
Certificate of Service

Enclosure:

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary

CERTIFICATE OF MERIT

Health & Safety Code Section 25249.7(d)

I, Christina Tusan, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated 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 or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical(s) that is/are the subject of the action.

4. Based on the information obtained through these consultations, and on all 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 plaintiffs' case can be established and the information did not prove that the alleged violator(s) 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 information identified in Health & Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: June 18, 2026

Christina Tusan
Attorneys for CCS

CERTIFICATE OF SERVICE

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

1. I am a citizen of the United States.
2. I am over the age of 18.
3. I am not a party to this case or action.
4. My business address is Tusan Law, P.C., 680 E. Colorado Blvd. #180, Pasadena, CA 91101. I am a resident of Jefferson County, Alabama, where the service by e-mail and mailing occurred.

On June 18, 2026, I caused the following documents to be served:

1. 60-Day Notice of Violation sent in compliance with Health & Safety Code section 25249.7(d);
2. Certificate of Merit;
3. Certificate of Service;
4. Proposition 65: A Summary; (**sent only to the alleged Violator(s)**), and
5. Certificate of Merit Attachment (**served only on the Attorney General**)

The above-listed documents were served as follows:

To the parties below (the alleged Violator(s)) by placing a true and correct copy thereof in a sealed envelope (addressed to each party at the party's respective last known address as set out below), and depositing it with the United States Postal Service for delivery by First Class Certified Mail with Return Receipt Requested with the postage thereon fully prepaid:

Current CEO or President Peak Revival Co. 3101 N. Central Ave, Ste 183 Phoenix, AZ 85012	Current CEO or President Peak Revival Co. 2942 N. 24th St, Ste 114 Phoenix, AZ 85016
Andy Jassy Amazon.com Services LLC 410 Terry Ave N Seattle, WA 98109	Andy Jassy Amazon.com Services LLC c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive Sacramento, CA 95833

To the California Attorney General (via website portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

To District and City Attorneys who have specifically authorized e-mail service and for whom authorization appears on the California Attorney General's website by transmission of true and correct copies thereof via electronic mail to the email addresses on the attached service list.

To District and City Attorneys who have not specifically authorized e-mail service, by placing a true and correct copy thereof in a sealed envelope (addressed to each party at the party's respective last known address as set out on the attached service list), and depositing it with the United States Postal Service for delivery by First Class Mail with the postage thereon fully prepaid.

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

Date: June 18, 2026

Name: Amy Leigh Saturday

Signature: 

SERVICE LIST
VIA ELECTRONIC MAIL

Alameda County District Attorney
CEPDProp65 @acgov.org

Calaveras County District Attorney
Prop65Env@co.calaveras.ca.us

Contra Costa County District Attorney
Bill.Washam@contracostada.org

Inyo County District Attorney
inyoda@inyocounty.us

Lassen County District Attorney
dchandler@co.lassen.ca.us

Mariposa County District Attorney
mcda@mariposacounty.org

Merced County District Attorney
Prop65@countyofmerced.com

Monterey County District Attorney
Prop65DA@co.monterey.ca.us

Napa County District Attorney
CEPD@countyofnapa.org

Nevada County District Attorney
DA.Prop65@co.nevada.ca.us

Placer County District Attorney
Prop65@placer.ca.gov

Plumas County District Attorney
davidhollister@countyofplumas.com

Riverside County District Attorney
Prop65@rivcoda.org

Sacramento County District Attorney
Prop65@sacda.org

San Diego City Attorney
CityAttyProp65@sandiego.gov

San Diego County District Attorney
SanDiegoDAProp65@sdcda.org

San Francisco County District Attorney
Prop65@sfgov.org

San Francisco City Attorney
Prop65@sfcityatty.org

San Joaquin County District Attorney DA
DAConsumer.Environmental@sjcda.org

San Luis Obispo County District Attorney
edobroth@co.slo.ca.us

Santa Barbara County District Attorney
DAProp65@co.santa-barbara.ca.us

Santa Clara County District Attorney
EPU@da.sccgov.org

Santa Cruz County District Attorney
Prop65DA@santacruzcounty.us

Sonoma County District Attorney
ECLD@sonoma-county.org

Tulare County District Attorney
damail@tularecounty.ca.gov

Ventura County District Attorney
daspecialops@ventura.org

Yolo County District Attorney
cfepd@yolocounty.org

Santa Clara City Attorney
proposition65notices@sanjoseca.gov

District Attorney Fresno
consumerprotection@fresnocountyca.gov

Tuolumne County District Attorney
DA@tuolumnecounty.ca.gov

Alpine County District Attorney
Prop65enf@alpinecountyca.gov

El Dorado Assistant District Attorney
EDCDAPROP65@edcda.us

Marin County District Attorney
consumer@marincounty.gov

Orange County District Attorney
Prop65notice@ocdistrictattorney.gov

SERVICE LIST
VIA FIRST CLASS MAIL

District Attorney Lake County
255 North Forbes Street
Lakeport, CA 95453

District Attorney Los Angeles County
211 W. Temple St. Ste 1200
Los Angeles, CA 90012

District Attorney Madera County
300 South G Street, Suite 300
Madera, CA 93637

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

District Attorney Sutter County
463 2nd Street, Ste 102
Yuba City, CA 95991

District Attorney Mono County
Post Office Box 2053
Mammoth Lakes, CA 93546

District Attorney San Benito County
419 4th Street
Hollister, CA 95023

District Attorney Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East, Room 800
200 N. Main St.,
Los Angeles, CA 90012

District Attorney Kings County
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney Sierra County
PO Box 457
Downieville, CA 95936

District Attorney Siskiyou County
PO Box 986
Yreka, CA 96097

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

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

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

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

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

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

District Attorney Kern County
1215 Truxtun Avenue, 4th Floor
Bakersfield, CA 93301

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

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

District Attorney Colusa County
310 6th Street
Colusa, CA 95932

District Attorney Mendocino County
PO Box 1000
Ukiah, CA 95482

District Attorney Tehama County
PO Box 519
Red Bluff, CA 96080

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

District Attorney San Bernardino County
303 West Third Street, 6th Floor
San Bernardino, CA 92415

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

District Attorney Shasta County
1355 West Street
Redding, CA 96001

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

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

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

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

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: http://oehha.ca.gov/prop65/law/P65law72003.html. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.[1] These implementing regulations are available online at: http://oehha.ca.gov/prop65/law/P65Regs.html.

WHAT DOES PROPOSITION 65 REQUIRE?

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

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

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

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

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

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

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

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

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

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

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

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "No Significant Risk Levels" (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: http://www.oehha.ca.gov/prop65/getNSRLs.html for a list of NSRLs, and Section 25701 *et seq*. of the regulations for information concerning how these levels are calculated.

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

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant[2] it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

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

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[2] See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

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

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

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

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;

- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;

- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;

- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

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

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

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

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

Revised: May 2017

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

Superior Court of California, Contra Costa County

CV - Martinez-Wakefield Taylor Courthouse
725 Court Street
Martinez CA 94553
925-608-1000
www.cc-courts.org

S. Lind
Court Executive Officer

CASE NAME:	CASE NUMBER:
CENTER FOR CONSUMER SAFETY, LLC VS. PEAK REVIVAL CO.	C26-03422

1. NOTICE IS HEREBY GIVEN THAT A CASE MANAGEMENT CONFERENCE IS SET IN THE ABOVE ENTITLED CASE AND WILL BE HELD IN THIS COURT ON:

HEARING DATE:	HEARING TIME:	HEARING LOCATION:
04/15/2027	8:30 AM	DEPARTMENT 34 725 COURT ST RM 305 MARTINEZ, CA 94553

THIS FORM, A COPY OF THE NOTICE TO DEFENDANTS, THE ADR INFORMATION SHEET, A BLANK CASE MANAGEMENT STATEMENT, AND A BLANK ADR CASE MANAGEMENT STIPULATION AND ORDER FORM ARE TO BE SERVED ON OPPOSING PARTIES. ALL PARTIES SERVED WITH SUMMONS AND COMPLAINT/CROSS-COMPLAINT OR THEIR ATTORNEY OF RECORD MUST APPEAR.

2. YOU MAY STIPULATE TO AN EARLIER CASE MANAGEMENT CONFERENCE. IF ALL PARTIES AGREE TO AN EARLY CASE MANAGEMENT CONFERENCE, PLEASE CONTACT THE COURT CLERK'S OFFICE AT (925)608-1000 FOR UNLIMITED CIVIL AND LIMITED CIVIL CASES FOR ASSIGNMENT OF AN EARLIER DATE.
3. YOU MUST BE FAMILIAR WITH THE CASE AND BE FULLY PREPARED TO PARTICIPATE EFFECTIVELY IN THE CASE MANAGEMENT CONFERENCE AND TO DISCUSS THE SUITABILITY OF THIS CASE FOR THE EASE PROGRAM, PRIVATE MEDIATION, BINDING OR NON-BINDING ARBITRATION, AND/OR USE OF A SPECIAL MASTER.
4. AT ANY CASE MANAGEMENT CONFERENCE THE COURT MAY MAKE PRETRIAL ORDERS INCLUDING THE FOLLOWING:
   a) AN ORDER ESTABLISHING A DISCOVERY SCHEDULE
   b) AN ORDER REFERRING THE CASE TO ARBITRATION
   c) AN ORDER TRANSFERRING THE CASE TO LIMITED JURISDICTION
   d) AN ORDER DISMISSING FICTITIOUS DEFENDANTS
   e) AN ORDER SCHEDULING EXCHANGE OF EXPERT WITNESS INFORMATION
   f) AN ORDER SETTING SUBSEQUENT CONFERENCE AND THE TRIAL DATE
   g) AN ORDER CONSOLIDATING CASES
   h) AN ORDER SEVERING TRIAL OF CROSS-COMPLAINTS OR BIFURCATING ISSUES
   i) AN ORDER DETERMINING WHEN DEMURRERS AND MOTIONS WILL BE FILED

SANCTIONS

IF YOU DO NOT FILE THE CASE MANAGEMENT STATEMENT OR ATTEND THE CASE MANAGEMENT CONFERENCE OR PARTICIPATE EFFECTIVELY IN THE CONFERENCE, THE COURT MAY IMPOSE SANCTIONS (INCLUDING DISMISSAL OF THE CASE AND PAYMENT OF MONEY).

SUPERIOR COURT OF CALIFORNIA, CONTRA COSTA COUNTY

I HEREBY CERTIFY THAT I AM THE CLERK OF THIS COURT, NOT A PARTY TO THIS CAUSE; THAT I SERVED A COPY OF THIS NOTICE ON THE BELOW DATE, BY ELECTRONIC SERVICE TO THE PARTIES OR THEIR COUNSEL OF RECORD AT THE EMAIL ADDRESSES SET FORTH BELOW AND SHOWN BY THE RECORDS OF THIS COURT, OR, IF A PHYSICAL MAILING ADDRESS IS PRESENT BELOW, BY PLACING THE DOCUMENT(S) IN AN ENVELOPE FOR COLLECTION AND MAILING, FOLLOWING THE COURT'S ORDINARY BUSINESS PRACTICES FOR COLLECTING AND PROCESSING CORRESPONDENCE FOR MAILING. ON THE SAME DAY THE CORRESPONDENCE IS PLACED FOR COLLECTION AND MAILING, IT IS DEPOSITED IN THE ORDINARY COURSE OF BUSINESS WITH THE UNITED STATES POSTAL SERVICE, IN A SEALED ENVELOPE WITH POSTAGE FULLY PREPAID.

DATE: 10/19/2026

BY: /s/A. Adams

A. ADAMS, DEPUTY CLERK

Superior Court of California, Contra Costa County

CV - Martinez-Wakefield Taylor Courthouse
725 Court Street
Martinez CA 94553
925-608-1000
www.cc-courts.org

S. Lind
Court Executive Officer

NOTICE OF HEARING HAS BEEN PRINTED FOR THE FOLLOWING ATTORNEYS/FIRMS OR PARTIES FOR CASE NUMBER: C26-03422 ON 10/19/2026:

CHRISTINA TUSAN
680 E COLORADO #180
PASADENA CA 91101
CTUSAN@CTUSANLAW.COM

Superior Court of California, County of Contra Costa

NOTICE TO DEFENDANTS

In Unlimited Jurisdiction Civil Actions

YOU ARE BEING SUED. The packet you have been served should contain:

a. The Summons
b. The Complaint
c. The Notice of Case Management (shows hearing date and time)
d. Blank: Case Management Statement (Judicial Council Form CM-110)
e. Blank: Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days (Local Court Form CV-655b)
f. Alternative Dispute Resolution (ADR) Information (Local Court Form CV-655c-INFO)

WHAT DO I DO NOW?

You must:

1. **Prepare your response** YOU COULD LOSE YOUR CASE—even before it is heard by a judge or before you can defend yourself, if you do not prepare and file a response on time. See the other side of this page for types of responses you can prepare.
2. **Complete the *Case Management Statement*** *(CM-110)*
3. **File and serve your court papers on time** Once your court forms are complete, you must file 1 original and 2 copies of the forms at court. An adult who is NOT involved in your case must serve one set of forms on the Plaintiff. If you were served in person you must file your response in 30 days. If the server left a copy of the papers with an adult living at your home or an adult in charge at your work or you received a copy by mail you must file your response in 40 days.
4. **Prove you served your court papers on time** by having your server complete a *Proof of Service*, *(Judicial Council form POS-040)*, that must be filed at the court within 60 days.
5. **Go to court** on the date and time given in the *Notice of Case Management Conference*.
6. **Consider trying to settle your case before trial** If you and the other party to the case can agree to use mediation, arbitration or neutral case evaluation, the *Stipulation and Order to Attend ADR and Delay First Case Management Conference 90 Days* can be filed with your other papers. For more information read the enclosed ADR information, visit www.cc-courts.org/adr, or email adrweb@contracosta.courts.ca.gov.

IMPORTANT! The court recommends consulting an attorney for all or part of your case. While you may represent yourself, lawsuits can be complicated, and the court cannot give you legal advice.

COURT FEES: You must pay court fees the first time you file your papers. If you also file a motion, you must pay another fee. If you cannot afford the fees, you may ask the court to waive (allow you not to pay) fees. Use Judicial Council forms FW-001-INFO [information sheet]; FW-001 [application]; and FW-003 [order].

COURT FORMS: Buy forms at the Law Library (1020 Ward Street, Martinez, CA) or download them for free at: www.courtinfo.ca.gov/forms/

WHAT KIND OF RESPONSES CAN I FILE?

1. If you disagree with some or all of what the plaintiff says in the complaint because you believe, or know it is not true, you can file an ANSWER.
2. If you have a claim in the same case against the plaintiff, you may file a CROSS-COMPLAINT.
3. If you want to ask the court to do something on your behalf, you may file a MOTION *(See TYPES OF MOTIONS below)*

HOW DO I PREPARE AN ANSWER?

There are two kinds of Answers you can use, depending on whether the Complaint was verified. You can tell if a Complaint is verified because it says "Verified Complaint" and/or has a signed oath on the last page.

For complaints that are NOT verified:

Use Judicial Council form PLD-050 – General Denial

For complaints that ARE verified:

a. For personal injury, property damage, and wrongful death claims, use Judicial Council PLD-PI-003 (do not check number 2).

b. For contract claims, use Judicial Council PLD-C-010 (do not check number 3a).

c. Be sure to deny every claim with which you disagree. For example, you might write: *"I believe, or know, that the information in paragraph #__ is untrue/incorrect."* Continue your list until you have addressed each paragraph in the Complaint.

NOTE: The Judicial Council Answer forms have spaces for your affirmative defenses. Be sure to include them or you may not be able to use them later. To find out what your affirmative defenses might be, go to the law library and ask the librarian to help you find the information you need.

If you want to file a Cross-Complaint, you must do so at the same time you file the Answer.

a. For a personal injury, property damage, and/or wrongful death Cross-Complaint, use Judicial Council form PLD-PI-002.

b. For a contract Cross-Complaint, use Judicial Council PLD-C-001.

TYPES OF MOTIONS

Written motions are documents that ask the court to do something. You may have to file an *Answer* at the same time. At this point in the case, you can only make Motions from the following list:

1. Demurrer *(the facts stated in the complaint are wrong, or the deadline to file the lawsuit has passed)*;
2. Motion to Strike *(the complaint is unclear; does not follow the law, "doesn't matter", etc.);*
3. Motion to Transfer *(the complaint is in the wrong court or there's a more appropriate court);*
4. Motion to Quash Service of Summons *(you were not legally served);*
5. Motion to Stay *(put the case on hold);* or
6. Motion to Dismiss *(stops the case)*.

NOTE: Motions are very complicated and you may want to hire a lawyer to help you.

WHERE CAN I GET MORE HELP?

- **Lawyer Referral Service**: (925) 825-5700
- **Bay Area Legal Aid:** (800) 551-5554
- **Contra Costa County Law Library** Martinez: (925) 646- 2783 Richmond: (510) 374-3019
- **Ask the Law Librarian:** www.247ref.org/portal/access_law3.cfm

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF CONTRA COSTA

_____

_____
Plaintiff(s) / Cross Plaintiff(s)

vs.

_____

_____
Defendant(s) / Cross Defendant(s)

ADR Case Management Stipulation and Order
(Unlimited Jurisdiction Civil Cases)

CASE NO: _____

- ALL PARTIES STIPULATING TO ADR AND DELAYING THEIR CASE MANAGEMENT CONFERENCE 90 DAYS MUST **SUBMIT THE ORDER FOR THE JUDGE'S SIGNATURE AND FILE THIS FORM AT LEAST 15 DAYS BEFORE THEIR CASE MANAGEMENT CONFERENCE.** (NOT AVAILABLE IN COMPLEX LITIGATION CASES.)
- PARTIES MUST ALSO **SEND A COPY OF THIS FILED STIPULATION AND ORDER TO THE ADR OFFICE**: EMAIL adrweb@contracosta.courts.ca.gov FAX: (925) 608-2109 MAIL: P.O. BOX 911, MARTINEZ, CA 94553

Counsel and all parties agree to delay their case management conference 90 days to attend ADR and complete pre-ADR discovery as follows:

1. Selection and scheduling for Alternative Dispute Resolution (ADR):
   a. The parties have agreed to ADR as follows:
      i. ❑ Mediation (❑ Court-connected ❑ Private)
      ii. ❑ Arbitration (❑ Judicial Arbitration (non-binding) ❑ Private (non-binding) ❑ Private (binding))
      iii. ❑ Neutral case evaluation
   b. The ADR neutral shall be selected by *(date)*: _____ *(no more than 14 days after filing this form)*
   c. ADR shall be completed by *(date)*: _____ *(no more than 90 days after filing this form)*
2. The parties will complete the following discovery plan:
   a. ❑ Written discovery: (❑ Additional page(s) attached)
      i. ❑ Interrogatories to:
      ii. ❑ Request for Production of Documents to:
      iii. ❑ Request for Admissions to:
      iv. ❑ Independent Medical Evaluation of:
      v. ❑ Other:
   b. ❑ Deposition of the following parties or witnesses: (❑ Additional page(s) attached)
      i. _____
      ii. _____
      iii. _____
   c. ❑ No Pre-ADR discovery needed
3. The parties also agree: _____
   _____
4. Counsel and self-represented parties represent they are familiar with and will fully comply with all local court rules related to ADR as provided in Title Three; Chapter 5, will pay the fees associated with these services, and understand that if they do not, without good cause, comply with this stipulation and all relevant local court rules, they may be subject to sanctions.

_____ / _____	_____ / _____
Counsel for Plaintiff *(print)* / Fax	Counsel for Defendant *(print)* / Fax
_____	_____
Signature	Signature
_____ / _____	_____ / _____
Counsel for Plaintiff *(print)* / Fax	Counsel for Defendant *(print)* / Fax
_____	_____
Signature	Signature

Pursuant to the Stipulation of the parties, and subject to the *Case Management Order* to be filed, **IT IS SO ORDERED** that the Case Management Conference set for _____ is vacated and rescheduled for _____ at (8:30 a.m. / _____) **Plaintiff / Plaintiff's counsel must notify all parties of the new case management conference.**

Dated: _____

_____
Judge of the Superior Court

ATTORNEY OR PARTY WITHOUT ATTORNEY	STATE BAR NUMBER:	FOR COURT USE ONLY
NAME:		
FIRM NAME:		
STREET ADDRESS:		
CITY:	STATE: ZIP CODE:	
TELEPHONE NO.:	FAX NO.:	
EMAIL ADDRESS:		
ATTORNEY FOR *(name):*		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF		
STREET ADDRESS:		
MAILING ADDRESS:		
CITY AND ZIP CODE:		
BRANCH NAME:		
PLAINTIFF/PETITIONER:		
DEFENDANT/RESPONDENT:		

CASE MANAGEMENT STATEMENT

CASE NUMBER:

(Check one): ☐ **UNLIMITED CASE** (Amount demanded exceeds $35,000) ☐ **LIMITED CASE** (Amount demanded is $35,000 or less)

A **CASE MANAGEMENT CONFERENCE** is scheduled as follows:

Date: Time: Dept.: Div.: Room:

Address of court *(if different from the address above):*

☐ **Notice of Intent to Appear by Telephone, by *(name):***

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** *(answer one):*
   a. ☐ This statement is submitted by party *(name):*
   b. ☐ This statement is submitted **jointly** by parties *(names):*
2. **Complaint and cross-complaint** *(to be answered by plaintiffs and cross-complainants only)*
   a. The complaint was filed on *(date):*
   b. ☐ The cross-complaint, if any, was filed on *(date):*
3. **Service** *(to be answered by plaintiffs and cross-complainants only)*
   a. ☐ All parties named in the complaint and cross-complaint have been served, have appeared, or have been dismissed.
   b. ☐ The following parties named in the complaint or cross-complaint
      (1) ☐ have not been served *(specify names and explain why not):*
      (2) ☐ have been served but have not appeared and have not been dismissed *(specify names):*
      (3) ☐ have had a default entered against them *(specify names):*
   c. ☐ The following additional parties may be added *(specify names, nature of involvement in case, and date by which they may be served):*
4. **Description of case**
   a. Type of case in ☐ complaint ☐ cross-complaint *(Describe, including causes of action):*

Form Adopted for Mandatory Use
Judicial Council of California
CM-110 [Rev. January 1, 2024]

Cal. Rules of Court, rules 3.720–3.730
www.courts.ca.gov

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

4. b. Provide a brief statement of the case, including any damages *(if personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings; if equitable relief is sought, describe the nature of the relief):*

☐ *(If more space is needed, check this box and attach a page designated as Attachment 4b.)*

5. **Jury or nonjury trial**

The party or parties request ☐ a jury trial ☐ a nonjury trial. *(If more than one party, provide the name of each party requesting a jury trial):*

6. **Trial date**

a. ☐ The trial has been set for *(date):*

b. ☐ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint *(if not, explain):*

c. Dates on which parties or attorneys will not be available for trial *(specify dates and explain reasons for unavailability):*

7. **Estimated length of trial**

The party or parties estimate that the trial will take *(check one)*

a. ☐ days *(specify number):*

b. ☐ hours (short causes) *(specify):*

8. **Trial representation** *(to be answered for each party)*

The party or parties will be represented at trial ☐ by the attorney or party listed in the caption ☐ by the following:

a. Attorney:

b. Firm:

c. Address:

d. Telephone number:

e. Email address:

f. Fax number:

g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference *(specify code section):*

10. **Alternative dispute resolution (ADR)**

a. **ADR information package.** Please note that different ADR processes are available in different courts and communities; read the ADR information package provided by the court under rule 3.221 of the California Rules of Court for information about the processes available through the court and community programs in this case.

(1) For parties represented by counsel: Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and reviewed ADR options with the client.

(2) For self-represented parties: Party ☐ has ☐ has not reviewed the ADR information package identified in rule 3.221.

b. **Referral to judicial arbitration or civil action mediation** (if available).

(1) ☐ This matter is subject to mandatory judicial arbitration under Code of Civil Procedure section 1141.11 or to civil action mediation under Code of Civil Procedure section 1775.3 because the amount in controversy does not exceed the statutory limit.

(2) ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

(3) ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court or from civil action mediation under Code of Civil Procedure section 1775 et seq. *(specify exemption):*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

10. c. In the table below, indicate the ADR process or processes that the party or parties are willing to participate in, have agreed to participate in, or have already participated in *(check all that apply and provide the specified information):*

	The party or parties completing this form **are willing** to participate in the following ADR processes *(check all that apply):*	If the party or parties completing this form in the case **have agreed** to participate in or have already completed an ADR process or processes, indicate the status of the processes *(attach a copy of the parties' ADR stipulation):*
(1) Mediation	☐	☐ Mediation session not yet scheduled ☐ Mediation session scheduled for (*date*)*:* ☐ Agreed to complete mediation by (*date*)*:* ☐ Mediation completed on (*date*)*:*
(2) Settlement conference	☐	☐ Settlement conference not yet scheduled ☐ Settlement conference scheduled for (*date*)*:* ☐ Agreed to complete settlement conference by (*date*)*:* ☐ Settlement conference completed on (*date*)*:*
(3) Neutral evaluation	☐	☐ Neutral evaluation not yet scheduled ☐ Neutral evaluation scheduled for (*date*)*:* ☐ Agreed to complete neutral evaluation by (*date*)*:* ☐ Neutral evaluation completed on (*date*)*:*
(4) Nonbinding judicial arbitration	☐	☐ Judicial arbitration not yet scheduled ☐ Judicial arbitration scheduled for (*date*)*:* ☐ Agreed to complete judicial arbitration by (*date*)*:* ☐ Judicial arbitration completed on (*date*)*:*
(5) Binding private arbitration	☐	☐ Private arbitration not yet scheduled ☐ Private arbitration scheduled for (*date*)*:* ☐ Agreed to complete private arbitration by (*date*)*:* ☐ Private arbitration completed on (*date*)*:*
(6) Other (*specify*):	☐	☐ ADR session not yet scheduled ☐ ADR session scheduled for (*date*)*:* ☐ Agreed to complete ADR session by (*date*)*:* ☐ ADR completed on (*date*)*:*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

11. **Insurance**

a. ☐ Insurance carrier, if any, for party filing this statement *(name):*

b. Reservation of rights: ☐ Yes ☐ No

c. ☐ Coverage issues will significantly affect resolution of this case *(explain):*

12. **Jurisdiction**

Indicate any matters that may affect the court's jurisdiction or processing of this case and describe the status.

☐ Bankruptcy ☐ Other *(specify):*

Status:

13. **Related cases, consolidation, and coordination**

a. ☐ There are companion, underlying, or related cases.

(1) Name of case:

(2) Name of court:

(3) Case number:

(4) Status:

☐ Additional cases are described in Attachment 13a.

b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by *(name party):*

14. **Bifurcation**

☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action *(specify moving party, type of motion, and reasons):*

15. **Other motions**

☐ The party or parties expect to file the following motions before trial *(specify moving party, type of motion, and issues):*

16. **Discovery**

a. ☐ The party or parties have completed all discovery.

b. ☐ The following discovery will be completed by the date specified *(describe all anticipated discovery):*

Party	Description	Date

c. ☐ The following discovery issues, including issues regarding the discovery of electronically stored information, are anticipated *(specify):*

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:

17. **Economic litigation**

a. ☐ This is a limited civil case (i.e., the amount demanded is $35,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90-98 will apply to this case.

b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed *(if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case):*

18. **Other issues**

☐ The party or parties request that the following additional matters be considered or determined at the case management conference *(specify):*

19. **Meet and confer**

a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court *(if not, explain):*

b. ☐ After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following *(specify):*

20. 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 case management 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)

☐ Additional signatures are attached.

For your protection and privacy, please press the Clear This Form button after you have printed the form.

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CONTRA COSTA COUNTY SUPERIOR COURT
ALTERNATIVE DISPUTE RESOLUTION (ADR) INFORMATION

All judges in the Civil Trial Delay Reduction Program agree that parties should consider using Alternative Dispute Resolution (ADR) to settle their cases. To tell the court you will use ADR:

- Choose ADR on the *Case Management Form (*CM-110);
- File a *Stipulation and Order to Attend ADR and Continue First Case Management Conference 90-Days* (local court form); or
- Agree to ADR at your first court appearance.

Questions? Email adrweb@contracosta.courts.ca.gov or call (925) 608-2075

MEDIATION

Mediation is often faster and less expensive than going to trial. Mediators help people who have a dispute talk about ways they can settle their case. Parties email, fax or visit the ADR Programs office to get a list of mediators. After parties have agreed on a mediator, they must write a summary (5 pages or less) explaining the facts, legal arguments, and legal authority for their position. They must send this summary to the other parties and the mediator at least 5 court days before mediation starts.

ALL parties and attorneys must go to mediation. Mediation can be held whenever and wherever the parties and the mediator want, as long as they finish before the court deadline. In some kinds of court cases, parties have the chance to mediate in the courthouse on their trial day.

Most mediators begin by talking with the parties together, helping them focus on the important issues. The mediator may also meet with each party alone. Mediators often ask parties for their ideas about how to settle the case. Some mediators tell the parties how much money they think a case is worth, or tell them what they think might happen if the case went to trial. Other mediators help the parties decide these things for themselves. No matter what approach a mediator takes, decisions about settling a case can only be made when all the parties agree.

If the parties go through the court ADR program, mediators do not charge fees for the first half hour spent scheduling or preparing for mediation. They also do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediators regular fees. Some mediators ask for a deposit before mediation starts. Mediators who do this must give back whatever is left after counting the time he or she spent preparing for or doing the mediation. A party whose court fees have been waived (cancelled) may ask if their mediation fees or deposit can be waived.

If parties agree about how they will settle their case, they can choose to keep it private, write it up as a contract, or ask the judge to make it a court order. What parties say and agree to in mediation is confidential (private).

PRIVATE MEDIATION

Private mediation works in the same way as judicial mediation, but the parties do not go through the ADR Programs office. Parties choose a mediator on their own, and pay the mediator's normal fees.

JUDICIAL ARBITRATION (non-binding)

In judicial arbitration, an independent attorney (arbitrator) looks at the evidence, listens to the parties and their witnesses, and decides how the case will be settled. Judicial arbitration is less formal than court. Parties email, fax or visit the ADR Programs office to get a list of arbitrators. If they cannot agree on an arbitrator, the court will assign one. The judge can send cases to arbitration if there is less than $50,000 in dispute. The person who started the court case can make sure the case goes to arbitration if they agree to limit the amount they are asking for to $50,000. Parties can also agree they want to use judicial arbitration. The arbitrator must send their decision (award) to the court within 10 days of the last hearing. The award becomes a court judgment unless a party asks the court to review the case within 60 days. Parties must use the ADR-102 form to ask for a new court hearing (called a trial de novo.) Judicial arbitrators charge $150 per case or per day.

PRIVATE ARBITRATION (non-binding and binding)

Private, non-binding arbitration is the same as judicial arbitration, except that the parties do not go through the ADR Programs office to choose an arbitrator, and the arbitrator's award will not become a judgment of the court unless all parties agree. Parties must pay the arbitrator's normal fees.

Binding arbitration is different from judicial or private non-binding arbitration because the arbitrator's decision is final. Parties give up their right to have a judge review their case later (except for reasons listed in California Code of Civil Procedure, Section 1286.2.) Binding arbitration rules are listed in California Code of Civil Procedure, Sections 1280-1288.8. Parties may also agree any time before the judge has made a decision that ends the case to switch to binding arbitration. Parties choose the arbitrator on their own, and must pay the arbitrator's normal (not $150) fees.

SETTLEMENT MENTOR CONFERENCE

Settlement mentors are independent, experienced trial attorneys that a judge has assigned to help parties look for ways to settle their case. The conference is free and is held in the courthouse. It is often held on the morning of trial, but it can be scheduled anytime. These conferences usually last two or three hours. Parties do not present evidence and do not call witnesses. Parties can ask the settlement mentor to keep some information confidential (private) from the other party, but not from the judge. The settlement mentor can share any information with the judge, or involve the judge in settlement discussions. All principals, clients, and claims representatives must attend the settlement mentor conference.

NEUTRAL CASE EVALUATION

In neutral case evaluation, an independent attorney (evaluator) reviews documents and listens to each party's side of the case. The evaluator then tells the parties what they think could happen if the case went to trial. Many people use the evaluator's opinion to reach an agreement on their own, or use this information later in mediation or arbitration to settle their case.

Parties email, fax or visit the ADR Programs office to get a list of evaluators. After parties have agreed on an evaluator, they must write a summary (5 pages or less) explaining the facts, legal arguments, and legal authority for their position. They must send this summary to the other parties and the evaluator at least 5 court days before evaluation starts. ALL parties and their attorneys must go to neutral case evaluation. The evaluation can be held whenever and wherever the parties and the evaluator want, as long as they finish before the court deadline. If the parties go through the court's ADR program, evaluators do not charge any fees for the first half hour spent scheduling or preparing for the evaluation conference. They also do not charge fees for the first two hours of the evaluation. If parties need more time, they must pay that evaluators regular fees. Some evaluators ask for a deposit before evaluation starts. Evaluators who do this must give back whatever is left after counting the time he or she spent preparing for or doing the evaluation. A party whose court fees have been waived (cancelled) may ask if their evaluation fees or deposit can be waived.

TEMPORARY JUDGE

Some parties want a trial, but want to choose who will decide the case and when the trial will take place. Parties can agree on an attorney that they want the court to appoint as a temporary judge for their case. (See Article 6, Section 21 of the State Constitution and Rule 2.830 of the California Rules of Court.) Temporary judges have nearly the same authority as a superior court judge to conduct a trial and make decisions. As long as the parties meet the court deadline, they can schedule the trial at their own and the temporary judge's convenience.

Each of the temporary judges on the court's panel has agreed to serve at no charge for up to 5 court days. If the parties need more time, they must pay that person's regular fees. All parties and their lawyers must attend the trial, and provide a copy of all briefs or other court documents to the temporary judge at least two weeks before the trial. These trials are similar to other civil trials, but are usually held outside the court. The temporary judge's decision can be appealed to the superior court. There is no option for a jury trial. The parties must provide their own court reporter.

SPECIAL MASTER

A special master is a private lawyer, retired judge, or other expert appointed by the court to help make day-to-day decisions in a court case. The special master's role can vary, but often includes making decisions that help the discovery (information exchange) process go more smoothly. He or she can make decisions about the facts in the case. Special masters can be especially helpful in complex cases. The trial judge defines what the special master can and cannot do in a court order.

Special masters often issue both interim recommendations and a final report to the parties and the court. If a party objects to what the special master decides or reports to the court, that party can ask the judge to review the matter. In general, the parties choose (by stipulation) whom they want the court to appoint as the special master, but there are times (see California Code of Civil Procedure Section 639), when the court may appoint a special master or referee without the parties' agreement. The parties are responsible to pay the special master's regular fees.

COMMUNITY MEDIATION SERVICES

Mediation Services are available through non-profit community organizations. These low-cost services are provided by trained volunteer mediators. For more information about these programs contact the ADR Program at adrweb@contracosta.courts.ca.gov