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WWW.TOXICTORTS.COM

1 METZGER LAW GROUP  
2 A PROFESSIONAL LAW CORPORATION  
3 RAPHAEL METZGER, ESQ., SBN 116020  
4 KATHRYN A. DARNELL, ESQ., SBN 251364  
5 401 E. OCEAN BLVD., SUITE 800  
6 LONG BEACH, CA 90802-4966  
7 TELEPHONE: (562) 437-4499  
8 TELECOPIER: (562) 436-1561  
9 WEBSITE: www.toxictorts.com

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

APR 13 2010

John A. Clarke/Executive Officer/Clerk  
By Amber Lafleur-Clayton Deputy  
AMBER LAFLEUR-CLAYTON

6 Attorneys for Plaintiff,  
7 Council for Education and  
8 Research on Toxics ("CERT")

*Deq Ramona See*

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

11 COUNCIL FOR EDUCATION AND )  
12 RESEARCH ON TOXICS, a California )  
13 corporation, acting as a private )  
14 attorney general in the public )  
15 interest; )

CASE NO. **BC435759**

COMPLAINT ASSERTING CAUSES OF  
ACTION FOR

14 Plaintiff,

(1) VIOLATIONS OF PROP. 65  
(HEALTH & SAFETY CODE §25249.6)

15 vs.

(2) DECLARATORY RELIEF

16 STARBUCKS CORPORATION, a )  
17 Washington corporation; )  
18 STARBUCKS HOLDING COMPANY, a )  
19 Washington corporation; 7- )  
20 ELEVEN, INC., a Texas )  
21 corporation; BP AMERICA INC., a )  
22 Delaware corporation; BP )  
23 PRODUCTS NORTH AMERICA INC., a )  
24 Maryland corporation; BP WEST )  
25 COAST PRODUCTS LLC, a Delaware )  
26 corporation; GLORIA JEAN'S )  
27 GOURMET COFFEES CORP., an )  
28 Illinois corporation; GLORIA )  
JEAN'S GOURMET COFFEES )  
FRANCHISING CORP., an Illinois )  
corporation; INTERNATIONAL )  
COFFEE & TEA, LLC, a Delaware )  
corporation; IT'S A GRIND INC., )  
a California corporation; )  
PEET'S COFFEE & TEA, INC., a )  
Washington corporation; PRAISE )  
INTERNATIONAL NORTH AMERICA, )  
INC., a Delaware corporation; )  
SEATTLE COFFEE COMPANY, a )  
Georgia corporation; WINCHELL'S )

[INJUNCTIVE RELIEF AND  
PENALTIES SOUGHT]

CIT/CASE: BA435759 LEM/NEFM:  
RECEIPT #: CCHS03057040  
DATE PAID: 04/13/10 02:07:32 PM  
PAYMENT: \$355.00 0310  
RECEIVED:  
CHECK: 355.00  
CASH:  
CHANGE:  
CARD:

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1 FRANCHISING, LLC, a California )  
2 corporation; WINCHELL'S DONUT )  
3 HOUSES OPERATING COMPANY, L.P., )  
4 a corporation; YUM YUM DONUT )  
5 SHOPS, INC., a California )  
6 corporation; and DOES 1 through )  
7 100, INCLUSIVE, )  
8 )  
9 Defendants. )  
10 )  
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9. Defendant, Gloria Jean's Gourmet Coffees Franchising Corp., is an Illinois corporation which, at all material times hereto, was doing business throughout the State of California.

10. Defendant, International Coffee & Tea, LLC, is a Delaware corporation which, at all material times hereto, was doing business throughout the State of California.

11. Defendant, It's a Grind Inc., is a California corporation which, at all material times hereto, was doing business throughout the State of California.

12. Defendant, Peet's Coffee & Tea, Inc., is a Washington corporation which, at all material times hereto, was doing business throughout the State of California.

13. Defendant, Praise International North America, Inc., is a Delaware corporation which, at all material times hereto, was doing business throughout the State of California.

14. Defendant, Seattle Coffee Company, is a Georgia corporation which, at all material times hereto, was doing business throughout the State of California.

15. Defendant, Winchell's Franchising, LLC, is a California corporation which, at all material times hereto, was doing business throughout the State of California.

16. Defendant, Winchell's Donut Houses Operating Company, L.P., is a corporation which, at all material times hereto, was doing business throughout the State of California.

17. Defendant, Yum Yum Donut Shops, Inc., is a California corporation which, at all material times hereto, was doing business throughout the State of California.

//

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18. The true names and capacities of Defendants Does 1 through 100 are unknown to Plaintiff, who therefore sues said defendants by such fictitious names. Plaintiff will amend this complaint to state the true names and capacities of said fictitious defendants when they have been ascertained.

19. Plaintiff is informed and believes and alleges, that at all material times, Defendants were acting in an individual, corporate, partnership, associate, conspiratorial or other capacity or as the agent, employee, co-conspirator, or alter ego of their co-defendants, and in doing the acts herein alleged, were acting within the course and scope of their authority as such partner, associate, agent, employee, co-conspirator, or alter ego, and with the permission, consent, knowledge, authorization, ratification and direction of their co-defendants.

JURISDICTION AND VENUE

20. This Court has jurisdiction over this case pursuant to Cal. Const. Art. VI, § 10, and pursuant to the Safe Drinking Water and Toxic Enforcement Act ("Proposition 65").

21. CERT has satisfied all the jurisdictional conditions precedent to maintaining this action by mailing notices of the violations to the persons entitled to receive them, as required by Health and Safety Code § 25249.7, along with Certificates of Merit and the Summary of Proposition 65, all in accordance with the provisions of 27 C.C.R. § 25903.

22. All said notices of violation were mailed at least 70 days prior the date on which this action was filed (60 days for the notice

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1 required by Health and Safety Code § 25249.7(d), plus 10 days for  
2 mailing the notice to out-of-state defendants as required by Code of  
3 Civil Procedure § 1013).

4 23. More than 70 days have passed since copies of the notices  
5 were mailed to all the above-referenced governmental authorities, and  
6 neither the Attorney General, any district attorney, nor any city  
7 attorney has filed a complaint against defendants for the violations  
8 alleged in the notices.

9 24. The County of Los Angeles is a proper venue for this action  
10 pursuant to Code of Civil Procedure § 395 and Health and Safety Code  
11 § 25249.7, and because the causes of action and many of the  
12 violations arose in the County of Los Angeles.

13  
14 SUMMARY OF PROPOSITION 65

15  
16 25. In November 1986, California voters overwhelmingly approved  
17 an initiative to address growing concerns about exposure to toxic  
18 chemicals. That initiative is now officially known as the Safe  
19 Drinking Water and Toxic Enforcement Act, but is commonly referred  
20 to by its original name, "Proposition 65."

21 26. Proposition 65 requires the Governor to publish a list of  
22 chemicals that are known to the State of California to cause cancer,  
23 birth defects or other reproductive harm. Agents that cause cancer  
24 are called carcinogens; those that cause birth defects or other  
25 reproductive harm are called reproductive toxicants. The list, which  
26 must by law be updated at least once a year, contained more than 550  
27 chemicals as of May 15, 1998.

28 27. Any company with ten or more employees that operates within

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1 the State or sells products in California must comply with the  
2 requirements of Proposition 65. Under Proposition 65, businesses are  
3 prohibited from knowingly discharging listed chemicals into sources  
4 of drinking water, and are required to provide a clear and reasonable  
5 warning before knowingly and intentionally exposing persons to a  
6 listed chemical.

7 28. Proposition 65 authorizes the Attorney General, district  
8 attorneys, and county and local prosecutors, as well as private  
9 citizens, to bring suit against violators to enjoin future violations  
10 and to obtain civil penalties for past violations.

11 29. Proposition 65's warning requirement serves as an incentive  
12 for business to substitute less toxic chemicals for listed chemicals  
13 and to warn the public where substitution is unfeasible.

14  
15 GENERAL ALLEGATIONS  
16

17 30. For many years, Defendants have engaged in the coffee  
18 business in California, selling ready-to-drink coffee to millions of  
19 customers throughout the State of California.

20 31. Since June 2002 and continuing to the present, Defendants  
21 have exposed and continue to expose numerous consumers purchasing  
22 ready-to-drink coffee at all of their businesses located within the  
23 State of California, including within the cities of Los Angeles, San  
24 Diego, San Francisco, and San Jose, to high levels of acrylamide,  
25 a toxic and carcinogenic chemical contained in Defendants' ready-to-  
26 drink coffee which is ingested by customers consuming said coffee.

27 32. Exposures to acrylamide unavoidably occurred via ingestion  
28 whenever a consumer purchased and thereafter consumed Defendants'

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1 acrylamide-containing ready-to-drink coffee from June 2002 and  
2 continuing to the present.

3 33. Testing of Defendants' ready-to-drink coffee has shown that  
4 even a single, small (12-ounce) serving of ready-to-drink coffee  
5 contains approximately 10 times more acrylamide than the No  
6 Significant Risk Level ("NSRL") for acrylamide established by  
7 California's Office of Environmental Health Hazard Assessment  
8 ("OEHHA").

9 34. Acrylamide is a chemical known to the State of California  
10 to cause cancer and has been listed since January 1, 1990 as a  
11 carcinogen on the list of carcinogenic chemicals published by the  
12 Governor of the State of California at 27 California Code of  
13 Regulations § 27001.

14 35. Because acrylamide is listed in Proposition 65 as a  
15 carcinogen, pursuant to Health & Safety Code § 25249.6, Defendants  
16 were and are required to warn their customers that their ready-to-  
17 drink coffee contains a chemical known by the State of California to  
18 cause cancer before exposing said customers to acrylamide contained  
19 in their ready-to-drink coffee.

20 36. Since June 2002, Defendants have violated and continue to  
21 violate California Health & Safety Code § 25249.6 by exposing  
22 millions of individuals within the State of California to acrylamide  
23 without first giving clear and reasonable warnings to said  
24 individuals that their ready-to-drink coffee contains a chemical  
25 known by the State of California to cause cancer.

26 37. The violations of California Health & Safety Code § 25249.6  
27 are numerous and have occurred continuously and uninterrupted since  
28 June 2002 (shortly after the date on which acrylamide was discovered

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1 in high-temperature cooked, baked, and roasted foods) to the present  
2 at all of Defendants' businesses located within the State of  
3 California during this period where ready-to-drink coffee was  
4 purchased from Defendants' businesses. The timing of the violations  
5 is such that they occurred every moment that every individual within  
6 the State of California consumed Defendants' ready-to-drink coffee  
7 without first receiving the required Proposition 65 warnings from  
8 June 2002 and continuing to the present.

9 38. At all material times hereto, Defendants concealed from  
10 Californians and from Plaintiff that their ready-to-drink coffee  
11 contained a chemical known to the state to cause cancer.

12 39. At all material times hereto, Defendants fraudulently  
13 concealed from Plaintiff herein and from Californians exposed to  
14 their ready-to-drink coffee material facts concerning the toxic,  
15 neurotoxic, developmental, reproductive, and carcinogenic hazards of  
16 their ready-to-drink coffee.

17 40. Defendants' concealment of said carcinogenic and other  
18 toxic hazards of their ready-to-drink coffee was sufficiently  
19 complete that Plaintiff did not know, nor in the exercise of  
20 reasonable care could Plaintiff have known, that Defendants were  
21 knowingly and intentionally exposing Californians to carcinogens and  
22 reproductive toxins in violation of Proposition 65, until Plaintiff  
23 discovered such in December 2009.

24 41. By mailing Defendants notice of their violations of  
25 Proposition 65, the statute of limitations on Plaintiff's claims  
26 against Defendants is further equitably tolled.

27 //

28 //



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FIRST CAUSE OF ACTION

Violation of the Safe Drinking Water and Toxic Enforcement Act  
Exposing People to Carcinogen without Warning  
California Health and Safety Code § 25249.6  
(By Plaintiff Against all Defendants)

42. Plaintiff refers to paragraphs 1 through 41, and, by this reference, incorporates said paragraphs hereat in full.

43. At all times material hereto, Defendants were doing business in the State of California.

44. In the course of doing business in the State of California, since at least June 2002 (shortly after the date on which acrylamide was discovered in high-temperature cooked, baked, and roasted foods) and continuing to the present, Defendants knowingly and intentionally exposed individuals to acrylamide in their ready-to-drink coffee, without first giving clear and reasonable warning to such individuals.

SECOND CAUSE OF ACTION

For Declaratory Relief

(By Plaintiff Against all Defendants)

45. Plaintiff refers to paragraphs 1 through 44 and, by this reference, incorporates said paragraphs hereat as though set forth in full.

46. An actual controversy has arisen and now exists between plaintiff and defendant.

47. Plaintiffs contend the following:

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(A). That Defendants are legally obligated to provide cancer hazard warnings on the containers of their ready-to-drink coffee that they sell to the consuming public in the State of California and that Defendants should be enjoined from failing to do so.

(B). That Plaintiff's case, including the First Cause of Action, against Defendants for Violation of the Safe Drinking Water and Toxic Enforcement Act Exposing People to Carcinogen without Warning under California Health and Safety Code § 25249.6 (Proposition 65), serves important public interests which should be litigated and addressed expeditiously by the court.

(C). That the primary jurisdiction doctrine does not apply to this case.

(D). That this action is entitled to preferential trial setting.

(E). That the court cannot and ought not defer this action to await potential or pending regulatory action by the California Office of Environmental Health Hazard Assessment.

(F). That Defendants cannot establish that exposure to acrylamide from their ready-to-drink coffee products does not pose "no significant risk" in accordance with the "No Significant Risk Level" established by the Office of Environmental Health Hazard Assessment pursuant to 27 C.C.R. § 25705.

(G). That Defendants cannot establish that sound considerations of public health support any alternative risk level, pursuant to 27 C.C.R. § 25703.

(H). That Plaintiffs' claims for violations of Proposition 65 are not preempted by the federal Food, Drug and Cosmetic Act.

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1           48. On information and belief, Defendants contend the  
2 following:

3           (A). That they are not legally obligated to provide cancer  
4 hazard warnings on the containers of ready-to-drink coffee that they  
5 sell to the consuming public in the State of California.

6           (B). That Plaintiffs' First Cause of Action is not in the  
7 public interest and that Plaintiffs' case should be dismissed.

8           (C). That the primary jurisdiction doctrine applies to  
9 this case.

10           (D). That this action is not entitled to preferential  
11 trial setting.

12           (E). That the court can and should defer this action  
13 pending regulatory action by the California Office of Environmental  
14 Health Hazard Assessment.

15           (F). That exposure to acrylamide from their ready-to-drink  
16 coffee products does poses "no significant risk" in accordance with  
17 the "No Significant Risk Level" established by the Office of  
18 Environmental Health Hazard Assessment under 27 C.C.R. § 25705.

19           (G). That sound considerations of public health support  
20 an alternative risk level, pursuant to 27 C.C.R. § 25703.

21           (H). That Plaintiffs' claims for violations of Proposition  
22 65 are preempted by the federal Food, Drug and Cosmetic Act.

23           49. Plaintiff desires a judicial determination of the  
24 respective rights and duties of the parties. Such a declaration is  
25 necessary and appropriate at the present time to determine  
26 Plaintiff's right to bring this action expeditiously to trial and to  
27 allow for a judicial determination of the rights of the parties and  
28 the merits of Plaintiff's claims.

PRAYER FOR JUDGMENT AND RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

Injunctive Relief

1. For a temporary restraining order, preliminary injunction, permanent injunction, and such other injunctive relief as may be had pursuant to Health and Safety Code § 25249.7(a), enjoining Defendants from exposing persons to acrylamide in their ready-to-drink coffee sold in the State of California without first providing clear and reasonable warning that their ready-to-drink coffee contains a chemical known to the State of California to cause cancer.

Civil Penalties

2. For civil penalties, pursuant to Health & Safety Code § 25249.7(b), not to exceed \$2,500 per day for each and every violation by each and every Defendant of Proposition 65, in addition to all other penalties established by law.

Other Equitable Relief

3. For such other equitable relief, including other cy pres relief, as may be necessary to effectuate justice and to remedy adverse health effects of Californians exposed to acrylamide in Defendants' ready-to-drink coffee.

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Declaratory Relief

1  
2  
3 4. For a declaration of the rights and obligations of the  
4 parties.

Attorney's Fees

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7  
8 5. For Plaintiff's reasonable attorney's fees, pursuant to  
9 California Code of Civil Procedure § 1021.5.

Costs

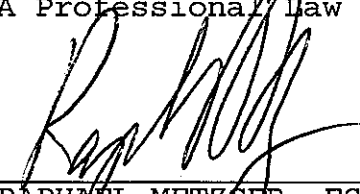
10  
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13 6. For Plaintiff's costs of suit.

Other Relief

14  
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17 7. For such other relief as the Court deems proper and just.

18  
19 DATED: April 13, 2010

METZGER LAW GROUP  
A Professional Law Corporation

20  
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22   
23 \_\_\_\_\_  
24 RAPHAEL METZGER, ESQ.  
25 Attorneys for Plaintiff  
26 Council for Education and  
27 Research on Toxics ("CERT")  
28

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, Bar number, and address): Raphael Metzger, Esq. Metzger Law Group 401 E. Ocean Blvd., Suite 800  Long Beach, CA 90802 TELEPHONE NO.: (562) 437-4499 FAX NO.: (562) 436-1561 ATTORNEY FOR (Name): Plaintiff	FOR COURT USE ONLY  <h2 style="margin:0;">FILED</h2> SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES  APR 13 2010  John A. Clarke, Executive Officer/Clerk By <u>Amber Lafleur-Clayton</u> Deputy AMBER LAFLEUR-CLAYTON
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Central District	
CASE NAME: CERT vs. STARBUCKS	
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000)	<input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)
<b>Complex Case Designation</b> <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	CASE NUMBER: <b>BC485759</b>  JUDGE: DEPT:

*Items 1-6 below must be completed (see instructions on page 2).*

1. Check one box below for the case type that best describes this case:

<b>Auto Tort</b> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <b>Non-PI/PD/WD (Other) Tort</b> <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <b>Employment</b> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<b>Contract</b> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <b>Real Property</b> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <b>Unlawful Detainer</b> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <b>Judicial Review</b> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input checked="" type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)  <b>Enforcement of Judgment</b> <input type="checkbox"/> Enforcement of judgment (20) <b>Miscellaneous Civil Complaint</b> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <b>Miscellaneous Civil Petition</b> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case  is  is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- |  |  |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties   | d. <input type="checkbox"/> Large number of witnesses  |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence   | f. <input type="checkbox"/> Substantial postjudgment judicial supervision  |
3. Remedies sought (check all that apply): a.  monetary b.  nonmonetary; declaratory or injunctive relief c.  punitive (civil penalties)
4. Number of causes of action (specify): 2
5. This case  is  is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 13, 2010

Raphael Metzger, Esq.  
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

**NOTICE**

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you must complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check one box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the primary cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

**To Parties in Rule 3.740 Collections Cases.** A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages; (2) punitive damages; (3) recovery of real property; (4) recovery of personal property; or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

**To Parties in Complex Cases.** In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort (22)—Personal Injury/Property Damage/Wrongful Death

Uninsured Motorist (46) (if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death)

Asbestos (04)

Asbestos Property Damage

Asbestos Personal Injury

Wrongful Death

Product Liability (not asbestos or toxic/environmental) (24)

Medical Malpractice (45)

Physicians & Surgeons

Other Professional Health Care

Malpractice

Other PI/PD/WD (23)

Premises Liability (e.g., slip and fall)

Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)

Intentional Infliction of Emotional Distress

Negligent Infliction of Emotional Distress

Other PI/PD/WD

Business Tort/Unfair Business Practice (07)

Civil Rights (e.g., discrimination, false arrest) (not civil harassment) (08)

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

Fraud (16)

Intellectual Property (19)

Professional Negligence (25)

Legal Malpractice

Other Professional Malpractice (not medical or legal)

Other Non-PI/PD/WD Tort (35)

Wrongful Termination (36)

Other Employment (15)

Commissioner Appeals

Notice of Appeal—Labor

Review of Health Officer Order

Other Judicial Review (39)

Review

Writ—Other Limited Court Case

Case Matter

Writ—Mandamus on Limited Court

Writ—Administrative Mandamus

Writ of Mandate (02)

Asset Forfeiture (05)

Arbitration Award (11)

Judicial Review

Report as Commercial or Residential

Drugs (38) (if the case involves illegal drugs, check this item, otherwise, Residential (32)

Commercial (31)

Unlawful Detainer

Commercial (37)

Other Contract (37)

Other Coverage

Auto Subrogation

Complex (18)

Insurance Coverage (not provisionally)

Case

Other Promissory Note/Collections

Collection Case—Seller Plaintiff

Book accounts (09)

Collections (e.g., money owed, open

Other Breach of Contract/Warranty

Warranty

Negligent Breach of Contract

Plaintiff (not fraud or negligence)

Contract/Warranty Breach—Seller

or wrongful eviction

Contract (not unlawful detainer)

Breach of Rental/Lease

Breach of Contract/Warranty (06)

Real Property

Eminent Domain/Inverse

Condemnation (14)

Wrongful Eviction (33)

Other Real Property (e.g., quiet title) (26)

Writ of Possession of Real Property

Mortgage Foreclosure

Quiet Title

Other Real Property (not eminent domain, landlord/tenant, or foreclosure)

Unlawful Detainer

Commercial (31)

Residential (32)

Drugs (38) (if the case involves illegal drugs, check this item, otherwise, Residential (32)

Miscellaneous Civil Complaint

RICO (27)

Other Complaint (not specified above) (42)

Declaratory Relief Only (non-injunctive Relief Only (non-harassment)

Mechanics Lien

Other Commercial Complaint

Case (non-tort/non-complex)

Other Civil Complaint

Miscellaneous Civil Complaint

Partnership and Corporate Governance (21)

Other Pétition (not specified above) (43)

Civil Harassment

Workplace Violence

Elder/Dependent Adult Abuse

Election Contest

Pétition for Name Change

Pétition for Relief from Late Claim

Other Civil Pétition

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

This form is required pursuant to LASC Local Rule 2.0 in all new civil case filings in the Los Angeles Superior Court.

Item I. Check the types of hearing and fill in the estimated length of hearing expected for this case:

JURY TRIAL?  YES CLASS ACTION?  YES LIMITED CASE?  YES TIME ESTIMATED FOR TRIAL 25  HOURS/  DAYS

Item II. Select the correct district and courthouse location (4 steps – If you checked "Limited Case", skip to Item III, Pg. 4):

**Step 1:** After first completing the Civil Case Cover Sheet Form, find the main civil case cover sheet heading for your case in the left margin below, and, to the right in Column A, the Civil Case Cover Sheet case type you selected.

**Step 2:** Check one Superior Court type of action in Column B below which best describes the nature of this case.

**Step 3:** In Column C, circle the reason for the court location choice that applies to the type of action you have checked. For any exception to the court location, see Los Angeles Superior Court Local Rule 2.0.

**Applicable Reasons for Choosing Courthouse Location (See Column C below)**

1. Class Actions must be filed in the County Courthouse, Central District.
2. May be filed in Central (Other county, or no Bodily Injury/Property Damage).
3. Location where cause of action arose.
4. Location where bodily injury, death or damage occurred.
5. Location where performance required or defendant resides.
6. Location of property or permanently garaged vehicle.
7. Location where petitioner resides.
8. Location wherein defendant/respondent functions wholly.
9. Location where one or more of the parties reside.
10. Location of Labor Commissioner Office.

**Step 4:** Fill in the information requested on page 4 in Item III; complete Item IV. Sign the declaration.

	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1., 2., 4.
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1., 2., 4.
Other Personal Injury/Property Damage/Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	2.
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2.
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1., 2., 3., 4., 8.
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1., 2., 4.
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 2., 4.
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 2., 4.	
	<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 2., 4.	
	<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress	1., 2., 3.	
	<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1., 2., 4.	
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 2., 3.
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1., 2., 3.
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1., 2., 3.
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1., 2., 3.



**CIVIL CASE COVER SHEET ADDENDUM  
AND STATEMENT OF LOCATION**

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Professional Negligence (25)	A6017 Legal Malpractice A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3.
Wrongful Termination (36)	A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	A6024 Other Employment Complaint Case A6109 Labor Commissioner Appeals	1., 2., 3.
Breach of Contract/Warranty (06) (not insurance)	A6004 Breach of Rental/Lease Contract (not Unlawful Detainer or wrongful eviction) A6008 Contract/Warranty Breach - Seller Plaintiff (no fraud/negligence) A6019 Negligent Breach of Contract/Warranty (no fraud) A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	A6002 Collections Case-Seller Plaintiff A6012 Other Promissory Note/Collections Case	2., 5., 6.
Insurance Coverage (18)	A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	A6009 Contractual Fraud A6031 Tortious Interference A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1., 2., 3., 5. 1., 2., 3., 5. 1., 2., 3., 8.
Eminent Domain/Inverse Condemnation (14)	A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	A6018 Mortgage Foreclosure A6032 Quiet Title A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer - Commercial (31)	A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Residential (32)	A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer - Drugs (38)	A6022 Unlawful Detainer-Drugs	2., 6.
Asset Forfeiture (05)	A6108 Asset Forfeiture Case	2., 6.
Petition re Arbitration (11)	A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.

Judicial Review Unlawful Detainer

Real Property

Contract

Employment

Non-Personal Injury/Property Damage/ Wrongful Death Tort (Cont'd.)

SHORT TITLE: CERT VS. STARBUCKS  
CASE NUMBER

SHORT TITLE: CERT vs. STARBUCKS	CASE NUMBER
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	<b>A</b> Civil Case Cover Sheet Category No.	<b>B</b> Type of Action (Check only one)	<b>C</b> Applicable Reasons - See Step 3 Above
Judicial Review (Cont'd.)	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus	2., 8.
		<input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter	2.
		<input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ / Judicial Review	2., 8.
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1., 2., 8.
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction defect	1., 2., 3.
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1., 2., 8.
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1., 2., 8.
	Toxic Tort Environmental (30)	<input checked="" type="checkbox"/> A6036 Toxic Tort/Environmental	1., 2., 3., 8.
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1., 2., 5., 8.
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2., 9.
		<input type="checkbox"/> A6160 Abstract of Judgment	2., 6.
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2., 9.
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2., 8.
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2., 8.
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2., 8., 9.
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1., 2., 8.
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1., 2., 8.
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2., 8.
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex)	1., 2., 8.
		<input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1., 2., 8.
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2., 8.
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment	2., 3., 9.
		<input type="checkbox"/> A6123 Workplace Harassment	2., 3., 9.
		<input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case	2., 3., 9.
		<input type="checkbox"/> A6190 Election Contest	2.
		<input type="checkbox"/> A6110 Petition for Change of Name	2., 7.
		<input type="checkbox"/> A6170 Petition for Relief from Late Claim Law	2., 3., 4., 8.
		<input type="checkbox"/> A6100 Other Civil Petition	2., 9.

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet form CM-010.
4. Complete Addendum to Civil Case Cover Sheet form LACIV 109 (Rev 01/07), LASC Approved 03-04.
5. Payment in full of the filing fee, unless fees have been waived.
6. Signed order appointing the Guardian ad Litem, JC form FL-935, if the plaintiff or petitioner is a minor under 18 years of age, or if required by Court.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

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

Dated: April 13, 2010

Raphael Metzger  
(SIGNATURE OF ATTORNEY/FILING PARTY)

Item IV. *Declaration of Assignment*: I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that the above-entitled matter is properly filed for assignment to the Superior Court in the Central District of the Los Angeles Superior Court (Code Civ. Proc., § 392 et seq., and LASC Local Rule 2.0, subs. (b), (c) and (d)).

REASON: CHECK THE NUMBER UNDER COLUMN C WHICH APPLIES IN THIS CASE		CITY: Los Angeles	STATE: CA	ZIP CODE: 90057
ADDRESS: 2100 W Beverly Blvd.		<input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10.		

Item III. *Statement of Location*: Enter the address of the accident, party's residence or place of business, performance, or other circumstance indicated in Item II, Step 3 on Page 1, as the proper reason for filing in the court location you selected.

SHORT TITLE: CERT VS. STARBUCKS	CASE NUMBER
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