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SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

APR 23 2012

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
FOR THE COUNTY OF LOS ANGELES

**ROSLYN DAUBER, JOHN DI  
COSTANZO, AND GREGORY  
CARLOS**

Plaintiffs,

vs.

**MONSANTO CO., SOLUTIA INC.,  
PHARMACIA CORP., PFIZER INC.,  
SOUTHERN CALIFORNIA GAS CO.,  
and; DOES 1-350 INCLUSIVE,**

Defendants.

Case No. BC483342

UNLIMITED CIVIL ACTION

COMPLAINT FOR PERSONAL INJURY  
(NEGLIGENCE; DESIGN DEFECT-CONSUMER  
EXPECTATION; DESIGN DEFECT -  
RISK/BENEFIT;)

DEMAND FOR JURY TRIAL

COME NOW Plaintiffs ROSLYN DAUBER, JOHN DI COSTANZO, and GREGORY  
CARLOS (hereinafter "Plaintiffs") who complain and allege as follows:

INTRODUCTION

1. This case involves Plaintiffs' personal injuries caused by exposure to  
polychlorinated biphenyls, also known as "PCBs."

2. Plaintiffs are California residents who developed lymphohematopoietic cancer after  
being exposed to chemical products designed, manufactured, supplied and distributed by Defendants.  
Specifically, Plaintiffs have had substantial dietary and other environmental exposure to "PCBs",

CIT/CASE: BC483342 LEA/DEF#  
RECEIPT #: CCH0306711  
DATE PAID: 04/23/12 04:23:26 PM  
PAYMENT: \$945.00  
RECEIVED:  
CHECK: 945.00  
CASHED  
CHANGED  
CARD

1 manufactured by the original Monsanto Co. (hereinafter "Old Monsanto," "Monsanto" or  
2 "PHARMACIA").

3  
4 THE PARTIES

5 3. Plaintiff ROSLYN DAUBER is an individual who resides within Los Angeles  
6 County.

7 4. Plaintiff JOHN DI COSTANZO is an individual who resides within Orange  
8 County.

9 5. Plaintiff GREGORY CARLOS is a an individual who resides within San  
10 Bernadino County.

11 6. Defendant MONSANTO CO. ("New Monsanto") is a Delaware corporation that  
12 has its corporate headquarters and principal place of business in St. Louis County, Missouri.

13 7. Defendant SOLUTIA, INC. ("SOLUTIA") is a Delaware corporation that has its  
14 corporate headquarters and principal place of business in St. Louis County, Missouri.

15 8. Defendant PHARMACIA CORP. "Pharmacia" Monsanto or "Old Monsanto" is a  
16 Delaware corporation that, since its merger with Defendant PFIZER, INC. in 2003, has had its  
17 headquarters and principal place of business in New York, New York.

18 9. Defendant PFIZER, INC. ("Pfizer") is a Delaware corporation that has its  
19 corporate headquarters and principal place of business in New York, New York.

20 10. Defendant SOUTHERN CALIFORNIA GAS CO. ("Socal Gas") is a California  
21 corporation that has its principal place of business in San Diego, California.

22 11. At all times herein mentioned, each of the defendants was the agent, servant,  
23 employee and/or joint venturer of his co-defendants, and each of them, and at all said times each  
24 defendant was acting in the full course and scope of said agency, service, employment and/or joint  
25 venture.

26 12. The true names and capacities, whether individual, corporate, associate,  
27 governmental or otherwise, of defendants DOES 1 through 350, inclusive, are unknown to Plaintiffs at  
28 this time, who therefore sues said defendants by such fictitious names. When the true names and  
capacities of said defendants have been ascertained, Plaintiffs will amend this complaint accordingly.

1 Plaintiffs are informed and believe, and thereon allege, that each defendant designated herein as a DOE  
2 is responsible, negligently or in some other actionable manner, for the events and happenings hereinafter  
3 referred to, and caused injuries and damages proximately thereby to the Plaintiffs, as hereinafter alleged.  
4

5 13. Plaintiffs are informed and believe, and thereon allege that at all times herein  
6 mentioned, defendants Monsanto Co. (New Monsanto) (*sued individually and as successor in interest to*  
7 *Pharmacia Corp.*), Solutia, Inc. (*sued individually and as successor-in-interest to Monsanto Chemical*  
8 *Co.(Old Monsanto)*), Pharmacia (*sued individually and as successor-in-interest to Monsanto Chemical*  
9 *Co.(Old Monsanto)*), Pfizer (*sued individually and as successor-in-interest to Pharmacia Corp.*), SoCal  
10 Gas Co, and DOES 1-350 INCLUSIVE were and are authorized to do and are doing business in the  
11 State of California, or the laws of some other state or foreign jurisdiction, and that said defendants, and  
12 each of them, were and are authorized to do and are doing business in the State of California, and that  
13 said defendants have regularly conducted business in the County of Los Angeles, State of California.

14 14. Plaintiffs are informed and believe that each of the defendants is responsible,  
15 negligently, intentionally and/or in some actionable manner, including as corporate successors liable for  
16 the acts of their predecessors, for the events and happenings referred to herein, and caused and continue  
17 to cause injuries and damages to Plaintiffs, as alleged herewith, either through each defendant's own  
18 conduct, or through the conduct of its agents, servants, or employees, or due to ownership, maintenance  
19 or control of the instrumentality causing them injury, or in some other actionable manner.

#### 20 JURISDICTION AND VENUE

21 15. This Court has jurisdiction of this matter because the amount in controversy  
22 exceeds its jurisdictional minimum, exclusive of costs and interest. Moreover, this Court has  
23 jurisdiction over this matter and these defendants because these defendants have done business in the  
24 State of California, committed torts, in whole or in part, in the State of California, and/or have  
25 continuing contacts with the State of California.

26 16. THIS CAUSE IS NOT REMOVABLE. This action involves claims by multiple  
27 California Plaintiffs against at least one defendant that is a California citizen, thus it is not removable.  
28 "[An] action shall be removable only if none of the parties in interest properly joined and served as  
defendants is a citizen of the State in which such action is brought." (28 U.S.C. § 1441(b)). Further,

1 Plaintiffs affirmatively disclaim any damages or action arising under the constitution, treaties, or laws of  
2 the United States (including any claim arising from an act or omission on a federal enclave, or of any  
3 officer of the United States or any agency or person acting under him or her occurring under color of  
4 such office). No claim of admiralty or maritime law is raised. Plaintiffs are not asserting any claims  
5 against any foreign state or agency.

6 17. Pursuant to *Code of Civil Procedure* §395, venue is proper in the County of Los  
7 Angeles County, State of California because Plaintiffs either reside in Los Angeles County or previously  
8 resided in Los Angeles County at the time of their exposure to PCBs and suffered personal injuries in  
9 the county.

#### 10 FACTUAL ALLEGATIONS

11 18. Whenever reference in this Complaint is made to any named defendant or other  
12 defendants as may be named later, the allegation shall be deemed to mean that the officers, directors,  
13 agents, representatives, subsidiaries, affiliates and employees of that defendant did or authorized the act  
14 while actively engaged in the management, direction, or control of affairs of that defendant, and while  
15 acting within the course of and scope of their employment.

16 19. From 1901 to 1997 the original Monsanto Co., also known as Monsanto Chemical  
17 Co., operated as a Missouri corporation manufacturing a variety of chemicals and agricultural products.  
18 This original corporate Monsanto entity, which is now sometimes referred to as "Old Monsanto," ceased  
19 to exist in 1997 as the result of a series of corporate spin-offs and acquisitions. At that time, Old  
20 Monsanto's chemical division was split off and reformed into a newly-independent corporation, which  
21 was renamed Solutia, one of the defendants in this action. As part of this 1997 spin-off, defendant  
22 Solutia assumed certain of Old Monsanto's debts and liabilities, including all liabilities related to Old  
23 Monsanto's production and sale of PCBs. Although defendant Solutia was recently reorganized  
24 pursuant to Chapter 11 of the federal bankruptcy laws, it emerged from bankruptcy in February 2008.  
25 In 2000, the remaining portion of Old Monsanto, comprised of Old Monsanto's Life Sciences division,  
26 merged with defendant Pharmacia/Upjohn Corp., which meant that Old Monsanto no longer existed as a  
27 separate corporate entity.

28 ///

1           20.     In 2003, Defendant Pharmacia (*i.e.*, what remained of “Old Monsanto”) merged  
2 with Defendant Pfizer.

3           21.     As part of Defendant Solutia’s federal bankruptcy plan of reorganization,  
4 Defendant New Monsanto agreed to indemnify it for all tort “legacy liabilities” related to Old  
5 Monsanto’s activities, including the production and sale of PCBs. As a result of these various  
6 transactions, defendants Pharmacia, Pfizer, Solutia and New Monsanto (collectively, the “Monsanto  
7 Defendants” herein) collectively have legal responsibility for Old Monsanto’s conduct in the production,  
8 sale, and distribution of PCBs, which is the subject of Plaintiffs’ claims in this case.

9           22.     PCBs are a class of 209 discrete chemical compounds, called congeners, in which  
10 one to ten chlorine atoms are attached to biphenyl. From 1935, when Old Monsanto purchased the  
11 rights to produce PCBs from the Swann Chemical Co., until 1977, when Congress banned the  
12 manufacture of PCBs, Old Monsanto produced and sold more than 99 percent of all of the PCBs that  
13 were ever manufactured and sold in the United States. Over these six decades, Old Monsanto sold PCBs  
14 as liquid mixtures, under the trade name “Aroclor,” to a variety of industrial customers, for a wide  
15 variety of industrial uses. Each of Old Monsanto’s Aroclor products contained a combination of  
16 different PCB congeners.

17           23.     Many of Old Monsanto’s PCBs were used by its customers as insulating fluids,  
18 also known as “dielectric fluids,” in certain electrical equipment, including high-temperature  
19 transformers and capacitors. However, Old Monsanto’s Aroclor and other PCB products were also  
20 marketed and used for many other purposes, including in inks, paints, de-dusting agents, pesticides,  
21 plasticizers, hydraulic fluids, lubricants, adhesives, and carbonless copy paper. Until 1971,  
22 approximately 40 percent of Old Monsanto’s PCBs were sold for purposes other than use as insulating  
23 fluid for electrical equipment. From 1971 to 1977, Old Monsanto sold PCBs exclusively for use as  
24 insulating fluid for transformers and capacitors.

25           24.     Like other chlorinated organic compounds, such as dioxins, which are collectively  
26 known as “organochlorines,” PCBs are considered “persistent organic pollutants” because they do not  
27 readily degrade in the environment after disposal, and they are not easily metabolized or broken down  
28 by humans or animals after absorption. PCBs are lipophilic, and are stored in the fat tissue of humans

1 and animals that have been exposed. Because PCBs were dumped into the environment over decades by  
2 Old Monsanto, its customers, and the end users of various PCB-containing products, PCBs are now  
3 ubiquitous in the environment. PCBs can be found in most animals, as well as in water, soil, sediment,  
4 and numerous other environmental media. Thus, measurable quantities of PCBs are typically found in  
5 most of the foods that Americans consume on a daily basis, including fish, beef, poultry, dairy products,  
6 and even fruits and vegetables. Throughout the six decades that Old Monsanto produced and sold PCBs,  
7 the company knew or should have known that many of its PCBs would ultimately be disposed of in  
8 ways that would allow those PCBs to enter the environment.

9  
10 25. Because Old Monsanto's PCBs have contaminated the food chain and continue to  
11 be ubiquitous contaminants of the air, water, and soil, all or almost all Americans, including Plaintiffs,  
12 have been substantially exposed to Old Monsanto's PCBs through their diet and through other  
13 environmental exposures. Although Old Monsanto's PCBs were incorporated into many other products  
14 before being dumped into the environment, those PCBs to which Plaintiffs have been exposed are  
15 substantially the same chemicals as when they left Old Monsanto's possession.

16 26. Throughout the decades during which Old Monsanto produced PCBs, the  
17 company was aware that exposure to PCBs carried significant health risks. Despite this knowledge, and  
18 despite the availability of substitute products, Old Monsanto continued to produce and market PCBs,  
19 while hiding from the public, its customers, and applicable governmental authorities the true health risks  
20 associated with PCBs. Such conduct was done with a willful disregard of the rights and safety of others.  
21 In other words, Old Monsanto was aware that its continued production and sale of PCBs would result in  
22 probable dangerous consequences in the form of environmental devastation and significant health risks  
23 for users and others exposed to its PCBs, and Old Monsanto deliberately chose to market its PCBs over  
24 the course of decades, despite this knowledge.

25 27. In addition to being exposed to PCBs through the food chain and other various  
26 environmental sources, Plaintiffs have also been exposed to Old Monsanto's PCBs that were released  
27 from PCB-contaminated natural gas pipelines owned and operated by Defendant SoCal Gas. Plaintiffs  
28 are residents of Southern California who have lived, worked, and/or recreated in the County of Los  
Angeles, where they have been exposed to PCBs released from defendant SoCal Gas' pipelines. Since

1 the 1970s or before, continuing through today, Old Monsanto's PCBs released from defendant SoCal  
2 Gas pipelines have contaminated indoor and outdoor air, water, soil, and sediment throughout the entire  
3 region of Southern California, which has in turn resulted in additional PCB exposure to Plaintiffs. This  
4 additional PCB exposure from defendant SoCal Gas' pipelines (in both Los Angeles County and  
5 surrounding counties) has been a substantial factor in the development of Plaintiffs' injuries  
6 (lymphomas).

7  
8 28. For several decades, Old Monsanto sold Turbinol, a synthetic fire-resistant  
9 lubricant consisting mostly of PCBs. Turbinol was used by the Transwestern Pipeline Co.  
10 ("Transwestern") in its natural gas pipeline system, which connects with the natural gas pipeline system  
11 of Defendant SoCal Gas. One of the established sources of PCB contamination in the SoCal Gas  
12 pipeline system is the Transwestern pipeline compressor station in New Mexico. From 1968 to 1972,  
13 Transwestern purchased 24,000 gallons of PCB-containing Turbinol lubricant. Transwestern's own  
14 tests revealed Turbinol leaking from its compressors in New Mexico had contaminated its entire pipeline  
15 west to Needles, California, where it entered defendant SoCal Gas' pipeline system, thus introducing  
16 PCBs into defendant SoCal Gas' system. Even though Transwestern stopped using Turbinol in 1972,  
17 once the PCBs entered defendant SoCal Gas pipeline system, they coated and clung to the pipe walls  
18 and thus continued to infect the pipeline condensate more than 20 years later. (*Transwestern Pipeline*  
19 *Co. v. Monsanto Co.*, (1996) 46 Cal.App.4<sup>th</sup> 502). Therefore, defendant SoCal Gas' pipelines and  
20 natural gas were contaminated with PCBs from 1968 through at least the 1990s.

21 29. Plaintiffs are informed and believe that Defendant SoCal Gas also contaminated  
22 its own gas pipeline with PCBs intentionally, through the use of a technique known as "oil fogging." In  
23 that process, SoCal Gas injected a fine mist of PCB-containing oil into the pipeline in order to retard rust  
24 and corrosion. This "oil fogging" technique resulted in further contamination of SoCal Gas' pipeline  
25 with PCBs, over and above the PCBs resulting from the leaking compressors in the Transwestern  
26 pipeline.

27 30. By no later than 1981, Defendant SoCal Gas knew or should have known that its  
28 entire natural gas pipeline system was contaminated with PCBs. By then, defendant SoCal Gas also  
knew or should have known that the PCB contamination of its pipeline system posed a threat of causing

1 exposure to PCBs to all residents of Southern California through emissions from the pipelines and all  
2 outlets of natural gas that traveled through the pipelines.

3 STATUTE OF LIMITATIONS AND THE DISCOVERY RULE

4 31. Plaintiffs hereby plead and invoke the "discovery rule" as established in *Code of*  
5 *Civil Procedure* § 340.8. Plaintiffs' personal injuries arose from exposures to hazardous PCBs released  
6 into the environment. Plaintiffs further plead the federally required commencement date pursuant to 42  
7 *United States Code* § 9658. Plaintiffs will show that after reasonably exercising due diligence, they did  
8 not learn the nature of the cause of their cancers or that such cancers were chemically-related until less  
9 than two years prior to the filing of this complaint. Plaintiffs' personal injuries arose from exposures to  
10 hazardous substances (i.e., PCBs) released into the environment from multiple "facilities," as that term  
11 is defined in 42 *United States Code* § 9601(9). Pursuant to 42 *United States Code* § 9658 and *Code of*  
12 *Civil Procedure* § 340.8, Plaintiffs' claims did not accrue until they knew or reasonably should have  
13 known of their cancers and the causes of their cancers. Plaintiffs will show that they neither knew nor  
14 reasonably should have known that their cancers were caused by exposure to PCBs until they learned the  
15 results of tests showing that they each had elevated blood levels of PCBs. Plaintiffs first learned of their  
16 elevated PCB blood levels on the following dates: a) Plaintiff ROSLYN DAUBER: June 20, 2011; b)  
17 Plaintiff JOHN DI COSTANZO: April 7, 2011; and c) Plaintiff GREGORY CARLOS: April 14, 2011.

18 FIRST CAUSE OF ACTION

19 (Negligence)

20 PLAINTIFFS COMPLAIN OF DEFENDANTS AND DOES 1-350, AND EACH OF THEM, AND  
21 FOR A CAUSE OF ACTION FOR NEGLIGENCE ALLEGE AS FOLLOWS:

22 32. At all times herein mentioned, each of the named defendants and DOES 1 through  
23 350 was the successor, successor in business, successor in product line or a portion thereof, parent,  
24 subsidiary, wholly or partially owned by, or the whole or partial owner of or member in an entity that  
25 manufactured, fabricated, designed, labeled, distributed, supplied, sold, marketed, warranted, and  
26 packaged PCB-containing products. Each of the herein named defendants is liable for the tortious  
27 conduct of each successor, successor in business, successor in product line or a portion thereof, assign,  
28 predecessor in product line or a portion thereof, parent, subsidiary, whole or partial owner, or wholly or



1 partially owned entity, or entity that it was a member of, or funded.

2 33. At all times herein mentioned, defendants, and each of them, were and are  
3 engaged in the business of researching, manufacturing, fabricating, designing, labeling, distributing,  
4 using, supplying, selling, marketing, warranting, and packaging and advertising PCBs and PCB-  
5 containing products.

6 34. Defendants, and each of them, owed to Plaintiffs and the public a duty to act  
7 reasonably and to exercise ordinary care in pursuit of the activities mentioned above, and defendants,  
8 and each of them, breached said duty of due care.

9 35. Defendants, and each of them, owed to Plaintiffs and the public a duty to act  
10 reasonably and to exercise ordinary care with respect to the safe, legal, and proper generation, use,  
11 handling, emission, clean up, collection, transportation, management, storage, processing and disposal of  
12 toxic PCBs and PCB-containing products. These duties include, but are not limited to: the duty to  
13 prevent the discharge or release of toxic PCBs capable of adversely affecting the surrounding  
14 communities' air, soil, water, food and environment; the duty to comply with laws, regulations,  
15 guidelines and reasonable safety practices applicable to the generation, use, handling, emission, clean  
16 up, collection, transportation, management, storage, processing and disposal of toxic PCBs and PCB-  
17 containing products; to monitor and study the levels of toxic PCBs released into the environment as a  
18 result of defendants' manufacturing and marketing of PCBs and PCB-containing products, or as a result  
19 of defendants' business operations; and to remedy the effects of these toxic PCBs on the environment.

20 36. Additionally, defendants, and each of them, owed to Plaintiffs and the public a  
21 duty to provide accurate, reliable, and completely truthful information regarding the nature of the toxic  
22 chemicals manufactured, used, distributed and/or supplied by them and to provide accurate, reliable, and  
23 completely truthful information regarding releases, discharges, and fugitive emissions of these toxic  
24 chemicals.

25 37. At all times herein mentioned, defendants, and each of them, singularly and  
26 jointly, negligently and carelessly manufactured, fabricated, designed, tested or failed to test, warned or  
27 failed to warn of the health hazards, labeled, distributed, handled, used, supplied, sold, marketed,  
28 warranted, packaged and advertised PCBs and PCB-containing products, in that said substance and

1 products proximately caused personal injuries to Plaintiffs through environmental exposures from  
2 sources contaminated with PCBs which include, but are not limited to, natural gas, air, water, sediment,  
3 soil and food products. PCBs were released into the environment while being used in a manner that was  
4 reasonably foreseeable, thereby rendering said substance unsafe and dangerous to Plaintiffs.

5 38. Old Monsanto's decision to market and distribute its various PCB products was  
6 negligent. As described above, for decades the company was aware of the hazards of PCBs, and either  
7 knew or should have known that its PCBs would be released into the environment. Despite this actual  
8 and constructive knowledge, and despite the availability of numerous alternatives to PCBs for each of  
9 their uses, Old Monsanto continued to manufacture and market PCBs and PCB-containing products.  
10 Old Monsanto's ongoing negligent decisions to market and distribute those PCBs and PCB-containing  
11 products for decades led to Plaintiffs' environmental exposures, and were a substantial factor in the  
12 development of Plaintiffs' cancers.

13 39. Throughout the six decades that Old Monsanto produced and sold PCBs,  
14 defendants, and each of them, knew and intended for the aforementioned PCBs to be used in various  
15 products. Defendants, and each of them, knew and intended, or through the exercise of reasonable care  
16 and skill should have known, that through the foreseeable use and/or handling of said products, they  
17 would ultimately be disposed of in ways that would release toxic levels of PCBs into the environment,  
18 including, but not limited to, natural gas, air, water, sediment, soil and food products.

19 40. Throughout the six decades that Old Monsanto Company produced and sold  
20 PCBs, defendants, and each of them, knew and intended for the aforementioned PCBs to be used in  
21 various products. defendants, their "alternate entities", and each of them, knew and intended, or through  
22 the exercise of reasonable care and skill should have known, that through the foreseeable use and/or  
23 handling of said products by consumers, they would release toxic levels of PCBs into the environment,  
24 which would expose the end users and members of the public such as Plaintiffs, to such toxic levels of  
25 PCBs.

26 41. All defendants, and each of them were negligent in the following ways:

- 27 a. Defendants knew, or through the exercise of reasonable care and skill should  
28 have known, that Plaintiffs would be exposed to unsafe levels of PCBs through

1 sources which include, but are not limited to, air, water, sediment, soil, food  
2 products and natural gas. Further, defendants, and each of them, knew, or  
3 through the exercise of reasonable care and skill should have known, that  
4 unsafe levels of PCBs would be ingested, inhaled, and/or absorbed by Plaintiffs  
5 through said sources.

6  
7 b. Defendants, and each of them, knew, or through the exercise of reasonable care  
8 and skill should have known, that unsafe levels of PCB exposure would cause  
9 substantial health risks to those who were exposed, including the development  
10 of cancer.

11 c. Despite defendants' knowledge or constructive knowledge of the dangers  
12 posed by the release of PCBs into the environment, defendants, and each of  
13 them continued to manufacture, market and distribute PCBs and PCB-  
14 containing products.

15 d. Despite defendants' knowledge or constructive knowledge of the dangers  
16 posed by the release of PCBs into the environment, defendants, and each of  
17 them failed to test for dangerous PCB concentrations in the PCB-contaminated  
18 natural gas, air, water, sediment, soil and food in Plaintiffs' communities.

19 e. Despite defendants' knowledge or constructive knowledge of the dangers  
20 posed by the release of PCBs into the environment, defendants, and each of  
21 them failed to take remedial measures to reduce dangerous PCB concentrations  
22 in the PCB-contaminated natural gas, air, water, sediment, soil and food in  
23 Plaintiffs' communities.

24 f. Despite defendants' knowledge or constructive knowledge of the dangers  
25 posed by the release of PCBs into the environment, defendants, and each of  
26 them failed to warn the public and Plaintiffs regarding toxic PCB  
27 concentrations in the natural gas, air, water, sediment, soil and food in  
28 Plaintiffs' communities.

///

1 g. Defendants, and each of them, knew, or with the exercise of reasonable care  
2 and skill should have known, that their manufacture, fabrication, design,  
3 labeling, distribution, handling, using, supply, sale, and marketing of PCBs  
4 created an unreasonable risk of harm to persons living and working in the areas  
5 contaminated with PCBs.

6 42. Plaintiffs additionally contend that defendant SoCal Gas was negligent because,  
7 as alleged above, by 1981, it knew or should have known that its entire natural gas pipeline system was  
8 contaminated with PCBs. By then, defendant SoCal Gas also knew or should have known that the PCB  
9 contamination of its gas pipelines posed a threat of causing exposure to PCBs to its customers  
10 throughout Southern California through emissions from the pipelines and all outlets of natural gas that  
11 traveled through the pipelines. The negligence of defendant SoCal Gas includes, but is not limited to,  
12 continuing to distribute natural gas contaminated with PCBs after it knew or should have known of the  
13 contamination and health risks involved; failing to warn customers and residents in Southern California  
14 about the likelihood of PCB exposure and failing to take remedial measures to reduce the contamination  
15 and risk.

16 43. The acts of defendants, and each of them, as herein alleged, constitute violations  
17 of the duty of ordinary care and skill owed by defendants, and each of them, to Plaintiffs.

18 44. Plaintiffs have used, handled, inhaled, ingested, consumed, absorbed or been  
19 otherwise exposed to PCBs and PCB-containing products referred to herein in a manner that was  
20 reasonably foreseeable.

21 45. Plaintiffs suffer from non-Hodgkin's lymphoma, lymphohematopietic and other  
22 cancers, and other serious injuries and illnesses, including injuries and illnesses secondary to the  
23 treatment for those conditions, caused by an exposure to PCBs. Plaintiffs were not aware at the time of  
24 exposure that PCBs presented any risk of injury and/or disease.

25 46. Plaintiffs are informed and believe, and thereon allege, that non-Hodgkin's  
26 lymphoma and lymphohematopietic cancer is caused by exposure to PCBs without perceptible trauma  
27 and that said disease results from exposure to PCBs over a period of time.

28 ///

1                   47. As a direct and proximate result of the conduct of defendants, and each of them,  
2 as aforesaid, Plaintiffs' have been exposed to PCBs that has caused them to suffer severe and permanent  
3 injuries, including, but not limited to, non-Hodgkin's lymphoma, lymphohematopietic and other cancers,  
4 and other serious injuries and illnesses, including injuries and illnesses secondary to the treatment for  
5 those conditions.

6                   48. As a direct and proximate result of the aforesaid conduct of defendants, and each  
7 of them, Plaintiffs have suffered, and continue to suffer, permanent injuries and/or future increased risk  
8 of injuries to their persons, bodies and health, including, but not limited to, non-Hodgkin's lymphoma,  
9 lymphohematopietic cancer, other cancers, and other serious injuries and illnesses, and the mental and  
10 emotional distress attendant thereto, from the effect of exposure to PCBs, all to their general damage in  
11 a sum in excess of the jurisdictional limit of a limited civil case.

12                   49. As a direct and proximate result of the aforesaid conduct of defendants, and each  
13 of them, Plaintiffs have incurred, are presently incurring, and will incur in the future, liability for  
14 physicians, surgeons, nurses, hospital care, medicine, hospices, X-rays and other medical treatment, the  
15 true and exact amount thereof being unknown to Plaintiffs at this time, and Plaintiffs pray leave to  
16 amend this complaint accordingly when the true and exact cost thereof is ascertained.

17                   50. As a further direct and proximate result of the said conduct of defendants,  
18 Plaintiffs have incurred, and will incur, loss of income, wages, profits and commissions, a diminishment  
19 of earning potential, and other pecuniary losses, the full nature and extent of which are not yet known to  
20 Plaintiffs; and leave is requested to amend this complaint to conform to proof at the time of trial.

21                   51. Defendants, and each of them, and their officers, directors, and managing agents  
22 participated in, authorized, expressly and impliedly ratified, and had full knowledge of, or should have  
23 known of, each of the acts set forth herein.

24                   52. Defendants, and each of them, and their officers, directors, and managing agents  
25 participated in, authorized, expressly and impliedly ratified, and had full knowledge of, or should have  
26 known of, each of the acts set forth herein.

27                   53. The herein-described conduct of defendants, and each of them, was and is willful,  
28 malicious, fraudulent, outrageous, and in conscious disregard and indifference to the safety and health of

1 Plaintiffs. Plaintiffs, for the sake of example and by way of punishing said defendants, and each of  
2 them, seek punitive damages according to proof.

3 WHEREFORE, Plaintiffs pray for judgment against defendants, and each of them, as  
4 hereinafter set forth.

5  
6 SECOND CAUSE OF ACTION

7 (Strict Products Liability For Design Defect- Consumer Expectation)

8 AS AND FOR A THIRD, SEPARATE, FURTHER AND DISTINCT CAUSE OF ACTION FOR  
9 STRICT LIABILITY FOR DESIGN DEFECT, PLAINTIFFS COMPLAIN OF DEFENDANT  
10 **SOUTHERN CALIFORNIA GAS COMPANY, DOES 301-350, AND EACH OF THEM, AND**

11 ALLEGE AS FOLLOWS:

12 54. Plaintiffs incorporate herein by reference, as though fully set forth therein, all of  
13 the previous allegations.

14 55. From 1968 and through the 1990's, Defendant SoCal Gas has supplied, sold and  
15 distributed natural gas contaminated with PCBs. Turbinol is a synthetic, fire-resistant lubricant  
16 consisting mostly of PCBs. Turbinol was used by the Transwestern Pipeline Co., which reached  
17 California through the Transwestern natural gas pipeline. One source of PCB contamination in the  
18 SoCal Gas Company system is the Transwestern pipeline compressor station in New Mexico. From  
19 1968 to 1972, Transwestern purchased 24,000 gallons of PCB-containing Turbinol lubricant.  
20 Transwestern's own tests revealed Turbinol leaking from its compressors in New Mexico had  
21 contaminated its entire pipeline west to Needles where it entered the SoCal Gas Pipeline, thus  
22 introducing PCBs into the entire SoCal Gas distribution system. Even though Transwestern stopped  
23 using Turbinol in 1972, once the PCBs entered the SoCal Gas pipelines, they coated and clung to the  
24 pipe walls and thus continued to infect the pipeline condensate more than 20 years later. In addition,  
25 Plaintiffs are informed and believe that Defendant SoCal Gas also contaminated its own gas pipeline  
26 with PCBs intentionally, through the use of a technique known as "oil fogging." In that process, SoCal  
27 Gas injected a fine mist of PCB-containing oil into the pipeline in order to retard rust and corrosion.  
28 This "oil fogging" technique resulted in further contamination of SoCal Gas' pipeline with PCBs, over

1 and above the PCBs resulting from the leaking compressors in the Transwestern pipeline.

2 56. Therefore, the SoCal Gas pipelines and natural gas were contaminated with PCBs  
3 from at least 1968 (and perhaps much earlier) and well into the 1990's.

4 57. This defect existed in the natural gas at the time it left the possession of  
5 Defendant SoCal Gas. The contaminated natural gas did, in fact, cause personal injuries to Plaintiffs,  
6 including non-Hodgkin's lymphoma and lymphohematopietic cancer, and other serious injuries and  
7 illnesses, while being used in a reasonably foreseeable manner, thereby rendering the same defective,  
8 unsafe, and dangerous for use.

9 58. Said PCB-containing natural gas was defective and unsafe for its intended  
10 purpose in that defendant SoCal Gas' consumers, including Plaintiffs, would not expect that their natural  
11 gas would contain carcinogenic PCBs that could cause them to develop non-Hodgkin's lymphoma,  
12 lymphohematopietic and other cancers and other serious injuries and illnesses from using the natural gas  
13 sold and supplied by Defendant SoCal Gas.

14 59. Plaintiffs did not know of the substantial danger of using said products. Said  
15 dangers were not readily recognizable by Plaintiffs. The foreseeable use of PCB-containing natural gas  
16 involved a substantial danger not readily recognizable to an ordinary user, consumer, bystander, or other  
17 exposed person, but which was known or knowable to defendants, and each of them.

18 60. At all times mentioned herein, the above-referenced PCB-containing natural gas  
19 failed to perform as safely as an ordinary consumer and/or other exposed persons would expect when  
20 used in an intended or reasonably foreseeable manner.

21 61. Plaintiffs are informed and believe, and thereon allege, that non-Hodgkin's  
22 lymphoma and lymphohematopietic cancer is caused by exposure to PCBs without perceptible trauma  
23 and that said disease results from exposure to PCB and PCB-containing products over a period of time.

24 62. As a result of having used Defendant SoCal Gas' natural gas for normal and  
25 foreseeable residential or business purposes over many years, Plaintiffs have developed non-Hodgkin's  
26 lymphoma, a lymphohematopietic cancer.

27 63. Plaintiffs' use of Defendant SoCal Gas' natural gas was a substantial factor in  
28 causing their non-Hodgkin's lymphoma because they were directly exposed to this PCB-contaminated

1 natural gas numerous times every day.

2 64. As a direct and proximate result of the actions and conduct outlined herein,  
3 Plaintiffs have suffered the injuries and damages alleged herein.  
4

5 65. Defendants, and each of them, and their officers, directors, and managing agents  
6 participated in, authorized, expressly and impliedly ratified, and had full knowledge of, or should have  
7 known of, each of the acts set forth herein.

8 66. The herein-described conduct of said defendants, and each of them, was and is  
9 willful, malicious, fraudulent, outrageous, and in conscious disregard and indifference to the safety and  
10 health of Plaintiffs. Plaintiffs, for the sake of example and by way of punishing said defendants, and  
11 each of them, seek punitive damages according to proof.

12 WHEREFORE, Plaintiffs pray for judgment against defendants, and each of them, as  
13 hereinafter set forth.

### 14 THIRD CAUSE OF ACTION

15 (Strict Products Liability For Design Defect- Risk/Benefit)

16 AS AND FOR A FOURTH, SEPARATE, FURTHER AND DISTINCT CAUSE OF ACTION FOR  
17 STRICT LIABILITY FOR DESIGN DEFECT, PLAINTIFFS COMPLAIN OF THE MONSANTO  
18 DEFENDANTS, DOES 1-301, AND EACH OF THEM, AND ALLEGE AS FOLLOWS:

19 67. Plaintiffs incorporate herein by reference, as though fully set forth therein, all of  
20 the previous allegations.

21 68. From 1935, when Old Monsanto purchased the rights to produce PCBs from the  
22 Swann Chemical Co., until 1977, when Congress banned the manufacture of PCBs, Old Monsanto  
23 produced and sold more than 99 percent of all of the PCBs that were ever manufactured and sold in the  
24 United States. Over those six decades, Old Monsanto sold PCBs as liquid mixtures, under the trade  
25 name "Aroclor," to a variety of industrial customers, for a wide variety of industrial uses. Many of Old  
26 Monsanto's PCBs were used by its customers as insulating fluids, also known as "dielectric fluids," in  
27 certain electrical equipment, including high-temperature transformers and capacitors. However, Old  
28 Monsanto's Aroclor and other PCB products were also marketed and used for many other purposes,  
including in inks, paints, dedusting agents, pesticides, plasticizers, hydraulic fluids, lubricants,



1 adhesives, and carbonless copy paper.

2 69. PCBs are considered "persistent organic pollutants" because they do not readily  
3 degrade in the environment after disposal, and they are not easily metabolized or broken down by  
4 humans or animals after absorption. Because PCBs were dumped into the environment over decades by  
5 Old Monsanto, its customers, and the end users of various PCB-containing products, PCBs are now  
6 ubiquitous in the environment. PCBs can be found in most animals, as well as in water, soil, sediment,  
7 and numerous other environmental media. Throughout the six decades that Old Monsanto produced and  
8 sold PCBs, the company knew or should have known that many of its PCBs would ultimately be  
9 disposed of in ways that would allow those PCBs to enter the environment and injure the public,  
10 including Plaintiffs.

11 70. Although Old Monsanto's PCBs were incorporated into many other products  
12 before being dumped into the environment, those PCBs to which Plaintiffs have been exposed are  
13 substantially the same chemicals as when they left Old Monsanto's possession.

14 71. Plaintiffs were exposed to PCBs as a result of the reasonably foreseeable use of  
15 the PCBs, because throughout the six decades that Old Monsanto produced and sold PCBs, defendants,  
16 and each of them, knew and intended that the aforementioned PCBs would be used in various products,  
17 and that through the foreseeable use and/or handling of said products, they would ultimately be disposed  
18 of in ways that would release toxic levels of PCBs into the environment where consumers and the public  
19 would be exposed through contaminated natural gas, air, water, sediment, soil, and food products. The  
20 foreseeable use of PCB-containing products led to Plaintiffs' injuries.

21 72. Plaintiffs were exposed to defendants' PCBs during the time that Old Monsanto  
22 manufactured PCBs, and for the many years after that, PCBs continued to contaminate the natural gas,  
23 air, water, sediment, soil and food products in Plaintiffs' communities.

24 73. Plaintiffs suffer from non-Hodgkin's lymphoma, lymphohematopietic and other  
25 cancers, and other serious injuries and illnesses, including injuries and illnesses secondary to the  
26 treatment for those conditions, caused by an exposure to PCBs.

27 74. Plaintiffs are informed and believe, and thereon allege, that non-Hodgkin's  
28 lymphoma and lymphohematopietic cancer is caused by exposure to PCBs without perceptible trauma

1 and that said disease results from exposure to PCBs and PCB-containing products over a period of time.

2 75. Plaintiffs' exposure to defendants' PCBs was a substantial factor in causing their  
3 non-Hodgkin's lymphoma and lymphohematopietic cancer because they were directly exposed to  
4 defendants' PCBs from a number of environmental sources, numerous times every day.

5 76. The benefits of PCBs and PCB-containing products never outweighed the risks of  
6 the design because the gravity of potential harm was great, given that PCB contamination would be  
7 widespread due to the fact that they are persistent organic pollutants, which do not easily degrade into  
8 the environment and are not easily broken down by humans and animals.

9 77. The benefits of PCBs and PCB-containing products never outweighed the risks of  
10 the design because the gravity of potential harm was great, given that exposure to toxic levels of PCBs  
11 causes serious injuries, such as non-Hodgkin's lymphoma, lymphohematopietic and other cancers and  
12 other serious injuries and illnesses.

13 78. The benefits of PCBs and PCB-containing products never outweighed the risks of  
14 the design because the likelihood that the aforementioned harm would occur was high, since PCBs  
15 cannot be metabolized by humans and were released into the natural gas, air, water, soil and food used  
16 by the public at large. The likelihood of harm was very high because Old Monsanto's PCBs  
17 contaminated the food chain and continue to be ubiquitous contaminants of air, water, and soil. All or  
18 almost all Americans, including Plaintiffs, have been substantially exposed to Old Monsanto's PCBs  
19 through their diet and their everyday environment.

20 79. The benefits of PCBs and PCB-containing products never outweighed the risks of  
21 the design because there were many other feasible, affordable, equally effective and safer designs that  
22 could have been used at the time of manufacture.

23 80. At all times mentioned herein, the above-referenced PCB-containing products  
24 failed to perform safely when used in an intended or reasonably foreseeable manner and the risk of  
25 danger inherent in this substance and products outweighed the benefits of said substance and products.

26 81. As a direct and proximate result of the actions and conduct outlined herein,  
27 Plaintiffs have suffered the injuries and damages alleged herein.

28 ///

1           82.    The Monsanto Defendants, and each of them, and their officers, directors, and  
2 managing agents participated in, authorized, expressly and impliedly ratified, and had full knowledge of,  
3 or should have known of, each of the acts set forth herein.  
4

5           83.    The herein-described conduct of said defendants, and each of them, was and is  
6 willful, malicious, fraudulent, outrageous, and in conscious disregard and indifference to the safety and  
7 health of Plaintiffs. Plaintiffs, for the sake of example and by way of punishing said defendants, and  
8 each of them, seek punitive damages according to proof.

9           WHEREFORE, Plaintiffs pray for judgment against defendants, and each of them, as is  
10 hereinafter set forth.

11           WHEREFORE, Plaintiffs pray for judgment against defendants, and each of them, in an  
12 amount to be proved at trial in each individual case, as follows:


13           Plaintiffs:

- 14           1.    For Plaintiffs' general damages according to proof;  
15           2.    For Plaintiffs' loss of income, wages, and earning potential according to proof;  
16           3.    For Plaintiffs' medical and related expenses according to proof;  
17           4.    For Plaintiffs' cost of suit herein;  
18           5.    For exemplary or punitive damages according to proof;  
19           6.    For damages for fraud according to proof; and  
20           7.    For such other and further relief as the Court may deem just and proper, including  
21 costs and prejudgment interest as provided in C.C.P. section 998, C.C.P. section 1032, and related  
22 provisions of law.

23           DATED: April <sup>23</sup>\_\_\_\_, 2012

WATERS, KRAUS & PAUL

24  
25  
26           By:

  
\_\_\_\_\_  
MICHAEL L. A. MITAGE  
Attorneys for Plaintiffs

1  
2 DEMAND FOR JURY TRIAL

3 Plaintiffs hereby demand trial by jury as to all issues so triable.

4 DATED: April 23, 2012

5 WATERS, KRAUS & PAUL

6  
7  
8 By: 

9 MICHAEL L. ARMITAGE  
10 Attorneys for Plaintiffs  
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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Michael L. Armitage, CA Bar No. 152740 Waters, Kraus & Paul 222 N. Sepulveda Blvd., Suite 1900 El Segundo, CA 90245 TELEPHONE NO.: 310.414.8146 FAX NO.: 310.414.8156 ATTORNEY FOR (Name): Plaintiffs		FOR COURT USE ONLY  <b>FILED</b> <b>SUPERIOR COURT OF CALIFORNIA</b> <b>COUNTY OF LOS ANGELES</b>  <b>APR 23 2012</b>  John A. Clarke, Executive Officer/Clerk BY <u>Amber La-Fleur-Clawson</u> , Deputy CASE NUMBER: <b>BT 483342</b>  JUDGE: DEPT:	
<b>SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles</b> STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: CITY AND ZIP CODE: Los Angeles, CA 90012 BRANCH NAME: Stanley Mosk		CASE NAME: DAUBER VS. MONSANTO, ET AL.	
<b>CIVIL CASE COVER SHEET</b> <input checked="" type="checkbox"/> <b>Unlimited</b> (Amount demanded exceeds \$25,000) <input type="checkbox"/> <b>Limited</b> (Amount demanded is \$25,000 or less)		<b>Complex Case Designation</b> <input type="checkbox"/> <b>Counter</b> <input type="checkbox"/> <b>Joinder</b> Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

*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 checked="" type="checkbox"/> Large number of witnesses   |
| b. <input checked="" 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 checked="" 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

4. Number of causes of action (specify):

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-511.)

Date:

Michael L. Armitage, CA Bar No. 152740

(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.

Page 1 of 2

## INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

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

## Contract

Breach of Contract/Warranty (06)  
Breach of Rental/Lease  
Contract (not unlawful detainer or wrongful eviction)  
Contract/Warranty Breach—Seller  
Plaintiff (not fraud or negligence)  
Negligent Breach of Contract  
Warranty  
Other Breach of Contract/Warranty  
Collections (e.g., money owed, open book accounts) (09)  
Collection Case—Seller Plaintiff  
Other Promissory Note/Collections Case  
Insurance Coverage (not provisionally)  
Auto Subrogation  
Other Coverage  
Other Contract (37)  
Contractual Fraud  
Other Contract Dispute  
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, report as Commercial or Residential)  
Judicial Review  
Asset Forfeiture (05)  
Petition Re: Arbitration Award (11)  
Writ of Mandate (02)  
Writ—Administrative Mandamus  
Writ—Mandamus on Limited Court  
Case Matter  
Writ—Other Limited Court Case  
Review  
Other Judicial Review (39)  
Review of Health Officer Order  
Notice of Appeal—Labor  
Commissioner Appeals

## Auto Tort

Auto (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 P/PPD/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 P/PPD/WD (23)  
Premises Liability (e.g., slip and fall)  
Intentional Bodily Injury/PPD/WD (e.g., assault, vandalism)  
Intentional Infliction of Emotional Distress  
Negligent Infliction of Emotional Distress  
Other P/PPD/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-P/PPD/WD Tort (35)  
Wrongful Termination (36)  
Other Employment (15)

## Enforcement of Judgment

Abstract of Judgment (Out of County)  
Confession of Judgment (non-domestic relations)  
Sister State Judgment  
Administrative Agency Award  
Petition/Certification of Entry of Judgment on Unpaid Taxes  
Other Enforcement of Judgment Case

## Miscellaneous Civil Complaint

RICO (27)  
Other Complaint (not specified above) (42)  
Declaratory Relief Only  
Injunctive Relief Only (non-harassment)  
Mechanics Lien  
Other Commercial Complaint  
Case (non-tort/non-complex)  
Other Civil Complaint  
Miscellaneous Civil Complaint (non-tort/non-complex)

## Miscellaneous Civil Complaint

Other Partnership and Corporate Governance (21)  
Other Petition (not specified above) (43)  
Civil Harassment  
Workplace Violence  
Elder/Dependent Adult Abuse  
Election Contest  
Petition for Name Change  
Petition for Relief from Late Claim  
Other Civil Petition

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

Antitrust/Trade Regulation (03)  
Construction Defect (10)  
Claims Involving Mass Tort (40)  
Securities Litigation (28)  
Environmental/Toxic Tort (30)  
Insurance Coverage Claims  
(arising from provisionally complex case type listed above) (41)

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

**This form is required pursuant to Local Rule 2.0 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 20+ ☐ HOURS/ ☒ DAYS

**Item II.** Indicate 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 Local Rule 2.0.

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

- |  |  |
|--|--|
| 1. Class actions must be filed in the Stanley Mosk Courthouse, central district. | 6. Location of property or permanently garaged vehicle.    |
| 2. May be filed in central (other county, or no bodily injury/property damage).  | 7. Location where petitioner resides.                      |
| 3. Location where cause of action arose.   | 8. Location wherein defendant/respondent functions wholly. |
| 4. Location where bodily injury, death or damage occurred.                       | 9. Location where one or more of the parties reside.       |
| 5. Location where performance required or defendant resides.                     | 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
<b>Auto Tort</b>	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.
<b>Other Personal Injury/Property Damage/ Wrongful Death Tort</b>	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage <input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	2. 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 <input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1., 4. 1., 4.
	Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall)	1., 4.
		<input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.)	1., 4.
<input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress		1., 3.	
<input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death		1., 4.	

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Non-Personal Injury/ Property  
Damage/ Wrongful Death Tort

Employment

Contract

Real Property

Unlawful Detainer

A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1., 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.
Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice <input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1., 2., 3. 1., 2., 3.
Other (35)	<input type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	2., 3.
Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1., 2., 3.
Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case <input type="checkbox"/> A6109 Labor Commissioner Appeals	1., 2., 3. 10.
Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction) <input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence) <input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud) <input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	2., 5. 2., 5. 1., 2., 5. 1., 2., 5.
Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff <input type="checkbox"/> A6012 Other Promissory Note/Collections Case	2., 5., 6. 2., 5.
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1., 2., 5., 8.
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud <input type="checkbox"/> A6031 Tortious Interference <input type="checkbox"/> 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)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels _____	2.
Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2., 6.
Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure <input type="checkbox"/> A6032 Quiet Title <input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)	2., 6. 2., 6. 2., 6.
Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	2., 6.
Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2., 6.
Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2., 6.



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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
<b>Judicial Review</b>	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2., 6.
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2., 5.
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2., 8. 2. 2.
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2., 8.
<b>Provisionally Complex Litigation</b>	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.
<b>Enforcement of Judgment</b>	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.
<b>Miscellaneous Civil Complaints</b>	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.	
<b>Miscellaneous Civil Petitions</b>	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.		

SHORT TITLE: DAUBER VS. MONSANTO, ET AL.

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**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.

**REASON:** Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected for this case.

☐ 1. ☒ 2. ☒ 3. ☐ 4. ☐ 5. ☐ 6. ☐ 7. ☒ 8. ☐ 9. ☐ 10.

ADDRESS: 818 WEST SEVENTH STREET

CITY:

LOS ANGELES

STATE:

CA

ZIP CODE:

90017

**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 Main courthouse in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., § 392 et seq., and Local Rule 2.0, subds. (b), (c) and (d)].

Dated: 04.23.12

  
(SIGNATURE OF ATTORNEY/FILING PARTY)  
MICHAEL L. ARMITAGE

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

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 03/11).
5. Payment in full of the filing fee, unless fees have been waived.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
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.