

1 **EDGCOMB LAW GROUP, LLP**
 2 TIFFANY R. HEDGPETH (SBN 175134)
 3 thedgpeth@edgcomb-law.com
 4 333 N. Glenoaks, Suite 610
 5 Burbank, CA 91502-1144
 6 Telephone: (818) 861-7618
 7 Facsimile: (818) 861-7616
 8 LADD CAHOON (SBN 193653)
 9 lcahoon@edgcomb-law.com
 10 601 Montgomery Street, Suite 1200
 11 San Francisco, CA 94111
 12 Telephone: (415) 399-1560

13 *Counsel for Plaintiff,*
 14 *San Mateo Investment Co.*

15 **UNITED STATES DISTRICT COURT**
 16 **NORTHERN DISTRICT OF CALIFORNIA**

17 SAN MATEO INVESTMENT CO., a
 18 California corporation,

19 Plaintiff,

20 v.

21 THE ESTATE OF ROBERT
 22 MASCIOLA, deceased; MARTIN
 23 FRANCHISES INC., a Delaware
 24 corporation; EATON CORPORATION
 25 PLC, a foreign corporation, MIU
 26 CHIANG JUE, CLEMEN JUE,
 27 MABEL WONG, and DOES 1-10,

28 Defendants.

Case No.: 22-3291

COMPLAINT FOR:

1. **COST RECOVERY UNDER THE COMPREHENSIVE ENVIRONMENTAL RESPONSE, COMPENSATION, AND LIABILITY ACT, 42 U.S.C. § 9607(a);**
2. **DECLARATORY RELIEF**

Complaint filed:

1 Plaintiff San Mateo Investment Company (“SMIC”) alleges the
2 following against the Estate of Robert Masciola, deceased (“Estate”), Martin
3 Franchising, Inc. (“MFI”), Eaton Corporation PLC (“Eaton”), Miu Chiang Jue,
4 Clemen Jue, Mabel Wong, and Does 1-10 (collectively, “Defendants”):

5
6 **JURISDICTION AND VENUE**

7 1. This Court has jurisdiction over SMIC’s federal claims asserted herein
8 pursuant to 28 U.S.C. § 1331, the Declaratory Judgment Act, 28 U.S.C. § 2201,
9 and the Comprehensive Environmental Response, Compensation, and Liability Act
10 (“CERCLA”) § 107(a), 42 U.S.C. § 9607(a).

11 2. Venue is proper in the Northern District of California because a
12 substantial part of the events or omissions giving rise to the claims occurred in this
13 District, and because Defendants are subject to personal jurisdiction in this District.

14
15 **PARTIES**

16 3. Plaintiff SMIC is a corporation existing under the laws of California.

17 4. Defendant Estate is the estate of Robert Nathan Masciola.
18 (“Masciola”), an individual who resided in California and who died on November
19 10, 2003. On information and belief, the Estate resides and Masciola resided within
20 this district. The Estate is named herein under California Probate Code section 550
21 et seq., in that SMIC is informed and believe that Masciola maintained policies of
22 liability insurance applicable to this action and that such policies provide coverage
23 for the damages alleged in this Complaint, and that said insurance companies are
24 presently responsible for the performance of all duties and obligations owed by the
25 Estate. SMIC expressly limits all of the claims set forth herein against the Estate
26 to the extent of any insurance policy or policies that cover the herein alleged
27
28

1 claims. Pursuant to California Probate Code section 550 et seq., the insurance
2 companies who provide the applicable insurance policies are the real parties in
3 interest and the Estate is merely a nominal defendant.

4 5. Defendant MFI is a Delaware corporation with headquarters in Ohio.

5 6. Defendant Eaton is a foreign corporation with headquarters in Ireland
6 and locations and operations in the United States.

7 7. Defendant Miu Chiang Jue is an individual residing within this
8 district.

9 8. Defendant Clemen Jue is an individual residing within this district.

10 9. Defendant Mabel Wong is an individual residing within this district.

11 10. SMIC does not know the true names or capacities, whether individual,
12 corporate, associate, or otherwise, of Defendants Does 1 through 10, inclusive, and
13 therefore sues said Defendants under fictitious names. SMIC will amend this
14 Complaint to show their true names and capacities when and if the same has been
15 ascertained.

16
17
18 **GENERAL ALLEGATIONS**

19 11. SMIC is the owner of property located at 111 West 25th Avenue, San
20 Mateo, California (“Property”).

21 12. From approximately 1960 to 1977, Masciola operated One Hour
22 Martinizing (“OHM”), a dry cleaner establishment, at the Property. OHM
23 continued to operate at the Property under different ownership until approximately
24 1987 or 1988. Dry cleaning operations continued after that time, but not as OHM.

25 13. On information and belief, OHM was a franchise of Martin
26 Equipment Sales, Martin Sales and other similar Martin trade names (collectively,
27
28

1 "Martin"). Martin operated dry cleaning franchises while a division of the
2 American Laundry Machinery Industries division of McGraw Edison Company
3 from approximately 1960 to 1978. In 1985, McGraw Edison Company merged
4 into Cooper Industries, Inc. ("Cooper"), making Cooper Martin's successor in
5 interest. Cooper was acquired by Eaton Corporation in 2012 to form a new
6 company, Defendant Eaton.
7

8 14. On information and belief, effective May 1, 1978, McGraw Edison
9 Company sold certain dry cleaning assets, including the Martin franchise
10 agreements for OHM, to MFI.
11

12 15. On information and belief, as a result of the corporate transactions,
13 Eaton is the successor to the Martin liabilities created by OHM franchises until
14 May 1, 1978, and MFI is the successor to liabilities created by OHM franchises on
15 and after May 1, 1978.
16

17 16. On information and belief, the Franchise Agreements for OHM
18 dictated that the OHM operators use only specific dry cleaning equipment that was
19 approved by Martin and MFI. Moreover, Martin and MFI provided instruction to
20 Masciola and other OHM operators at the Property regarding the dry cleaning
21 process and use and handling of perchloroethylene ("PCE"), a hazardous substance
22 and the primary ingredient used in the dry cleaning equipment.
23

24 17. On information and belief, Martin and MFI owned the dry cleaning
25 equipment for at least portions of the time OHM operated at the Property.
26

27 18. From approximately 1977 to approximately 1999, Miu Chiang Jue,
28 Clemen Jue, and Mabel Wong and her now-deceased husband, Antonio Wong
(collectively, "Wongs/Jues"), operated OHM, and later J&C One Hour Cleaners, at

1 the Property.

2 19. In 2016, the San Mateo County Health Department, Environmental
3 Health Services, Groundwater Protection Program (“Health Department”)
4 contacted the then dry cleaner operator of the Property, Mr. Quoc Hong of J&C
5 One Hour Cleaners, to inform him that PCE had been detected in environmental
6 media near the Property. Subsequently, the Health Department issued letters to
7 other past operators of dry cleaners at the Property, including the Wongs/Jues, as
8 well as Property owner SMIC, requesting their participation in environmental
9 investigation and cleanup activities in relation to the Property.
10

11 20. At the request of the Health Department, environmental investigations
12 were performed at the Property on behalf of SMIC, without any contribution from
13 Defendants, confirming that PCE and its degradation products, including TCE, are
14 present in soil and groundwater beneath the Property.
15

16 21. On information and belief, the presence of PCE is a result of, *inter*
17 *alia*, sudden and accidental leaks and spills from dry cleaning equipment that at
18 times was owned and operated by Masciola, Martin and MFI, and the Wongs/Jues,
19 as well as other sudden and accidental releases of PCE that occurred during
20 Masciola’s and the Wongs/Jues’ operation of the Property.
21

22 22. SMIC has incurred costs performing investigations to define the
23 lateral and vertical extent of contamination in all impacted media (soil, soil vapor,
24 groundwater, and indoor air) and to develop plans for remediation. Additionally,
25 further investigations, remediation, and mitigation may include (1) a pilot study
26 workplan, (2) a pilot study for remediation, (3) additional subsurface
27 characterization (including installation/sampling of additional sub-slab soil vapor
28

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.