

# SUMMONS

## (CITACION JUDICIAL)

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

**NOTICE TO DEFENDANT:**  
**(AVISO AL DEMANDADO):**

THE DOW CHEMICAL COMPANY; Additional Parties Attachment form is attached.

**YOU ARE BEING SUED BY PLAINTIFF:**  
**(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

GOOSE LAKE WATER PROPERTY OWNERS ASSOCIATION

**NOTICE!** You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://www.courtinfo.ca.gov/selfhelp)), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. *AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.*

*Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California ([www.suerte.ca.gov](http://www.suerte.ca.gov)), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.*

*Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, ([www.lawhelpcalifornia.org](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.suerte.ca.gov](http://www.suerte.ca.gov)) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.*

The name and address of the court is:

(El nombre y dirección de la corte es): Superior Court of California  
County of San Francisco

400 McAllister Street, San Francisco, CA 94102

CASE NUMBER: (Número del Caso):

**CGC-20-589358**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

John P. Fiske, Baron & Budd, P.C., 11440 West Bernardo Court, Suite 265, San Diego, CA 92127; 858-251-7424

DATE: **JUL 13 2020** (Fecha)

**CLERK OF THE COURT**  
(Secretario)

**RALENE APOLONIO**, Deputy  
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

**NOTICE TO THE PERSON SERVED:** You are served

1.  as an individual defendant.
2.  as the person sued under the fictitious name of (specify):  
under:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 other (specify):
3.  on behalf of (specify):
4.  by personal delivery on (date)



SHORT TITLE: Goose Lake Water Property Owners Association v. The Dow Chemical Company; et al.	CASE NUMBER: <b>CGC-20-585358</b>
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**INSTRUCTIONS FOR USE**

- This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff  Defendant  Cross-Complainant  Cross-Defendant

SHELL OIL COMPANY, individually and doing business as SHELL CHEMICAL COMPANY; OCCIDENTAL CHEMICAL CORPORATION; WILBUR ELLIS COMPANY LLC; J.R. SIMPLOT COMPANY; FMC CORPORATION; PUREGRO COMPANY; NUTRIEN AG SOLUTIONS, INC.; SOUTHERN VALLEY CHEMICAL COMPANY; TRICAL, INC., and DOES 1 through 300, INCLUSIVE

BY FAX

1      **BARON & BUDD, P.C.**  
2      John P. Fiske (CA Bar No. 249256)  
3      11440 West Bernardo Court, Suite 265  
4      San Diego, CA 92127  
5      Telephone: (858) 251-7424

6      Scott Summy (TX Bar No. 19507500)  
7      Stephen Johnston (TX Bar No. 00796839)  
8      Celeste Evangelisti (CA Bar No. 225232)  
9      Cary McDougal (TX Bar No. 13569600)  
10     3102 Oak Lawn Avenue, Suite 1100  
11     Dallas, TX 75219-4281  
12     Telephone: (214) 521-3605

13     *Attorneys for Plaintiff Goose Lake Water Property Owners Association*

14     **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**

15     **IN AND FOR THE COUNTY OF SAN FRANCISCO**

16     GOOSE LAKE WATER PROPERTY  
17     OWNERS ASSOCIATION,

18     Plaintiff,

19     vs.

20     THE DOW CHEMICAL COMPANY;     )  
21     SHELL OIL COMPANY, individually and     )  
22     doing business as SHELL CHEMICAL     )  
23     COMPANY; OCCIDENTAL CHEMICAL     )  
24     CORPORATION; WILBUR ELLIS     )  
25     COMPANY LLC; J.R. SIMPLOT     )  
26     COMPANY; FMC CORPORATION;     )  
27     PUREGRO COMPANY; NUTRIEN AG     )  
28     SOLUTIONS, INC.; SOUTHERN VALLEY     )  
      CHEMICAL COMPANY; TRICAL, INC.,     )  
      and DOES 1 through 300, INCLUSIVE,

1     Defendants.

2     Case No. **CGC-20-585358**

3     Date Filed:

4     COMPLAINT FOR DAMAGES AND OTHER  
5     RELIEF:

6     (1) STRICT PROD. LIABILITY  
7     (DESIGN DEFECT);  
8     (2) STRICT PROD. LIABILITY  
9     (FAILURE TO WARN)  
10    (3) NUISANCE;  
11    (4) TRESPASS; and  
12    (5) NEGLIGENCE.

13     **UNLIMITED CIVIL CASE**  
14     **JURY TRIAL DEMANDED**

15     Exempt from Filing Fees (Govt. Code § 6103);  
16     Deemed Verified (Code Civ. Proc. § 446)

17     Plaintiff GOOSE LAKE WATER PROPERTY OWNERS ASSOCIATION hereby alleges as  
18     follows, based on information and belief and investigation of counsel:

## **I. SUMMARY OF THE CASE**

1. Plaintiff GOOSE LAKE WATER PROPERTY OWNERS ASSOCIATION

(“Plaintiff”) owns and operates a public water system (Gooselake Water Company Water System, System No. 1500584) that provides drinking water to residents in its service area which is located in Bakersfield, California. Plaintiff seeks to recover by this action the substantial costs necessary to protect the public and restore one or more of its drinking water supply wells, which are contaminated by the toxic chemical, 1,2,3-trichloropropane (“TCP”).

2. TCP is a highly toxic substance that is an ingredient, component, constituent, contaminant and/or impurity in certain commercial products. In years past, TCP, and/or products containing TCP (collectively referred to hereinafter as "TCP Products"), were applied, released, discharged and/or disposed of by others in the vicinity of one or more drinking water supply wells owned and operated by Plaintiff. TCP has migrated through the subsurface and into the groundwater, and now contaminates the water pumped from one or more of Plaintiff's wells.

3. The defendants in this action are the manufacturers, distributors and releasers of the TCP Products that caused the contamination of Plaintiff's water supply. Among other things, the manufacturer defendants knowingly and willfully manufactured, promoted, and sold TCP Products, when they knew or reasonably should have known that this harmful compound would reach groundwater, pollute drinking water supplies, render drinking water unusable and unsafe, and threaten public health and welfare, as it has done with respect to Plaintiff's water supply.

4. Plaintiff files this lawsuit to recover compensatory and all other damages, including all necessary funds to compensate Plaintiff for the costs of designing, constructing, installing, operating and maintaining the treatment facilities and equipment required to comply with state and federal safe drinking water laws and to remove TCP from its water supply, and to ensure that the responsible parties bear such expense, rather than Plaintiff and its members and/or ratepayers.

## II. THE PARTIES

5. Plaintiff owns and operates a public water system, which includes, among other elements, one or more drinking water production wells which draw from one or more groundwater aquifers, associated pumping, storage, treatment and distribution facilities and equipment, all of which will be referred to collectively in this Complaint as Plaintiff's "Water System." Plaintiff provides potable water through its Water System to residents in its service area which is located in Bakersfield, California. Among other things, Plaintiff's Water System includes the right of Plaintiff to extract and use groundwater from its well(s) to supply drinking water to residents in its service area. Plaintiff has a significant property interest in the waters it extracts and uses from its wells. The past, present and continuing contamination of such waters by TCP constitutes physical injury to such waters for which Plaintiff is entitled to, and Plaintiff hereby does, seek damages and other appropriate relief.

6. The following defendants designed, manufactured, formulated, marketed, promoted, distributed, sold (directly or indirectly), applied, discharged, disposed of and/or released the TCP Products that are the source of the TCP that contaminates Plaintiff's wells and water supply.

7. Defendant THE DOW CHEMICAL COMPANY ("Dow Chemical") is a Delaware corporation with its principal place of business in Midland, Michigan, which at all times relevant to this action was doing business in California.

8. Defendant SHELL OIL COMPANY, individually and doing business as SHELL CHEMICAL COMPANY ("Shell") is a Delaware corporation with its principal place of business in Houston, Texas, which at all times relevant to this action was doing business in California.

9. Defendant OCCIDENTAL CHEMICAL CORPORATION, individually and as successor by merger to Occidental Chemical Agricultural Products, Inc. (formerly known as Occidental Chemical Company, successor by merger to Associated Farm Supplies (successor by

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