



AmericanCoatings
ASSOCIATIONSM

January 11, 2018

Honorable Tani Cantil-Sakauye, Chief Justice
and the Associate Justices
Supreme Court of California
350 McAllister Street
San Francisco, CA 94102-4783

**Re: Amicus Letter of the American Coatings Association in Support of
Petition for Review of *The People of the State of California v. Atlantic
Richfield Co., et al.*, Court of Appeal Sixth Appellate District Case No.
H040880, Supreme Court of the State of California Case No. S246102**

Dear Chief Justice Cantil-Sakauye and Associate Justices of the Court:

Pursuant to Rule 8.500(g) of the California Rules of Court, the American Coatings Association submits this amicus letter in support of the petition for review by defendants and petitioners ConAgra Grocery Products Company, NL Industries, Inc., and The Sherwin-Williams Company.

The American Coatings Association (“ACA”) is a voluntary, nonprofit trade association working to advance the needs of the paint and coatings industry and the professionals who work in it through advocacy and programs that support environmental protection, product stewardship, health, safety, and the advancement of science and technology. Its members are companies and science and technology professionals in the paint and coatings industry. ACA has consistently supported the development, implementation and enforcement of effective laws to prevent childhood lead poisoning. The association has a long history of partnering with the federal government, state and local governments and non-governmental organizations to develop fundamental prevention strategies. This includes work on presidential task forces under two administrations, State Attorneys General, and numerous city and state agencies focused on preventing elevated blood lead levels in children. ACA was also instrumental in the creation of CLEARCorps USA, a private-public partnership providing lead hazard reduction support services across the United States.

The recent appellate court decision in *People v. ConAgra*, is a radical departure from fundamental legal principles. The Court of Appeal ignored established law that manufacturers cannot be held liable when there is no proof of causation and they no longer control the product causing the alleged public nuisance. This decision incorrectly assigns liability and sets a dangerous and erroneous precedent for all manufacturers.

The ACA joins in the concerns raised by the National Federation of Independent Businesses (“NFIB”) and the National Association of Manufacturers (“NAM”) in their forthcoming amicus letters to this Court, and additionally takes interest in the decision of the Sixth District Court of Appeal because of its focus on trade association membership as a basis for liability. As a trade association, ACA urges this Court to grant the Companies’ Petition for Review to restore First Amendment protections to trade associations and their members.

This Court Should Grant Review In Order to Restore First Amendment Protections for Trade Associations

Trade associations play a vital role in developing compliance strategies to guide the activities of industry members, and in sponsoring research relating to the products or services industry members provide. The companies that contribute to trade associations fund these activities. As such, companies should be free to associate and associations should be free to promote the goals of members and greater society without fear that liability will attach to that association.

The First Amendment of the United States Constitution and the free speech and free association clauses of the California Constitution prohibit public nuisance liability based on the truthful promotion of lawful products for then-lawful uses, and the contribution of money to a trade association to support general product advertising. Yet, the decision of the Sixth District Court of Appeal bases the public nuisance liability of three former lead paint manufacturers on their contribution to a trade association and the promotions made by that association.

In concluding that First Amendment protections did not apply to the speech of the companies or the Lead Industries Association (“LIA”), the Sixth District speculated that “[p]romotion of lead paint for interior residential use necessarily implied that lead paint was safe for such use. If defendants promoted lead paint for interior residential use while knowing that such use would create a public health hazard, then their promotions were misleading and not entitled to any First Amendment protection.” Op. at 37. But the trial court could not cite any false or misleading promotions. Instead, the appellate court simply assumed that the promotions implied that interior residential use of paints with lead would be safe if deteriorated and not maintained, but failed to identify a single example of this

alleged implication in any specific ad, and ignored the fact that the companies never said that lead paint was safe to ingest.

In addition, the Sixth District relied heavily on the promotional campaign of the LIA as the basis for the companies' liability for public nuisance, even though the trial court held that the LIA was not the Companies' agent. Sherwin-Williams' liability, for example, is based solely on two advertisements from 1904, one each in Los Angeles and San Diego, and \$5,000 in donations to the LIA's Forest Products-Better Paint campaign during 1937-1941. As evidence of the companies' knowledge of the risks of lead-paint, the Sixth District cites to a 1930 LIA board meeting where the LIA discussed an article about children being lead poisoned from chewing on cribs. But the companies are not being held liable for lead-paint on cribs. They are being held liable for lead paint on interior walls, ceilings, and friction surfaces of homes. Further, the Sixth District presumed that each of the Companies received this information because "[e]ach of the defendants was a member of the LIA in the 1930s" and improperly concluded that "[d]efendants, as the recipients of this information from the LIA, must have been aware at that time, in the early 1930s, of the hazard to children created by the interior residential use of lead paint." *Id.* at 30-31.

This type of reasoning has been expressly rejected by the United States Supreme Court. In *NAACP v. Claiborne Hardware*, 458 U.S. 886 (1982), the Supreme Court reiterated that mere association cannot provide the basis for tort liability:

Civil liability may not be imposed merely because an individual belonged to a group, some members of which committed [tortious] acts. . . . For liability to be imposed by reason of association alone, it is necessary to establish that the group itself possessed unlawful goals and that the individual held a specific intent to further those illegal aims.

Id. at 920 (citation and quotation marks omitted); *see also id.* at 931 (“[t]o impose liability without a finding that the [defendant] authorized - either actually or apparently - or ratified unlawful conduct would impermissibly burden the rights of political association that are protected by the First Amendment”). *See also In re Asbestos School Litigation*, 46 F.3d 1284, 1294-96 (3d Cir. 1994) (“Joining organizations that participate in public debate, making contributions to them, and attending their meetings are activities that enjoy substantial First Amendment protection.”).

Here, the court never concluded that the LIA possessed an unlawful goal or that that the individual companies held a specific intent to further that unlawful goal - in fact, the trial court rejected any conspiracy between the companies and the LIA.

Thus, under *Claiborne Hardware*, association with the LIA cannot form the basis for tort liability regardless of the purported actions or inactions of that organization.¹

For members of the more than 92,000 trade and professional associations in the United States,² it is vitally important to clarify that the First Amendment protections apply and that association membership cannot be the basis of tort liability, absent specific findings of unlawful goals or a specific intent to further an unlawful goal.

For the aforementioned reasons, this Court should grant the Petition for Review.

Sincerely,



Heidi K. McAuliffe
Vice President, Government Affairs
American Coatings Association, Inc.

¹ That the remedy here would not enjoin the Companies' speech (see Op. at 37), is of no matter for First Amendment purposes. See *In re Orthopedic Bone Screw Products Liability Litigation*, 193 F.3d 781, 792 (3d Cir. 1999) ("imposition of civil liability, such as the award of money damages, is treated no less stringently than direct regulation on speech").

² Associations Matter, Associations by the Numbers, updated 2012, asae, The Center for Association Leadership

PROOF OF SERVICE

STATE OF WASHINGTON, DC

At the time of service, I was over 18 years of age and not a party to this legal action. I am employed in Washington, DC. My business address is 901 New York Ave., NW, Suite 300 West, Washington, DC, 20001.

On January 11, 2018, I served true copies of the following document(s) described as **AMICUS LETTER OF AMERICAN COATINGS ASSOCIATION IN SUPPORT OF PETITIONER** on the interested parties in this action as follows:

SEE ATTACHED SERVICE LIST

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with American Coatings Association's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

BY E-MAIL OR ELECTRONIC TRANSMISSION: Based on a court order or an agreement of the parties to accept service electronically, I transmitted the document(s) via e-mail or electronic transmission via the Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling), as indicated on the attached service list.

I declare under penalty of perjury under the laws of the District of Columbia that the foregoing is true and correct.

Executed on January 11, 2018, at Washington, DC.

/s/ Darnell M. James

Darnell M. James

SERVICE LIST

The People of the State of California v. Atlantic Richfield Company; Conagra Grocery Products Company; E.I. Du Pont De Nemours and Company; NL Industries, Inc.; and The Sherwin-Williams Company

California Supreme Court Case No. S246102

Counsel Name/Address	Party(ies) Represented
<p>Joseph W. Cotchett Cotchett, Pitre & McCarthy, LLP 840 Malcolm Road, Suite 200 Burlingame, CA 94010 nfineman@cpmlegal.com jcotchett@cpmlegal.com</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Robert J. McConnell Fidelma L. Fitzpatrick Motley Rice LLC 55 Cedar Street, Suite 100 Providence, RI 02903-1034 bmccConnell@motleyrice.com ffitzpatrick@motleyrice.com</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Danny Y. Chou Orry P. Korb Greta S. Hansen Jenny S. Lam Office of County Counsel County of Santa Clara 70 W. Hedding Street East Wing, 9th Floor San Jose, CA 95110-1770 danny.chou@cco.sccgov.org orry.korb@cco.sccgov.org greta.hansen@cco.sccgov.org jenny.lam@cco.sccgov.org</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>

Counsel Name/Address	Party(ies) Represented
<p>Owen J. Clements Erin B. Bernstein San Francisco City Attorney's Office 1390 Market Street, Seventh Floor San Francisco, CA 94102 owen.clements@sfgov.org erin.bernstein@sfgov.org</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Andrew J. Massey Donna R. Ziegler Office of the County Counsel Alameda County 1221 Oak Street, Suite 450 Oakland, CA 94612 andrew.massey@acgov.org donna.ziegler@acgov.org</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Andrea E. Ross Office of the County Counsel of Los Angeles 500 W Temple Street, Suite 648 Los Angeles, CA 90012 aross@counsel.lacounty.gov</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>William M. Litt Charles J. McKee Office of County Counsel 168 West Alisal Street, Third Floor Salinas, CA 93901-2439 littwm@co.monterey.ca.us mckeecj@co.monterey.ca.us</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>

Counsel Name/Address	Party(ies) Represented
<p>Paul F. Prather Jan I. Goldsmith Office of the City Attorney City of San Diego 1200 3rd Avenue, Suite 1100 San Diego, CA 92101 pprather@sandiego.gov cityattorney@sandiego.gov</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Barbara J. Parker Wendy M. Garbers Oakland City Attorney One Frank H. Ogawa Plaza, 6th Floor Oakland, CA 94612 bjparker@oaklandcityattorney.org wgarbers@oaklandcityattorney.org</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Rebecca M. Archer John C. Beiers County Counsel County of San Mateo Hall of Justice & Records 400 County Center, 6th Floor Redwood City, CA 94063-1662 rmarcher@smcgov.org jbeiers@smcgov.org</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Dennis Bunting Office of the County Counsel Solano County 675 Texas Street, Suite 6600 Fairfield, CA 94533 dwbunting@solanocounty.com</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California <i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>

Counsel Name/Address	Party(ies) Represented
<p>Eric J. A. Walts LeRoy Smith Office of the County Counsel County of Ventura 800 S. Victoria Avenue, UC #1830 Ventura, CA 93009 eric.walts@ventura.org leroy.smith@ventura.org</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Peter G. Earle Law Offices of Peter G. Earle, LLC 839 North Jefferson Street, Suite 300 Milwaukee, WI 53202 peter@earle-law.com</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Stacey M. Leyton Altshuler Berzon LLP 177 Post Street, Suite 300 San Francisco, CA 94108 sleyton@altshulerberzon.com</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Mary Alexander Mary Alexander and Associates, P.C. 44 Montgomery Street, Suite 1303 San Francisco, CA 94104 malexander@maryalexanderlaw.com</p>	<p>Counsel for Plaintiff, Respondent and Cross-Appellant The People of the State of California</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Raymond A. Cardozo Reed Smith LLP 101 Second Street, Suite 1800 San Francisco, CA 94105-3659 rcardozo@reedsmith.com</p>	<p>Counsel for Defendant and Appellant ConAgra Grocery Products Company</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>

Counsel Name/Address	Party(ies) Represented
<p>Allen J. Ruby Skadden, Arps, Slate, Meagher & Flom LLP 525 University Avenue, Suite 1100 Palo Alto, CA 94301 allen.ruby@skadden.com</p>	<p>Counsel for Defendant and Appellant ConAgra Grocery Products Company</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>James P. Fitzgerald James J. Frost McGrath North Mullin & Kratz, PC LLO First National Tower 1601 Dodge Street, Suite 3700 Omaha, NE 68102 jfitzgerald@mcgrathnorth.com jfrost@mcgrathnorth.com</p>	<p>Counsel for Defendant and Appellant ConAgra Grocery Products Company</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>David M. Axelrad Lisa Perrochet Horvitz & Levy LLP 15760 Ventura Boulevard, 18th Floor Encino, CA 91436-3000 daxelrad@horvitzlevy.com lperrochet@horvitzlevy.com</p>	<p>Counsel for Defendant, Cross-Complainant and Appellant The Sherwin-Williams Company</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Robert A. Mittelstaedt Jones Day 555 California Street, 26th Floor San Francisco, CA 94104 ramittelstaedt@jonesday.com</p>	<p>Counsel for Defendant, Cross-Complainant and Appellant The Sherwin-Williams Company</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>

Counsel Name/Address	Party(ies) Represented
Charles H. Moellenberg, Jr. Paul Michael Pohl Leon F. DeJulius Jones Day 500 Grant Street, Suite 4500 Pittsburgh, PA 15219 chmoellenberg@jonesday.com pmpohl@jonesday.com lfdejulius@jonesday.com	Counsel for Defendant, Cross-Complainant and Appellant The Sherwin-Williams Company <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)
Cynthia Helene Cwik Jones Day 12265 El Camino Real, Suite 200 San Diego, CA 92130 chcwik@jonesday.com	Counsel for Defendant, Cross-Complainant and Appellant The Sherwin-Williams Company <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)
James H. McManis William W. Faulkner McManis Faulkner 50 W. San Fernando Street, 10th Floor San Jose, CA 95113 jmcmanis@mcmanislaw.com wfaulkner@mcmanislaw.com	Counsel for Defendant and Appellant NL Industries <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)
Andre M. Pauka Jameson R. Jones Bartlit Beck Herman Palenchar & Scott LLP 1801 Wewatta Street, Suite 1200 Denver, CO 80202 andre.pauka@bartlit-beck.com jameson.jones@bartlit-beck.com	Counsel for Defendant and Appellant NL Industries <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)

Counsel Name/Address	Party(ies) Represented
Richard A. Derevan Todd E. Lundell Snell & Wilmer, L.L.P. 600 Anton Boulevard, Suite 1400 Costa Mesa, CA 92626-7689 rderevan@swlaw.com tlundell@swlaw.com	Counsel for Defendant and Appellant NL Industries <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)
Clement L. Glynn Glynn & Finley 100 Pringle Avenue, Suite 500 Walnut Creek, CA 94596 cglynn@glynnfinley.com	Counsel for E.I. DuPont de Nemours Company <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling), per agreement of the parties
Daniel M. Kolkey Gibson Dunn & Crutcher LLP 555 Mission Street, Suite 3000 San Francisco, CA 94105-0921 dkolkey@gibsondunn.com	Counsel for E.I. DuPont de Nemours Company <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling), per agreement of the parties
Theodore J. Boutrous, Jr Gibson Dunn & Crutcher LLP 333 S. Grand Avenue Los Angeles, CA 90071-3197 tboutrous@gibsondunn.com	Counsel for E.I. DuPont de Nemours Company <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling), per agreement of the parties
Christian E. Henneke McGuireWoods LLP 800 E. Canal Street Richmond, VA 23219-3916 chenneke@mcguirewoods.com	Counsel for E.I. DuPont de Nemours Company <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling), per agreement of the parties

Counsel Name/Address	Party(ies) Represented
<p>Sean Morris Arnold & Porter Kaye Scholer LLP 777 S. Figueroa Street, 44th Floor Los Angeles, CA 90017-5844 sean.morris@apks.com</p>	<p>Attorneys for Atlantic Richfield Company</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling), per agreement of the parties</p>
<p>Jerome B. Falk, Jr. Arnold & Porter Kaye Scholer LLP Three Embarcadero Center, 7th Floor San Francisco, CA 94111-4024 jerome.falk@apks.com</p>	<p>Attorneys for Atlantic Richfield Company</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling), per agreement of the parties</p>
<p>Christopher M. Kieser Pacific Legal Foundation 930 G Street Sacramento, CA 95814 ckieser@pacificlegal.com</p>	<p>Amicus Curiae for Appellant Pacific Legal Foundation</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Dario B. de Ghetaldi Corey, Luzaich, de Ghetaldi & Riddle, LLP 700 El Camino Real P.O. Box 669 Millbrae, CA 94030 deg@coreylaw.com</p>	<p>Amicus Curiae for Respondent American Academy of Pediatrics, California</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Paula K. Canny Law Offices of Paula Canny 840 Hinckley Road, Suite 101 Burlingame, CA 94010 pkcanny@aol.com</p>	<p>Amicus Curiae for Respondent California Conference of Local Health Officers</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>

Counsel Name/Address	Party(ies) Represented
<p>Amir M. Nassihi Shook Hardy & Bacon LLP One Montgomery Street, Suite 2700 San Francisco, CA 94104 anassihi@shb.com</p>	<p>Amicus Curiae for Appellant NFIB Small Business Legal Center, et al.</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Ingrid M. Evans Evans Law Firm, Inc. 3053 Fillmore Street, Suite 236 San Francisco, CA 94123 ingrid@evanslaw.com</p>	<p>Amicus Curiae for Respondent Changelab Solutions et al.</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Fred J. Hiestand Civil Justice Association of California 1201 K Street, Suite 1850 Sacramento, CA 95814 fhiestand@aol.com</p>	<p>Amicus Curiae for Appellant Civil Justice Association of California</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Michael E. Wall Natural Resources Defense Council 111 Sutter Street, 21st Floor San Francisco, CA 94104-4545 mwall@nrdc.org</p>	<p>Amicus Curiae for Respondent Environmental Health Coalition and Healthy Homes Collaborative</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>
<p>Jonathon Krois Natural Resources Defense Council 40 West 20th Street, 11th Floor New York, NY 10011 jkrois@nrdc.org</p>	<p>Amicus Curiae for Respondent Environmental Health Coalition and Healthy Homes Collaborative</p> <p><i>Electronic Service Copy</i> via Court’s Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling)</p>

Counsel Name/Address	Party(ies) Represented
Clerk of the Court Santa Clara County Superior Court 191 N. First Street San Jose, CA 95113-1090 (408) 882-2110	Court Clerk [Case No. 1-00-CV-788657] Via U.S. Mail (TrueFiling)
Honorable James P. Kleinberg Santa Clara County Superior Court 191 N. First Street, Dept. 1 San Jose, CA 95113-1090 (408) 882-2110	Trial Judge [Case No. 1-00-CV-788657] Via U.S. Mail (TrueFiling)
Clerk of the Court California Court of Appeal Sixth Appellate District 333 W. Santa Clara Street Suite 1060 San Jose, CA 95113-1717	Court Clerk [Case No. H040880] <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling) and via U.S. Mail (TrueFiling)
Clerk of the Court Supreme Court of California 350 McAllister Street San Francisco, CA 94102-3600	Court Clerk [Case No. S246102] <i>Electronic Service Copy</i> via Court's Electronic Filing System (EFS) operated by ImageSoft TrueFiling (TrueFiling) Hard Copy (unbound) Follows by Mail