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11 PHYSICIANS COMMITTEE
12 FOR RESPONSIBLE MEDICINE

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SAN FRANCISCO

16 PHYSICIANS COMMITTEE FOR
17 RESPONSIBLE MEDICINE,

17 Plaintiff,

18 vs.

19 KFC CORPORATION, a Delaware
20 Corporation and YUM! BRANDS, INC., a
21 North Carolina Corporation

21 Defendants.

Cas. No. **CGC** - 09 - 492803

**COMPLAINT FOR INJUNCTIVE
RELIEF, STATUTORY CIVIL
PENALTIES, AND DECLARATORY
RELIEF**

22
23
24 **INTRODUCTION**

25 1. This Complaint seeks an injunction, statutory civil penalties, and
26 declaratory relief to prevent Defendant KFC CORPORATION, and its parent company,
27 YUM! BRANDS, INC., (collectively "Defendant" or "KFC") from continuing to sell
28 grilled chicken products to consumers without clear and reasonable warnings about the

ENROBDED
FILED
San Francisco County Superior Court

SEP 23 2009

GORDON PARKER, Clerk
BY: CRISTINA E. BAUTISTA
Deputy Clerk
CASE MANAGEMENT CONFERENCE SET

FEB 26 2010 - 9:00 AM

DEPARTMENT 212

1 carcinogenic risk of consuming these products.

2 2. Defendant knowingly and intentionally has sold and is continuing to sell
3 grilled chicken products without clear and reasonable warnings, despite Defendant's
4 awareness that these sales are exposing consumers to a chemical known to the State of
5 California to cause cancer.

6 3. Defendant's actions violate the California Safe Drinking Water and Toxic
7 Enforcement Act of 1986, codified at Health & Safety Code § 25249.5 *et seq.*,
8 ("Proposition 65") under which restaurants and other businesses must provide persons
9 with a "clear and reasonable warning" before exposing consumers to carcinogenic
10 chemicals in the food that they sell and serve.

11
12 **PARTIES**

13 4. Plaintiff PHYSICIANS COMMITTEE FOR RESPONSIBLE MEDICINE
14 ("PCRM") is a national nonprofit membership organization headquartered in Washington, DC.
15 PCRM is committed to promoting a safe and healthful diet and to protecting consumers from
16 food and drink that are dangerous or unhealthful. PCRM has approximately 100,000 members,
17 many of whom reside in California. Plaintiff is a "person [acting] in the public interest"
18 pursuant to Health & Safety Code § 25249.7(d). Plaintiff has satisfied the conditions set forth
19 in this section with respect to the required 60-day notice.

20 5. Defendant KFC CORPORATION is a Delaware corporation and a
21 wholly-owned division of YUM! BRANDS, INC, a North Carolina Corporation with its
22 principal office in Louisville, Kentucky. KFC is authorized to transact business in the
23 State of California. KFC is a business entity that either directly or through its
24 subsidiaries, franchisees, and/or licensees distributes, sells and has sold grilled chicken
25 products to consumers within the State of California. YUM! BRANDS, INC. directly
26 controls the operations and management of KFC both in its California operations and
27 operations outside of the State of California. YUM! BRANDS, INC. directly controls
28 the types of labeling of KFC products in California and in its 2008 Annual Report David

1 Novak, the CEO of YUM! BRANDS, INC., reported his pride in the fact that: “[O]ur
2 U.S. brands [including KFC brand] will be the first chains in the industry to post product
3 calorie information on their respective menu boards in company-owned restaurants
4 nationwide by January 1, 2011. All meals can be part of a balanced diet and we
5 recognize our responsibility to continue to educate consumers about their choices.”
6

7 **JURISDICTION AND VENUE**

8 6. This court has jurisdiction pursuant to California Constitution Article VI,
9 Section 10, because this case is not a cause given by statute to other trial courts.

10 7. This court has jurisdiction over Defendant because it does sufficient
11 business in California, and otherwise has sufficient minimum contacts in California to
12 render jurisdiction over it by California courts consistent with traditional notions of fair
13 play and substantial justice.

14 8. Venue is proper pursuant to Code of Civil Procedure Section 393 because
15 a cause of action arises in the County of San Francisco, where violations have occurred
16 and continue to occur. Venue is also proper pursuant to Code of Civil Procedure
17 Section 395.5 in that the statutory liability arises in part from sales of grilled chicken
18 products in this County. Venue is also proper pursuant to Health & Safety Code Section
19 25249.7, which expressly permits an enforcement action to be brought in “any court of
20 competent jurisdiction.”
21

22 **FACTS**

23 9. Proposition 65 was passed by California voters in November 1986, with
24 the purpose of protecting the health and safety of California residents. The health and
25 safety warning provision of Proposition 65 provides as follows: “No person in the
26 course of doing business shall knowingly and intentionally expose any individual to a
27 chemical known to the state to cause cancer or reproductive toxicity without first giving
28 clear and reasonable warning to such individual, except as provided in Section

1 25249.10.”

2 10. Proposition 65 required the State to develop a list of chemicals “known to
3 the state to cause cancer or reproductive toxicity.”

4 11. On October 1, 1994, the chemical 2-AMINO-1-METHYL-6-
5 PHENYLIMIDAZO [4,5-b]PYRIDINE (“PhIP”) was listed pursuant to the
6 requirements of Proposition 65 as a chemical known to the State of California to cause
7 cancer.

8 12. PhIP is a chemical that does not naturally occur in food.

9 13. PhIP is created during the cooking process used by Defendant in making
10 its grilled chicken products.

11 14. PhIP is ingested by consumers who are served grilled chicken products
12 sold by Defendant at some or all of its California retail outlets, including retail outlets
13 located in the County of San Francisco.

14 15. Proposition 65 provides that a business is not required to provide a clear
15 and reasonable warning concerning a listed chemical until one year after the chemical
16 first appears on the list of Chemicals Known to the State of California to Cause Cancer
17 or Reproductive Toxicity.

18 16. The one-year grace period before food service establishments were
19 required to have clear and reasonable warning regarding the products they sold
20 containing PhIP ended on or about October 1, 1995. See Health & Safety Code §
21 25249.10(b).

22 17. Defendant has knowingly and intentionally sold grilled chicken after
23 October 1, 1995, without a clear, reasonable and adequate accompanying warning,
24 despite its awareness that grilled chicken contains PhIP.

25 18. Defendant has knowingly and intentionally sold grilled chicken after
26 October 1, 1995, without a clear, reasonable and adequate accompanying warning,
27 despite placement of PhIP on California’s list of cancer causing chemicals.

28 19. Defendant has knowingly and intentionally sold grilled chicken after

1 October 1, 1995, without a clear, reasonable and adequate accompanying warning,
2 despite its knowledge that individuals would consume its grilled chicken and be exposed
3 to PhIP.

4 20. Defendant knew or should have known about the 1994 placement of PhIP
5 on the Proposition 65 list of chemicals as a chemical known to the State to cause cancer.

6 21. Defendant is a large, sophisticated corporation engaged in the preparation,
7 service, and sale of food. Defendant is charged with the knowledge that a reasonable
8 review of the scientific data would reveal concerning the carcinogenic effects of PhIP.

9 22. Defendant's sale of grilled chicken to the public constitutes a "consumer
10 products exposure" within the meaning of California Code of Regulations, Title 27,
11 Section 25602(b).

12 23. Proposition 65 requires that consumer warnings be reasonably calculated
13 to warn a potential consumer, prior to exposure, of food known by the State of
14 California to contain cancer causing chemicals. Health & Safety Code § 25249.6;
15 California Code of Regulations, Title 27, Section 25601.

16 24. In food service establishments, clear and reasonable warnings must be
17 placed in conspicuous locations and manner reasonably calculated to make the warnings
18 likely to be observed by all patrons. California Code of Regulations, Title 27, § 25601.

19 25. Defendant has failed to post clear and reasonable warnings regarding PhIP
20 in accordance with the statutory requirements of Proposition 65.

21 26. Plaintiff PCRМ conducted an analysis of grilled chicken sold directly by
22 Defendant or indirectly through its subsidiaries, franchisees, and/or licensees. Using a
23 scientifically valid methodology, PCRМ purchased chicken samples from Defendant,
24 tagged each sample using a code system that would blind the testing laboratory to the
25 source of the sample, and shipped the samples to Columbia Analytical Services.
26 Columbia Analytical Services is an independent environmental testing laboratory, listed
27 by the California Department of Health Services as an "Accredited Environmental
28 Laboratory."

1 27. Columbia Analytical Services tested a total of twelve samples of grilled
2 chicken for PhIP. These samples were purchased from restaurants owned or operated
3 by the Defendant or its operating subsidiaries, franchisees, and/or licensees in the State
4 of California.

5 28. All of the tested grilled chicken samples were found to contain the known
6 carcinogen PhIP.

7 29. None of the locations where Defendant's grilled chicken products were
8 purchased for purposes of testing had posted clear and reasonable warnings that food
9 sold on the premises contained a chemical known to the State of California to cause
10 cancer. Although Defendant does post the food and beverage notice set out in the
11 Proposition 65 regulations, this warning does not relate to Defendant's sale of grilled
12 chicken and is not clear and reasonable as required by the statute because a reasonable
13 consumer would not know that Defendant's grilled chicken products contain a known
14 carcinogen.

15 30. The cancer risk as a result of exposure to PhIP has been known for
16 decades. Heterocyclic amines (HCAs), the class of substances to which PhIP belongs,
17 were first discovered in 1977. M. Nagao and T. Sugimura, *FOODBORNE CARCINOGENS:*
18 *HETEROCYCLIC AMINES* (John Wiley & Sons 2002). As early as the 1970s, dietary
19 exposure to PhIP was implicated as a factor in cancer rates. Knize, J. and Felton, J.,
20 *Formation and Human Risk of Carcinogenic Heterocyclic Amines Formed from Natural*
21 *Precursors in Meat*, 63 *NUTRITION REVIEWS* 158 (2005) ("Knize").

22 31. Numerous studies have addressed the genotoxicity of HCAs.
23 Genotoxicity concerns the adverse effects of physical and chemical agents on the
24 genetic material in cells and the subsequent results of changes to those cells. HCAs are
25 highly mutagenic in *Salmonella typhimurium*, *Escherichia coli*, and cultured human
26 cells. Other genotoxicity studies have demonstrated DNA strand breaks, chromosomal
27 aberrations, and sister chromatid exchanges induced by HCAs. "There is a general
28 consensus that human exposure to potent genotoxic [HCAs] produced in meat during

1 cooking is widespread. ... Data show that, even at low doses, [HCAs] form DNA
2 adducts in ... humans.” Knize, *supra*.

3 32. HCAs, including PhIP, have also been the subject of numerous human
4 epidemiological studies, the vast majority of which strongly suggest a correlation
5 between consumption of well-done meat and multisite carcinogenesis in humans.
6 Studies have found compelling correlations between PhIP exposure and several types of
7 cancer, including colorectal, breast, pancreatic, and prostate. R. Sinha et al., *2-amino-1-*
8 *methyl-6-phenylimidazo[4,5-b]pyridine, a carcinogen in high-temperature-cooked*
9 *meat, and breast cancer risk*, 92 JOURNAL OF THE NATIONAL CANCER INSTITUTE 1352
10 (2000); S. Nowell et al., *Analysis of total meat intake and exposure to individual*
11 *heterocyclic amines in a case-control study of colorectal cancer: contribution of*
12 *metabolic variation to risk*, 506-507 MUTATION RESEARCH 175 (2002); AJ Cross et al.,
13 *A prospective study of meat and meat mutagens and prostate cancer risk*, 65 CANCER
14 RESEARCH. 11779 (2005); LM Butler et al., *Heterocyclic amines, meat intake and*
15 *association with colon cancer in a population-based study*, 157 Am J Epidemiol. 434
16 (2003). KE Anderson et al., *Meat intake and cooking techniques: associations with*
17 *pancreatic cancer*, 506-507 MUTATION RESEARCH 225 (2002).

18 33. Chicken is high in some types of PhIP precursors such as arginine,
19 glutamic acid, leucine, phenylalanine, tyrosine, and isoleucine. Knize, *supra*. Grilled
20 chicken therefore has been found to contain particularly high levels of PhIP. R. Sinha,
21 *An Epidemiologic Approach to Studying Heterocyclic Amines*, 506-507 MUTATION
22 RESEARCH 197 (2002).

23 34. Defendant is responsible, through sale of its grilled chicken products, for
24 significant exposure to PhIP.

25 35. Since the introduction of its grilled chicken products to the present,
26 Defendant has failed to provide consumers with clear, reasonable and adequate
27 warnings that consumption of grilled chicken products offered for sale by Defendant
28 would expose them to a chemical known to the State of California to cause cancer.

1 36. Under Proposition 65, California may establish a “safe harbor” level at or
2 below which exposure to a chemical known to the State of California to cause cancer is
3 unlikely to be harmful. California Code of Regulations, Title 27, Section 25705.

4 37. California has not established a safe harbor level for consumption of foods
5 containing PhIP.

6 38. Defendant knew or should have known and is currently aware that no safe
7 harbor level has been established by California for consumption of foods containing
8 PhIP.

9 39. None of the three exemptions from the warning requirement contained in
10 Health & Safety Code Section 25249.10 are applicable to this case:

- 11 (a) Federal preemption of warning requirements; or
12 (b) An exposure that takes place before the termination of the twelve
13 months grace period for substances known to the state to cause
reproductive toxicity; or
14 (c) An exposure for which the person responsible can prove poses no
15 significant risk, assuming lifetime exposure at the level in question,
16 and that will have no observable effect, assuming exposure at one
thousand (1,000) times the level in question, for substances known
to the state to cause reproductive toxicity.

17 40. Proposition 65 provides that any person who “violates or threatens to
18 violate” the statute may be enjoined in any court of competent jurisdiction. Health &
19 Safety Code § 25249.7. To “[t]hreaten to violate” is defined to mean “to create a
20 condition in which there is a substantial probability that a violation will occur.” Health
21 & Safety Code § 25249.11(e). Violations are punishable by civil penalties of up to
22 \$2,500 per day for each violation recoverable in a civil action. Health & Safety Code §
23 25249.7(b)(1).

24 41. Plaintiff PCRMC brings this action in the public interest. Actions to
25 enforce Proposition 65 may be brought “by any person in the public interest” provided
26 that proper notice is given to the defendant and that “neither the Attorney General,
27 district attorney, city attorney, nor any prosecutor has commenced and is diligently
28 prosecuting an action against the violation.” Health & Safety Code § 25249.7(d).

1 42. As a membership organization with California members, Plaintiff PCRM
2 constitutes an association, included within the definition of person permitted to bring
3 actions in the public interest to enforce Proposition 65. Health & Safety Code
4 § 25249.11.

5 43. Notice was provided in accordance with the requirements of Health &
6 Safety Code Section 25249.7 and California Code of Regulations, Title 27, Section
7 25903, upon Defendant. The notice contained the information required by the statute
8 and regulation and was served in accordance with the requirements of California Code
9 of Regulations, Title 27, Section 25903(c).

10 44. Notice was provided in accordance with the requirements of Health &
11 Safety Code Section 25249.7 and California Code of Regulations, Title 27, Section
12 25903, upon the District Attorney of every county in California and upon the City
13 Attorneys of Los Angeles, San Diego, San Francisco, and San Jose, the only four
14 California cities listed in the most recent decennial census as having populations of over
15 750,000. All notices contained the information required by the statute and regulation
16 and were served in accordance with the requirements of California Code of Regulations,
17 Title 27, Section 25903(c).

18 45. Notice was provided in accordance with the requirements of Health &
19 Safety Code Section 25249.7 and California Code of Regulations, Title 27, Section
20 25903, upon the Attorney General of the State of California. The notice to the Attorney
21 General contained the information required by the statute and regulation, including
22 factual information sufficient to establish the basis of the certificate of merit served on
23 all parties. The notice was served in accordance with the requirements of California
24 Code of Regulations, Title 27, Section 25903(c).

25 46. Notice of the on-going violations was served upon all of the individuals
26 and entities identified above more than sixty days prior to the filing of this lawsuit.

27 47. On information and belief, Defendant has continued to offer for sale,
28 without clear, reasonable and adequate warnings, grilled chicken products following

1 receipt of the notice from Plaintiff.

2 48. On information and belief, absent action by this Court, Defendant will
3 continue to sell grilled chicken products without clear, reasonable and adequate
4 warnings.

5 49. The Attorney General has not commenced any action against Defendant
6 for failure to warn about the presence of PhIP in its grilled chicken products. On
7 information and belief, no district attorney, city attorney or prosecutor has commenced
8 any action against these violations.

9 50. Plaintiff is notifying the Attorney General of the filing of this action
10 concurrently with the filing of this complaint.

11
12 **FIRST CAUSE OF ACTION FOR INJUNCTIVE RELIEF FOR**
13 **VIOLATION OF STATUTE—PROPOSITION 65**

14 **(By Plaintiff Against Defendant)**

15 51. Paragraphs 1 through 50 are realleged as if fully set forth herein.

16 52. On information and belief, Defendant employs ten or more persons.

17 53. By committing the acts described above, Defendant has, through the sale
18 of its grilled chicken products, knowingly and intentionally exposed individuals to PhIP,
19 a chemical known to the State of California since at least 1994 to cause cancer.
20 Defendant has sold and served grilled chicken, knowing of the cancer risks, without first
21 giving clear, reasonable and adequate warnings to consumers, as required by Health &
22 Safety Code Section 25249.6.

23 54. By its actions, including the lack of clear, reasonable and adequate
24 warnings, Defendant has violated Proposition 65.

25 55. Proposition 65 expressly authorizes injunctive relief. No showing of
26 irreparable harm is required given this statutory authorization for injunctive relief.

27 ///

28 ///

SECOND CAUSE OF ACTION FOR CIVIL PENALTIES

(By Plaintiff Against Defendant)

56. The allegations set forth in Paragraphs 1 through 50 are realleged as if fully set forth herein.

57. The knowing and intentional commitment of the acts alleged above renders Defendant liable for civil penalties of up to \$2,500 per day for each violation pursuant to Proposition 65.

58. The nature and extent of Defendant's violations, together with the lack of good faith measures to comply with Proposition 65, merit the imposition of the full monetary penalty allowable under Proposition 65.

THIRD CAUSE OF ACTION FOR DECLARATORY JUDGMENT FOR VIOLATION OF PROPOSITION 65

(By Plaintiff Against Defendant)

59. The allegations set forth in Paragraphs 1 through 50 are realleged as if fully set forth herein.

60. In order to adequately comply with the requirements of Proposition 65, Defendant must conspicuously post specific warnings with respect to the carcinogenic dangers of the grilled chicken that it offers for sale.

61. On information and belief, Defendant denies that it is required under the provisions of Proposition 65 to conspicuously post specific warnings with respect to the carcinogenic dangers of grilled chicken and will fail to do so without a specific declaration from this Court that it is required to do so.

62. Because Defendant's position is inconsistent with Proposition 65 and its intended purpose to protect public health, Plaintiff is entitled to declaratory judgment determining that Defendant is in violation of Proposition 65.

///

PRAYER FOR RELIEF

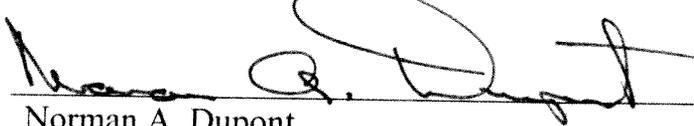
WHEREFORE, Plaintiff prays, as to Defendants KFC and Yum! Brands, Inc., that this honorable Court:

1. Pursuant to Proposition 65, enter a permanent injunction and any other necessary orders prohibiting Defendants from exposing persons within the State of California to PhIP in grilled chicken without providing clear, reasonable, specific and adequately placed warnings;
2. Order that civil penalties of \$2,500 per violation be imposed upon Defendants in accordance with Proposition 65;
3. Enter a declaratory judgment ordering that Defendants are specifically required to disclose the presence of PhIP in its grilled chicken and declaring that any warning that does not specifically mention the carcinogenic effects known by the State of California regarding grilled chicken is inadequate;
4. Award Plaintiff its costs of suit and its reasonable attorneys' fees;
5. Grant such other and further relief as the Court deems just and proper.

DATED: September 23, 2009

RICHARDS, WATSON & GERSHON
A Professional Corporation
NORMAN A. DUPONT
DAVID G. ALDERSON

DANIEL KINBURN
PHYSICIANS COMMITTEE
FOR RESPONSIBLE MEDICINE

By: 

Norman A. Dupont
Attorneys for Plaintiff,
PHYSICIANS COMMITTEE
FOR RESPONSIBLE MEDICINE

FOR COURT USE ONLY

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):

David G. Alderson #231597
Richards, Watson & Gershon
44 Montgomery Street, Suite 3800
San Francisco, CA 94104

TELEPHONE NO.: 415-421-8484 FAX NO.: 415-421-8486

ATTORNEY FOR (Name): Plaintiff, Physicians Committee For Responsible Medicine

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco

STREET ADDRESS: 400 McAllister Street

MAILING ADDRESS:

CITY AND ZIP CODE: San Francisco, CA 94102

BRANCH NAME: Civil

CASE NAME: Physicians Committee for Responsible
Medicine v. KFC Corporation, and YUM! Brands, Inc.

CIVIL CASE COVER SHEET

Unlimited (Amount demanded exceeds \$25,000) Limited (Amount demanded is \$25,000 or less)

Complex Case Designation

Counter Joinder

Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

JUDGE:

DEPT:

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

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

Auto Tort

- Auto (22)
- Uninsured motorist (46)

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

- Asbestos (04)
- Product liability (24)
- Medical malpractice (45)
- Other PI/PD/WD (23)

Non-PI/PD/WD (Other) Tort

- Business tort/unfair business practice (07)
- Civil rights (08)
- Defamation (13)
- Fraud (16)
- Intellectual property (19)
- Professional negligence (25)
- Other non-PI/PD/WD tort (35)

Employment

- Wrongful termination (36)
- Other employment (15)

Contract

- Breach of contract/warranty (06)
- Rule 3.740 collections (09)
- Other collections (09)
- Insurance coverage (18)
- Other contract (37)

Real Property

- Eminent domain/Inverse condemnation (14)
- Wrongful eviction (33)
- Other real property (26)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38)

Judicial Review

- Asset forfeiture (05)
- Petition re: arbitration award (11)
- Writ of mandate (02)
- Other judicial review (39)

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

- Antitrust/Trade regulation (03)
- Construction defect (10)
- Mass tort (40)
- Securities litigation (28)
- Environmental/Toxic tort (30)
- Insurance coverage claims arising from the above listed provisionally complex case types (41)

Enforcement of Judgment

- Enforcement of judgment (20)

Miscellaneous Civil Complaint

- RICO (27)
- Other complaint (not specified above) (42)

Miscellaneous Civil Petition

- Partnership and corporate governance (21)
- Other petition (not specified above) (43)

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. Large number of separately represented parties
- b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
- c. Substantial amount of documentary evidence
- d. Large number of witnesses
- e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
- f. 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): Three (Violations of Prop. 65; Civil Penalties)

5. This case is is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 22, 2009

David G. Alderson #231597

(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.

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

**NOTICE TO DEFENDANT: KFC CORPORATION, a Delaware
(AVISO AL DEMANDADO): Corporation and YUM! BRANDS,
INC., a North Carolina Corporation**

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

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
PHYSICIANS COMMITTEE FOR RESPONSIBLE MEDICINE**

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), 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), the California Courts Online Self-Help Center (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.sucorte.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), en el Centro de Ayuda de las Cortes de California, (www.sucorte.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 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 the State of California
400 McAllister Street
San Francisco, CA 94102

CASE NUMBER 99-492803
(Número del Caso):

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):

David G. Alderson #231597
Richards, Watson & Gershon
44 Montgomery Street, Suite 3800
San Francisco, CA 94104
415-421-8484 415-421-8486

DATE: SEP 29 2009
(Fecha)

GORDON PARK LI
Clerk, by (Secretario)

CRISTINA BAUTISTA
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):
- 3. on behalf 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):

- 4. by personal delivery on (date):

