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6 Attorneys for Defendant  
7 EWASTE CENTER, INC.

8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10 **EASTERN DIVISION**

12 REAM HOLDINGS, LLC, an  
13 Arizona limited liability company,

14 Plaintiff,

15 v.

16 3R INTERNATIONAL GROUP,  
INC. a California corporation dba E-  
17 Waste Recovery Center; ALL E  
WASTE, INC., a California  
18 corporation; ATTAN RECYCLING  
CORP., a California corporation;  
19 CEC ELECTRONIC WASTE  
RECYCLING, INC., a California  
20 corporation; DEBRI-TECH, INC., a  
California corporation; EWASTE  
21 CENTER, INC., a California  
corporation;  
22 GLOBAL SURPLUS  
SOLUTIONS, INC., a California  
23 corporation; GREENVIEW  
RESOURCE MANAGEMENT  
24 INC., a California corporation;  
KYO COMPUTER INC., a  
25 California corporation; WEST  
COAST RECYCLING, LLC dba  
26 MISSION RECYCLING, a  
California limited liability company,  
27

28 Defendants.

CASE NO. 5:17-cv-00825-SVW-FFM

**ANSWER OF DEFENDANT  
EWASTE CENTER, INC. TO  
PLAINTIFF'S COMPLAINT**

Room: 10A  
Judge: Hon. Stephen V. Wilson

Complaint filed: April 27, 2017  
Trial date: None

1 Defendant EWASTE CENTER, INC. (“Defendant”) hereby answers the  
2 Complaint of Plaintiff REAM HOLDINGS, LLC. (“Plaintiff”), as follows:

3 **THE PARTIES**

4 1. Defendant lacks sufficient information or knowledge to answer the  
5 allegations in paragraph 1, and based upon such a lack of information or  
6 knowledge, denies, generally and specifically, each and every allegation thereof.

7 2. Defendant lacks sufficient information or knowledge to answer the  
8 allegations in paragraph 2, and based upon such a lack of information or  
9 knowledge, denies, generally and specifically, each and every allegation thereof.

10 3. Defendant lacks sufficient information or knowledge to answer the  
11 allegations in paragraph 3, and based upon such a lack of information or  
12 knowledge, denies, generally and specifically, each and every allegation thereof.

13 4. Defendant lacks sufficient information or knowledge to answer the  
14 allegations in paragraph 4, and based upon such a lack of information or  
15 knowledge, denies, generally and specifically, each and every allegation thereof.

16 5. Defendant lacks sufficient information or knowledge to answer the  
17 allegations in paragraph 5, and based upon such a lack of information or  
18 knowledge, denies, generally and specifically, each and every allegation thereof.

19 6. Defendant lacks sufficient information or knowledge to answer the  
20 allegations in paragraph 6, and based upon such a lack of information or  
21 knowledge, denies, generally and specifically, each and every allegation thereof.

22 7. Defendant lacks sufficient information or knowledge to answer the  
23 allegations in paragraph 7, and based upon such a lack of information or  
24 knowledge, denies, generally and specifically, each and every allegation thereof.

25 8. Defendant lacks sufficient information or knowledge to answer the  
26 allegations in paragraph 8, and based upon such a lack of information or  
27 knowledge, denies, generally and specifically, each and every allegation thereof.  
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1           9. Defendant lacks sufficient information or knowledge to answer the  
2 allegations in paragraph 9, and based upon such a lack of information or  
3 knowledge, denies, generally and specifically, each and every allegation thereof.

4           10. Defendant lacks sufficient information or knowledge to answer the  
5 allegations in paragraph 10, and based upon such a lack of information or  
6 knowledge, denies, generally and specifically, each and every allegation thereof.

7           11. Defendant lacks sufficient information or knowledge to answer the  
8 allegations in paragraph 11, and based upon such a lack of information or  
9 knowledge, denies, generally and specifically, each and every allegation thereof.

10           12. Defendant lacks sufficient information or knowledge to answer the  
11 allegations in paragraph 12, and based upon such a lack of information or  
12 knowledge, denies, generally and specifically, each and every allegation thereof.

13           13. Defendant lacks sufficient information or knowledge to answer the  
14 allegations in paragraph 13, and based upon such a lack of information or  
15 knowledge, denies, generally and specifically, each and every allegation thereof.

16           14. Defendant lacks sufficient information or knowledge to answer the  
17 allegations in paragraph 14, and based upon such a lack of information or  
18 knowledge, denies, generally and specifically, each and every allegation thereof.

19           15. Defendant lacks sufficient information or knowledge to answer the  
20 allegations in paragraph 15, and based upon such a lack of information or  
21 knowledge, denies, generally and specifically, each and every allegation thereof.

22           16. Defendant lacks sufficient information or knowledge to answer the  
23 allegations in paragraph 16, and based upon such a lack of information or  
24 knowledge, denies, generally and specifically, each and every allegation thereof.

25           17. Defendant lacks sufficient information or knowledge to answer the  
26 allegations in paragraph 17, and based upon such a lack of information or  
27 knowledge, denies, generally and specifically, each and every allegation thereof.

28           18. Defendant lacks sufficient information or knowledge to answer the

1 allegations in paragraph 18, and based upon such a lack of information or  
2 knowledge, denies, generally and specifically, each and every allegation thereof.

3 19. Defendant lacks sufficient information or knowledge to answer the  
4 allegations in paragraph 19, and based upon such a lack of information or  
5 knowledge, denies, generally and specifically, each and every allegation thereof.

6 20. Defendant lacks sufficient information or knowledge to answer the  
7 allegations in paragraph 20, and based upon such a lack of information or  
8 knowledge, denies, generally and specifically, each and every allegation thereof.

9 21. Defendant lacks sufficient information or knowledge to answer the  
10 allegations in paragraph 21, and based upon such a lack of information or  
11 knowledge, denies, generally and specifically, each and every allegation thereof.

12 22. Defendant admits the allegations of paragraph 22.

13 23. Defendant admits that it is and at all relevant times was engaged in the  
14 business of electronic waste recycling and is a California approved electronic  
15 waste recycler including as to the recycling of electronic devices, CRTs and CRT  
16 glass. Defendant denies the remaining allegations of paragraph 23.

17 24. Defendant admits the allegations of paragraph 24.

18 25. Paragraph 25 of the complaint is a purported statement of the law, not  
19 appropriate for admission or denial.

20 26. Defendant lacks sufficient information or knowledge to answer the  
21 allegations in paragraph 26, and based upon such a lack of information or  
22 knowledge, denies, generally and specifically, each and every allegation thereof.

23 27. Defendant lacks sufficient information or knowledge to answer the  
24 allegations in paragraph 27, and based upon such a lack of information or  
25 knowledge, denies, generally and specifically, each and every allegation thereof.

26 28. Defendant lacks sufficient information or knowledge to answer the  
27 allegations in paragraph 28, and based upon such a lack of information or  
28 knowledge, denies, generally and specifically, each and every allegation thereof.

1           29. Defendant lacks sufficient information or knowledge to answer the  
2 allegations in paragraph 29, and based upon such a lack of information or  
3 knowledge, denies, generally and specifically, each and every allegation thereof.

4           30. Defendant lacks sufficient information or knowledge to answer the  
5 allegations in paragraph 30, and based upon such a lack of information or  
6 knowledge, denies, generally and specifically, each and every allegation thereof.

7           31. Defendant lacks sufficient information or knowledge to answer the  
8 allegations in paragraph 31, and based upon such a lack of information or  
9 knowledge, denies, generally and specifically, each and every allegation thereof.

10          32. Defendant lacks sufficient information or knowledge to answer the  
11 allegations in paragraph 32, and based upon such a lack of information or  
12 knowledge, denies, generally and specifically, each and every allegation thereof.

13          33. Defendant lacks sufficient information or knowledge to answer the  
14 allegations in paragraph 33, and based upon such a lack of information or  
15 knowledge, denies, generally and specifically, each and every allegation thereof.

16          34. Defendant lacks sufficient information or knowledge to answer the  
17 allegations in paragraph 34, and based upon such a lack of information or  
18 knowledge, denies, generally and specifically, each and every allegation thereof.

19          35. Defendant lacks sufficient information or knowledge to answer the  
20 allegations in paragraph 35, and based upon such a lack of information or  
21 knowledge, denies, generally and specifically, each and every allegation thereof.

22          36. Defendant lacks sufficient information or knowledge to answer the  
23 allegations in paragraph 36, and based upon such a lack of information or  
24 knowledge, denies, generally and specifically, each and every allegation thereof.

25          37. Defendant lacks sufficient information or knowledge to answer the  
26 allegations in paragraph 37, and based upon such a lack of information or  
27 knowledge, denies, generally and specifically, each and every allegation thereof.

28          38. Defendant lacks sufficient information or knowledge to answer the

1 allegations in paragraph 38, and based upon such a lack of information or  
2 knowledge, denies, generally and specifically, each and every allegation thereof.

3 39. Defendant lacks sufficient information or knowledge to answer the  
4 allegations in paragraph 39, and based upon such a lack of information or  
5 knowledge, denies, generally and specifically, each and every allegation thereof.

6 40. Defendant lacks sufficient information or knowledge to answer the  
7 allegations in paragraph 40, and based upon such a lack of information or  
8 knowledge, denies, generally and specifically, each and every allegation thereof.

9 41. Defendant lacks sufficient information or knowledge to answer the  
10 allegations in paragraph 41, and based upon such a lack of information or  
11 knowledge, denies, generally and specifically, each and every allegation thereof.

12 42. Paragraph 42 is a definitional term and not appropriate for admission  
13 or denial.

14  
15 **OVERVIEW OF CALIFORNIA'S COVERED ELECTRONIC**  
16 **WASTE RECOVERY AND RECYCLING PROGRAM**

17 43. Paragraph 43 of the complaint is a purported statement of the law, not  
18 appropriate for admission or denial.

19 44. Paragraph 44 of the complaint is a purported statement of the law, not  
20 appropriate for admission or denial.

21 45. Paragraph 45 of the complaint is a purported statement of the law, not  
22 appropriate for admission or denial.

23 46. Paragraph 46 of the complaint is a purported statement of the law, not  
24 appropriate for admission or denial.

25 47. Paragraph 47 of the complaint is a purported statement of the law, not  
26 appropriate for admission or denial.

27 48. Paragraph 48 of the complaint is a purported statement of the law, not  
28 appropriate for admission or denial.



1 allegations of paragraph 53, and based upon such a lack of information or  
2 knowledge, denies, generally and specifically, each and every allegation thereof.

3 54. Defendant admits that it learned, on or about August 2013, that DOW  
4 had abandoned its operations at the Property at some point, leaving various  
5 quantities of CRTs and CRT glass in warehouses at the Property. Defendant lacks  
6 sufficient information or knowledge to answer the remaining allegations of  
7 paragraph 54, and based upon such a lack of information or knowledge, denies,  
8 generally and specifically, each and every allegation thereof.

9 55. Paragraph 55 of the complaint is a purported statement of the law, not  
10 appropriate for admission or denial.

11 56. Defendant denies the allegations in paragraph 56 as to Defendant.  
12 Defendant lacks sufficient information or knowledge to answer the remaining  
13 allegations of paragraph 56, and based upon such a lack of information or  
14 knowledge, denies, generally and specifically, each and every allegation thereof.

15 57. Defendant lacks sufficient information or knowledge to answer the  
16 allegations in paragraph 57, and based upon such a lack of information or  
17 knowledge, denies, generally and specifically, each and every allegation thereof.

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19

### **JURISDICTION AND VENUE**

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21 58. Paragraph 58 of the complaint is a purported statement of the law, not  
22 appropriate for admission or denial.

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23 59. Paragraph 59 of the complaint is a purported statement of the law, not  
24 appropriate for admission or denial.

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25 60. Paragraph 60 of the complaint is a purported statement of the law, not  
26 appropriate for admission or denial.

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### **FACTUAL ALLEGATIONS COMMON TO ALL CAUSES OF ACTION**

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61. Defendant admits that it was a participant in the CEW Program as an



1 approved recycler between 2009-2013 as to CRTs and CRT glass. Defendant lacks  
2 sufficient information or knowledge to answer the remaining allegations of  
3 paragraph 61, and based upon such a lack of information or knowledge, denies,  
4 generally and specifically, each and every allegation thereof.

5 62. Defendant admits that DOW represented itself to Defendant as an  
6 intermediate and end-use destination business authorized to receive and further  
7 treat, for subsequent recycling of , CRT treatment residuals at its recycling facility  
8 in Yuma, Arizona.

9 63. Defendant lacks sufficient information or knowledge to answer the  
10 allegations of paragraph 63, and based upon such a lack of information or  
11 knowledge, denies, generally and specifically, each and every allegation thereof.

12 64. Defendant admits that DOW solicited business from it that it provided  
13 Defendant with documentation supporting its CEW recycling payment claims to  
14 CalRecycle, and admits that it shipped CRTs to DOW's facility for further  
15 processing and treatment in 2012. Defendant lacks sufficient information or  
16 knowledge to answer the remaining allegations of paragraph 64, and based upon  
17 such a lack of information or knowledge, denies, generally and specifically, each  
18 and every allegation thereof.

19 65. Defendant admits that in 2012, it submitted CEW recycling payment  
20 claims to CalRecycle that identified DOW as one of its downstream/intermediate  
21 processors for CRTs/CRT glass. Defendant lacks sufficient information or  
22 knowledge to answer the remaining allegations of paragraph 65, and based upon  
23 such a lack of information or knowledge, denies, generally and specifically, each  
24 and every allegation thereof.

25 66. Defendant lacks sufficient information or knowledge to answer the  
26 allegations of paragraph 66, and based upon such a lack of information or  
27 knowledge, denies, generally and specifically, each and every allegation thereof.

28 67. Defendant admits the allegations of paragraph 67 as to Defendant.

1 Defendant lacks sufficient information or knowledge to answer the remaining  
2 allegations of paragraph 67, and based upon such a lack of information or  
3 knowledge, denies, generally and specifically, each and every allegation thereof.

4 68. Defendant admits the allegations of paragraph 68 as to Defendant.  
5 Defendant lacks sufficient information or knowledge to answer the remaining  
6 allegations of paragraph 68, and based upon such a lack of information or  
7 knowledge, denies, generally and specifically, each and every allegation thereof.

8 69. Defendant lacks sufficient information or knowledge to answer the  
9 allegations of paragraph 69, and based upon such a lack of information or  
10 knowledge, denies, generally and specifically, each and every allegation thereof.

11 70. Defendant denies the allegations of paragraph 70 as to Defendant as  
12 no lawsuit was filed by CalRecycle nor other California state agencies against  
13 Defendant. Defendant lacks sufficient information or knowledge to answer the  
14 remaining allegations of paragraph 70, and based upon such a lack of information  
15 or knowledge, denies, generally and specifically, each and every allegation thereof.

16 71. Defendant lacks sufficient information or knowledge to answer the  
17 allegations of paragraph 71, and based upon such a lack of information or  
18 knowledge, denies, generally and specifically, each and every allegation thereof.

19  
20 **ENVIRONMENTAL RISKS POSED BY CRTs**

21 72. Defendant admits that CRTs are found in old television sets and  
22 computer monitors. The remainder of Paragraph 72 is a purported statement of the  
23 law, not appropriate for admission or denial.

24 73. Defendant lacks sufficient information or knowledge to answer the  
25 allegations of the first sentence of paragraph 73, and based upon such a lack of  
26 information or knowledge, denies, generally and specifically, each and every  
27 allegation thereof. The remainder of Paragraph 73 is a purported statement of the  
28 law, not appropriate for admission or denial.



1 knowledge to answer the remaining allegations of paragraph 80, and based upon  
2 such a lack of information or knowledge, denies, generally and specifically, each  
3 and every allegation thereof.

4 81. Defendant lacks sufficient information or knowledge to answer the  
5 allegations of paragraph 81, and based upon such a lack of information or  
6 knowledge, denies, generally and specifically, each and every allegation thereof.

7 82. Defendant admits the allegations of paragraph 82 as to Defendant.  
8 Defendant lacks sufficient information or knowledge to answer the remaining  
9 allegations of paragraph 82, and based upon such a lack of information or  
10 knowledge, denies, generally and specifically, each and every allegation thereof.

11 83. Defendant admits the allegations of paragraph 83 as to Defendant.  
12 Defendant lacks sufficient information or knowledge to answer the remaining  
13 allegations of paragraph 83, and based upon such a lack of information or  
14 knowledge, denies, generally and specifically, each and every allegation thereof.

15 84. Paragraph 84 is a purported statement of the law, not appropriate for  
16 admission or denial.

17 85. Defendant admits that it was notified by DTSC that DOW had  
18 abandoned the property. Defendant lacks sufficient information or knowledge to  
19 answer the remaining allegations of paragraph 85, and based upon such a lack of  
20 information or knowledge, denies, generally and specifically, each and every  
21 allegation thereof. The remainder of paragraph 85 is a purported statement of the  
22 law, not appropriate for admission or denial.

23 86. Defendant lacks sufficient information or knowledge to answer the  
24 remaining allegations of paragraph 86, and based upon such a lack of information  
25 or knowledge, denies, generally and specifically, each and every allegation thereof.

26 87. Defendant denies the allegations of paragraph 87 as to Defendant.  
27 Defendant lacks sufficient information or knowledge to answer the remaining  
28 allegations of paragraph 87, and based upon such a lack of information or

1 knowledge, denies, generally and specifically, each and every allegation thereof.

2 88. Defendant did remove the CRTs and CRT glass from the Property  
3 which it had previously shipped to the Property, and sent them to another recycling  
4 location, and thus acted as a reasonably prudent recycler in compliance with the  
5 law. Defendant lacks sufficient information or knowledge to answer the remaining  
6 allegations of paragraph 88, and based upon such a lack of information or  
7 knowledge, denies, generally and specifically, each and every allegation thereof.

8 89. Defendant denies the allegations of paragraph 89 as to Defendant.  
9 Defendant lacks sufficient information or knowledge to answer the remaining  
10 allegations of paragraph 89, and based upon such a lack of information or  
11 knowledge, denies, generally and specifically, each and every allegation thereof.

12 90. Defendant denies the allegations of paragraph 90 as to Defendant.  
13 Defendant lacks sufficient information or knowledge to answer the remaining  
14 allegations of paragraph 90, and based upon such a lack of information or  
15 knowledge, denies, generally and specifically, each and every allegation thereof.

16 91. Defendant denies the allegations of paragraph 91 as to Defendant.  
17 Defendant lacks sufficient information or knowledge to answer the remaining  
18 allegations of paragraph 91, and based upon such a lack of information or  
19 knowledge, denies, generally and specifically, each and every allegation thereof.

20  
21 **SECOND CAUSE OF ACTION**

22 **Trespass**

23 **(By Plaintiff against all Defendants)**

24 92. This paragraph is an incorporation of prior allegations. As no specific  
25 allegations are made in this paragraph, a response is not warranted. Further, to the  
26 extent that a response would be warranted, Defendant hereby incorporates by  
27 reference its responses to the allegations referenced in this paragraph.

28 93. Paragraph 93 is a purported statement of the law, not appropriate for

1 admission or denial.

2 94. Defendant lacks sufficient information or knowledge to answer the  
3 allegations of paragraph 94, and based upon such a lack of information or  
4 knowledge, denies, generally and specifically, each and every allegation thereof

5 95. Defendant denies the allegations of paragraph 95 as to Defendant.  
6 Defendant lacks sufficient information or knowledge to answer the remaining  
7 allegations of paragraph 95, and based upon such a lack of information or  
8 knowledge, denies, generally and specifically, each and every allegation thereof.

9 96. Defendant denies the allegations of paragraph 96 as to Defendant.  
10 Defendant lacks sufficient information or knowledge to answer the remaining  
11 allegations of paragraph 96, and based upon such a lack of information or  
12 knowledge, denies, generally and specifically, each and every allegation thereof.

13 97. Defendant denies the allegations of paragraph 95 as to Defendant.  
14 Defendant lacks sufficient information or knowledge to answer the remaining  
15 allegations of paragraph 97, and based upon such a lack of information or  
16 knowledge, denies, generally and specifically, each and every allegation thereof.

17 98. Defendant denies the allegations of paragraph 95 as to Defendant.  
18 Defendant lacks sufficient information or knowledge to answer the remaining  
19 allegations of paragraph 98, and based upon such a lack of information or  
20 knowledge, denies, generally and specifically, each and every allegation thereof.

21 99. Defendant denies the allegations of paragraph 95 as to Defendant.  
22 Defendant lacks sufficient information or knowledge to answer the remaining  
23 allegations of paragraph 99, and based upon such a lack of information or  
24 knowledge, denies, generally and specifically, each and every allegation thereof.

25 100. Defendant denies the allegations of paragraph 95 as to Defendant.  
26 Defendant lacks sufficient information or knowledge to answer the remaining  
27 allegations of paragraph 100, and based upon such a lack of information or  
28 knowledge, denies, generally and specifically, each and every allegation thereof.

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**THIRD CAUSE OF ACTION**

Private Nuisance

(By Plaintiff against All Defendants)

101. This paragraph is an incorporation of prior allegations. As no specific allegations are made in this paragraph, a response is not warranted. Further, to the extent that a response would be warranted, Defendant hereby incorporates by reference its responses to the allegations referenced in this paragraph.

102. Paragraph 102 of the complaint is a purported statement of the law, not appropriate for admission or denial.

103. Defendant denies the allegations of paragraph 103 as to Defendant. Defendant lacks sufficient information or knowledge to answer the remaining allegations of paragraph 103, and based upon such a lack of information or knowledge, denies, generally and specifically, each and every allegation thereof.

104. Defendant lacks sufficient information or knowledge to answer the remaining allegations of paragraph 104, and based upon such a lack of information or knowledge, denies, generally and specifically, each and every allegation thereof.

105. Defendant denies the allegations of paragraph 105 as to Defendant. Defendant lacks sufficient information or knowledge to answer the remaining allegations of paragraph 105, and based upon such a lack of information or knowledge, denies, generally and specifically, each and every allegation thereof.

106. Defendant denies the allegations of paragraph 106 as to Defendant. Defendant lacks sufficient information or knowledge to answer the remaining allegations of paragraph 106, and based upon such a lack of information or knowledge, denies, generally and specifically, each and every allegation thereof.

107. Defendant denies the allegations of paragraph 107 as to Defendant. Defendant lacks sufficient information or knowledge to answer the remaining allegations of paragraph 107, and based upon such a lack of information or

1 knowledge, denies, generally and specifically, each and every allegation thereof.

2 108. Defendant denies the allegations of paragraph 108 as to Defendant.  
3 Defendant lacks sufficient information or knowledge to answer the remaining  
4 allegations of paragraph 108, and based upon such a lack of information or  
5 knowledge, denies, generally and specifically, each and every allegation thereof.

6 109. Defendant denies the allegations of paragraph 109 as to Defendant.  
7 Defendant lacks sufficient information or knowledge to answer the remaining  
8 allegations of paragraph 109, and based upon such a lack of information or  
9 knowledge, denies, generally and specifically, each and every allegation thereof.

10 110. Defendant denies the allegations of paragraph 110 as to Defendant.  
11 Defendant lacks sufficient information or knowledge to answer the remaining  
12 allegations of paragraph 110, and based upon such a lack of information or  
13 knowledge, denies, generally and specifically, each and every allegation thereof.

14 111. Defendant denies the allegations of paragraph 111 as to Defendant.  
15 Defendant lacks sufficient information or knowledge to answer the remaining  
16 allegations of paragraph 111, and based upon such a lack of information or  
17 knowledge, denies, generally and specifically, each and every allegation thereof.

18 112. Defendant denies the allegations of paragraph 112 as to Defendant.  
19 Defendant lacks sufficient information or knowledge to answer the remaining  
20 allegations of paragraph 112, and based upon such a lack of information or  
21 knowledge, denies, generally and specifically, each and every allegation thereof.

22 113. Defendant denies the allegations of paragraph 113 as to Defendant.  
23 Defendant lacks sufficient information or knowledge to answer the remaining  
24 allegations of paragraph 113, and based upon such a lack of information or  
25 knowledge, denies, generally and specifically, each and every allegation thereof.

26 114. Defendant denies the allegations of paragraph 114 as to Defendant.  
27 Defendant lacks sufficient information or knowledge to answer the remaining  
28 allegations of paragraph 114, and based upon such a lack of information or



1 knowledge, denies, generally and specifically, each and every allegation thereof.

2

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**FOURTH CAUSE OF ACTION**

4

Public Nuisance

5

(By Plaintiff against All Defendants)

6

115. This paragraph is an incorporation of prior allegations. As no specific  
7 allegations are made in this paragraph, a response is not warranted. Further, to the  
8 extent that a response would be warranted, Defendant hereby incorporates by  
9 reference its responses to the allegations referenced in this paragraph.

10

116. Paragraph 116 of the complaint is a purported statement of the law,  
11 not appropriate for admission or denial.

12

117. Defendant denies the allegations of paragraph 117 as to Defendant.  
13 Defendant lacks sufficient information or knowledge to answer the remaining  
14 allegations of paragraph 117, and based upon such a lack of information or  
15 knowledge, denies, generally and specifically, each and every allegation thereof.

16

118. Defendant denies the allegations of paragraph 118 as to Defendant.  
17 Defendant lacks sufficient information or knowledge to answer the remaining  
18 allegations of paragraph 118, and based upon such a lack of information or  
19 knowledge, denies, generally and specifically, each and every allegation thereof.

20

119. Defendant lacks sufficient information or knowledge to answer the  
21 allegations of paragraph 119, and based upon such a lack of information or  
22 knowledge, denies, generally and specifically, each and every allegation thereof.

23

120. Defendant denies the allegations of paragraph 120 as to Defendant.  
24 Defendant lacks sufficient information or knowledge to answer the remaining  
25 allegations of paragraph 120, and based upon such a lack of information or  
26 knowledge, denies, generally and specifically, each and every allegation thereof.

27

121. Defendant denies the allegations of paragraph 121 as to Defendant.

28

Defendant lacks sufficient information or knowledge to answer the remaining

1 allegations of paragraph 121, and based upon such a lack of information or  
2 knowledge, denies, generally and specifically, each and every allegation thereof.

3 122. Defendant denies the allegations of paragraph 122 as to Defendant.  
4 Defendant lacks sufficient information or knowledge to answer the remaining  
5 allegations of paragraph 122, and based upon such a lack of information or  
6 knowledge, denies, generally and specifically, each and every allegation thereof.

7 123. Defendant denies the allegations of paragraph 123 as to Defendant.  
8 Defendant lacks sufficient information or knowledge to answer the remaining  
9 allegations of paragraph 123, and based upon such a lack of information or  
10 knowledge, denies, generally and specifically, each and every allegation thereof.

11 124. Defendant denies the allegations of paragraph 124 as to Defendant.  
12 Defendant lacks sufficient information or knowledge to answer the remaining  
13 allegations of paragraph 124, and based upon such a lack of information or  
14 knowledge, denies, generally and specifically, each and every allegation thereof.

15 125. Defendant denies the allegations of paragraph 125 as to Defendant.  
16 Defendant lacks sufficient information or knowledge to answer the remaining  
17 allegations of paragraph 125, and based upon such a lack of information or  
18 knowledge, denies, generally and specifically, each and every allegation thereof.

19 126. Defendant denies the allegations of paragraph 126 as to Defendant.  
20 Defendant lacks sufficient information or knowledge to answer the remaining  
21 allegations of paragraph 126, and based upon such a lack of information or  
22 knowledge, denies, generally and specifically, each and every allegation thereof.

23 127. Defendant denies the allegations of paragraph 127 as to Defendant.  
24 Defendant lacks sufficient information or knowledge to answer the remaining  
25 allegations of paragraph 127, and based upon such a lack of information or  
26 knowledge, denies, generally and specifically, each and every allegation thereof.

27 128. Defendant denies the allegations of paragraph 128 as to Defendant.  
28 Defendant lacks sufficient information or knowledge to answer the remaining

1 allegations of paragraph 128, and based upon such a lack of information or  
2 knowledge, denies, generally and specifically, each and every allegation thereof.

3 129. Defendant denies the allegations of paragraph 129 as to Defendant.  
4 Defendant lacks sufficient information or knowledge to answer the remaining  
5 allegations of paragraph 129, and based upon such a lack of information or  
6 knowledge, denies, generally and specifically, each and every allegation thereof.

7 130. Defendant denies the allegations of paragraph 130 as to Defendant.  
8 Defendant lacks sufficient information or knowledge to answer the remaining  
9 allegations of paragraph 130, and based upon such a lack of information or  
10 knowledge, denies, generally and specifically, each and every allegation thereof.

11  
12 **FIFTH CAUSE OF ACTION**

13 Violation of Business and Professions Code 17200 et seq.

14 California Unfair Competition Law (“UCL”)

15 (By Plaintiff against All Defendants)

16 131. This paragraph is an incorporation of prior allegations. As no specific  
17 allegations are made in this paragraph, a response is not warranted. Further, to the  
18 extent that a response would be warranted, Defendant hereby incorporates by  
19 reference its responses to the allegations referenced in this paragraph.

20 132. Defendant denies the allegations of paragraph 132 as to Defendant.  
21 Defendant lacks sufficient information or knowledge to answer the remaining  
22 allegations of paragraph 132, and based upon such a lack of information or  
23 knowledge, denies, generally and specifically, each and every allegation thereof.

24 133. Defendant denies the allegations of paragraph 133 as to Defendant.  
25 Defendant lacks sufficient information or knowledge to answer the remaining  
26 allegations of paragraph 133, and based upon such a lack of information or  
27 knowledge, denies, generally and specifically, each and every allegation thereof.

28 134. Defendant denies the allegations of paragraph 134 as to Defendant.

1 Defendant lacks sufficient information or knowledge to answer the remaining  
2 allegations of paragraph 134, and based upon such a lack of information or  
3 knowledge, denies, generally and specifically, each and every allegation thereof.

4 135. Defendant denies the allegations of paragraph 135 as to Defendant.  
5 Defendant lacks sufficient information or knowledge to answer the remaining  
6 allegations of paragraph 135, and based upon such a lack of information or  
7 knowledge, denies, generally and specifically, each and every allegation thereof.

8 136. Defendant denies the allegations of paragraph 136 as to Defendant.  
9 Defendant lacks sufficient information or knowledge to answer the remaining  
10 allegations of paragraph 136, and based upon such a lack of information or  
11 knowledge, denies, generally and specifically, each and every allegation thereof.

12 137. Defendant denies the allegations of paragraph 137 as to Defendant.  
13 Defendant lacks sufficient information or knowledge to answer the remaining  
14 allegations of paragraph 137, and based upon such a lack of information or  
15 knowledge, denies, generally and specifically, each and every allegation thereof.

16 138. Defendant denies the allegations of paragraph 138 as to Defendant.  
17 Defendant lacks sufficient information or knowledge to answer the remaining  
18 allegations of paragraph 138, and based upon such a lack of information or  
19 knowledge, denies, generally and specifically, each and every allegation thereof.

20 **FOR ITS AFFIRMATIVE DEFENSES, DEFENDANT EWASTE**  
21 **CENTER, INC. ALLEGES AS FOLLOWS:**

22 **AFFIRMATIVE DEFENSES**

23 **FIRST AFFIRMATIVE DEFENSE**

24 Defendant alleges that one or more of the causes of action asserted in the  
25 Complaint fail to state a claim against Defendant for which relief can be granted.

26 **SECOND AFFIRMATIVE DEFENSE**

27 Defendant alleges that the Complaint, and each purported cause of action  
28 asserted therein, is uncertain.

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**THIRD AFFIRMATIVE DEFENSE**

Defendant alleges that Plaintiff knowingly and voluntarily assumed the risk, if any, of the damages alleged in the Complaint.

**FOURTH AFFIRMATIVE DEFENSE**

Defendant alleges that it is not liable to Plaintiff because of the subsequent and intervening acts of Plaintiff, and/or other defendants, third parties and/or acts of God, all of which caused the damages, if any, alleged in the Complaint.

**FIFTH AFFIRMATIVE DEFENSE**

Defendant alleges that to the extent Plaintiff proves that Defendant, conducted any of the activities alleged in the Complaint, those activities conformed with and were pursuant to statutes, government regulations and/or industry standards based upon the state of knowledge existing at the time of the activities.

**SIXTH AFFIRMATIVE DEFENSE**

Defendant alleges that by virtue of the acts, conduct and omissions of Plaintiff, Plaintiff is estopped from asserting the claims alleged in the Complaint.

**SEVENTH AFFIRMATIVE DEFENSE**

Defendant alleges that as a result of the acts, conduct and/or omissions of Plaintiff, Plaintiff has waived its right to assert the purported causes of action in the Complaint.

**EIGHTH AFFIRMATIVE DEFENSE**

Defendant alleges that Plaintiff failed to take reasonable steps to mitigate, reduce or otherwise avoid its alleged damages.

**NINTH AFFIRMATIVE DEFENSE**

Defendant alleges that some of the causes of action in the Complaint asserted therein are barred by the applicable statutes of limitations, including, but not limited to, C.C.P. § 337, 337.1, 337.15, 338, 339, 340, 340.8 and 343.

**TENTH AFFIRMATIVE DEFENSE**

Defendant alleges that by virtue of Plaintiff's unreasonable delay in

1 commencing this action, which delay has caused prejudice to Defendant, certain of  
2 the purported causes of action asserted in the Complaint are barred by the doctrine  
3 of laches.

4 **ELEVENTH AFFIRMATIVE DEFENSE**

5 Defendant alleges that Plaintiff's claims are barred by the doctrine of  
6 unclean hands.

7 **TWELFTH AFFIRMATIVE DEFENSE**

8 Defendant alleges that Plaintiff cannot prove any facts showing that the  
9 conduct of Defendant caused or contributed to the claimed damages as alleged in  
10 the Complaint.

11 **THIRTEENTH AFFIRMATIVE DEFENSE**

12 Defendant alleges that it is not jointly and severally liable (although such  
13 liability is expressly denied) with any defendants or Doe defendants for any  
14 damage alleged in the Complaint because any effect of any act or omission of  
15 Defendant is divisible and distinct from any compensable damage incurred by  
16 Plaintiff.

17 **FOURTEENTH AFFIRMATIVE DEFENSE**

18 Defendant alleges that it is not an agent or employee of any of the alleged  
19 Doe defendants, or other named defendants or cross-defendants, nor are any of the  
20 alleged Doe defendants or other named defendants or cross-defendants agents or  
21 employees of Defendant.

22 **FIFTEENTH AFFIRMATIVE DEFENSE**

23 Defendant alleges that in the event it is held liable to Plaintiff, which  
24 liability is expressly denied, and any other parties are likewise held liable, this  
25 answering Defendant is entitled to a percentage contribution of the total liability  
26 from each of the named parties in this action, in accordance with the principles of  
27 equitable indemnity and comparative contribution.

28 **SIXTEENTH AFFIRMATIVE DEFENSE**

1 Defendant alleges that whatever damage, injury, loss, or expense may be, or  
2 may have been, incurred by Plaintiff under the circumstances and events alleged in  
3 the Complaint were solely, directly, and proximately caused, or alternatively,  
4 contributed to, by the misconduct, negligence, or wrongful conduct of Plaintiff,  
5 other defendants, or third parties. Therefore, Defendant requests that in the event  
6 Plaintiff recovers against Defendant whether by settlement or judgment, an  
7 apportionment of fault be made by the court or jury as to all parties in the action.  
8 Defendant further requests a judgment and declaration of indemnification and  
9 contribution against all those parties or persons in accordance with the  
10 apportionment of fault.

11 **SEVENTEENTH AFFIRMATIVE DEFENSE**

12 Defendant alleges that any damages sustained by Plaintiff as a result of the  
13 incident described in the Complaint were caused solely by the negligence, fault, or  
14 lack of care on the part of Plaintiff and/or its agents and were substantially  
15 contributed to by the actions or inactions of Plaintiff and/or its agents. Thus,  
16 Plaintiff's claims must be barred or reduced proportionally based upon that degree  
17 by which Plaintiff's and/or its agents' own actions contributed to the alleged  
18 injuries or damages.

19 **EIGHTEENTH AFFIRMATIVE DEFENSE**

20 Defendant alleges that to the extent that the Plaintiff has or will receive  
21 collateral source benefits in full or partial payments of the damages sought by the  
22 Complaint, Defendant is entitled to a set off of any recovery against it to the extent  
23 of all benefits paid, or payable to, or on behalf of Plaintiffs from any collateral  
24 source.

25 **NINETEENTH AFFIRMATIVE DEFENSE**

26 Defendant alleges that, to the extent Plaintiff proves that Defendant  
27 conducted any matters alleged in the Complaint, it exercised due care and acted as  
28 a reasonably prudent person with respect to all such matters.

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**TWENTIETH AFFIRMATIVE DEFENSE**

Defendant alleges that other named parties, or third parties for whom this defendant is not responsible and has no control over, caused or contributed to the harm, for which liability Defendant specifically denies.

**TWENTY-FIRST AFFIRMATIVE DEFENSE**

Defendant alleges that some or all of the damages alleged by Plaintiff in the Complaint are not recoverable against Defendant or otherwise.

**TWENTY-SECOND AFFIRMATIVE DEFENSE**

Defendant alleges that it is not legally responsible for any of the acts and/or omissions of those other defendants herein named as Doe defendants.

**TWENTY-THIRD AFFIRMATIVE DEFENSE**

As a separate and distinct affirmative defense, this answering Defendant alleges that Plaintiff knew, or in the exercise of ordinary care, should have known of the risks and hazards involved in the undertaking in which they engaged, but nevertheless and with full knowledge of these things, did fully and voluntarily consent to assume the risks and hazards involved in the undertaking.

**TWENTY-FOURTH AFFIRMATIVE DEFENSE**

As a separate and distinct affirmative defense, Defendant exercised the applicable standard of care with respect to all matters alleged in the Complaint.

**TWENTY-FIFTH AFFIRMATIVE DEFENSE**

Defendant alleges that it complied with all governmental standards and regulations at issue as to this Defendant.

**TWENTY-SIXTH AFFIRMATIVE DEFENSE**

Defendant alleges that Plaintiff is not entitled to recovery of any attorney's fees against this Defendant.

**TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

Defendant alleges that Plaintiff is not entitled to and has not and cannot established any basis for the imposition of any punitive or exemplary damages



1 against this Defendant under Civil Code section 3294 and *College Hospital v.*  
2 *Superior Court* (1994) 8 Cal.4th 704.

3 **TWENTY-EIGHTH AFFIRMATIVE DEFENSE**

4 As a separate and distinct affirmative defense, this answering Defendant  
5 alleges that Plaintiff's claims for punitive damages must fail as a matter of law  
6 because Plaintiff has failed to and cannot allege specific facts constituting malice,  
7 oppression or fraud as to this Defendant.

8 **TWENTY-NINTH AFFIRMATIVE DEFENSE**

9 As a separate and distinct affirmative defense, there was no negligence,  
10 gross negligence, willful, wanton, or malicious misconduct, reckless indifference  
11 or reckless disregard of the rights of the plaintiff, or malice (actual, legal, or  
12 otherwise) on the part of this Defendant as to the Plaintiff herein.

13 **THIRTIETH AFFIRMATIVE DEFENSE**

14 Defendant alleges that any and all acts or omission of defendant, its agents  
15 or employees, which allegedly created a condition of property at the time and place  
16 of the accident, were reasonable, and therefore, Defendant is not liable for any of  
17 the alleged injuries to Plaintiff.

18 **THIRTY-FIRST AFFIRMATIVE DEFENSE**

19 As a separate and distinct affirmative defense, this answering Defendant  
20 alleges that the damages alleged by Plaintiff in the Complaint, if any there were,  
21 were solely caused by a condition of property not attributable to any actions or  
22 omissions of Defendant.

23 **THIRTY-SECOND AFFIRMATIVE DEFENSE**

24 Defendant alleges that it did not cause or permit any nuisance on Plaintiff's  
25 property within the meaning of Civil Code 3479.

26 **THIRTY-THIRD AFFIRMATIVE DEFENSE**

27 Defendant alleges that it did not invade Plaintiff's exclusive possession of its  
28 land/property or trespass on Plaintiff's property.

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**THIRTY-FOURTH AFFIRMATIVE DEFENSE**

Defendant alleges that after it was notified by DTSC of DOW abandoning its facility at the property in question, it removed the materials which it had previously shipped to the property and sent them to another intermediate/downstream recycler.

**THIRTY-FIFTH AFFIRMATIVE DEFENSE**

Defendant alleges that Plaintiff is not entitled to disgorgement in connection with its UCL claim.

Defendant alleges that Plaintiff does not have standing or the ability under the law to pursue any UCL claims on behalf of the general public.

Defendant alleges that Plaintiff is not entitled to injunctive relief against Defendant in connection with its UCL claim or otherwise.

Defendant alleges that Plaintiff does not and cannot allege any vested interest in any of the monies for which they seek restitution or disgorgement in connection with their UCL claim.

Defendant asserts all applicable defenses pled by any other defendant or cross- defendant to this action, and hereby incorporates the same herein by reference.

**THIRTY-SIXTH AFFIRMATIVE DEFENSE**

Defendant reserves the right to offer additional defenses which cannot now be articulated due to Plaintiff's failure to particularize its claims or to Defendant's lack of knowledge of the circumstances surrounding Plaintiff's claims. Upon further particularization of the claims by Plaintiff, or upon discovery of further information concerning their claims, Defendant reserves the right to assert additional defenses.

WHEREFORE, this answering defendant prays as follows:

1. Defendant denies the relief sought by way of the prayer contained in Plaintiff's Complaint;



**CERTIFICATE OF SERVICE**

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I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the Electronic Service List for this Case.

Respectfully submitted,

Dated: July 20, 2017

By: */s/Jake Y. Jung*

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Jake Y. Jung