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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
 DISTRICT OF NEVADA

PETER J. VOGGENTHALER; VICTOR)	CASE NO.
BECERRA; ARTHUR BODENDORFER;)	
BRENDA C. CHAFFIN; MICHAEL J. SOLMI;)	
JASON COWLES; JANE GAUTHIER;)	
HONORÉ GAUTHIER; NIKOLAS)	
KONSTANTINOU; DRAGAN KURAJICA;)	
KENNETH LOWTHER; JAMES)	COMPLAINT
LUEHMANN; JACQUELINE LUEHMANN;)	
RUTH MANNHEIMER; WILLIAM)	[DEMAND FOR JURY TRIAL]
MONTERO; BARBARA MONTERO;)	
CLIFFORD ROGERS; SHARON ROGERS;)	
HERMANN ROSNER; MARKUS)	
ROTHKRANZ; DANIEL SOLDINI;)	
CHARLES WALKER; VERA WALKER;)	
JACK YENCHEK; OFELIA YENCHEK;)	
RICHARD MALM; ROGER ELLSWORTH;)	
JO ANN ELLSWORTH; MARGARET)	
RUDELICH-HOPPE; PATRICIA MAHONEY;)	
individually and as trustee for the MAHONEY)	
LIVING TRUST; RICHARD FALEN; PETER)	
LEARNED; KRISTIAN MEIER; ELIZA)	
ACOSTA; MIRHA ELIAS; AIKO BERGE)	
)	
Plaintiffs,)	
)	
vs.)	
)	
MARYLAND SQUARE, LLC; MARYLAND)	
SQUARE SHOPPING CENTER LIMITED)	
LIABILITY COMPANY; HERMAN KISHNER))	

1 dba MARYLAND SQUARE SHOPPING)
 2 CENTER; IRWIN KISHNER, JERRY ENGEL,)
 3 BANK OF AMERICA as Trustees for the)
 4 HERMAN KISHNER TRUST; CLARK)
 5 COUNTY SCHOOL DISTRICT; THE)
 6 BOULEVARD MALL, as successor-in-)
 7 interest/surviving corporation/ agent for)
 8 BOULEVARD ASSOCIATES, L.L.C.;)
 9 BOULEVARD MALL I LLC, as successor-in-)
 10 interest/surviving corporation/ agent for)
 11 BOULEVARD ASSOCIATES, L.L.C.;)
 12 BOULEVARD MALL II L.L.C., as successor-)
 in-interest/surviving corporation/ agent for)
 BOULEVARD ASSOCIATES, LLC;)
 CONSTRUCTION DEVELOPERS INC.;)
 FEDERATED WESTERN DEPT. STORES,)
 INC.; GENERAL GROWTH PROPERTIES;)
 MELVIN SHAPIRO; SHAPIRO BROS.)
 INVESTMENT CO.; DELIA'S CLEANERS)
 OF ARIZONA, INC.; CB RICHARD ELLIS)
 Defendants.)

13
 14 Plaintiffs PETER J. VOGGENTHALER; VICTOR BECERRA; ARTHUR
 15 BODENDORFER; BRENDA C. CHAFFIN; MICHAEL J. SOLMI; JASON COWLES; JANE
 16 GAUTHIER; HONORÉ GAUTHIER; NIKOLAS KONSTANTINOU; DRAGAN KURAJICA;
 17 KENNETH LOWTHER; JAMES LUEHMANN; JACQUELINE LUEHMANN; RUTH
 18 MANNHEIMER; WILLIAM MONTERO; BARBARA MONTERO; CLIFFORD ROGERS;
 19 SHARON ROGERS; HERMANN ROSNER; MARKUS ROTHKRANZ; DANIEL SOLDINI;
 20 CHARLES WALKER; VERNA WALKER; JACK YENCHEK; OFELIA YENCHEK;
 21 RICHARD MALM; ROGER ELLSWORTH; JO ANN ELLSWORTH; MARGARET
 22 RUDELICH-HOPPE; PATRICIA MAHONEY, individually and as trustee for the MAHONEY
 23 LIVING TRUST; RICHARD FALEN; PETER LEARNED; KRISTIAN MEIER; ELIZA
 24 ACOSTA; AIKO BERGE (collectively referred to hereinafter as "Plaintiffs"), complain and
 25 allege as follows:

26 **JURISDICTION AND VENUE**

27 1. Plaintiffs' claims against defendants MARYLAND SQUARE, LLC; MARYLAND
 28 SQUARE SHOPPING CENTER LIMITED LIABILITY COMPANY; HERMAN KISHNER dba

1 MARYLAND SQUARE SHOPPING CENTER; IRWIN KISHNER, JERRY ENGEL, BANK
 2 OF AMERICA as Trustees for the HERMAN KISHNER TRUST; CLARK COUNTY SCHOOL
 3 DISTRICT; THE BOULEVARD MALL, as successor-in-interest/surviving corporation/agent for
 4 BOULEVARD ASSOCIATES, L.L.C.; BOULEVARD MALL I L.L.C., as successor-in-
 5 interest/surviving corporation/ agent for BOULEVARD ASSOCIATES, LLC; BOULEVARD
 6 MALL II LLC, as successor-in-interest/surviving corporation/ agent for BOULEVARD
 7 ASSOCIATES, L.L.C.; CONSTRUCTION DEVELOPERS INC.; FEDERATED WESTERN
 8 DEPT. STORES, INC.; GENERAL GROWTH PROPERTIES; MELVIN SHAPIRO; SHAPIRO
 9 BROS. INVESTMENT CO.; DELIA'S CLEANERS OF ARIZONA, INC.; CB RICHARD
 10 ELLIS (hereinafter collectively referred to as "Defendants") arise out of the environmental
 11 contamination originating from the former site of an Al Philips the Cleaner dry cleaning facility
 12 located in the Maryland Square Shopping Center located at 3661 South Maryland Parkway, Las
 13 Vegas, Nevada and causing contamination and damage to nearby residential properties owned by
 14 Plaintiffs (collectively referred to as the "Site").

15 2. This action primarily arises under the Federal Resource Conservation and Recovery
 16 Act ("RCRA") 42 U.S.C. § 6972(a)(1)(B). Subject matter jurisdiction is confirmed upon this
 17 Court pursuant to RCRA § 7002(a) and (b). The federal courts have original jurisdiction over all
 18 civil actions arising under the Constitution, law or treaties of the United States. 28 U.S.C. §
 19 1331.

20 3. Pursuant to 33 U.S.C. § 1365(c)(1), venue lies in this District as the acts, operations,
 21 facilities, and real property of Plaintiffs and Defendants that are the subject of the this lawsuit
 22 occurred and are located within this District.

23 **THE PARTIES**

24 1. Plaintiff Peter. J. Voggenthaler, is an individual, and is and was an owner and
 25 occupant of the real property located at 1629 Seneca Lane, Las Vegas, Nevada 89169.

26 2. Plaintiff Victor Becerra, is an individual, and is and was an owner and occupant of
 27 the real property located at 1593 Seneca Lane, Las Vegas, Nevada 89169.

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1 3. Plaintiff Arthur Bodendorfer, is an individual, and is and was an owner and occupant
2 of the real property located at 1638 Seneca Lane, Las Vegas, Nevada 89169.

3 4. Plaintiffs Brenda C. Chaffin and Michael J. Solmi, are individuals, and are and were
4 owners and occupants of the real property located at 3617 Algonquin Drive, Las Vegas, Nevada
5 89169.

6 5. Plaintiff Jason Cowles, is an individual, and is and was an owner and occupant of the
7 real property located at 1598 Seneca Lane, Las Vegas, Nevada 89169.

8 6. Plaintiffs Jane Gauthier and Honore Gauthier, are individuals, and are and were
9 owners and occupants of the real property located at 1667 Seneca Lane, Las Vegas, Nevada
10 89169.

11 7. Plaintiff Nikolas Konstantinou, is an individual, and is and was an owner and
12 occupant of the real property located at 1577 Ottawa Drive, Las Vegas, Nevada 89169.

13 8. Plaintiff Dragan Kurajica, is an individual, and is and was an owner and occupant of
14 the real property located at 1656 Seneca Lane, Las Vegas, Nevada 89169.

15 9. Plaintiff Kenneth Lowther, is an individual, and is and was an owner and occupant of
16 the real property located at 1647 Seneca Lane, Las Vegas, Nevada 89169.

17 10. Plaintiffs James Luehmann and Jacqueline Luehmann, are individuals, and are and
18 were owners and occupants of the real property located at 1576 Ottawa Drive, Las Vegas,
19 Nevada 89169.

20 11. Plaintiff Ruth Mannheimer, is an individual, and is and was an owner and occupant
21 of the real property located at 1568 Seneca Lane, Las Vegas, Nevada 89169.

22 12. Plaintiffs William Montero and Barbara Montero, are individuals, and are and were
23 owners and occupants of the real property located at 1630 Ottawa Drive, Las Vegas, Nevada
24 89169.

25 13. Plaintiffs Clifford Rogers and Sharon Rogers, are individuals, and are and were
26 owners and occupants of the real property located at 1725 Seneca Lane, Las Vegas, Nevada
27 89169.

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1 14. Plaintiff Hermann Rosner, is an individual, and is and was an owner and occupant
2 of the real property located at 3629 Algonquin Drive, Las Vegas, Nevada 89169.

3 15. Plaintiff Markus Rothkranz, is an individual, and is and was an owner and occupant
4 of the real property located at 3619 Seneca Lane, Las Vegas, Nevada 89169.

5 16. Plaintiff Daniel Soldini, is an individual, and is and was an owner and occupant of
6 the real property located at 1618 Seneca Lane, Las Vegas, Nevada 89169.

7 17. Plaintiffs Charles Walker and Verna Walker, are individuals, and are and were
8 owners and occupants of the real property located at 3654 Algonquin Drive, Las Vegas, Nevada
9 89169.

10 18. Plaintiffs Jack Yenchek and Ofelia Yenchek, are individuals, and are and were
11 owners and occupants of the real property located at 1611 Seneca Lane, Las Vegas, Nevada
12 89169.

13 19. Plaintiff Richard Malm, is an individual, and is and was an owner and occupant of
14 the real property located at 1450 E. Twain, Las Vegas, Nevada 89169.

15 20. Plaintiffs Roger Ellsworth and Jo Ann Ellsworth are individuals, and are and were
16 owners and occupants of the real property located at 3631 Seneca Lane, Las Vegas, Nevada
17 89169.

18 21. Plaintiff Margaret Rudelich-Hoppe, is an individual, and is and was an owner and
19 occupant of the real property located at 1594 Ottawa Drive, Las Vegas, Nevada 89169.

20 22. Plaintiff Patricia Mahoney, individually, and as trustee for the Mahoney Living
21 Trust and Mahoney Living Trust, are and were owners and occupants of the real property located
22 at 3666 Algonquin Drive, Las Vegas, Nevada 89169.

23 23. Plaintiff Richard Falen , is an individual, and is and was an owner and occupant of
24 the real property located at 3581 Toga Way, Las Vegas, Nevada 89169.

25 24. Plaintiff Peter Learned, is an individual, and is and was an owner and occupant of
26 the real property located at 3582 Algonquin Drive, Las Vegas, Nevada 89169.

27 25. Plaintiff Kristian Meier, is an individual, and is and was an owner and occupant of
28 the real property located at 2177 Geronimo Way, Las Vegas, Nevada 89169.

1 26. Plaintiff Eliza Acosta, is an individual, and is and was an owner and occupant of the
2 real property located at 3617 Ottawa Circle, Las Vegas, Nevada 89169.

3 27. Plaintiff Mirha Elias, is an individual, and is and was an owner and occupant of the
4 real property located at 2107 Ottawa Drive, Las Vegas, Nevada 89169.

5 28. Plaintiff Aiko Berge, is an individual, and is and was an owner and occupant of the
6 real property located at 1687 Seneca Lane, Las Vegas, Nevada 89169.

7 29. Defendant Maryland Square, LLC, is a limited liability company that at all times
8 relevant herein is, and was, doing business in the Clark County, Nevada.

9 30. Defendant Maryland Square Shopping Center Limited Liability Company, is a
10 limited liability company that at all times relevant herein is, and was, doing business in the Clark
11 County, Nevada.

12 31. Defendant Herman Kishner dba Maryland Square Shopping Center, is an individual
13 that at all times relevant herein is, and was, doing business in the Clark County, Nevada.

14 32. Defendants Irwin Kishner, Jerry Engel, Bank of America as Trustees for the Herman
15 Kishner Trust, are trustees that at all times relevant herein is, and was, doing business in the
16 Clark County, Nevada.

17 33. Defendant Clark County School District, is a public entity that at all times relevant
18 herein is, and was, doing business in the Clark County, Nevada.

19 34. Defendant The Boulevard Mall, as successor-in-interest/surviving corporation/ agent
20 for Boulevard Associates, L.L.C., is a corporation that at all times relevant herein is, and was,
21 doing business in the Clark County, Nevada.

22 35. Defendant Boulevard Mall I LLC, as successor-in-interest/surviving corporation/
23 agent for Boulevard Associates, L.L.C., is a limited liability company that at all times relevant
24 herein is, and was, doing business in the Clark County, Nevada.

25 36. Defendant Boulevard Mall II LLC, as successor-in-interest/surviving corporation/
26 agent for Boulevard Associates, L.L.C., is a limited liability company that at all times relevant
27 herein is, and was, doing business in the Clark County, Nevada.

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1 37. Defendant Construction Developers Inc., is a corporation that at all times relevant
2 herein is, and was, doing business in the Clark County, Nevada.

3 38. Defendant Federated Western Dept. Stores, Inc., is a corporation that at all times
4 relevant herein is, and was, doing business in the Clark County, Nevada.

5 39. Defendant General Growth Properties, is a corporation that at all times relevant
6 herein is, and was, doing business in the Clark County, Nevada.

7 40. Defendant Melvin Shapiro, is an individual that at all times relevant herein is, and
8 was, doing business in the Clark County, Nevada.

9 41. Defendant Shapiro Bros. Investment Co., is a corporation that at all times relevant
10 herein is, and was, doing business in the Clark County, Nevada.

11 42. Defendant Delia's Cleaners of Arizona, Inc., is a corporation that at all times
12 relevant herein is, and was, doing business in the Clark County, Nevada.

13 43. Defendant CB Richard Ellis, is a corporation that at all times relevant herein is, and
14 was, doing business in the Clark County, Nevada.

15 **GENERAL ALLEGATIONS OF FACT**

16 44. Plaintiffs are owners of residential property near and at the Site. Plaintiffs'
17 properties have been damaged and contaminated by the "Maryland Square PCE Plume" that
18 originated from the former site of an Al Phillips the Cleaners dry cleaning facility in the
19 Maryland Square Shipping Center.

20 45. Defendants' violations of RCRA stem from the ownership of the Site and the
21 ownership and operation of a dry cleaning facility at the Site that has caused contamination of
22 soil and groundwater at the Site. This contamination presents an imminent and substantial
23 endangerment to human health and the environment.

24 46. Plaintiffs are informed and believe, and on that basis allege, that Melvin Shapiro
25 and Shapiro Bros. Investment Co., individually and as various business entities, owned and
26 operated a dry cleaning business known as Al Phillips the Cleaners in the Maryland Square
27 Shopping Center from on or about 1968 to on or about 1984. Plaintiffs are informed and believe,
28 and on that basis allege, that Melvin Shapiro and Shapiro Bros. Investment Co. used and

1 disposed of chlorinated solvents, including perchloroethylene ("PCE"), in their operation of the
2 dry cleaning business at the Site.

3 47. In 1984, Shapiro Bros. Investment Co. sold the Al Phillips the Cleaners business to
4 the Johnson Group, Inc. From on or about 1984 to on or about 1999, the Johnson Group, Inc.
5 owned and operated the Al Phillips the Cleaners in the Maryland Square Shopping Center.
6 Plaintiffs are informed and believe, and on that basis allege, that the Johnson Group, Inc. used
7 and disposed of chlorinated solvents, including PCE, in its operation of the dry cleaning business
8 at the Site.

9 48. Plaintiffs are informed and believe, and on that basis allege, that on or about 1999,
10 the Johnson Group sold its stock to Delia's Cleaners and Delia's Cleaners then caused the name
11 of Johnson Group, Inc., to be changed to DCI USA, Inc. From on or about 1999 to on or about
12 2000, Delia's Cleaners and DCI USA, Inc. owned and operated the Al Phillips the Cleaners in
13 the Maryland Square Shopping Center. Plaintiffs are informed and believe, and on that basis
14 allege, that Delia's Cleaners and DCI USA, Inc. used and disposed of chlorinated solvents,
15 including PCE, in their operation of the dry cleaning business at the Site.

16 49. Plaintiffs are informed and believe, and on that basis allege, that Melvin Shapiro,
17 Shapiro Bros. Investment Co., Al Phillips the Cleaners, the Johnson Group, Inc., Delia's
18 Cleaners, DCI USA, Inc., National Dry Cleaners, Inc., and Delia's Cleaners of Arizona
19 (hereinafter collectively referred to as "APTC") are liable individually and/or as the parent
20 corporations, subsidiary corporations, owners, surviving entities, alter egos, agents, assignees
21 and/or successors-in-interest of each other and of Al Phillips the Cleaners.

22 50. Plaintiffs are informed and believe, and on that basis allege, that Maryland Square,
23 LLC and Maryland Square Shopping Center Limited Liability Company (hereinafter collectively
24 referred to as "MSSC"); Herman Kishner, dba Maryland Square Shopping Center; Irwin Kishner,
25 Jerry Engel and Bank of American as trustees of the Herman Kishner Trust (hereinafter
26 collectively referred to as "Kishner Trust") and the Clark County School District ("School
27 District") owns, and at all relevant times has owned, the property on which the dry cleaning
28 facility was located.

1 51. Plaintiffs are informed and believe, and on that basis allege, that Construction
2 Developers, Inc., Federated Western Dept. Stores, Inc., General Growth Properties, the
3 Boulevard Mall, Boulevard Mall I LLC and Boulevard Mall II LLC (hereinafter collectively
4 referred to as "Boulevard Mall") at all relevant times have owned property at and/or contiguous
5 to the Site and on which contamination has occurred and migrated onto the Plaintiffs' properties
6 unabated by these adjacent landowners.

7 52. Plaintiffs are informed and believe, and on that basis allege, that CB Richard Ellis
8 operated and managed the property on which a dry cleaning facility was located at the Site that
9 has caused contamination of soil and groundwater. CB Richard Ellis is the property manager for
10 property owner, Maryland Square, LLC, the current owner of the Site.

11 53. The presence of chlorinated solvent contamination of the soil and groundwater at
12 the Site was first reported in November 2000 to the Nevada Department of Environmental
13 Protection ("NDEP"). Subsequently, NDEP required investigation of the contamination by
14 MSSC. Investigations here revealed a chlorinated solvent plume extending underground from
15 the Site to the Injured Parties neighborhood. In 2004, NDEP issued an order that certain
16 investigative and remedial activities occur. This order, despite not being complied with, has not
17 been enforced. Despite knowledge since as early as July 2005 that the Injured Parties properties
18 were impacted by the chlorinated solvent plume, it was not until August 27, 2007 that public
19 notification letters were mailed by NDEP to certain property owners in the neighborhood. This
20 was the Injured Parties first notice of the existence of the PCE plume beneath their homes.
21 Subsequent indoor air samples collected by NDEP within certain Injured Parties homes have
22 reached and/or exceeded the U.S. Environmental Protection Agency health protective level for
23 long term exposure to PCE.

24 54. As a direct and proximate result of Defendants' conduct, and each of them, the
25 condition of the Site was such that it resulted in the release of hazardous substances onto the Site,
26 and surrounding properties, soils, and groundwater, including Plaintiffs' properties.

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FIRST CAUSE OF ACTION

(RCRA, 42 U.S.C. § 6972(a)(1)(B))

55. Plaintiffs reallege and incorporate by reference the allegations contained in Paragraphs 1 through 54 as though fully set forth herein.

56. Pursuant to 42 U.S.C. § 6972(b)(2)(A), on March 19, 2008, Plaintiffs duly notified Defendants Maryland Square, LLC; Maryland Square Shopping Center Limited Liability Company; Herman Kishner dba Maryland Square Shopping Center; Irwin Kishner, Jerry Engel, Bank of America as Trustees for the Herman Kishner Trust; Clark County School District; Boulevard Associates; Construction Developers Inc; Federated Western Dept. Stores, Inc.; General Growth Properties, the Administrator of the United States Environmental Protection Agency ("USEPA"), the Regional IX Administrator of the USEPA, the Bureau Chief of the Nevada Division of Environmental Protection, the Director of the Solid Waste Branch of the Bureau of Waste Management for the Nevada Division of Environmental Protection, and the Director of the Environmental Health Division for the Southern Nevada Health District, of the contamination at the Site and of Plaintiffs' intent to bring this suit against Defendants. A true and correct copy of such notice is attached hereto as Exhibit "A", and incorporated herein by this reference.

57. Pursuant to 42 U.S.C. § 6972(b)(2)(A), on April 3, 2008, Plaintiffs duly notified Defendants Melvin Shapiro; Shapiro Bros. Investment Co.; Delia's Cleaners of Arizona, Inc., the Administrator of the USEPA, the Regional IX Administrator of the USEPA, the Bureau Chief of the Nevada Division of Environmental Protection, the Director of the Solid Waste Branch of the Bureau of Waste Management for the Nevada Division of Environmental Protection, and the Director of the Environmental Health Division for the Southern Nevada Health District, of the contamination at the Site and of Plaintiffs' intent to bring this suit against Defendants. A true and correct copy of such notice is attached hereto as Exhibit "B", and incorporated herein by this reference.

58. Pursuant to 42 U.S.C. § 6972(b)(2)(A), on April 4, 2008, Plaintiffs duly notified Defendant CB Richard Ellis, the Administrator of the USEPA, the Regional IX Administrator of

1 the USEPA, the Bureau Chief of the Nevada Division of Environmental Protection, the Director
2 of the Solid Waste Branch of the Bureau of Waste Management for the Nevada Division of
3 Environmental Protection, and the Director of the Environmental Health Division for the
4 Southern Nevada Health District, of the contamination at the Site and of Plaintiffs' intent to
5 bring this suit against Defendants. A true and correct copy of such notice is attached hereto as
6 Exhibit "C", and incorporated herein by this reference.

7 59. On June 18, 2008, Plaintiffs forwarded the Notice of Violation of RCRA letter of
8 March 19, 2008 naming Boulevard Associates to Defendants, the Boulevard Mall, Boulevard
9 Mall I LLC, and Boulevard Mall II LLC, as successors-in-interest to Boulevard Associates, and
10 notifying of the contamination at the Site and of Plaintiffs' intent to bring this suit against
11 Defendants. A true and correct copy of such notice is attached hereto as Exhibit "D", and
12 incorporated herein by this reference.

13 60. Plaintiffs instituted this action more than ninety (90) days after mailing of notice on
14 Defendants and others.

15 61. Plaintiffs duly served a copy of this Complaint on the United States Attorney
16 General and the Administrator of the USEPA by registered mail.

17 62. This action against Defendants is brought pursuant to the Citizen Suit provisions of
18 RCRA, 42 U.S.C. § 6972(a)(1)(B) et seq. and the applicable regulations thereunder, as such parts
19 were in effect at the appropriate times.

20 63. The PCE used and disposed of by Defendants at, around and adjacent to the Site is a
21 "hazardous waste" within the meaning of RCRA, 42 U.S.C. § 9603(5).

22 64. RCRA section 7002(a)(1)(B), 42 U.S.C. § 6972(a)(1)(B), provides that any person
23 may commence a civil action on its own behalf for appropriate relief against any person who is a
24 "past or present generator, past or present transporter, or past or present owner or operator of a
25 treatment, storage, or disposal facility, who has contributed or who is contributing to the past or
26 present handling, storage, treatment, transportation, or disposal of any solid or hazardous waste
27 which may present an imminent and substantial endangerment to health or the environment."

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1 65. Plaintiffs are informed and believe, and on that basis allege, that the primary cause
2 of the releases of hazardous wastes at the Site was a result of Defendants' disposal, handling,
3 transportation, release and/or abandonment of hazardous waste.

4 66. Defendants discharged and permitted the discharge of PCE to the soil and
5 groundwater by: their operation of dry cleaning machinery at the site, their use and disposal of
6 chlorinated solvents; their operation and control of the disposal and sewer systems at the Site;
7 their ownership of the Site; and their ownership of property at and/or contiguous to the Site on
8 which contamination has occurred and migrated onto the Plaintiffs' properties unabated by these
9 landowners.

10 67. As owners and operators of the dry cleaning facility, the Site and the sewer system at
11 the Site, Defendants are past and present generators, past and present transporters, and past and
12 present owners and operators of a treatment, storage and/or disposal facility.

13 68. Defendants have knowingly contributed and are contributing to the past and present
14 handling, storage, treatment transportation and disposal of solid and hazardous waste which
15 presents an imminent and substantial endangerment to human health and the environment. The
16 endangerment caused by Violators has been ongoing since 1969 and is continuing in nature.

17 69. The discharge and threatened discharge of contaminants has unreasonably affected
18 water quality in that the discharge or threatened discharge is deleterious to the beneficial uses of
19 state waters, and has impaired water quality to a degree which creates a threat to public health.
20 The conditions threaten to continue unless the discharge or threatened discharge is permanently
21 cleaned up and abated.

22 70. Plaintiffs are informed and believe, and on that basis allege, that the hazardous waste
23 contamination resulting from Defendants disposal, handling, transportation, release and/or
24 abandonment of hazardous waste, as detailed above, presents an imminent and substantial
25 endangerment to health and/or the environment as hazardous wastes have infiltrated to the soil
26 and groundwater in and around the Site. The impact of the pollution on the environment has
27 already occurred and is occurring and is substantial because significant quantities of toxic
28 substances have been released into the soil and groundwater and have impaired the beneficial use

1 of the groundwater beneath the Site. The evaporation of PCE in groundwater at the Site and
2 below Plaintiffs' residences has caused vapor intrusion of PCE into Plaintiffs' residences and has
3 degraded the indoor air quality of Plaintiffs' residences.

4 71. Plaintiffs seek injunctive relief under RCRA ordering Defendants to take such action
5 as may be necessary to address and abate the contamination at the Site, including without
6 limitation: to comply with any and all requirements of cleanup and abatement orders; expend
7 funds to further investigate, test, assess, study, monitor, and remediate the contamination at the
8 Site through the issuance of a "no further action" letter or other similar letter or documents
9 indicating that the Site has been remediated.

10 72. Pursuant to section 42 U.S.C. 6972(e), Plaintiffs seek an award of the costs of this
11 litigation, including reasonable attorneys' fees and expert fees, including such fees to monitor
12 Defendants' compliance with any orders or judgment issued by this Court.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, Plaintiffs pray to this Court for the following relief:

- 15 1. For a judgment pursuant to section 7002(a)(1)(B) of RCRA, 42 U.S.C. §
16 6972(a)(1)(B), ordering Defendants to take such action as may be necessary to
17 address and abate the contamination at the Site, including without limitation,
18 further investigation, testing, assessment, study, monitoring and remediation of
19 the contamination at the Site;
- 20 2. For an award of the costs of this litigation, including reasonable attorneys' fees
21 and expert fees, including such fees to monitor Defendants' compliance with any
22 orders or judgment issued by this Court
- 23 3. For consultants' fees and costs;
- 24 4. For such other and further relief as this Court deems just and proper.

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DEMAND FOR JURY TRIAL

Under Rule 38 of the Federal Rules of Civil Procedure, Plaintiffs demand a trial by jury on all issues so triable.

Dated: November 17, 2008

ROBERTSON & VICK, LLP

By /s/ Jennifer L. Taylor
ALEXANDER ROBERTSON, IV
NV Bar No. 8642
JENNIFER L. TAYLOR
NV Bar No. 5798
401 North Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

GREBEN & ASSOCIATES
JAN ADAM GREBEN
CA Bar No. 103464
Admitted *Pro Hac Vice*
1332 Anacapa Street, Suite 110
Santa Barbara, CA 93101

Attorneys for Plaintiffs

Exhibit A

GREBEN & ASSOCIATES

ATTORNEYS AT LAW

JAN ADAM GREBEN
jan@grebenlaw.com

JENNA L. MOTOLA
jenna@grebenlaw.com

ARLINGTON COURT
1332 ANACAPA STREET, SUITE 110
SANTA BARBARA, CALIFORNIA 93101
TELEPHONE 805-963-9090
FACSIMILE 805-963-9098

SACRAMENTO
WELLS FARGO CENTER
400 CAPITOL MALL, SUITE 1100
SACRAMENTO, CALIFORNIA 95814
TELEPHONE 916.447.4450
FACSIMILE 916.447.2414

March 19, 2008

VIA REGISTERED MAIL

Return receipt requested

Al Phillips the Cleaner, Inc.
c/o CSC Services of Nevada, Inc.
502 E. John Street
Carson City, NV 89706

National Dry Cleaners, Inc.
4510 W. 63rd Terrace
Prairie Village, KS 66208

**Maryland Square Shopping Center
Limited Liability Company**
c/o Marquis & Aurbach
10001 Park Run Drive
Las Vegas, NV 89145

Herman Kishner Trust
Irwin Kishner, Jerry Engel, Bank of America,
Trustees
c/o Paul J. Lal
Dickerson, Dickerson, Consul & Pocker
777 North Rainbow Boulevard, Suite 350
Las Vegas, NV 89107

Boulevard Associates
P.O. Box 617905
Chicago, IL 60661-7095

DCI USA, Inc.
c/o Lexis Nexis Document Solutions, Inc.
502 E. John Street
Carson City, NV 89706

Maryland Square, LLC
c/o Lionel Sawyer & Collins, Ltd.
300 S. Fourth Street, Suite 1700
Las Vegas, NV 89101

**Herman Kishner
dba Maryland Square Shopping Center**
c/o Kishner Enterprises / Irwin Kishner
252 Convention Center Drive
Las Vegas, NV 89109

Clark County School District
Attn: Board of School Trustees
4212 Eucalyptus Annex
Las Vegas, NV 89121

Construction Developers, Inc.
c/o Dillards Dept. Stores, Inc.
4501 N. Beach St.
Fort Worth, TX 76137-3218

Federated Western Dept. Stores, Inc.
c/o Macy's Dept. Store, Inc.
7 West Seventh St.
Cincinnati, OH 45202-2424

General Growth Properties
110 North Wacker Dr.
Chicago, IL 60606

Dear Violators,

Prior to commencing suit for an imminent and substantial endangerment to human health or the environment under the Federal Resource Conservation and Recovery Act ("RCRA") 42 U.S.C. § 6972(a)(1)(B), 42 U.S.C. § 6972(b)(2)(A) requires that a private party provide notice to the alleged violators of RCRA, the Administrator of the Environmental Protection Agency and the State in which the RCRA violation is alleged to have occurred, ninety (90) days prior to filing suit.

On behalf of Peter J. Voggenthaler; Victor Becerra; Arthur Bodendorfer; Brenda C. Chaffin; Michael J. Solmi; Jason Cowles; Jane Gauthier; Honore Gauthier; Nikolas Konstantinou; Dragan Kurajica; Kenneth Lowther; James Luehmann; Jacqueline Luehmann; Ruth Mannheimer; William Montero; Barbara Montero; Clifford Rogers; Sharon Rogers; Hermann Rosner; Markus Rothkranz; Daniel Soldini; Charles Walker; Barbara Walker; Jack Yenchek; Ofelia Yenchek; Richard Malm; Roger Ellsworth; Jo Ann Ellsworth; Margaret Rudelich-Hoppe; Patricia Mahoney; Mahoney Livilg Trust; Richard Falen; Peter Leaned; Kristian Meier; Eliza Acosta; Mirha Elias; Aiko Berge and other similarly situated persons (collectively "Injured Parties"), we are providing statutory notification to AL PHILLIPS THE CLEANER, INC., DCI USA, INC, and NATIONAL DRY CLEANERS, INC. (hereinafter collectively referred to as "APTC"); MARYLAND SQUARE, LLC and MARYLAND SQUARE SHOPPING CENTER LIMITED LIABILITY COMPANY (hereinafter collectively referred to as "MSSC"); HERMAN KISHNER, dba MARYLAND SQUARE SHOPPING CENTER ("Kishner"); HERMAN KISHNER TRUST, IRWIN KISHNER, JERRY ENGEL, BANK OF AMERICA, TRUSTEES (hereinafter collectively referred to as "Kishner Trust"); CLARK COUNTY SCHOOL DISTRICT ("School District"); BOULEVARD ASSOCIATES; CONSTRUCTION DEVELOPERS, INC.; FEDERATED WESTERN DEPT. STORES, INC., GENERAL GROWTH PROPERTIES (hereinafter collectively referred to as "Boulevard Mall")(APTC, MSSC, Kishner, Kishner Trust, School District, and Boulevard Mall, collectively referred to hereafter as "Violators"), the chief administrator for the solid waste management agency for the State of Nevada, the Administrator of the Environmental Protection Agency, and the Regional Administrator of the Environmental Protection Agency, of Violators' continuing violations of RCRA in conjunction with their ownership and operation of a dry cleaning facility at the Maryland Square shopping center, located at 3661 South Maryland Parkway, Las Vegas, Nevada ("the Site") and their ownership and operation of property near the Site.

*RCRA Notice
March 19, 2008
Page 3*

RCRA

RCRA, enacted in 1976, is a Federal law of the United States contained in 42 U.S.C. §§ 6901 et seq. RCRA's goals include protecting the public from harm caused by waste disposal and related contamination.

APTC, MSSC, Kishner, Kishner Trust, and the School District's violations of RCRA stem from the ownership of the Site and the ownership and operation of a dry cleaning facility at the Site that has caused contamination of soil and groundwater. Boulevard Mall are the owners of property upon which waste disposal and contamination of soil and groundwater occurred near the Site. This contamination presents an imminent and substantial endangerment to human health and the environment.

Site Background

APTC operated a commercial dry cleaning business in the Maryland Square shopping center from 1969 until 2000. APTC used and disposed of chlorinated solvents, including perchloroethylene ("PCE"), in their dry cleaning business at the Site. MSSC, Kishner, Kishner Trust and the School District owns and at all relevant times, has owned the property on which the dry cleaning facility was located. Boulevard Mall owns property contiguous to the Site and on which contamination has occurred. Violators discharged and permitted the discharge of PCE to the soil and groundwater by their operation of dry cleaning machinery at the site, their use and disposal of chlorinated solvents, and their operation and control of the disposal and sewer system at the Site. The Injured Parties are owners of residential property near the Site.

The presence of chlorinated solvent contamination of the soil and groundwater at the Site was first reported in November 2000 to the Nevada Department of Environmental Protection ("NDEP"). Subsequently, NDEP required investigation of the contamination by MSSC. Investigations revealed a chlorinated solvent plume extending underground from the Site to the Injured Parties neighborhood. Despite knowledge since as early as July 2005 that the Injured Parties properties were impacted by the chlorinated solvent plume, it was not until August 27, 2007 that public notification letters were mailed by NDEP to certain property owners in the neighborhood. This was the Injured Parties first notice of the existence of the PCE plume beneath their homes. Subsequent indoor air samples collected by NDEP within certain Injured Parties homes have reached and/or exceeded the U.S. Environmental Protection Agency health protective level for long term exposure to PCE. This contamination of the soil and groundwater presents an imminent and substantial endangerment to human health and the environment.

As owners and operators of the dry cleaning facility, the Site and the sewer system at the Site, Violators are past and present generators, past and present transporters, and past and present owners and operators of a treatment, storage and/or disposal facility. Violators have knowingly contributed and are contributing to the past and present handling, storage, treatment

*RCRA Notice
March 19, 2008
Page 4*

transportation and disposal of solid and hazardous waste which presents an imminent and substantial endangerment to human health and the environment. The endangerment caused by Violators has been ongoing since 1969 and is continuing in nature.

The discharge and threatened discharge of contaminants has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the beneficial uses of state waters, and has impaired water quality to a degree which creates a threat to public health. The conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.

In addition to the violations set forth above, this Notice is intended to cover all violations of RCRA evidenced by information which becomes available to the Injured Parties after the date of this Notice, and seeks all penalties and other enforcement provisions related to such violations.

Conclusion

All communications regarding this matter should be addressed to:

Alexander Robertson, IV
Robertson & Vick, LLP
880 B Hampshire Road
Westlake Village, CA 91361
Tel. (805) 418-9900
Fax. (805) 418-9901
arobertson@rvcdlaw.com

Jan A. Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, CA 93101
Tel. (805) 963-9090
Fax. (806) 963-9098
jan@grebenlaw.com

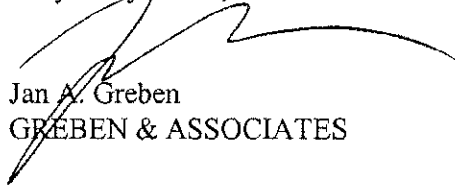
We believe that this Notice sufficiently states grounds for filing suit. At the close of the 90-day notice period or shortly thereafter, the Injured Parties intend to file a citizen's suit under RCRA against Violators for the violations described herein.

During the 90-day notice period, the Injured Parties are willing to discuss effective remedies for the violations notice in this Notice. However, if the Violators wish to pursue such discussions in the absence of litigation, it is suggested that those discussion be initiated with the

RCRA Notice
March 19, 2008
Page 5

next twenty days so that they may be completed before the end of the 90-day notice period. The Injured Parties do not intend to delay the filing of a lawsuit if discussions are continuing when that period ends.

Very Truly Yours,



Jan A. Greben
GREBEN & ASSOCIATES

cc:

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 3213A
Washington, D.C. 20460

Wayne Nastri, Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Najima, Bureau Chief
Nevada Division of Environmental Protection
Bureau of Corrective Actions
901 S. Stewart St., Suite 4001
Carson City, NV 89701-5249

Mike Richardson, Director
Solid Waste Branch
Bureau of Waste Management
Nevada Division of Environmental Protection
2030 E. Flamingo Road, Suite 230
Las Vegas, Nevada 89119

Glenn Savage, Director
Environmental Health Division
Southern Nevada Health District

RCRA Notice
March 19, 2008
Page 6

P.O. Box 3902
Las Vegas, Nevada 89127

The Corporation Trust Company of Nevada
On behalf of Boulevard Associates
6100 Neil Road, Suite 500
Reno, NV 89511

LexisNexis Document Solutions, Inc.
On behalf of Boulevard Associates
502 East John Street
Carson City, NV 89706

Corporation Trust Company of Nevada
On Behalf of Construction Developers, Inc.
6100 Neil Road, Suite 500
Reno, NV 89511

CSC Services of Nevada, Inc.
On behalf of Federated Western Dept. Store, Inc.
c/o Macy's Dept. Store, Inc.
502 East John Street
Carson City, NV 89706

CSC Services of Nevada, Inc.
On behalf of General Growth Properties/Management
502 East John Street
Carson City, NV 89706

Exhibit B

GREBEN & ASSOCIATES

ATTORNEYS AT LAW

JAN ADAM GREBEN
jan@grebenlaw.com

JENNA L. MOTOLA
jenna@grebenlaw.com

ARLINGTON COURT
1332 ANACAPA STREET, SUITE 110
SANTA BARBARA, CALIFORNIA 93101
TELEPHONE 805-963-9090
FACSIMILE 805-963-9098

SACRAMENTO
WELLS FARGO CENTER
400 CAPITOL MALL, SUITE 1100
SACRAMENTO, CALIFORNIA 95814
TELEPHONE 916.447.4450
FACSIMILE 916.447.2414

April 3, 2008

VIA REGISTERED MAIL

Return receipt requested

Melvin Shapiro
Shapiro Bros. Investment Co.
1944 Glenview Drive
Las Vegas, NV 89134

DCI USA, Inc., as surviving corporation of
Johnson Group, Inc.
c/o Lexis Nexis Document Solutions, Inc.
502 E. John Street
Carson City, NV 89706

Delia's Cleaners of Arizona, Inc.
c/o Philip J. D'elia
3824 E Roeser Rd.
Phoenix, AZ 85040

Dear Violators,

Prior to commencing suit for an imminent and substantial endangerment to human health or the environment under the Federal Resource Conservation and Recovery Act ("RCRA") 42 U.S.C. § 6972(a)(1)(B), 42 U.S.C. § 6972(b)(2)(A) requires that a private party provide notice to the alleged violators of RCRA, the Administrator of the Environmental Protection Agency and the State in which the RCRA violation is alleged to have occurred, ninety (90) days prior to filing suit.

On behalf of Peter J. Voggenthaler: Victor Becerra; Arthur Bodendorfer; Brenda C. Chaffin; Michael J. Solmi; Jason Cowles; Jane Gauthier; Honore Gauthier; Nikolas Konstantinou; Dragan Kurajica; Kenneth Lowther; James Luehmann; Jacqueline Luehmann; Ruth Mannheimer; William Montero; Barbara Montero; Clifford Rogers; Sharon Rogers; Hermann Rosner; Markus Rothkranz; Daniel Soldini; Charles Walker; Barbara Walker; Jack Yenchek; Ofelia Yenchek; Richard Malm; Roger Ellsworth; Jo Ann Ellsworth; Margaret

*RCRA Notice
April 3, 2008
Page 2*

Rudelich-Hoppe; Patricia Mahoney; Mahoney Livilg Trust; Richard Falen; Peter Leaned; Kristian Meier; Eliza Acosta; Mirha Elias; Aiko Berge and other similarly situated persons (collectively "Injured Parties"), we are providing statutory notification to Melvin Shapiro, Shapiro Bros. Investment Co., DCI USA, Inc., as surviving corporation of Johnson Group, Inc., and Delia's Cleaners of Arizona, Inc. (collectively referred to hereafter as "Violators"), the chief administrator for the solid waste management agency for the State of Nevada, the Administrator of the Environmental Protection Agency, and the Regional Administrator of the Environmental Protection Agency, of Violators' continuing violations of RCRA in conjunction with their ownership and operation of a dry cleaning facility at the Maryland Square shopping center, located at 3661 South Maryland Parkway, Las Vegas, Nevada ("the Site").

RCRA

RCRA, enacted in 1976, is a Federal law of the United States contained in 42 U.S.C. §§ 6901 et seq. RCRA's goals include protecting the public from harm caused by waste disposal and related contamination.

Melvin Shapiro, Shapiro Bros. Investment Co., DCI USA, Inc., as surviving corporation of Johnson Group, Inc., Delia's Cleaners of Arizona, Inc.'s violations of RCRA stem from the ownership and operation of a dry cleaning facility at the Site that has caused contamination of soil and groundwater. Violators are the parent corporations, surviving corporations, alter egos and/or successors-in-interest to the Al Phillips the Cleaners that operated at the Site. This contamination presents an imminent and substantial endangerment to human health and the environment.

Site Background

An Al Phillips the Cleaners operated a commercial dry cleaning business in the Maryland Square shopping center from 1969 until 2000. The Al Phillips the Cleaners used and disposed of chlorinated solvents, including perchloroethylene ("PCE"), in their dry cleaning business at the Site. Violators discharged and permitted the discharge of PCE to the soil and groundwater by their operation of dry cleaning machinery at the site, their use and disposal of chlorinated solvents, and their operation and control of the disposal and sewer system at the Site. The Injured Parties are owners of residential property near the Site.

The presence of chlorinated solvent contamination of the soil and groundwater at the Site was first reported in November 2000 to the Nevada Department of Environmental Protection ("NDEP"). Subsequently, NDEP required investigation of the contamination. Investigations revealed a chlorinated solvent plume extending underground from the Site to the Injured Parties neighborhood. Despite knowledge since as early as July 2005 that the Injured Parties properties were impacted by the chlorinated solvent plume, it was not until August 27, 2007 that public

*RCRA Notice
April 3, 2008
Page 3*

notification letters were mailed by NDEP to certain property owners in the neighborhood. This was the Injured Parties first notice of the existence of the PCE plume beneath their homes. Subsequent indoor air samples collected by NDEP within certain Injured Parties homes have reached and/or exceeded the U.S. Environmental Protection Agency health protective level for long term exposure to PCE. This contamination of the soil and groundwater presents an imminent and substantial endangerment to human health and the environment.

As owners and operators of the dry cleaning facility, the Site and the sewer system at the Site, Violators are past and present generators, past and present transporters, and past and present owners and operators of a treatment, storage and/or disposal facility. Violators have knowingly contributed and are contributing to the past and present handling, storage, treatment transportation and disposal of solid and hazardous waste which presents an imminent and substantial endangerment to human health and the environment. The endangerment caused by Violators has been ongoing since 1969 and is continuing in nature.

The discharge and threatened discharge of contaminants has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the beneficial uses of state waters, and has impaired water quality to a degree which creates a threat to public health. The conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.

In addition to the violations set forth above, this Notice is intended to cover all violations of RCRA evidenced by information which becomes available to the Injured Parties after the date of this Notice, and seeks all penalties and other enforcement provisions related to such violations.

Conclusion

All communications regarding this matter should be addressed to:

Alexander Robertson, IV
Robertson & Vick, LLP
880 B Hampshire Road
Westlake Village, CA 91361
Tel. (805) 418-9900
Fax. (805) 418-9901
arobertson@rvcdlaw.com

Jan A. Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, CA 93101

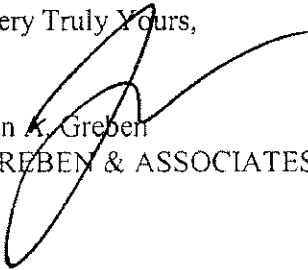
RCRA Notice
April 3, 2008
Page 4

Tel. (805) 963-9090
Fax. (806) 963-9098
jan@grebenlaw.com

We believe that this Notice sufficiently states grounds for filing suit. At the close of the 90-day notice period or shortly thereafter, the Injured Parties intend to file a citizen's suit under RCRA against Violators for the violations described herein.

During the 90-day notice period, the Injured Parties are willing to discuss effective remedies for the violations notice in this Notice. However, if the Violators wish to pursue such discussions in the absence of litigation, it is suggested that those discussion be initiated with the next twenty days so that they may be completed before the end of the 90-day notice period. The Injured Parties do not intend to delay the filing of a lawsuit if discussions are continuing when that period ends.

Very Truly Yours,



Jan A. Greben
GREBEN & ASSOCIATES

cc:

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 3213A
Washington, D.C. 20460

Wayne Nastri, Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Najima, Bureau Chief
Nevada Division of Environmental Protection
Bureau of Corrective Actions
901 S. Stewart St., Suite 4001
Carson City, NV 89701-5249

RCRA Notice
April 3, 2008
Page 5

Mike Richardson, Director
Solid Waste Branch
Bureau of Waste Management
Nevada Division of Environmental Protection
2030 E. Flamingo Road, Suite 230
Las Vegas, Nevada 89119

Glenn Savage, Director
Environmental Health Division
Southern Nevada Health District
P.O. Box 3902
Las Vegas, Nevada 89127

Exhibit C

GREBEN & ASSOCIATES

ATTORNEYS AT LAW

JAN ADAM GREBEN
jan@grebenlaw.com

JENNA L. MOTOLA
jenna@grebenlaw.com

ARLINGTON COURT
1332 ANACAPA STREET, SUITE 110
SANTA BARBARA, CALIFORNIA 93101
TELEPHONE 805-963-9090
FACSIMILE 805-963-9098

SACRAMENTO
WELLS FARGO CENTER
400 CAPITOL MALL, SUITE 1100
SACRAMENTO, CALIFORNIA 95814
TELEPHONE 916.447.4450
FACSIMILE 916.447.2414

April 4, 2008

VIA REGISTERED MAIL

Return receipt requested

CB Richard Ellis

Asset Services

3993 Howard Hughes Parkway, Suite 700
Las Vegas, NV 89169

Dear Violator,

Prior to commencing suit for an imminent and substantial endangerment to human health or the environment under the Federal Resource Conservation and Recovery Act ("RCRA") 42 U.S.C. § 6972(a)(1)(B), 42 U.S.C. § 6972(b)(2)(A) requires that a private party provide notice to the alleged violators of RCRA, the Administrator of the Environmental Protection Agency and the State in which the RCRA violation is alleged to have occurred, ninety (90) days prior to filing suit.

On behalf of Peter J. Voggenthaler; Victor Becerra; Arthur Bodendorfer; Brenda C. Chaffin; Michael J. Solmi; Jason Cowles; Jane Gauthier; Honore Gauthier; Nikolas Konstantinou; Dragan Kurajica; Kenneth Lowther; James Luehmann; Jacqueline Luehmann; Ruth Mannheimer; William Montero; Barbara Montero; Clifford Rogers; Sharon Rogers; Hermann Rosner; Markus Rothkranz; Daniel Soldini; Charles Walker; Barbara Walker; Jack Yenchek; Ofelia Yenchek; Richard Malm; Roger Ellsworth; Jo Ann Ellsworth; Margaret Rudelich-Hoppe; Patricia Mahoney; Mahoney Livilg Trust; Richard Falen; Peter Leaned; Kristian Meier; Eliza Acosta; Mirha Elias; Aiko Berge and other similarly situated persons (collectively "Injured Parties"), we are providing statutory notification to CB Richard Ellis (referred to hereafter as "Violator"), the chief administrator for the solid waste management agency for the State of Nevada, the Administrator of the Environmental Protection Agency, and

*RCRA Notice
April 4, 2008
Page 2*

the Regional Administrator of the Environmental Protection Agency, of Violator's continuing violations of RCRA in conjunction with its operation of the Maryland Square shopping center, located at 3661 South Maryland Parkway, Las Vegas, Nevada ("the Site").

RCRA

RCRA, enacted in 1976, is a Federal law of the United States contained in 42 U.S.C. §§ 6901 et seq. RCRA's goals include protecting the public from harm caused by waste disposal and related contamination.

CB Richard Ellis' violations of RCRA stem from its operation and management of the Site on which a dry cleaning facility was located that has caused contamination of soil and groundwater. CB Richard Ellis is the property manager for property owner, Maryland Square, LLC. This contamination presents an imminent and substantial endangerment to human health and the environment.

Site Background

An Al Phillips the Cleaners operated a commercial dry cleaning business in the Maryland Square shopping center from 1969 until 2000. The Al Phillips the Cleaners used and disposed of chlorinated solvents, including perchloroethylene ("PCE"), in their dry cleaning business at the Site. Violators discharged and permitted the discharge of PCE to the soil and groundwater by their operation of dry cleaning machinery at the site, their use and disposal of chlorinated solvents, and their operation and control of the disposal and sewer system at the Site. The Injured Parties are owners of residential property near the Site.

The presence of chlorinated solvent contamination of the soil and groundwater at the Site was first reported in November 2000 to the Nevada Department of Environmental Protection ("NDEP"). Subsequently, NDEP required investigation of the contamination. Investigations revealed a chlorinated solvent plume extending underground from the Site to the Injured Parties neighborhood. Despite knowledge since as early as July 2005 that the Injured Parties properties were impacted by the chlorinated solvent plume, it was not until August 27, 2007 that public notification letters were mailed by NDEP to certain property owners in the neighborhood. This was the Injured Parties first notice of the existence of the PCE plume beneath their homes. Subsequent indoor air samples collected by NDEP within certain Injured Parties homes have reached and/or exceeded the U.S. Environmental Protection Agency health protective level for long term exposure to PCE. This contamination of the soil and groundwater presents an imminent and substantial endangerment to human health and the environment.

As operator of the facility, the Site and the sewer system at the Site, Violator is past and present generator, past and present transporter, and past and present owner and operator of a

*RCRA Notice
April 4, 2008
Page 3*

treatment, storage and/or disposal facility. Violator has knowingly contributed and is contributing to the past and present handling, storage, treatment transportation and disposal of solid and hazardous waste which presents an imminent and substantial endangerment to human health and the environment. The endangerment caused by Violator has been ongoing since 1969 and is continuing in nature.

The discharge and threatened discharge of contaminants has unreasonably affected water quality in that the discharge or threatened discharge is deleterious to the beneficial uses of state waters, and has impaired water quality to a degree which creates a threat to public health. The conditions threaten to continue unless the discharge or threatened discharge is permanently cleaned up and abated.

In addition to the violations set forth above, this Notice is intended to cover all violations of RCRA evidenced by information which becomes available to the Injured Parties after the date of this Notice, and seeks all penalties and other enforcement provisions related to such violations.

Conclusion

All communications regarding this matter should be addressed to:

Alexander Robertson, IV
Robertson & Vick, LLP
880 B Hampshire Road
Westlake Village, CA 91361
Tel. (805) 418-9900
Fax. (805) 418-9901
arobertson@rvcdlaw.com

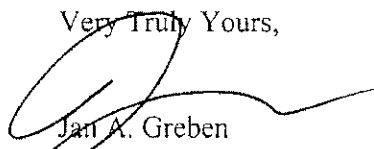
Jan A. Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, CA 93101
Tel. (805) 963-9090
Fax. (806) 963-9098
jan@grebenlaw.com

We believe that this Notice sufficiently states grounds for filing suit. At the close of the 90-day notice period or shortly thereafter, the Injured Parties intend to file a citizen's suit under RCRA against Violator for the violations described herein.

RCRA Notice
April 4, 2008
Page 4

During the 90-day notice period, the Injured Parties are willing to discuss effective remedies for the violations notice in this Notice. However, if Violator wishes to pursue such discussions in the absence of litigation, it is suggested that those discussion be initiated with the next twenty days so that they may be completed before the end of the 90-day notice period. The Injured Parties do not intend to delay the filing of a lawsuit if discussions are continuing when that period ends.

Very Truly Yours,



Jan A. Greben
GREBEN & ASSOCIATES

cc:

Stephen L. Johnson, Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 3213A
Washington, D.C. 20460

Wayne Nastri, Regional Administrator
U.S. Environmental Protection Agency, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Jim Najima, Bureau Chief
Nevada Division of Environmental Protection
Bureau of Corrective Actions
901 S. Stewart St., Suite 4001
Carson City, NV 89701-5249

Mike Richardson, Director
Solid Waste Branch
Bureau of Waste Management
Nevada Division of Environmental Protection
2030 E. Flamingo Road, Suite 230
Las Vegas, Nevada 89119

Glenn Savage, Director

RCRA Notice
April 4, 2008
Page 5

Environmental Health Division
Southern Nevada Health District
P.O. Box 3902
Las Vegas, Nevada 89127

Exhibit D

GREBEN & ASSOCIATES

ATTORNEYS AT LAW

JAN ADAM GREBEN
jan@grebenlaw.com

JENNA L. MOTOLA
jenna@grebenlaw.com

ARLINGTON COURT
1332 ANACAPA STREET, SUITE 110
SANTA BARBARA, CALIFORNIA 93101
TELEPHONE 805-963-9090
FACSIMILE 805-963-9098

SACRAMENTO
WELLS FARGO CENTER
400 CAPITOL MALL, SUITE 1100
SACRAMENTO, CALIFORNIA 95814
TELEPHONE 916.447.4450
FACSIMILE 916.447.2414

June 18, 2008

VIA REGISTERED MAIL

Return receipt requested

The Boulevard Mall,
as successor-in-interest/surviving
corporation/agent for
Boulevard Associates, LLC
3528 Maryland Parkway
Las Vegas, NV 89109

Boulevard Mall I LLC,
as successor-in-interest/surviving
corporation/agent for
Boulevard Associates, LLC
110 N Wacker Drive
Chicago, IL 60606

Boulevard Mall II LLC,
as successor-in-interest/surviving
corporation/agent for
Boulevard Associates, LLC
110 N Wacker Drive
Chicago, IL 60606

Kenom Management Inc.
as general partner for
Boulevard Properties Limited Partnership,
as successor-in-interest/surviving
corporation/agent for
Boulevard Associates, LLC
3225 McLeod Drive, #100
Las Vegas, NV 89121

Re: 3661 South Maryland Parkway, Las Vegas, Nevada ("the Site")

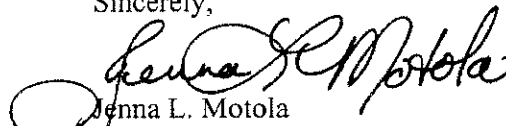
Dear Sir or Madam,

Enclosed please find the Notice of Violation of RCRA letter of March 19, 2008 regarding Boulevard Associates LLC's involvement at the above site.

RCRA Notice
June 18, 2008
Page 2

Thank you.

Sincerely,


Jenna L. Motola
GREBEN & ASSOCIATES

JLM/cb
Enclosure

cc via U.S. Mail:

CSC Services of Nevada, Inc.
on behalf of Boulevard Mall I LLC
502 East John Street
Carson City, NV 89706

CSC Services of Nevada, Inc.
On behalf of Boulevard Mall II LLC
502 East John Street
Carson City, NV 89706

Acorn Corporate Services, Inc.
On behalf of Kenom Management Inc.
as general partner for
Boulevard Properties Limited Partnership,
as successor-in-interest/surviving corporation/agent for
Boulevard Associates, LLC
3225 McLeod Drive, #110
Las Vegas, NV 89121

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Peter J. Voggenthaler; Victor Beverra; Arthur Bodendorfer; Brenda C. Chaffin; Michael J. Solmi; Jason Cowles; Jane Gauthier; Honor

(b) County of Residence of First Listed Plaintiff
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Robertson & Vick, LLP, 401 N. Buffalo Drive, Suite 202, Las Vegas, Nevada 89145 (702) 247-4661

DEFENDANTS

Maryland Square, LLC, Maryland Square Shopping Center Limited Liability Company, Herman Kishner dba Maryland

County of Residence of First Listed Defendant
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input checked="" type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from another district (specify)
- ☐ 6 Multidistrict Litigation
- ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

42:6901/42 USC Section 6972

Brief description of cause:

HCHA: Resource & Recovery Act/Environmental Clean-Up Expense

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/18/2008

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: *(Defendant's name and address)*

MARYLAND SQUARE, LLC
c/o Lionel Sawyer & Collins
300 S. Fourth Street, Suite 1700
Las Vegas, Nevada 89101

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

MARYLAND SQUARE SHOPPING CENTER
LIMITED LIABILITY COMPANY
c/o Marquis & Aurbach
10001 Park Run Drive, Las Vegas, Nevada 89145

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

HERMAN KISHNER dba
MARYLAND SQUARE SHOPPING CENTER
c/o Marquis & Aurbach
10001 Park Run Drive, Las Vegas, Nevada 89145

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: *(Defendant's name and address)*

IRWIN KISHNER
252 Convention Center Drive
Las Vegas, Nevada 89109

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

Civil Action No.

Summons in a Civil Action

To: *(Defendant's name and address)*

JERRY ENGEL
700 Pont Chartrain Drive
Las Vegas, Nevada 89145

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

BANK OF AMERICA as Trustee for the
HERMAN KISHNER TRUST
c/o The Corporation Trust Company of Nevada
6100 Neil Road, Suite 500, Reno, Nevada 89511

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

CLARK COUNTY SCHOOL DISTRICT
2832 Flamingo Road
Las Vegas, Nevada 89119

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

THE BOULEVARD MALL
c/o Boulevard Associates
3528 Maryland Parkway
Las Vegas, Nevada 89109

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

BOULEVARD MALL I LLC
c/o CSC Services of Nevada, Inc.
502 E. John Street
Carson City, Nevada 89706

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

BOULEVARD MALL II LLC
c/o CSC Services of Nevada, Inc.
502 E. John Street
Carson City, Nevada 89706

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

CONSTRUCTION DEVELOPERS, INC.
c/o The Corporation Trust Company of Nevada
6100 Neil Road, Suite 500
Reno, Nevada 89511

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

MACY'S DEPARTMENT STORES, INC.
f/k/a FEDERATED WESTERN DEPT. STORES
c/o CSC Services of Nevada, Inc.
502 East John Street, Carson City, Nevada 89706

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

GENERAL GROWTH PROPERTIES/
MANAGEMENT
c/o CSC Services of Nevada, Inc.
502 E. John Street, Carson City, Nevada 89706

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: *(Defendant's name and address)*

GENERAL GROWTH PROPERTIES/
MANAGEMENT
c/o Prentice Hall Corporation
33 N. LaSalle Street, Chicago, Illinois 60602

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: *(Defendant's name and address)*

MELVIN SHAPIRO
1944 Glenview Drive
Las Vegas, Nevada 89134

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the
District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

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Civil Action No.

Summons in a Civil Action

To: *(Defendant's name and address)*

SHAPIRO BROS INVESTMENT CO.
1944 Glenview Drive
Las Vegas, Nevada 89134

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

Civil Action No.

Summons in a Civil Action

To: (Defendant's name and address)

DELIA'S CLEANERS OF ARIZONA
c/o Mike Riordan
1390 S. Winchester Boulevard, Suite D
San Jose, California 95128

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)

AO 440 (Rev. 04/08) Civil Summons

UNITED STATES DISTRICT COURT

for the

District of Nevada

Peter J. Voggenthaler, Victor Becerra, et al.

Plaintiff

v.

Maryland Square, LLC, et al.

Defendant

)
)
)
)
)

Civil Action No.

Summons in a Civil Action

To: *(Defendant's name and address)*

CB RICHARD ELLIS
c/o The Corporation Trust Company of Nevada
6100 Neil Road, Suite 500
Reno, Nevada 89511

A lawsuit has been filed against you.

Within 20 days after service of this summons on you (not counting the day you received it), you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff's attorney, whose name and address are:

Jennifer L. Taylor, Esq.
Robertson & Vick, LLP
401 N. Buffalo Drive, Suite 202
Las Vegas, Nevada 89145

Jan Greben, Esq.
Greben & Associates
1332 Anacapa Street, Suite 110
Santa Barbara, California 93101

If you fail to do so, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Name of clerk of court

Date: _____

Deputy clerk's signature

(Use 60 days if the defendant is the United States or a United States agency, or is an officer or employee of the United States allowed 60 days by Rule 12(a)(3).)