

**IN THE SUPERIOR COURT OF THE DISTRICT OF COLUMBIA**  
**Civil Division**

---

**DISTRICT OF COLUMBIA**

a municipal corporation  
441 4th Street, N.W.  
Washington, DC 20001,

Plaintiff,

v.

**AMERICAN HONDA MOTOR CO., INC.**

1919 Torrance Boulevard  
Torrance, CA 90501,

and

**HONDA OF AMERICA MFG., INC.**

24000 Honda Parkway  
Marysville, OH 43040,

Defendants.

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Case No. \_\_\_\_\_

**COMPLAINT FOR VIOLATIONS OF THE CONSUMER PROTECTION**  
**PROCEDURES ACT**

Plaintiff, District of Columbia (“District”), by and through its Attorney General, brings this action against Defendants American Honda Motor Co., Inc. and Honda of America Mfg., Inc. (hereafter referred to collectively as “Honda” or “Defendants”), for violations of the District’s Consumer Protection Procedures Act (“CPPA”), D.C. Code §§ 28-3901, *et seq.* In support of its claims, the District states as follows:

**Jurisdiction**

1. This Court has jurisdiction over the subject matter of this case pursuant to D.C. Code § 11-921 and D.C. Code § 28-3909.

2. This Court has jurisdiction over the Defendants pursuant to D.C. Code § 13-423(a) because the Defendants have transacted business within the District of Columbia at all times relevant to this complaint.

### **Parties**

3. Plaintiff District of Columbia (“District”), a municipal corporation empowered to sue and be sued, is the local government for the territory constituting the permanent seat of the government of the United States. The District is represented by and through its chief legal officer, the Attorney General for the District of Columbia. The Attorney General has general charge and conduct of all legal business of the District and all suits initiated by and against the District and is responsible for upholding the public interest. D.C. Code § 1-301.81(a)(1). The Attorney General is specifically authorized to enforce the District’s consumer protection laws, including the CPPA, pursuant to D.C. Code § 28-3909.

4. Defendant American Honda Motor Co., Inc. is a corporation located at 1919 Torrance Boulevard, Torrance, CA, 90501.

5. Defendant Honda of America Mfg., Inc. is a corporation located at 24000 Honda Parkway, Marysville, OH 43040.

6. Defendants transact business in the District of Columbia and nationwide by advertising, marketing, distributing, selling, delivering, leasing, warranting, and/or financing motor vehicles manufactured by Honda.

### **Trade and Commerce**

7. D.C. Code § 28-3901(a)(6) defines “trade practice” as: “any act which does or would create, alter, repair, furnish, make available, provide information about, or,

directly or indirectly, solicit or offer for or effectuate, a sale, lease or transfer, of consumer goods or services.”

8. Defendants were at all times relative hereto, engaged in trade or commerce in the District of Columbia, by, among other things, advertising, marketing, distributing, selling, delivering, leasing, warranting, and/or financing consumer goods in the District of Columbia.

### **Honda's Conduct**

9. At all times relevant to the allegations made in this Complaint, Honda has been in the business of manufacturing private passenger vehicles, among other motor vehicles, for sale and lease in the United States. Honda effectuates the sale and lease of these vehicles through an extensive network of dealerships. As part of its business, Honda engages in nationwide advertising and marketing efforts in order to promote the sale or lease of its products to consumers.

10. Honda's private passenger vehicles include critical safety features, such as seatbelts and airbags. Airbags are strategically installed in locations throughout the passenger compartment of the vehicle to maximize their safety effectiveness. Each airbag's design depends on its location within the passenger compartment. Frontal airbags can be the most critical airbag in circumstances that result in deployment.

11. Honda has advertised, promoted, and represented, in the media and in communications to consumers, the performance of its airbags, the safety benefits of its airbags, and the overall safety of its vehicles. For example, Honda created a video commercial featuring a demonstration involving a watermelon. In that advertisement, airbags are set up in a way that objects could be dropped on them from overhead while the

airbags simultaneously deployed. In the first segment of the video, a watermelon is dropped on a Honda airbag, and it deployed in such a way that the watermelon was cushioned and did not shatter. In the second segment, when a watermelon is dropped on a non-Honda airbag, the watermelon shattered when the airbag did not deploy properly.

12. At all times relevant hereto, Honda purchased frontal airbag assemblies from Takata Corporation (“Takata”), a Tokyo, Japan-based corporation, for installation by Honda in various Honda and Acura model vehicles. During the time that Honda was purchasing airbags from Takata, Honda was a fractional owner of Takata.

13. At some point in 2000, Takata began manufacturing the airbags utilizing ammonium nitrate, a highly volatile and unstable substance, as the propellant. At the time that Takata began using ammonium nitrate, there was little to no industry experience with using it as a propellant in airbags, although it was widely understood that ammonium nitrate was unstable and could degrade because of environmental conditions, such as heat and humidity. As evidenced by later airbag ruptures, degraded ammonium nitrate ignited more quickly and forcefully than non-degraded ammonium nitrate, creating so much excess pressure that the airbags ruptured, sending metal fragments into a vehicle’s passenger compartment.

14. Even before Takata began manufacturing airbags utilizing ammonium nitrate, Takata had revealed its then-new ammonium nitrate-based propellant formula to Honda on September 7, 1999. Honda was Takata’s first customer of the Airbags, installing them in model year 2001 vehicles. (The term “Airbags” shall hereafter refer to frontal airbag assemblies which utilized ammonium nitrate as a propellant and that Honda purchased from Takata).

15. From the outset, Honda was aware of information indicating that the Airbags were problematic and posed an unreasonable safety risk as demonstrated by explosive failures during testing in October 1999 and January 2000, one of which was powerful enough that the force of the blast injured an observer from Honda. Honda had other indications of problems, as well, including but not limited to a rupture in May 2004 involving an Airbag installed in a Honda Accord.

16. In 2007, Honda became aware of at least three other field ruptures but failed to timely report these ruptures to the National Highway Traffic Safety Administration (“NHTSA”). Concerned that the Airbags were incurring a larger number of field ruptures than other types of airbags, that same year, Honda and Takata formed a joint committee to identify the root cause(s) of the ruptures. This committee ultimately determined that Honda should initiate a recall for the Airbags.

17. In 2008, Honda initiated a recall of only a small set of Airbags that were manufactured during a narrow time period.

18. In 2009, Honda reported the 2007 field ruptures to NHTSA. Following a larger recall that same year, a Honda engineer identified serious concerns with the Airbags: In July 2009, he informed his colleagues and superiors that the Airbags’ inflator modules contained serious safety deficiencies. In response to the engineer’s concerns, Honda and Takata redesigned the Airbags’ inflator modules and began installing the redesigned Airbags in MY2010 Honda vehicles. Honda did not, however, inform regulators, including NHTSA, of the change, nor did it warn owners of vehicles with the original, deficiently designed Airbags of these safety concerns.

19. From 2009 on, the original Airbags continued to rupture in the field, and passengers continued to be killed or seriously injured by the shrapnel thrown off by the shattered inflator modules.

20. The mounting and recurrent rupture incidents culminated in the repeated, separate recalls of Honda vehicles in discrete sets over the course of seven years until, eventually, in 2015, widespread recalls of the Airbags were initiated.

21. In the United States, over 12.9 million Honda vehicles containing the Airbags, including 22,542 in the District of Columbia, have been recalled. Repairs performed pursuant to these recalls are still being performed at this time.

22. Ultimately, on January 13, 2017, Takata pled guilty to wire fraud in a federal court case brought by the United States Department of Justice in relation to Takata falsifying test data.

23. Despite the early and continuing indications that the Airbags posed an unreasonable safety risk, including such indications as the concerns of Honda's own engineers, the ever-increasing number of recalled Airbags, and the mounting human cost, Honda did not break with Takata and failed to adequately warn its customers of the dangers posed by the Airbags until Honda learned of the misconduct that formed the basis of the criminal allegations against Takata.

#### **Violation of the CPPA**

24. Plaintiff realleges and incorporates by reference herein each and every allegation contained in the preceding paragraphs 1 through 23.

25. The CPPA is a remedial statute that is to be broadly construed. It establishes an enforceable right to truthful information from merchants about consumer goods and services that are or would be purchased, leased or received in the District of Columbia.

26. The vehicles that Defendants promoted, advertised, offered for sale, sold, and distributed to District consumers were purchased for personal, household or family purposes and, therefore, were consumer goods.

27. The Defendants, in the ordinary course of business, offer to sell, sell, or supply consumer goods and, therefore, are merchants.

28. The CPPA prohibits unfair or deceptive trade practices in connection with the offer, sale and distribution of consumer goods and services.

29. Honda, in the course of marketing, promoting, selling, and distributing its vehicles, has engaged in a course of trade or commerce which constitutes false, deceptive, or misleading acts or practices, and is therefore unfair or deceptive under the CPPA, including but not limited to representing that goods or services had characteristics, uses, or benefits that they did not have. Honda violated D.C. Code § 28-3904(a) when it misrepresented the characteristics, uses, or benefits of its Airbags or Airbag components.

30. Honda, in the course of marketing, promoting, selling, and distributing its vehicles, has engaged in a course of trade or commerce which constitutes false, deceptive, or misleading acts or practices, and is therefore unfair or deceptive under the CPPA, including but not limited to representing that goods or services were of a particular standard, quality, or grade, when they were of another. Honda violated D.C. Code § 28-3904(d) when it misrepresented the standards, qualities, or grades of its Airbags or Airbag components.

31. Honda, in the course of marketing, promoting, selling, and distributing its vehicles, has engaged in a course of trade or commerce which constitutes false, deceptive, or misleading acts or practices, and is therefore unfair or deceptive under the CPPA, including but not limited to misrepresentations regarding (a) its Airbags, (b) the safety of its Airbags, (c) the safety of any components of its Airbags, and (d) the overall safety of its vehicles, in violation of D.C. Code § 28-3904(e).

32. Honda, in the course of marketing, promoting, selling, and distributing its vehicles, has engaged in a course of trade or commerce which constitutes false, deceptive, or misleading acts or practices, and is therefore unfair or deceptive under the CPPA, including but not limited to failing to disclose material information concerning its Airbags or any components of its Airbags, which was known at the time of the offer and sale of its vehicles, and such failure was intended to induce consumers into the transaction into which the consumer would not have entered had the information been disclosed, in violation of D.C. Code § 28-3904(f).

### **Prayer for Relief**

WHEREFORE, the District of Columbia respectfully requests this Court enter a judgment in its favor and grant relief against Defendants, jointly and severally, as follows:

(a) Permanently enjoin Defendants, their agents, employees, and all other persons and entities, corporate or otherwise, in active concert or participation with any of them, pursuant to D.C. Code § 28-3909(a), from violating the CPPA and engaging in false, misleading, or deceptive practices in the marketing, promotion, selling, and distribution of their vehicles;

(b) Order the payment of civil penalties as permitted by statute pursuant to D.C. Code § 28-3909(b);

(c) Award the District the costs of this action and reasonable attorney's fees pursuant to D.C. Code § 28-3909(b); and

(d) Grant such further relief as the Court deems just and proper.

Respectfully submitted,

Dated: August 25, 2020

KARL A. RACINE  
Attorney General for the District of  
Columbia

KATHLEEN KONOPKA  
Deputy Attorney General  
Public Advocacy Division

JIMMY ROCK  
Assistant Deputy Attorney General  
Public Advocacy Division

BENJAMIN WISEMAN  
Director, Office of Consumer Protection

*/s/ Gary M. Tan*

---

GARY M. TAN [987796]  
Assistant Attorney General  
Office of the Attorney General  
441 4<sup>th</sup> Street, N.W., Suite 600 South  
Washington, DC 20001  
Tel: (202) 727-6241  
Email: gary.tan@dc.gov



**Superior Court of the District of Columbia**  
**CIVIL DIVISION**  
**Civil Actions Branch**  
**500 Indiana Avenue, N.W., Suite 5000 Washington, D.C. 20001**  
**Telephone: (202) 879-1133 Website: www.dccourts.gov**

District of Columbia

\_\_\_\_\_  
 Plaintiff

vs.

Case Number \_\_\_\_\_

American Honda Motor Co., Inc.

\_\_\_\_\_  
 Defendant

**SUMMONS**

To the above named Defendant:

You are hereby summoned and required to serve an Answer to the attached Complaint, either personally or through an attorney, within twenty one (21) days after service of this summons upon you, exclusive of the day of service. If you are being sued as an officer or agency of the United States Government or the District of Columbia Government, you have sixty (60) days after service of this summons to serve your Answer. A copy of the Answer must be mailed to the attorney for the plaintiff who is suing you. The attorney's name and address appear below. If plaintiff has no attorney, a copy of the Answer must be mailed to the plaintiff at the address stated on this Summons.

You are also required to file the original Answer with the Court in Suite 5000 at 500 Indiana Avenue, N.W., between 8:30 a.m. and 5:00 p.m., Mondays through Fridays or between 9:00 a.m. and 12:00 noon on Saturdays. You may file the original Answer with the Court either before you serve a copy of the Answer on the plaintiff or within seven (7) days after you have served the plaintiff. If you fail to file an Answer, judgment by default may be entered against you for the relief demanded in the complaint.

**Gary M. Tan**

*Clerk of the Court*

\_\_\_\_\_  
 Name of Plaintiff's Attorney

**400 6th Street, N.W., 10th Floor**

\_\_\_\_\_  
 Address

Washington, DC 20001

**(202) 727-6241**

\_\_\_\_\_  
 Telephone

如需翻译,请打电话 (202) 879-4828

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By \_\_\_\_\_

Deputy Clerk

Date \_\_\_\_\_

**IMPORTANT: IF YOU FAIL TO FILE AN ANSWER WITHIN THE TIME STATED ABOVE, OR IF, AFTER YOU ANSWER, YOU FAIL TO APPEAR AT ANY TIME THE COURT NOTIFIES YOU TO DO SO, A JUDGMENT BY DEFAULT MAY BE ENTERED AGAINST YOU FOR THE MONEY DAMAGES OR OTHER RELIEF DEMANDED IN THE COMPLAINT. IF THIS OCCURS, YOUR WAGES MAY BE ATTACHED OR WITHHELD OR PERSONAL PROPERTY OR REAL ESTATE YOU OWN MAY BE TAKEN AND SOLD TO PAY THE JUDGMENT. IF YOU INTEND TO OPPOSE THIS ACTION, DO NOT FAIL TO ANSWER WITHIN THE REQUIRED TIME.**

If you wish to talk to a lawyer and feel that you cannot afford to pay a fee to a lawyer, promptly contact one of the offices of the Legal Aid Society (202-628-1161) or the Neighborhood Legal Services (202-279-5100) for help or come to Suite 5000 at 500 Indiana Avenue, N.W., for more information concerning places where you may ask for such help.

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**TRIBUNAL SUPERIOR DEL DISTRITO DE COLUMBIA**  
**DIVISIÓN CIVIL**  
**Sección de Acciones Civiles**  
**500 Indiana Avenue, N.W., Suite 5000, Washington, D.C. 20001**  
**Teléfono: (202) 879-1133 Sitio web: www.dccourts.gov**

District of Columbia

Demandante

contra

Número de Caso: \_\_\_\_\_

American Honda Motor Co., Inc.

Demandado

**CITATORIO**

Al susodicho Demandado:

Por la presente se le cita a comparecer y se le requiere entregar una Contestación a la Demanda adjunta, sea en persona o por medio de un abogado, en el plazo de veintiún (21) días contados después que usted haya recibido este citatorio, excluyendo el día mismo de la entrega del citatorio. Si usted está siendo demandado en calidad de oficial o agente del Gobierno de los Estados Unidos de Norteamérica o del Gobierno del Distrito de Columbia, tiene usted sesenta (60) días, contados después que usted haya recibido este citatorio, para entregar su Contestación. Tiene que enviarle por correo una copia de su Contestación al abogado de la parte demandante. El nombre y dirección del abogado aparecen al final de este documento. Si el demandado no tiene abogado, tiene que enviarle al demandante una copia de la Contestación por correo a la dirección que aparece en este Citatorio.

A usted también se le requiere presentar la Contestación original al Tribunal en la Oficina 5000, sito en 500 Indiana Avenue, N.W., entre las 8:30 a.m. y 5:00 p.m., de lunes a viernes o entre las 9:00 a.m. y las 12:00 del mediodía los sábados. Usted puede presentar la Contestación original ante el Juez ya sea antes que usted le entregue al demandante una copia de la Contestación o en el plazo de siete (7) días de haberle hecho la entrega al demandante. Si usted incumple con presentar una Contestación, podría dictarse un fallo en rebeldía contra usted para que se haga efectivo el desagravio que se busca en la demanda.

Gary M. Tan

*SECRETARIO DEL TRIBUNAL*

Nombre del abogado del Demandante

400 6th Street, N.W., 10th Floor

Por: \_\_\_\_\_

Dirección

Subsecretario

Washington, DC 20001

(202) 727-6241

Fecha \_\_\_\_\_

Teléfono

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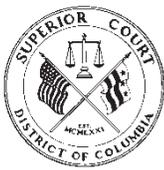
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vs.

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**Gary M. Tan**

*Clerk of the Court*

\_\_\_\_\_  
 Name of Plaintiff's Attorney

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By \_\_\_\_\_

Deputy Clerk

Date \_\_\_\_\_

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Demandado

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Gary M. Tan

*SECRETARIO DEL TRIBUNAL*

Nombre del abogado del Demandante

400 6th Street, N.W., 10th Floor

Por: \_\_\_\_\_

Dirección

Washington, DC 20001

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# Superior Court of the District of Columbia

## CIVIL DIVISION- CIVIL ACTIONS BRANCH INFORMATION SHEET

District of Columbia \_\_\_\_\_ Case Number: \_\_\_\_\_

vs Date: \_\_\_\_\_

American Honda Motor Co., Inc., et al. \_\_\_\_\_  One of the defendants is being sued  
in their official capacity.

Name: <i>(Please Print)</i> Gary M. Tan	Relationship to Lawsuit
Firm Name: DC Office of the Attorney General	<input checked="" type="checkbox"/> Attorney for Plaintiff
Telephone No.: 202-727-6241    Six digit Unified Bar No.: 987796	<input type="checkbox"/> Self (Pro Se)
	<input type="checkbox"/> Other: _____

TYPE OF CASE:     Non-Jury                       6 Person Jury                       12 Person Jury  
Demand: \$ \_\_\_\_\_                      Other: \_\_\_\_\_

**PENDING CASE(S) RELATED TO THE ACTION BEING FILED**

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar #: \_\_\_\_\_

Case No.: \_\_\_\_\_ Judge: \_\_\_\_\_ Calendar#: \_\_\_\_\_

<b>NATURE OF SUIT:    <i>(Check One Box Only)</i></b>		
<b>A. CONTRACTS</b>	<b>COLLECTION CASES</b>	
<input type="checkbox"/> 01 Breach of Contract	<input type="checkbox"/> 14 Under \$25,000 Pltf. Grants Consent	<input type="checkbox"/> 16 Under \$25,000 Consent Denied
<input type="checkbox"/> 02 Breach of Warranty	<input type="checkbox"/> 17 OVER \$25,000 Pltf. Grants Consent	<input type="checkbox"/> 18 OVER \$25,000 Consent Denied
<input type="checkbox"/> 6 Negotiable Instrument	<input type="checkbox"/> 27 Insurance/Subrogation	<input type="checkbox"/> 26 Insurance/Subrogation
<input type="checkbox"/> 7 Personal Property	<input type="checkbox"/> Over \$25,000 Pltf. Grants Consent	<input type="checkbox"/> Over \$25,000 Consent Denied
<input type="checkbox"/> 13 Employment Discrimination	<input type="checkbox"/> 07 Insurance/Subrogation	<input type="checkbox"/> 34 Insurance/Subrogation
15 Special Education Fees	Under \$25,000 Pltf. Grants Consent	Under \$25,000 Consent Denied
	28 Motion to Confirm Arbitration	
	Award (Collection Cases Only)	
<b>B. PROPERTY TORTS</b>		
<input type="checkbox"/> 1 Automobile	<input type="checkbox"/> 03 Destruction of Private Property	<input type="checkbox"/> 05 Trespass
<input type="checkbox"/> 2 Conversion	<input type="checkbox"/> 04 Property Damage	
<input type="checkbox"/> 07 Shoplifting, D.C. Code § 27-102 (a)		
<b>C. PERSONAL TORTS</b>		
1 Abuse of Process	10 Invasion of Privacy	17 Personal Injury- (Not Automobile, Not Malpractice)
2 Alienation of Affection	11 Libel and Slander	18 Wrongful Death (Not Malpractice)
3 Assault and Battery	12 Malicious Interference	19 Wrongful Eviction
4 Automobile- Personal Injury	13 Malicious Prosecution	20 Friendly Suit
X5 Deceit (Misrepresentation)	14 Malpractice Legal	21 Asbestos
6 False Accusation	15 Malpractice Medical (Including Wrongful Death)	22 Toxic/Mass Torts
7 False Arrest	16 Negligence- (Not Automobile, Not Malpractice)	23 Tobacco
8 Fraud		<input type="checkbox"/> 24 Lead Paint

SEE REVERSE SIDE AND CHECK HERE

IF USED

# Information Sheet, Continued

## C. OTHERS

- |  |   |
|--|---|
| <input type="checkbox"/> 01 Accounting                                 | <input type="checkbox"/> 17 Merit Personnel Act (OEA)   |
| <input type="checkbox"/> 02 Att. Before Judgment                       | (D.C. Code Title 1, Chapter 6)  |
| <input type="checkbox"/> 05 Ejectment                                  | <input type="checkbox"/> 18 Product Liability   |
| <input type="checkbox"/> 9 Special Writ/Warrants<br>(DC Code § 11-941) | <input type="checkbox"/> 24 Application to Confirm, Modify,<br>Vacate Arbitration Award (DC Code § 16-4401) |
| <input type="checkbox"/> 10 Traffic Adjudication                       | <input type="checkbox"/> 29 Merit Personnel Act (OHR)   |
| <input type="checkbox"/> 11 Writ of Replevin                           | <input type="checkbox"/> 31 Housing Code Regulations  |
| <input type="checkbox"/> 12 Enforce Mechanics Lien                     | <input type="checkbox"/> 32 Qui Tam   |
| <input type="checkbox"/> 16 Declaratory Judgment                       | <input type="checkbox"/> 33 Whistleblower   |

## II.

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> 03 Change of Name                                 | <input type="checkbox"/> 15 Libel of Information                                    | <input type="checkbox"/> 21 Petition for Subpoena<br>[Rule 28-I (b)] |
| <input type="checkbox"/> 06 Foreign Judgment/Domestic                      | <input type="checkbox"/> 19 Enter Administrative Order as<br>Judgment [ D.C. Code § | <input type="checkbox"/> 22 Release Mechanics Lien                   |
| <input type="checkbox"/> 08 Foreign Judgment/International                 | 2-1802.03 (h) or 32-151 9 (a)]  | <input type="checkbox"/> 23 Rule 27(a)(1)<br>(Perpetuate Testimony)  |
| <input type="checkbox"/> 13 Correction of Birth Certificate                | <input type="checkbox"/> 20 Master Meter (D.C. Code §                               | <input type="checkbox"/> 24 Petition for Structured Settlement       |
| <input type="checkbox"/> 14 Correction of Marriage<br>Certificate          | 42-3301, et seq.)   | <input type="checkbox"/> 25 Petition for Liquidation                 |
| <input type="checkbox"/> 26 Petition for Civil Asset Forfeiture (Vehicle)  |   |  |
| <input type="checkbox"/> 27 Petition for Civil Asset Forfeiture (Currency) |   |  |
| <input type="checkbox"/> 28 Petition for Civil Asset Forfeiture (Other)    |   |  |

## D. REAL PROPERTY

- |  |  |
|--|--|
| <input type="checkbox"/> 09 Real Property-Real Estate                | <input type="checkbox"/> 08 Quiet Title                                  |
| <input type="checkbox"/> 12 Specific Performance                     | <input type="checkbox"/> 25 Liens: Tax / Water Consent Granted           |
| <input type="checkbox"/> 04 Condemnation (Eminent Domain)            | <input type="checkbox"/> 30 Liens: Tax / Water Consent Denied            |
| <input type="checkbox"/> 10 Mortgage Foreclosure/Judicial Sale       | <input type="checkbox"/> 31 Tax Lien Bid Off Certificate Consent Granted |
| <input type="checkbox"/> 11 Petition for Civil Asset Forfeiture (RP) |  |

/s/ Gary M. Tan

Attorney's Signature

August 25, 2020

Date