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6 OF THE STATE OF CALIFORNIA

FILED
NOV 22 2005

ALEX CALVO, CLERK
BY DAJAH RUIZ
DEPUTY, SANTA CRUZ COUNTY

8 SUPERIOR COURT OF CALIFORNIA

9 IN AND FOR THE COUNTY OF SANTA CRUZ

10 PEOPLE OF THE STATE OF CALIFORNIA,) No. **CV 153031**
11 Plaintiffs) COMPLAINT FOR CIVIL
12 vs.) PENALTIES AND EQUITABLE
13 SUN SHOPS, INC., and DOES 1) RELIEF
14 through 20, inclusive,)
15 Defendants.)

16 Come now the PEOPLE OF THE STATE OF CALIFORNIA, and for
17 cause of action against defendants and each of them, alleges as
18 follows, upon information and belief:

19 FIRST CAUSE OF ACTION

20 [Health & Safety Code §25249.6]

21 1. At all times relevant to this complaint, SUN SHOPS, INC.
22 was a California corporation doing business in Santa Cruz County,
23 California as a retailer of beach wear, gifts, and related
24 merchandise, and employing ten or more persons.

25 2. Plaintiff is ignorant of the identities of Defendants
26 sued herein as DOES 1 through 20, inclusive.

27 3. Within one year prior to the filing of this complaint,
28 Defendants and each of them were and are persons who, in the

1 course of doing business, knowingly and intentionally exposed
2 individuals to lead and cadmium, chemicals known to the state of
3 California to cause cancer or reproductive toxicity, and failed
4 to first give clear and reasonable warnings to such individuals
5 within the meaning of Health and Safety Code section 25249.6.
6 The products through which such exposure was and are being made
7 are drinking glasses and other glassware intended for the
8 consumption of food or beverages with colored artwork designs,
9 containing lead and/or cadmium on the exterior, including but not
10 limited to the following item: Drinking Glass, "Santa Cruz"
11 #000003. The manner of exposure is and was through ingestion
12 and/or dermal contact. The types of harm which can be caused by
13 such exposure are birth defects and other reproductive harm.

14 4. In doing the foregoing, Defendants and each of them
15 violated Health & Safety Code §25249.6.

16 SECOND CAUSE OF ACTION

17 [Business & Professions Code §17200]

18 5. Plaintiff realleges the allegations of Paragraphs 1
19 through 4, inclusive, of the First Cause of Action, as though set
20 forth in full.

21 6. In doing the foregoing the Defendants engage, and have
22 engaged within the previous four years, in unfair competition in
23 violation of Business & Professions Code §17200.

24 WHEREFORE, Plaintiff prays judgment against Defendants and
25 each of them as follows:

26 1. That the Defendants pay a civil penalty not to exceed
27 \$2,500 for each separate violation of Health & Safety Code
28 §25249.6, pursuant to Health & Safety Code §25249.7.

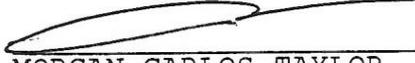
1 2. That the Defendants pay a civil penalty not to exceed
2 \$2,500 for each separate violation of Business & Professions Code
3 \$17200, pursuant to Business & Professions Code Section 17206.

4 3. That the Court grant a preliminary and a permanent
5 injunction pursuant to Health and Safety Code §25249.7 and
6 Business & Professions Code §17203, prohibiting Defendants and
7 each of them from exposing persons within the State of California
8 to lead without providing clear and reasonable warnings as
9 required by law.

10 4. That the Court grant such other and further relief as in
11 the premises it may deem just and proper.

12 DATED: November 21, 2005

BOB LEE
District Attorney

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15 MORGAN CARLOS TAYLOR
Asst. District Attorney

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