

1 Laurence D. Haveson, State Bar No. 152631
2 David Lavine, State Bar No. 166744
3 HIRST & CHANLER LLP
4 2560 Ninth Street
5 Parker Plaza, Suite 214
6 Berkeley, CA 94710-2565
7 Telephone: (510) 848-8880
8 Facsimile: (510) 848-8118

9 Attorneys for Plaintiff
10 ANTHONY E. HELD, Ph.D., P.E.

ENDORSED
FILED
ALAMEDA COUNTY

MAY - 9 2008

CLERK OF THE SUPERIOR COURT
By Graciela Pacheco, Deputy

11
12
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF ALAMEDA
15 UNLIMITED CIVIL JURISDICTION
16
17
18

19 ANTHONY E. HELD, Ph.D., P.E.,

20 Plaintiff,

21 vs.

22 RAND INTERNATIONAL LEISURE
23 PRODUCTS LTD.; WALGREEN CO.; and
24 DOES 1 through 150, inclusive,

25 Defendants.

Case No. **RG08386696**

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Cal. Health & Safety Code §25249.6 et seq.)

1 30. DEFENDANTS have engaged in the manufacture, distribution and/or offering of
2 the PRODUCTS for sale or use in violation of California Health & Safety Code §25249.6 and
3 DEFENDANTS' manufacture, distribution and/or offering of the PRODUCTS for sale or use in
4 violation of California Health & Safety Code §25249.6 has continued to occur beyond
5 DEFENDANTS' receipt of plaintiffs sixty-day notice of violation. Plaintiff further alleges and
6 believes that such violations will continue to occur into the future.

7 31. After receipt of the claims asserted in the sixty-day notice of violation, the
8 appropriate public enforcement agencies have failed to commence and diligently prosecute a
9 cause of action against DEFENDANTS under Proposition 65.

10 32. The PRODUCTS manufactured, distributed, and/or offered for sale or use in
11 California by DEFENDANTS contained the LISTED CHEMICAL above the allowable state
12 limits.

13 33. DEFENDANTS knew or should have known that the PRODUCTS manufactured,
14 distributed, and/or offered for sale or use by DEFENDANTS in California contained the LISTED
15 CHEMICAL.

16 34. The LISTED CHEMICAL was present in or on the PRODUCTS in such a way as
17 to expose individuals to the LISTED CHEMICAL through dermal contact and/or ingestion during
18 the reasonably foreseeable use of the PRODUCTS.

19 35. The normal and reasonably foreseeable use of the PRODUCTS has caused and
20 continues to cause consumer exposures to the LISTED CHEMICAL, as such exposure is defined
21 by 22 CCR §12601(b).

22 36. DEFENDANTS had knowledge that the normal and reasonably foreseeable use of
23 the PRODUCTS would expose individuals to the LISTED CHEMICAL through dermal contact
24 and/or ingestion.

25 37. DEFENDANTS, and each of them, intended that such exposures to the LISTED
26 CHEMICAL from the reasonably foreseeable use of the PRODUCTS would occur by their
27 deliberate, non-accidental participation in the manufacture, distribution and/or offer for sale or
28 use of PRODUCTS to individuals in the State of California.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

3. That the Court grant plaintiff his reasonable attorneys' fees and costs of suit; and
4. That the Court grant such other and further relief as may be just and proper.

Dated: May 9, 2008

Respectfully Submitted,

HIRST & CHANLER LLP

By: Laurence D. Haveson
Laurence D. Haveson
Attorneys for Plaintiff
ANTHONY E. HELD, Ph.D., P.E.