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ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

JUL 27 2011

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BY Glorietta Robinson Deputy

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES – CENTRAL DISTRICT

11 CONSUMER ADVOCACY GROUP, INC.,
12 in the public interest,

13 Plaintiff,

14 v.

15 FINE DISCOUNT NO. 1, INC., a California
16 corporation; GENERAL DISCOUNT
17 STORES, a business entity unknown;
18 ELECTRIX, INC., a Connecticut
corporation; and DOES 1-50

19 Defendants.

CASE NO. BC 465246

FIRST AMENDED COMPLAINT FOR
PENALTY, INJUNCTION, AND
RESTITUTION

Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement
Act of 1986 (*Health & Safety Code*, §
25249.5, *et seq.*)

ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$25,000)

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21 Plaintiff Consumer Advocacy Group, Inc. alleges a cause of action against Defendants as
22 follows:

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COPY

THE PARTIES

- 1
2 1. Plaintiff Consumer Advocacy Group, Inc. ("Plaintiff" or "CAG") is a non-profit
3 corporation qualified to do business in the State of California. CAG is a person within
4 the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting
5 as a private attorney general, brings this action in the public interest as defined under
6 Health and Safety Code section 25249.7, subdivision (d).
- 7 2. Defendant Fine Discount No. 1, Inc. ("Fine Discount") is a company incorporated in the
8 State of California.
- 9 3. Defendant General Discount Stores ("General Discount") is a business entity, form
10 unknown, qualified to do business and doing business in the State of California at all
11 relevant times herein.
- 12 4. Defendant Electrix, Inc. ("Electrix") is a company incorporated in the State of
13 Connecticut, qualified to do business and doing business in the State of California at all
14 relevant times herein.
- 15 5. Plaintiff is ignorant of the true names and capacities of Defendants Does 1-50, and
16 therefore sues these defendants by such fictitious names. Plaintiff will amend this
17 complaint to allege their true names and capacities when ascertained. Plaintiff is
18 informed, believes, and thereon alleges that each fictitiously named defendant is
19 responsible in some manner for the occurrences herein alleged and the damages caused
20 thereby.
- 21 6. At all times mentioned herein, the term "Defendants" includes Fine Discount, General
22 Discount, Electrix, and Does 1-50.
- 23 7. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
24 times mentioned herein have conducted business within the State of California.
- 25 8. At all times relevant to this action, each of the Defendants was an agent, servant, or
26 employee of each of the other Defendants. In conducting the activities alleged in this
27 Complaint, each of the Defendants was acting within the course and scope of this agency,

1 service, or employment, and was acting with the consent, permission, and authorization
2 of each of the other Defendants. All actions of each of the Defendants alleged in this
3 Complaint were ratified and approved by every other Defendant or their officers or
4 managing agents. Alternatively, each of the Defendants aided, conspired with and/or
5 facilitated the alleged wrongful conduct of each of the other Defendants.

- 6 9. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
7 Defendants was a person doing business within the meaning of Health and Safety Code
8 section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
9 employees at all relevant times.

10
11 **JURISDICTION**

- 12 10. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
13 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
14 those given by statute to other trial courts. This Court has jurisdiction over this action
15 pursuant to Health and Safety Code section 25249.7, which allows enforcement of
16 violations of Proposition 65 in any Court of competent jurisdiction.

- 17 11. This Court has jurisdiction over Defendants named herein because Defendants either
18 reside or are located in this State or are foreign corporations authorized to do business in
19 California, are registered with the California Secretary of State, or who do sufficient
20 business in California, have sufficient minimum contacts with California, or otherwise
21 intentionally avail themselves of the markets within California through their manufacture,
22 distribution, promotion, marketing, or sale of their products within California to render
23 the exercise of jurisdiction by the California courts permissible under traditional notions
24 of fair play and substantial justice.

- 25 12. Venue is proper in the County of Los Angeles because one or more of the instances of
26 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
27

1 because Defendants conducted, and continue to conduct, business in the County of Los
2 Angeles with respect to the consumer product that is the subject of this action.

3 **BACKGROUND AND PRELIMINARY FACTS**

4 13. In 1986, California voters approved an initiative to address growing concerns about
5 exposure to toxic chemicals and declared their right "[t]o be informed about exposures to
6 chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp.,
7 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
8 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections
9 25249.5, *et seq.* ("Proposition 65"), helps to protect California's drinking water sources
10 from contamination, to allow consumers to make informed choices about the products
11 they buy, and to enable persons to protect themselves from toxic chemicals as they see
12 fit.

13 14. Proposition 65 requires the Governor of California to publish a list of chemicals known to
14 the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*
15 § 25249.8. The list, which the Governor updates at least once a year, contains over 700
16 chemicals and chemical families. Proposition 65 imposes warning requirements and
17 other controls that apply to Proposition 65-listed chemicals.

18 15. All businesses with ten (10) or more employees that operate or sell products in California
19 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
20 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
21 water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and
22 reasonable" warnings before exposing a person, knowingly and intentionally, to a
23 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

24 16. Proposition 65 provides that any person "violating or threatening to violate" the statute
25 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.
26 "Threaten to violate" means "to create a condition in which there is a substantial
27 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

28

1 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
2 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

3 17. Plaintiff identified certain practices of manufacturers, distributors, and retailers of Lead-
4 bearing products of exposing, knowingly and intentionally, persons in California to the
5 Proposition 65-listed chemicals of such products without first providing clear and
6 reasonable warnings of such to the exposed persons prior to the time of exposure.

7 Plaintiff later discerned that Defendants engaged in such practice.

8 18. On October 1, 1992, the Governor of California added Lead and Lead compounds to the
9 list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)).
10 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
11 after addition of Lead and Lead compounds to the list of chemicals known to the State to
12 cause cancer, Lead and lead compounds became fully subject to Proposition 65 warning
13 requirements and discharge prohibitions.

14 19. On February 27, 1987, the Governor of California added Lead to the list of chemicals
15 known to the State to cause reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)).
16 Lead is known to the State to cause developmental, female, and male reproductive
17 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)
18 months after addition of Lead to the list of chemicals known to the State to cause
19 reproductive toxicity, Lead became fully subject to Proposition 65 warning requirements
20 and discharge prohibitions.

21 **SATISFACTION OF PRIOR NOTICE**

22 20. On or about August 19, 2010, Plaintiff gave notice of alleged violations of Health and
23 Safety Code section 25249.6, concerning consumer products exposures and occupational
24 exposures, subject to a private action to Fine Discount No. 1, Inc., identified in the notice
25 as "doing business as 'General Discount Stores,'" and to the California Attorney General,
26 Los Angeles County District Attorney, and Los Angeles City Attorney, concerning the
27 product WBTC Electrical Tape.

1 21. On or about August 19, 2010, Plaintiff gave notice of alleged violations of Health and
2 Safety Code section 25249.6, concerning consumer products exposures and occupational
3 exposures, subject to a private action to Fine Discount No. 1, Inc., identified in the notice
4 as "doing business as 'General Discount Stores,'" and to the California Attorney General,
5 Los Angeles County District Attorney, and Los Angeles City Attorney, concerning the
6 product 100 AMP Battery Booster Cable, "Heavy Duty," "Copper," "Made to the
7 Highest Specifications."

8 22. On or about August 19, 2010, Plaintiff gave notice of alleged violations of Health and
9 Safety Code section 25249.6, concerning consumer products exposures, subject to a
10 private action to Electrix, Inc., Fine Discount No. 1, Inc., identified in the notice as
11 "doing business as 'General Discount Stores,'" and to the California Attorney General,
12 Los Angeles County District Attorney, and Los Angeles City Attorney, concerning the
13 product Indoor/ Outdoor Floodlight Holder Kit (item no. EC1806FL).

14 23. Before sending the notices of alleged violations, Plaintiff investigated the consumer
15 products involved, the likelihood that such products would cause users to suffer
16 significant exposures to Lead, and the corporate structure of each of the Defendants.

17 24. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
18 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
19 Plaintiff who executed the certificate had consulted with at least one person with relevant
20 and appropriate expertise who reviewed data regarding the exposure to Lead, which is the
21 subject Proposition 65-listed chemical of this action. Based on that information, the
22 attorney for Plaintiff who executed the Certificate of Merit believed there was a
23 reasonable and meritorious case for this private action. The attorney for Plaintiff attached
24 to the Certificate of Merit served on the Attorney General the confidential factual
25 information sufficient to establish the basis of the Certificate of Merit.
26
27

1 25. Plaintiff's notice of alleged violations also included a Certificate of Service and a
2 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
3 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

4 26. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
5 gave notice of the alleged violations to Fine Discount, General Discount, and the public
6 prosecutors referenced in Paragraphs 20, 21, and 22.

7 27. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
8 the Los Angeles County District Attorney or Los Angeles City Attorney has commenced
9 and is diligently prosecuting an action against the Defendants.

10 **FIRST CAUSE OF ACTION**

11 **(By Consumer Advocacy Group, Inc. and against Fine Discount No. 1, Inc., General**
12 **Discount Stores, and Does 1-50 for Violations of Proposition 65, The Safe Drinking Water**
13 **and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

14 **WBTC Electrical Tape**

15 28. Plaintiff Consumer Advocacy Group, Inc. repeats and incorporates by reference
16 paragraphs 1 through 27 of this complaint as though fully set forth herein.

17 29. Each of the Defendants, Fine Discount, General Discount, and Does 1-50, is, and at all
18 times mentioned herein was, a manufacturer, distributor, promoter, or retailer of WBTC
19 Electrical Tape (hereinafter "Tape"), a consumer product designed for use in electrical
20 appliances.

21 30. Plaintiff is informed, believes, and thereon alleges that the Tape contains Lead.

22 31. Defendants knew or should have known that Lead has been identified by the State of
23 California as a chemical known to cause cancer and reproductive toxicity and therefore
24 was subject to Proposition 65 warning requirements. Defendants were also informed of
25 the presence of Lead in the Tape by virtue of Plaintiff's notice of alleged violations
26 further discussed above at Paragraph 20.

27 32. Plaintiff's allegations regarding the Tape concern "[c]onsumer products exposure[s],"
28 which "is an exposure that results from a person's acquisition, purchase, storage,

1 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
2 that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b).*

3 Tape is a consumer product, and, as mentioned herein, exposures to Lead took place as a
4 result of such normal and foreseeable consumption and use thereof.

5 33. Plaintiff’s allegations regarding the Tape also concern “[o]ccupational exposure[s],”
6 which are exposures “to any employees in his or her employer’s workplace.” *Cal. Code*
7 *Reg. tit. 27, § 25602(f).* As mentioned herein, employees were exposed to Lead in their
8 employer’s workplace as a result of handling Tape, in conjunction with packaging,
9 shipping, distributing and/or selling Tape, among other activities, without having first
10 been given clear and reasonable warnings that such handling would cause exposures to
11 Lead.

12 34. Plaintiff is informed, believes, and thereon alleges that between June 28, 2007 and the
13 present, each of the Defendants knowingly and intentionally exposed their employees and
14 California consumers and users of Tape, which Defendants manufactured, distributed, or
15 sold as mentioned above, to Lead, without first providing any type of clear and
16 reasonable warning of such to the exposed persons before the time of exposure.
17 Defendants have distributed and sold Tape in California. Defendants know and intend
18 that California consumers will use and consume Tape thereby exposing them to Lead.
19 Defendants thereby violated Proposition 65.

20 35. The principal routes of exposure were through inhalation, oral ingestion, including hand
21 to mouth pathways, and trans-dermal absorption. Persons sustain exposures by handling
22 the Electrical Tape without wearing gloves or by touching bare skin or mucous
23 membranes with gloves after handling the Electrical Tape, as well as hand to mouth
24 contact, hand to mucous membrane, or breathing in particulate matter emanating from the
25 Electrical Tape during installation and use. Additionally, Children and infants may be
26 exposed by touching the Electrical Tape and putting the Electrical Tape in their mouths.
27

1 36. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
2 Proposition 65 as to the Tape have been ongoing and continuous to the date of the signing
3 of this complaint, as Defendants engaged and continue to engage in conduct which
4 violates Health and Safety Code section 25249.6, including the manufacture, distribution,
5 promotion, and sale of the Tape, so that a separate and distinct violation of Proposition 65
6 occurred each and every time a person was exposed to Lead by the Tape, as mentioned
7 herein.

8 37. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
9 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
10 violations alleged herein will continue to occur in the future.

11 38. Based on the allegations herein, Defendants are liable for civil penalties of up to
12 \$2,500.00 per day per individual exposure to Lead from the Tape, pursuant to Health and
13 Safety Code section 25249.7(b).

14 39. In the absence of equitable relief, the general public and Defendants' employees will
15 continue to be involuntarily exposed to Lead that is contained in the Tape, creating a
16 substantial risk of irreparable harm. Thus, by committing the acts alleged herein,
17 Defendants have caused irreparable harm for which there is no plain, speedy, or adequate
18 remedy at law.

19 40. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
20 filing this Complaint.

21 **SECOND CAUSE OF ACTION**

22 **(By Consumer Advocacy Group, Inc. and against Fine Discount No. 1, Inc., General**
23 **Discount Stores, and Does 1-50 for Violations of Proposition 65, The Safe Drinking Water**
24 **and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

25 **100 AMP Battery Booster Cable, "Heavy Duty," "Copper," "Made to the Highest**
26 **Specifications"**

27 41. Plaintiff Consumer Advocacy Group, Inc. repeats and incorporates by reference
28 paragraphs 1 through 40 of this complaint as though fully set forth herein.

1 42. Each of the Defendants, Fine Discount, General Discount, and Does 1-50, is, and at all
2 times mentioned herein was, a manufacturer, distributor, promoter, or retailer of 100
3 AMP Battery Booster Cable, "Heavy Duty," "Copper," "Made to the Highest
4 Specifications," (hereinafter "Booster Cable"), a consumer product designed for reviving
5 car batteries.

6 43. Plaintiff is informed, believes, and thereon alleges that Booster Cable contains Lead.

7 44. Defendants knew or should have known that Lead has been identified by the State of
8 California as a chemical known to cause cancer and reproductive toxicity and therefore
9 was subject to Proposition 65 warning requirements. Defendants were also informed of
10 the presence of Lead in Booster Cable by virtue of Plaintiff's notice of alleged violations
11 further discussed above at Paragraph 21.

12 45. Plaintiff's allegations regarding Booster Cable concern "[c]onsumer products
13 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
14 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
15 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
16 *25602(b)*. Booster Cable is a consumer product, and, as mentioned herein, exposures to
17 Lead took place as a result of such normal and foreseeable consumption and use.

18 46. Plaintiff's allegations regarding Booster Cable also concern "[o]ccupational exposure[s],"
19 which are exposures "to any employees in his or her employer's workplace." *Cal. Code*
20 *Reg. tit. 27, § 25602(f)*. As mentioned herein, employees were exposed to Lead in their
21 employer's workplace as a result of handling Booster Cable, in conjunction with
22 packaging, shipping, distributing and/or selling Booster Cable, among other activities,
23 without having first been given clear and reasonable warnings that such handling would
24 cause exposures to Lead.

25 47. Plaintiff is informed, believes, and thereon alleges that between June 28, 2007 and the
26 present, each of the Defendants knowingly and intentionally exposed their employees and
27 California consumers and users of Booster Cable, which Defendants manufactured,
28

1 distributed, or sold as mentioned above, to Lead, without first providing any type of clear
2 and reasonable warning of such to the exposed persons before the time of exposure.

3 Defendants have distributed and sold Booster Cable in California. Defendants know and
4 intend that California consumers will use and consume Booster Cable thereby exposing
5 them to Lead. Defendants thereby violated Proposition 65.

6 48. The principal routes of exposure were through inhalation, oral ingestion, including hand
7 to mouth pathways, and trans-dermal absorption. Persons sustain exposures by handling
8 the Booster Cable without wearing gloves or by touching bare skin or mucous
9 membranes with gloves after handling the Booster Cable, as well as hand to mouth
10 contact, hand to mucous membrane, or breathing in particulate matter emanating from the
11 Booster Cable during installation and use. Additionally, Children and infants may be
12 exposed by touching the Booster Cable and putting the Booster Cable in their mouths.

13 49. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
14 Proposition 65 as to Booster Cable have been ongoing and continuous to the date of the
15 signing of this complaint, as Defendants engaged and continue to engage in conduct
16 which violates Health and Safety Code section 25249.6, including the manufacture,
17 distribution, promotion, and sale of Booster Cable, so that a separate and distinct
18 violation of Proposition 65 occurred each and every time a person was exposed to Lead
19 by Booster Cable as mentioned herein.

20 50. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
21 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
22 violations alleged herein will continue to occur into the future.

23 51. Based on the allegations herein, Defendants are liable for civil penalties of up to
24 \$2,500.00 per day per individual exposure to Lead from Booster Cable, pursuant to
25 Health and Safety Code section 25249.7(b).

26 52. In the absence of equitable relief, the general public and Defendants' employees will
27 continue to be involuntarily exposed to Lead that is contained in Booster Cable, creating

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1 a substantial risk of irreparable harm. Thus, by committing the acts alleged herein,
2 Defendants have caused irreparable harm for which there is no plain, speedy, or adequate
3 remedy at law.

4 53. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
5 filing this Complaint.

6
7 **THIRD CAUSE OF ACTION**

8 **(By Consumer Advocacy Group, Inc. and against Fine Discount No. 1, Inc., General**
9 **Discount Stores, Electrix, Inc., and Does 1-50 for Violations of Proposition 65, The Safe**
10 **Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
11 ***seq.*))**

12 **Indoor/ Outdoor Floodlight Holder Kit, Item No. EC1806FL**

13 54. Plaintiff Consumer Advocacy Group, Inc. repeats and incorporates by reference
14 paragraphs 1 through 53 of this complaint as though fully set forth herein.

15 55. Each of the Defendants, Fine Discount, General Discount, Electrix, and Does 1-50, is,
16 and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of
17 Indoor/ Outdoor Floodlight Holder Kit, Item No. EC1806FL (hereinafter "Floodlight
18 Holder"), a consumer product designed for mounting lights.

19 56. Plaintiff is informed, believes, and thereon alleges that Floodlight Holder contains Lead.

20 57. Defendants knew or should have known that Lead has been identified by the State of
21 California as a chemical known to cause cancer and reproductive toxicity and therefore
22 was subject to Proposition 65 warning requirements. Defendants were also informed of
23 the presence of Lead in Floodlight Holder by virtue of Plaintiff's notice of alleged
24 violations further discussed above at Paragraph 22.

25 58. Plaintiff's allegations regarding Floodlight Holder concern "[c]onsumer products
26 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
27 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
28 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*

1 25602(b). Floodlight Holder is a consumer product, and, as mentioned herein, exposures
2 to Lead took place as a result of such normal and foreseeable consumption and use.

3 59. Plaintiff is informed, believes, and thereon alleges that between June 28, 2007 and the
4 present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Floodlight Holder, which Defendants manufactured, distributed,
6 or sold as mentioned above, to Lead, without first providing any type of clear and
7 reasonable warning of such to the exposed persons before the time of exposure.

8 Defendants have distributed and sold Floodlight Holder in California. Defendants know
9 and intend that California consumers will use and consume Floodlight Holder thereby
10 exposing them to Lead. Defendants thereby violated Proposition 65.

11 60. The principal routes of exposure were through inhalation, oral ingestion, including hand
12 to mouth pathways, and trans-dermal absorption. Persons sustain exposures by handling
13 the Floodlight Holder Kit without wearing gloves or by touching bare skin or mucous
14 membranes with gloves after handling the Floodlight Holder Kit, as well as hand to
15 mouth contact, hand to mucous membrane, or breathing in particulate matter emanating
16 from the Floodlight Holder Kit during installation and use. Additionally, Children and
17 infants may be exposed by touching the Floodlight Holder Kit and putting their hands in
18 their mouths.

19 61. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
20 Proposition 65 as to Floodlight Holder have been ongoing and continuous to the date of
21 the signing of this complaint, as Defendants engaged and continue to engage in conduct
22 which violates Health and Safety Code section 25249.6, including the manufacture,
23 distribution, promotion, and sale of Floodlight Holder, so that a separate and distinct
24 violation of Proposition 65 occurred each and every time a person was exposed to Lead
25 by Floodlight Holder as mentioned herein.

1 62. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
3 violations alleged herein will continue to occur in the future.

4 63. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to Lead from Floodlight Holder, pursuant to
6 Health and Safety Code section 25249.7(b).

7 64. In the absence of equitable relief, the general public will continue to be involuntarily
8 exposed to Lead that is contained in Floodlight Holder, creating a substantial risk of
9 irreparable harm. Thus, by committing the acts alleged herein, Defendants have caused
10 irreparable harm for which there is no plain, speedy, or adequate remedy at law.

11 65. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
12 filing this Complaint.

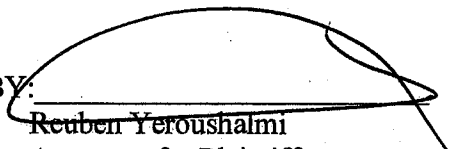
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14 **PRAYER FOR RELIEF**

15 Plaintiff demands against each of the Defendants as follows:

- 16 1. A permanent injunction mandating Proposition 65-compliant warnings;
17 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);
18 3. Costs of suit;
19 4. Reasonable attorney fees and costs; and
20 5. Any further relief that the court may deem just and equitable.

21
22
23 Dated: July 26, 2011

YEROUSHALMI & ASSOCIATES

24
25
26 BY: 
27 Reuben Yeroushalmi
28 Attorneys for Plaintiff,
Consumer Advocacy Group, Inc.