

1 Code Section 25249.7. California Constitution Article VI, Section 10 grants the Superior Court
2 "original jurisdiction in all causes except those given by statute to other trial courts." Chapter 6.6
3 of the Health & Safety Code, which contains the statutes under which this action is brought, does
4 not grant jurisdiction to any other trial court.

5 10. This Court has jurisdiction over Defendant because it is a business that has
6 sufficient minimum contacts in California and within the City and County of San Francisco.
7 Defendant intentionally availed itself of the California and San Francisco County markets for
8 leaded-brass home products. It is thus consistent with traditional notions of fair play and
9 substantial justice for the San Francisco Superior Court to exercise jurisdiction over Defendant.

10 11. Venue is proper in this Court because Defendant markets its products in and
11 around San Francisco County and thus causes people to be exposed to lead and lead compounds
12 while those people are physically present in San Francisco County. Liability for Plaintiff's
13 causes of action, or some parts thereof, has accordingly arisen in San Francisco County during
14 the times relevant to this Complaint and Plaintiff seeks civil penalties imposed by statute.

15 FIRST CAUSE OF ACTION
16 (Claim for Injunctive Relief)

17 12. Plaintiff realleges and incorporates by reference into this First Cause of Action, as
18 if specifically set forth herein, paragraphs 1 through 11, inclusive.

19 13. The People of the State of California have declared by referendum under
20 Proposition 65 (California Health & Safety Code § 25249.5 et seq.) their right "[t]o be informed
21 about exposures to chemicals that cause cancer, birth defects, and reproductive harm."

22 14. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates
23 that businesses that knowingly and intentionally expose any individual to a chemical known to
24 the State of California to cause cancer or birth defects must first provide a clear and reasonable
25 warning to such individual prior to the exposure.

26 15. Since at least March 3, 2008, Defendant has engaged in conduct that violates
27 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
28 intentionally exposing to the above mentioned toxic chemicals, those California residents who

1 handle and use leaded-brass home products. The normally intended use of leaded-brass home
2 products causes exposure to lead and lead compounds, which are chemicals known to the State of
3 California to cause cancer, birth defects and other reproductive harm. Defendant has not
4 provided clear and reasonable warnings, within the meaning of Health & Safety Code Sections
5 25249.6 and 25249.11.

6 16. At all times relevant to this action, Defendant knew that the leaded-brass home
7 products it, distributed or marketed were causing exposures to lead and lead compounds.
8 Defendant intended that residents of California handle and use leaded-brass home products in
9 such ways as would lead to significant exposures to these chemicals.

10 17. By the above described acts, Defendant has violated Cal. Health & Safety Code
11 § 25249.6 and is therefore subject to an injunction ordering it to stop violating Proposition 65, to
12 provide warnings to all present and future customers and to provide warnings to its past
13 customers who purchased defendant's products without receiving a clear and reasonable warning.

14 SECOND CAUSE OF ACTION
15 (Claim for Civil Penalties)

16 18. Plaintiff realleges and incorporates by reference into this Second Cause of Action,
17 as if specifically set forth herein, paragraphs 1 through 17, inclusive.

18 19. By the above described acts, Defendant is liable and should be liable pursuant to
19 Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each individual
20 exposed without proper warning to lead and lead compounds from the handling or use of
21 Defendant's leaded-brass home products.

22 PRAYER FOR RELIEF

23 Wherefore, plaintiff prays for judgment against DEFENDANT, as follows:

24 1. Pursuant to the First Cause of Action, that Defendant be enjoined, restrained, and
25 ordered to comply with the provisions of Section 25249.6 of the California Health & Safety
26 Code;

27 2. Pursuant to the Second Cause of Action, that Defendant be assessed a civil
28 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section

1 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of
2 Defendant's distributing or marketing of leaded-brass home products;

3 3. That Defendant be ordered to identify and locate each individual who purchased
4 leaded-brass home products and provide a warning to each such person that the leaded-brass
5 home products the person purchased will expose that person to chemicals known to cause birth
6 defects.

7 4. That, pursuant to Civil Procedure Code § 1021.5, Defendant be ordered to pay to
8 Plaintiff the attorneys fees and costs it incurred in bringing this enforcement action.

9 5. For such other relief as this court deems just and proper.

10 Dated: June 14, 2012



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13 By _____
14 Brian Acree
15 Attorney for Plaintiff
16 Mateel Environmental Justice Foundation
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February 15, 2012

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR
1515 CLAY STREET, SUITE 2000
P.O. BOX 70550
OAKLAND CA 94612-0550

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that Cost Plus, Inc. (hereinafter "Cost Plus") has been, is, will be and threatens to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below-listed address and telephone number, and I am a responsible individual at both Mateel and this office. The above-referenced violations occur when California residents come into contact with products that are made of, or that incorporate as components, leaded-brass or bronze (collectively "brass products") which Cost Plus markets. A specific example of the products at issue is: KEY BOTTLE OPENER SKU # 2435 2208 UPC CODE: Though the product listed may list a product numbers or SKU, this notice pertains to all products of the same specific types, not just to that product, the specific numbers for which is listed above. The brass or bronze parts on these brass products contain lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead whenever they handle these brass products, such as when buying them, when handling them, or when using them. Lead is transferred from the brass products to their hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred from the skin to the mouth via oral contact either directly with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. Cost Plus did not and does not provide people with clear and reasonable warnings before it exposes them to lead. These violations have occurred every day since at least February 15, 2009, and will continue every day until the lead is removed from the brass products, or until clear and reasonable warnings are given. These violations are alleged for occupational and consumer product exposures. We do not allege occupational exposure violations as to any brass products made outside of California, except as to workplaces Cost Plus itself maintains in California. This notice does not allege any environmental exposure violations.

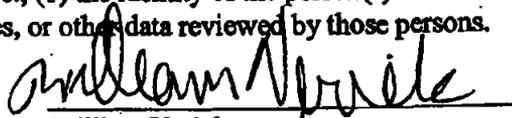
Cordially,


William Verick

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached notice(s) of violation in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings. I am the attorney for the noticing party. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: February 15, 2012



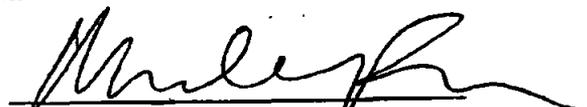
William Verick

This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliances in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

CERTIFICATE OF SERVICE

I, Nicole Frank, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 424 First Street, Eureka, California, 95501. On February 15, 2012, I caused the attached NOTICE OF VIOLATION LETTER, or a letter identical in substance, to be served by U.S. Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date and by U.S. Mail I caused the attached NOTICE OF VIOLATION and PROPOSITION 65: A SUMMARY to be sent by Certified U.S. Mail to the private business entities also listed on the attached SERVICE LIST. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on February 15, 2012, at Eureka, California.



Nicole Frank

SERVICE LIST

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR 1515
CLAY STREET, SUITE 2000
POST OFFICE BOX 70530
OAKLAND, CA 94612-0550

OAKLAND CITY ATTORNEY
CITY HALL 6TH FLOOR
1 FRANK OGAWA PLAZA
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY
CITY OF SAN FRANCISCO
CITY HALL ROOM 206
400 VAN NESS
SAN FRANCISCO, CA 94102

OFFICE OF THE CITY ATTORNEY
CITY OF SACRAMENTO
PO BOX 1948
SACRAMENTO, CA 95812-1948

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
200 EAST SANTA CLARA STREET
SAN JOSE, CA 95113

OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES
200 N. MAIN ST.
LOS ANGELES, CA 90012

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO CONSUMER &
ENVIRONMENTAL PROTECTION
1200 THIRD AVENUE, SUITE 700
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ALAMEDA
1225 FALLON STREET ROOM 900
OAKLAND, CA 94612

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ALPINE
P.O. BOX 248
MARKLEEVILLE, CA 96120

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF AMADOR
708 COURT STREET
JACKSON, CA 95642

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF BUTTE
25 COUNTY CENTER DR.
OROVILLE, CA 95965

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF CALAVERAS
GOVERNMENT CENTER
891 MOUNTAIN RANCH ROAD
SAN ANDREAS, CA 95249

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF COLUSA
547 MARKET STREET
COLUSA, CA 95932

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF CONTRA COSTA
P.O. BOX 670
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF DEL NORTE
450 H ST #171
CRESCENT CITY, CA 95531

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF EL DORADO
515 MAIN ST.
PLACERVILLE, CA 95667

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF FRESNO
2220 TULARE ST #1000
FRESNO, CA 93721

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF GLENN
P.O. BOX 430
WILLOWS, CA 95998

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF HUMBOLDT
825 5TH ST.
EUREKA, CA 95501

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COUNTY OF IMPERIAL
940 W. MAIN STREET, SUITE 102
BL CENTRO, CA 92243-2880

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P.O. DRAWER D
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1215 TRUKTUN AVE. FLOOR 4
BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KINGS
1408 W. LACEY BLVD.
HANFORD, CA 93230

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255 N. FORBES ST # 424
LAKEPORT, CA 95453

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COUNTY OF LASSEN
220 SOUTH LASSEN ST. STE 8
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LOS ANGELES
18000 CRIMINAL COURTS BUILDING
210 W. TEMPLE ST.
LOS ANGELES, CA 90012

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MADERA
209 W. YOSEMITE AVE.
MADERA, CA 93637

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COUNTY OF MARIN
HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIPOSA
P.O. BOX 730
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MENDOCINO
PO BOX 1000
UKIAH, CA 95482

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MERCED
2222 M ST.
MERCED, CA 95340

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MODOC
204 SOUTH COURT STREET
ALTURAS, CA 96101

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P.O. BOX 617
BRIDGEPORT, CA 93517

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NAPA, CA 94559-0720

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NEVADA CITY, CA 95959

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COUNTY OF PLACER
10810 JUSTICE CENTER DR. STE 240
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520 MAIN STREET #404
QUINCY, CA 95971

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4075 MAIN ST.
RIVERSIDE, CA 92501

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901 G STREET
SACRAMENTO, CA 95814

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419 4TH ST
HOLLISTER, CA 95023

OFFICE OF THE DISTRICT ATTORNEY
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330 W. BROADWAY, SUITE 1100
SAN DIEGO, CA 92101

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850 BRYANT ST #322
SAN FRANCISCO, CA 94103

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN JOAQUIN
222 E. WEBER AVE #202
STOCKTON, CA 95202

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93408

OFFICE OF THE DISTRICT ATTORNEY
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HALL OF JUSTICE AND RECORDS
REDWOOD CITY, CA 94063

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA
1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
SANTA CRUZ, CA 95060

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SHASTA
1355 WEST STREET
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNEVILLE, CA 95936

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COUNTY OF SISKIYOU
P.O. BOX 986
YREKA, CA 96097

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COUNTY OF SOLANO
600 UNION AVE
FAIRFIELD, CA 94533

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COUNTY OF SONOMA
600 ADMINISTRATION DR. #212J
SANTA ROSA, CA 95403

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COUNTY OF STANISLAUS
1100 I ST. #200
MODESTO, CA 95354

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1160 CIVIC CENTER BLVD. 8A
YUBA CITY, CA 95993

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P.O. BOX 519
REDBLUFF, CA 94080

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COUNTY OF TRINITY
P.O. BOX 310
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE
COURTHOUSE #224
VISALIA, CA 93291

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COUNTY OF TUOLUMNE
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SONORA, CA 95370

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VENTURA, CA 93009

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301 SECOND STREET
WOODLAND, CA 95695

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

BARRY FELD, PRESIDENT
COST PLUS, INC.
200 4TH STREET
OAKLAND, CA 94607