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ORIGINAL FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF LOS ANGELES

MAR 25 2013

John A. Clarke, Executive Officer/Clerk
BY Mary Flores, Deputy

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

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

13 Plaintiff,

14 v.

15 UKA'S BIG SAVER FOODS, INC., dba
16 BIG SAVER FOODS, INC., a California
17 Corporation; SMART COOK, INC., a
18 California Corporation; SUPERMAX
19 CORPORATION, a Texas Corporation;
20 BETTER HOME PLASTICS CORP., a New
21 Jersey Corporation; and DOES 1-20;

22 Defendants.

CASE NO. **BC 50 3 79 9**

COMPLAINT FOR PENALTY AND
INJUNCTION

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)

23 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges a cause of action against
24 defendants UKA'S BIG SAVER FOODS, INC., dba BIG SAVER FOODS, INC., SMART
25 COOK, INC., SUPERMAX CORPORATION, BETTER HOME PLASTICS CORP., and DOES
26 1-20 as follows:

27 ///

COPY

THE PARTIES

- 1
2 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. ("Plaintiff" or "CAG") is an
3 organization 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 UKA'S BIG SAVER FOODS, INC., dba BIG SAVER FOODS, INC. ("BIG
8 SAVER") is a California corporation, doing business in the State of California at all
9 relevant times herein.
- 10 3. Defendant SMART COOK, INC. ("SMART COOK") is a California corporation, doing
11 business in the State of California at all relevant times herein.
- 12 4. Defendant SUPERMAX CORPORATION ("SUPERMAX") is a Texas corporation,
13 doing business in the State of California at all relevant times herein.
- 14 5. Defendant BETTER HOME PLASTICS CORP. ("BETTER HOME") is a New Jersey
15 corporation, doing business in the State of California at all relevant times herein.
- 16 6. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20,
17 and therefore sues these defendants by such fictitious names. Plaintiff will amend this
18 complaint to allege their true names and capacities when ascertained. Plaintiff is
19 informed, believes, and thereon alleges that each fictitiously named defendant is
20 responsible in some manner for the occurrences herein alleged and the damages caused
21 thereby.
- 22 7. At all times mentioned herein, the term "Defendants" includes BIG SAVER, SMART
23 COOK, SUPERMAX, BETTER HOME, and DOES 1-20.
- 24 8. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
25 times mentioned herein have conducted business within the State of California.
- 26 9. Upon information and belief, at all times relevant to this action, each of the Defendants,
27 including DOES 1-20, was an agent, servant, or employee of each of the other
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1 Defendants. In conducting the activities alleged in this Complaint, each of the
2 Defendants was acting within the course and scope of this agency, service, or
3 employment, and was acting with the consent, permission, and authorization of each of
4 the other Defendants. All actions of each of the Defendants alleged in this Complaint
5 were ratified and approved by every other Defendant or their officers or managing agents.
6 Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged
7 wrongful conduct of each of the other Defendants.

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

12 JURISDICTION

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

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

26 13. Venue is proper in the County of Los Angeles because one or more of the instances of
27 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
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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 14. 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 15. 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 16. 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 17. 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).

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 18. Plaintiff identified certain practices of manufacturers and distributors of Diethyl Hexyl
4 Phthalate (“DEHP”) and lead-bearing products of exposing, knowingly and intentionally,
5 persons in California to the Proposition 65-listed chemicals of such products without first
6 providing clear and reasonable warnings of such to the exposed persons prior to the time
7 of exposure. Plaintiff later discerned that Defendants engaged in such practice.

8 19. On January 1, 1988, the Governor of California added DEHP to the list of chemicals
9 known to the State to cause cancer, and on October 24, 2003, the Governor added DEHP
10 to the list of chemicals known to the State to cause developmental male reproductive
11 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)
12 months after addition of DEHP to the list of chemicals known to the State to cause
13 reproductive toxicity, DEHP became fully subject to Proposition 65 warning
14 requirements and discharge prohibitions.

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

22 21. On October 1, 1992, the Governor of California added lead and lead compounds to the
23 list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)).
24 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months
25 after addition of lead and lead compounds to the list of chemicals known to the State to
26 cause cancer, lead and lead compounds became fully subject to Proposition 65 warning
27 requirements and discharge prohibitions.

SATISFACTION OF PRIOR NOTICE

- 1
- 2 22. On or about June 7, 2012, Plaintiff gave notice of alleged violations of Health and Safety
- 3 Code section 25249.6, concerning consumer products exposures and occupational
- 4 exposures, subject to a private action to BIG SAVER, BETTER HOME, and to the
- 5 California Attorney General, County District Attorneys, and City Attorneys for each city
- 6 containing a population of at least 750,000 people in whose jurisdictions the violations
- 7 allegedly occurred, concerning the product Vinyl Placemats.
- 8 23. On or about June 7, 2012, Plaintiff gave notice of alleged violations of Health and Safety
- 9 Code section 25249.6, concerning consumer products exposures and occupational
- 10 exposures, subject to a private action to BIG SAVER, SMART COOK, and to the
- 11 California Attorney General, County District Attorneys, and City Attorneys for each city
- 12 containing a population of at least 750,000 people in whose jurisdictions the violations
- 13 allegedly occurred, concerning the product Polymeric Sink Mat.
- 14 24. On or about July 12, 2012, Plaintiff gave notice of alleged violations of Health and Safety
- 15 Code section 25249.6, concerning consumer products exposures, subject to a private
- 16 action to BIG SAVER, SUPERMAX, and to the California Attorney General, County
- 17 District Attorneys, and City Attorneys for each city containing a population of at least
- 18 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the
- 19 product Razors.
- 20 25. Before sending the notices of alleged violation, Plaintiff investigated the consumer
- 21 products involved, the likelihood that such products would cause users to suffer
- 22 significant exposures to DEHP and lead, and the corporate structure of each of the
- 23 Defendants.
- 24 26. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
- 25 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
- 26 Plaintiff who executed the certificate had consulted with at least one person with relevant
- 27 and appropriate expertise who reviewed data regarding the exposures to DEHP and lead,
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1 the subject Proposition 65-listed chemical of this action. Based on that information, the
2 attorney for Plaintiff who executed the Certificate of Merit believed there was a
3 reasonable and meritorious case for this private action. The attorney for Plaintiff attached
4 to the Certificate of Merit served on the Attorney General the confidential factual
5 information sufficient to establish the basis of the Certificate of Merit.

6 27. Plaintiff's notices of alleged violations also included a Certificate of Service and a
7 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
8 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

9 28. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
10 gave notices of the alleged violations to BIG SAVER, SMART COOK, SUPERMAX,
11 BETTER HOME, and the public prosecutors referenced in Paragraph 22, 23, and 24.

12 29. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
13 any applicable district attorney or city attorney has commenced and is diligently
14 prosecuting an action against the Defendants.

15 **FIRST CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against BIG SAVER, BETTER**
17 **HOME, and DOES 1-20 for Violations of Proposition 65, The Safe Drinking Water**
18 **and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

19 **Vinyl Placemats**

20 30. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
21 reference paragraphs 1 through 29 of this complaint as though fully set forth herein.

22 31. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
23 distributor, promoter, or retailer of Vinyl Placemats, which includes but is not limited to
24 "Black Vinyl Placemat 100% PVC Made in China RN#57936 Measurements: 17 ¼" x 11
25 ¼" and "Yellow Vinyl Placemant Measurements: 17 ½" x 11 ½" ("PLACEMATS").

26 32. PLACEMATS contain DEHP.

27 33. Defendants knew or should have known that DEHP has been identified by the State of
28 California as a chemical known to cause cancer and reproductive toxicity and therefore

1 was subject to Proposition 65 warning requirements. Defendants were also informed of
2 the presence of DEHP in PLACEMATS within Plaintiff's notice of alleged violations
3 further discussed above at Paragraph 22.

4 34. Plaintiff's allegations regarding PLACEMATS concerns "[c]onsumer products
5 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
6 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
7 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
8 *25602(b)*. PLACEMATS are consumer products, and, as mentioned herein, exposures to
9 DEHP took place as a result of such normal and foreseeable consumption and use.

10 35. Plaintiff's allegations regarding PLACEMATS also concern Occupational Exposures,
11 which "means an exposure to any employee in his or her employer's workplace." *Cal.*
12 *Code Regs. tit. 27, § 25602(f)*. Exposures of DEHP to Defendants' employees occurred
13 through the course of their employment in their employers' workplaces.

14 36. Plaintiff is informed, believes, and thereon alleges that between June 7, 2009 and the
15 present, each of the Defendants knowingly and intentionally exposed their employees and
16 California consumers and users of PLACEMATS, which Defendants manufactured,
17 distributed, or sold as mentioned above, to DEHP, without first providing any type of
18 clear and reasonable warning of such to the exposed persons before the time of exposure.
19 Defendants have distributed and sold PLACEMATS in California. Defendants know and
20 intend that California consumers will use and consume PLACEMATS, thereby exposing
21 them to DEHP. Defendants thereby violated Proposition 65.

22 37. The principal routes of exposure are through dermal contact, ingestion and inhalation.
23 Persons sustain exposures by handling PLACEMATS without wearing gloves or any
24 other personal protective equipment, or by touching bare skin or mucous membranes with
25 gloves after handling PLACEMATS, as well as through direct and indirect hand to mouth
26 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
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1 PLACEMATS. And as to Defendants' employees, employees may be exposed to DEHP
2 in the course of their employment by handling, distributing, and selling PLACEMATS.

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

10 39. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
11 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
12 violations alleged herein will continue to occur into the future.

13 40. Based on the allegations herein, Defendants are liable for civil penalties of up to
14 \$2,500.00 per day per individual exposure to DEHP from PLACEMATS, pursuant to
15 Health and Safety Code section 25249.7(b).

16 41. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18 **SECOND CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against BIG SAVER, SMART**
20 **COOK, and DOES 1-20 for Violations of Proposition 65, The Safe Drinking Water**
21 **and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

22 **Polymeric Sink Mat**

23 42. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
24 reference paragraphs 1 through 41 of this complaint as though fully set forth herein.

25 43. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
26 distributor, promoter, or retailer of Polymeric Sink Mat, which includes but is not limited
27 to "Smart Cook® Sink Mat 'Protects Sink & Dishes' Item #71018 Measurements: 11" x
28 12.5" ©2009Smart Cook, Inc." ("SINK MAT").

1 44. SINK MAT contains DEHP.

2 45. Defendants knew or should have known that DEHP has been identified by the State of
3 California as a chemical known to cause cancer and reproductive toxicity and therefore
4 was subject to Proposition 65 warning requirements. Defendants were also informed of
5 the presence of DEHP in SINK MAT within Plaintiff's notice of alleged violations further
6 discussed above at Paragraph 23.

7 46. Plaintiff's allegations regarding SINK MAT concerns "[c]onsumer products
8 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
9 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
10 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
11 *25602(b)*. SINK MAT is a consumer product, and, as mentioned herein, exposures to
12 DEHP took place as a result of such normal and foreseeable consumption and use.

13 47. Plaintiff's allegations regarding SINK MAT also concern Occupational Exposures, which
14 "means an exposure to any employee in his or her employer's workplace." *Cal. Code*
15 *Regs. tit. 27, § 25602(f)*. Exposures of DEHP to Defendants' employees occurred through
16 the course of their employment in their employers' workplaces.

17 48. Plaintiff is informed, believes, and thereon alleges that between June 7, 2009 and the
18 present, each of the Defendants knowingly and intentionally exposed their employees and
19 California consumers and users of SINK MAT, which Defendants manufactured,
20 distributed, or sold as mentioned above, to DEHP, without first providing any type of
21 clear and reasonable warning of such to the exposed persons before the time of exposure.
22 Defendants have distributed and sold SINK MAT in California. Defendants know and
23 intend that California consumers will use and consume SINK MAT, thereby exposing
24 them to DEHP. Defendants thereby violated Proposition 65.

25 49. The principal routes of exposure are through dermal contact, ingestion and inhalation.
26 Persons sustain exposures by handling SINK MAT without wearing gloves or any other
27 personal protective equipment, or by touching bare skin or mucous membranes with
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1 gloves after handling SINK MAT, as well as through direct and indirect hand to mouth
2 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
3 SINK MAT. And as to Defendants' employees, employees may be exposed to DEHP in
4 the course of their employment by handling, distributing, and selling SINK MAT.

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

12 51. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
13 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
14 violations alleged herein will continue to occur into the future.

15 52. Based on the allegations herein, Defendants are liable for civil penalties of up to
16 \$2,500.00 per day per individual exposure to DEHP from SINK MAT, pursuant to Health
17 and Safety Code section 25249.7(b).

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

20 **THIRD CAUSE OF ACTION**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against BIG SAVER,**
22 **SUPERMAX, and DOES 1-20 for Violations of Proposition 65, The Safe Drinking**
23 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
24 ***seq.*))**

25 **Razors**

26 54. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
27 reference paragraphs 1 through 53 of this complaint as though fully set forth herein.
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1 55. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Razors, which includes but is not limited to “Super-
3 Max® Twin Blade Disposable Razors (10-Pack) AC126” (“RAZORS”).

4 56. RAZORS contain lead.

5 57. Defendants knew or should have known that lead has been identified by the State of
6 California as a chemical known to cause cancer and reproductive toxicity and therefore
7 was subject to Proposition 65 warning requirements. Defendants were also informed of
8 the presence of lead in RAZORS within Plaintiff’s notice of alleged violations further
9 discussed above at Paragraph 24.

10 58. Plaintiff’s allegations regarding RAZORS concerns “[c]onsumer products exposure[s],”
11 which “is an exposure that results from a person’s acquisition, purchase, storage,
12 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
13 that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*.
14 RAZORS are consumer products, and, as mentioned herein, exposures to lead took place
15 as a result of such normal and foreseeable consumption and use.

16 59. Plaintiff is informed, believes, and thereon alleges that between July 12, 2009 and the
17 present, each of the Defendants knowingly and intentionally exposed California
18 consumers and users of RAZORS, which Defendants manufactured, distributed, or sold
19 as mentioned above, to lead, without first providing any type of clear and reasonable
20 warning of such to the exposed persons before the time of exposure. Defendants have
21 distributed and sold RAZORS in California. Defendants know and intend that California
22 consumers will use and consume RAZORS, thereby exposing them to lead. Defendants
23 thereby violated Proposition 65.

24 60. The principal routes of exposure are through dermal contact, ingestion and inhalation.
25 Persons sustain exposures by handling RAZORS without wearing gloves or any other
26 personal protective equipment, or by touching bare skin or mucous membranes with
27 gloves after handling RAZORS, as well as through direct and indirect hand to mouth
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1 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
2 RAZORS.

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

10 62. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
11 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
12 violations alleged herein will continue to occur into the future.

13 63. Based on the allegations herein, Defendants are liable for civil penalties of up to
14 \$2,500.00 per day per individual exposure to lead from RAZORS, pursuant to Health and
15 Safety Code section 25249.7(b).

16 64. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18
19 **PRAYER FOR RELIEF**

20 Plaintiff demands against each of the Defendants as follows:

- 21 1. A permanent injunction mandating Proposition 65-compliant warnings;
 - 22 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);
 - 23 3. Costs of suit;
 - 24 4. Reasonable attorney fees and costs; and
 - 25 5. Any further relief that the court may deem just and equitable.
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1 Dated: 3/21 _____, 2013

YEROUSHALMI & ASSOCIATES

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3 BY: _____

4 Reuben Yeroushalmi
5 Attorneys for Plaintiff,
6 Consumer Advocacy Group, Inc.
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