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10 Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF ALAMEDA

RG 13683725

14 CENTER FOR ENVIRONMENTAL HEALTH,)
15 a non-profit corporation,)

16 Plaintiff,)

17 v.)

18 BRITAX CHILD SAFETY, INC.; BED BATH)
& BEYOND, INC.; CENTURY FURNITURE,)
19 LLC; CONTOUR PRODUCTS, INC.;)
ENERGIZER PERSONAL CARE, LLC;)
20 PLAYTEX MANUFACTURING, INC.;)
TARGET CORPORATION; TOYS "R")
21 US-DELAWARE, INC.; WILLIAMS-)
SONOMA, INC.; and DOES 1 through 700,)
22 inclusive,)

23 Defendants.)
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**ENDORSED
FILED
ALAMEDA COUNTY**

JUN 14 2013

CLERK OF THE SUPERIOR COURT
By Molly Kautz

1 Plaintiff Center for Environmental Health, in the public interest, based on
2 information and belief and investigation of counsel, except for information based on knowledge,
3 hereby makes the following allegations:

4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants' continuing failure to warn
6 individuals in California that they are being exposed to tris(1,3-dichloro-2-propyl) phosphate
7 ("TDCPP"), a chemical known to the State of California to cause cancer. TDCPP is a toxic
8 chemical that is used to treat polyurethane foam, which is used as padding or cushioning in a
9 variety of products. This Complaint addresses exposures that have occurred, and continue to
10 occur, through the manufacture, distribution, sale, and/or use of three types of foam-containing
11 products: (i) foam-cushioned pads for infants and children to lie on, such as pads and mats used
12 for sleeping or resting, diaper changing pads, infant walkers, and/or car safety seats (collectively,
13 "Reclining Pads"); (ii) foam-cushioned upholstered furniture, such as chairs, ottomans, back
14 wedges, and sofas (collectively, "Upholstered Furniture"); and (iii) foam cubes for use in landing
15 pits, such as those used with gymnastics, trampolines, skateboarding, and bikes (collectively,
16 "Foam Cubes"). Reclining Pads, Upholstered Furniture, and Foam Cubes are collectively
17 referred to herein as "Products." Individuals in California, including infants and children, are
18 exposed to TDCPP when they inhale TDCPP released from Products, and also when TDCPP
19 from Products accumulates in ambient particles that are subsequently touched by such
20 individuals and brought into contact with the mouth.

21 2. Under California's Proposition 65, Health & Safety Code § 25249.5, *et*
22 *seq.*, it is unlawful for businesses to knowingly and intentionally expose individuals in California
23 to chemicals known to the State to cause cancer without providing clear and reasonable warnings
24 to individuals prior to their exposure. Defendants introduce Products contaminated with
25 significant quantities of TDCPP into the California marketplace, exposing consumers of their
26 Products, many of whom are infants and children, to TDCPP.

27 3. Despite the fact that Defendants expose infants, children, and other people
28 to TDCPP, Defendants provide no warnings whatsoever about the carcinogenic hazards

1 associated with these TDCPP exposures. Defendants' conduct thus violates the warning
2 provision of Proposition 65. Health & Safety Code § 25249.6.

3 **PARTIES**

4 4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH ("CEH") is a
5 non-profit corporation dedicated to protecting the public from environmental health hazards and
6 toxic exposures. CEH is based in Oakland, California and is incorporated under the laws of the
7 State of California. CEH is a "person" within the meaning of Health & Safety Code §
8 25249.11(a) and brings this enforcement action in the public interest pursuant to Health & Safety
9 Code § 25249.7(d). CEH is a nationally recognized non-profit environmental advocacy group
10 that has prosecuted a large number of Proposition 65 cases in the public interest. These cases
11 have resulted in significant public benefit, including the reformulation of thousands of products
12 to remove toxic chemicals to make them safer. CEH also provides information to Californians
13 about the health risks associated with exposure to hazardous substances, where manufacturers
14 and other responsible parties fail to do so.

15 5. Defendant BRITAX CHILD SAFETY, INC. is a person in the course of
16 doing business within the meaning of Health & Safety Code § 25249.11. BRITAX CHILD
17 SAFETY, INC. manufactures, distributes, and/or sells Reclining Pads for sale or use in
18 California.

19 6. Defendant BED BATH & BEYOND, INC. is a person in the course of
20 doing business within the meaning of Health & Safety Code § 25249.11. BED BATH &
21 BEYOND, INC. manufactures, distributes, and/or sells Upholstered Furniture for sale or use in
22 California.

23 7. Defendant CENTURY FURNITURE, LLC is a person in the course of
24 doing business within the meaning of Health & Safety Code § 25249.11. CENTURY
25 FURNITURE, LLC manufactures, distributes, and/or sells Upholstered Furniture for sale or use
26 in California.

27 8. Defendant CONTOUR PRODUCTS, INC. is a person in the course of
28 doing business within the meaning of Health & Safety Code § 25249.11. CONTOUR

1 PRODUCTS, INC. manufactures, distributes, and/or sells Upholstered Furniture for sale or use
2 in California.

3 9. Defendant ENERGIZER PERSONAL CARE, LLC is a person in the
4 course of doing business within the meaning of Health & Safety Code § 25249.11. ENERGIZER
5 PERSONAL CARE, LLC manufactures, distributes, and/or sells Reclining Pads for sale or use in
6 California.

7 10. Defendant PLAYTEX MANUFACTURING, INC. is a person in the
8 course of doing business within the meaning of Health & Safety Code § 25249.11. PLAYTEX
9 MANUFACTURING, INC. manufactures, distributes, and/or sells Reclining Pads for sale or use
10 in California.

11 11. Defendant TARGET CORPORATION is a person in the course of doing
12 business within the meaning of Health & Safety Code § 25249.11. TARGET CORPORATION
13 manufactures, distributes, and/or sells Reclining Pads for sale or use in California.

14 12. Defendant TOYS "R" US-DELAWARE, INC. is a person in the course of
15 doing business within the meaning of Health & Safety Code § 25249.11. TOYS "R"
16 US-DELAWARE, INC. manufactures, distributes, and/or sells Reclining Pads for sale or use in
17 California.

18 13. Defendant WILLIAMS-SONOMA, INC. is a person in the course of doing
19 business within the meaning of Health & Safety Code § 25249.11. WILLIAMS-SONOMA,
20 INC. manufactures, distributes, and/or sells Upholstered Furniture for sale or use in California.

21 14. DOES 1 through 100 are each a person in the course of doing business
22 within the meaning of Health & Safety Code § 25249.11. DOES 1 through 100 manufacture,
23 distribute, and/or sell Reclining Pads for sale or use in California. Defendants BRITAX CHILD
24 SAFETY, INC.; ENERGIZER PERSONAL CARE, LLC; PLAYTEX MANUFACTURING,
25 INC.; TARGET CORPORATION; TOYS "R" US-DELAWARE, INC.; and DOES 1 through
26 100 are collectively referred to herein as "Reclining Pads Defendants."

27 15. DOES 101 through 200 are each a person in the course of doing business
28 within the meaning of Health & Safety Code § 25249.11. DOES 101 through 200 manufacture,

1 distribute, and/or sell Upholstered Furniture for sale or use in California. Defendants BED
2 BATH & BEYOND, INC.; CENTURY FURNITURE, LLC; CONTOUR PRODUCTS, INC.;
3 WILLIAMS-SONOMA, INC.; and DOES 101 through 200 are collectively referred to herein as
4 “Upholstered Furniture Defendants.”

5 16. DOES 201 through 300 are each a person in the course of doing business
6 within the meaning of Health & Safety Code § 25249.11. DOES 201 through 300 manufacture,
7 distribute, and/or sell Foam Cubes for sale or use in California. DOES 201 through 300 are
8 collectively referred to herein as “Foam Cubes Defendants.”

9 17. DOES 301 through 400 are each a person in the course of doing business
10 within the meaning of Health & Safety Code § 25249.11. DOES 301 through 400 manufacture,
11 distribute, and/or sell Reclining Pads and Upholstered Furniture for sale or use in California.

12 18. DOES 401 through 500 are each a person in the course of doing business
13 within the meaning of Health & Safety Code § 25249.11. DOES 401 through 500 manufacture,
14 distribute, and/or sell Upholstered Furniture and Foam Cubes for sale or use in California.

15 19. DOES 501 through 600 are each a person in the course of doing business
16 within the meaning of Health & Safety Code § 25249.11. DOES 501 through 600 manufacture,
17 distribute, and/or sell Reclining Pads and Foam Cubes for sale or use in California.

18 20. DOES 601 through 700 are each a person in the course of doing business
19 within the meaning of Health & Safety Code § 25249.11. DOES 601 through 700 manufacture,
20 distribute, and/or sell Reclining Pads, Upholstered Furniture, and Foam Cubes for sale or use in
21 California.

22 21. The true names of DOES 1 through 700 are unknown to CEH at this time.
23 When their identities are ascertained, the Complaint shall be amended to reflect their true names.

24 22. The defendants identified in paragraphs 5 through 13 and DOES 1 through
25 700 are collectively referred to herein as “Defendants.”

26 JURISDICTION AND VENUE

27 23. The Court has jurisdiction over this action pursuant to Health & Safety
28 Code § 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant

1 to California Constitution Article VI, Section 10, because this case is a cause not given by statute
2 to other trial courts.

3 24. This Court has jurisdiction over Defendants because each is a business
4 entity that does sufficient business, has sufficient minimum contacts in California or otherwise
5 intentionally avails itself of the California market through the sale, marketing, or use of Products
6 in California and/or by having such other contacts with California so as to render the exercise of
7 jurisdiction over it by the California courts consistent with traditional notions of fair play and
8 substantial justice.

9 25. Venue is proper in the Alameda Superior Court because one or more of the
10 violations arise in the County of Alameda.

11 BACKGROUND FACTS

12 26. The People of the State of California have declared by initiative under
13 Proposition 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth
14 defects, or other reproductive harm.” Proposition 65, § 1(b).

15 27. To effectuate this goal, Proposition 65 prohibits exposing people to
16 chemicals listed by the State of California as known to cause cancer, birth defects, or other
17 reproductive harm without a “clear and reasonable warning” unless the business responsible for
18 the exposure can prove that it fits within a statutory exemption. Health & Safety Code § 25249.6
19 states, in pertinent part:

20 No person in the course of doing business shall knowingly and
21 intentionally expose any individual to a chemical known to the
22 state to cause cancer or reproductive toxicity without first giving
clear and reasonable warning to such individual ...

23 28. TDCPP has been used in consumer products as an additive flame retardant
24 since the 1960s. In the late 1970s, based on findings that exposure to TDCPP could have
25 potentially mutagenic effects, the use of TDCPP as a flame retardant in children’s pajamas was
26 discontinued. Around the same time, the U.S. Consumer Product Safety Commission banned the
27 use of a related chemical flame retardant – tris (2,3,-dibromopropyl) phosphate – in children’s
28 clothing based on studies confirming its carcinogenic properties.

1 29. On May 29, 2009, the Proposition 65 Carcinogen Identification
2 Committee, a group of qualified experts who advise the State of California on Proposition 65
3 chemical listing determinations, announced that it was assigning priority to the preparation of
4 hazard identification materials for TDCPP based on the chemical's suspected carcinogenic
5 properties. 27 Cal. Code Regs. ("C.C.R.") § 25102(c)(1). On February 11, 2011, the California
6 Environmental Protection Agency's Office of Environmental Health Hazard Assessment
7 ("OEHHA") announced that it was preparing hazard identification materials for TDCPP as a
8 precursor to formally identifying the chemical as carcinogenic. On July 8, 2011, OEHHA made
9 its hazard identification materials for TDCPP publicly available, and announced that the State of
10 California would be making a TDCPP listing determination by October 2011.

11 30. On October 28, 2011, the State of California officially listed TDCPP as a
12 chemical known to cause cancer. 27 C.C.R. § 27001(b). In making this listing determination,
13 OEHHA credited studies showing that exposure to TDCPP induces tumor formation in test
14 animals, and that TDCPP metabolizes into other chemicals found to have similar carcinogenic
15 properties in test subjects.

16 31. On October 28, 2012, one year after it was listed as a chemical known to
17 cause cancer, TDCPP became subject to the clear and reasonable warning requirement regarding
18 carcinogens under Proposition 65. 27 C.C.R. § 27001(b); Health & Safety Code § 25249.10(b).
19 The chief purpose of the one-year grace period between the listing date of a chemical under
20 Proposition 65 and the effective date of the warning requirement is to give potentially liable
21 parties sufficient time to come into complete compliance with this requirement, such that all
22 illegal exposures can be averted.

23 32. TDCPP is used in Products primarily as an additive flame retardant in the
24 cushioning foam portion. However, the use of chemical flame retardants, such as TDCPP, in
25 foam provides no appreciably greater protection from fires. Non-chemical methods, such as the
26 use of fire barriers, are far more effective at achieving fire safety benefits.

27 33. TDCPP in the Products' foam is known to migrate from such
28 foam-cushioned or foam-containing products into indoor household environments. Defendants'

1 Products contain sufficient quantities of TDCPP such that individuals, including infants and
2 children, are exposed to TDCPP through the average use of Products. The routes of exposure
3 include inhalation, ingestion, and/or dermal absorption by individuals. Inhalation occurs when
4 TDCPP is released from the products into the ambient environment. Ingestion and dermal
5 absorption occur when TDCPP from the products accumulates in ambient particles (*e.g.*, dust)
6 that are subsequently touched by individuals and brought into contact with the mouth, or when
7 exposed foam is touched directly and brought into contact with the mouth.

8 34. Some Products, such as Reclining Pads, are specifically designed for
9 infants and children, and are marketed to persons who care for infants and children, such as
10 parents, teachers, and child care professionals. Infants and children spend a large proportion of
11 their time in intimate contact with such Products, which may increase their risk of TDCPP
12 exposure from inhalation and dermal absorption. Infants and children may also be especially
13 prone to ingesting ambient particles containing TDCPP from Products, given the greater amount
14 of time they spend crawling on floors and their greater tendency to put their hands in their
15 mouths. Studies show that concentrations of TDCPP in dust are higher in child care facilities
16 that use foam-cushioned napping pads than in facilities that do not. Even for Products with
17 covers, infants and children may come into direct contact with TDCPP in foam if the covering is
18 torn. Once exposed to TDCPP, infants and children may be more susceptible to its carcinogenic
19 properties because they are smaller than adults and because their bodies are still developing.

20 35. Any person acting in the public interest has standing to enforce violations
21 of Proposition 65 provided that such person has supplied the requisite public enforcers with a
22 valid 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the
23 action within such time. Health & Safety Code § 25249.7(d).

24 36. More than sixty days prior to naming each Defendant in this lawsuit, CEH
25 provided a 60-Day “Notice of Violation of Proposition 65” to the California Attorney General,
26 the District Attorneys of every county in California, the City Attorneys of every California city
27 with a population greater than 750,000, and to each of the named Defendants. In compliance
28 with Health & Safety Code § 25249.7(d) and 27 C.C.R. § 25903(b), each Notice included the

1 following information: (1) the name and address of each violator; (2) the statute violated; (3) the
2 time period during which violations occurred; (4) specific descriptions of the violations,
3 including (a) the routes of exposure to TDCPP from Products, and (b) the specific type of
4 Products sold and used in violation of Proposition 65; and (5) the name of the specific
5 Proposition 65-listed chemical that is the subject of the violations described in each Notice.

6 37. More than sixty days prior to naming each Defendant in this lawsuit,
7 concurrent with sending the Notices described in the preceding paragraph, CEH also sent a
8 Certificate of Merit for each Notice to the California Attorney General, the District Attorneys of
9 every county in California, the City Attorneys of every California city with a population greater
10 than 750,000, and to the named Defendants. In compliance with Health & Safety Code §
11 25249.7(d) and 11 C.C.R. § 3101, each of the Certificates certified that CEH's counsel: (1) has
12 consulted with one or more persons with relevant and appropriate experience or expertise who
13 reviewed facts, studies, or other data regarding the exposures to TDCPP alleged in each of the
14 Notices; and (2) based on the information obtained through such consultations, believes that
15 there is a reasonable and meritorious case for a citizen enforcement action based on the facts
16 alleged in each of the Notices. In compliance with Health & Safety Code § 25249.7(d) and 11
17 C.C.R. § 3102, each of the Certificates served on the Attorney General included factual
18 information – provided on a confidential basis – sufficient to establish the basis for the
19 Certificate, including the identity of the person(s) consulted by CEH's counsel and the facts,
20 studies, or other data reviewed by such persons.

21 38. None of the public prosecutors with the authority to prosecute violations
22 of Proposition 65 has commenced and/or is diligently prosecuting a cause of action against
23 Defendants under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in the
24 Notices.

25 39. Defendants both know and intend that consumers in California, including
26 infants and children, will use, touch, and/or handle Products, or will come into close proximity to
27 Products, thus exposing them to TDCPP.

28 40. Under Proposition 65, an exposure is “knowing” where the party

1 responsible for such exposure has:

2 knowledge of the fact that a[n] ... exposure to a chemical listed
3 pursuant to [Health and Safety Code § 25249.8(a)] is occurring.
4 No knowledge that the ... exposure is unlawful is required.

5 27 C.C.R. § 25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final
6 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division 2, §
7 12201).

8 41. No clear and reasonable warning is provided with Products regarding the
9 carcinogenic hazards of TDCPP.

10 42. Defendants have been informed of the TDCPP in their Products by the 60-
11 Day Notice of Violation and accompanying Certificate of Merit served on them by CEH.

12 43. Defendants also have constructive knowledge that their Products contain
13 TDCPP due to the widespread media coverage concerning the problem of TDCPP in consumer
14 products in general and in Products in particular. The problem of TDCPP in Products has been
15 the subject of articles in national newspapers, industry trade papers, and scholarly journals, as
16 well as numerous Internet weblog postings.

17 44. As companies that manufacture, import, distribute, and/or sell Products for
18 use in the California marketplace, Defendants know or should know that Products contain
19 TDCPP and that individuals who use Products, or who otherwise come into close proximity to
20 Products, will be exposed to TDCPP. These TDCPP exposures are a natural and foreseeable
21 consequence of Defendants' placing Products into the stream of commerce.

22 45. Nevertheless, Defendants continue to expose consumers in California,
23 including infants and children, to TDCPP without prior clear and reasonable warnings regarding
24 the carcinogenic hazards of TDCPP.

25 46. CEH has engaged in good-faith efforts to resolve the claims alleged herein
26 prior to filing this Complaint.

27 47. Any person "violating or threatening to violate" Proposition 65 may be
28 enjoined in any court of competent jurisdiction. Health & Safety Code § 25249.7. "Threaten to

1 violate” is defined to mean “to create a condition in which there is a substantial probability that a
2 violation will occur.” Health & Safety Code § 25249.11(e). Proposition 65 provides for civil
3 penalties not to exceed \$2,500 per day for each violation of Proposition 65. Health & Safety
4 Code § 25249.7(b).

5 **FIRST CAUSE OF ACTION**
6 **(Violations of Health & Safety Code § 25249.6)**
7 **(Against Reclining Pads Defendants)**

8 48. CEH realleges and incorporates by reference as if specifically set forth
9 herein Paragraphs 1 through 47, inclusive.

10 49. TDCPP is a chemical listed by the State of California as known to cause
11 cancer.

12 50. By placing their Reclining Pads into the stream of commerce, Reclining
13 Pads Defendants are each a person in the course of doing business within the meaning of Health
14 & Safety Code § 25249.11.

15 51. Reclining Pads Defendants know that average use of their Reclining Pads
16 will expose users of Reclining Pads to TDCPP. Reclining Pads Defendants intend that their
17 Reclining Pads be used in a manner that results in users of their Reclining Pads, and others who
18 come into close proximity to these Reclining Pads, being exposed to TDCPP contained therein.

19 52. Reclining Pads Defendants have failed, and continue to fail, to provide
20 prior clear and reasonable warnings regarding the carcinogenicity of TDCPP to users of their
21 Reclining Pads and others who come into close proximity to these Reclining Pads.

22 53. By committing the acts alleged above, Reclining Pads Defendants have at
23 all times relevant to this Complaint violated Proposition 65 by knowingly and intentionally
24 exposing individuals to TDCPP without first giving clear and reasonable warnings to such
25 individuals regarding the carcinogenicity of TDCPP.

26 Wherefore, CEH prays for judgment against Reclining Pads Defendants, as set
27 forth hereafter.
28

1 **SECOND CAUSE OF ACTION**
2 **(Violations of Health & Safety Code § 25249.6)**
3 **(Against Upholstered Furniture Defendants)**

4 54. CEH realleges and incorporates by reference as if specifically set forth
5 herein Paragraphs 1 through 53, inclusive.

6 55. TDCPP is a chemical listed by the State of California as known to cause
7 cancer.

8 56. By placing their Upholstered Furniture into the stream of commerce,
9 Upholstered Furniture Defendants are each a person in the course of doing business within the
10 meaning of Health & Safety Code § 25249.11.

11 57. Upholstered Furniture Defendants know that average use of their
12 Upholstered Furniture will expose users of their Upholstered Furniture to TDCPP. Upholstered
13 Furniture Defendants intend that their Upholstered Furniture be used in a manner that results in
14 users of their Upholstered Furniture, and others who come into close proximity to this
15 Upholstered Furniture, being exposed to TDCPP contained therein.

16 58. Upholstered Furniture Defendants have failed, and continue to fail, to
17 provide prior clear and reasonable warnings regarding the carcinogenicity of TDCPP to users of
18 their Upholstered Furniture and others who come into close proximity to this Upholstered
19 Furniture .

20 59. By committing the acts alleged above, Upholstered Furniture Defendants
21 have at all times relevant to this Complaint violated Proposition 65 by knowingly and
22 intentionally exposing individuals to TDCPP without first giving clear and reasonable warnings
23 to such individuals regarding the carcinogenicity of TDCPP.

24 Wherefore, CEH prays for judgment against Upholstered Furniture Defendants, as
25 set forth hereafter.

26 **THIRD CAUSE OF ACTION**
27 **(Violations of Health & Safety Code § 25249.6)**
28 **(Against Foam Cubes Defendants)**

59. CEH realleges and incorporates by reference as if specifically set forth

1 herein Paragraphs 1 through 59, inclusive.

2 61. TDCPP is a chemical listed by the State of California as known to cause
3 cancer.

4 62. By placing their Foam Cubes into the stream of commerce, Foam Cubes
5 Defendants are each a person in the course of doing business within the meaning of Health &
6 Safety Code § 25249.11.

7 63. Foam Cubes Defendants know that average use of their Foam Cubes will
8 expose users of their Foam Cubes to TDCPP. Foam Cubes Defendants intend that their Foam
9 Cubes be used in a manner that results in users of their Foam Cubes, and others who come into
10 close proximity to these Foam Cubes, being exposed to TDCPP contained therein.

11 64. Foam Cubes Defendants have failed, and continue to fail, to provide prior
12 clear and reasonable warnings regarding the carcinogenicity of TDCPP to users of their Foam
13 Cubes and others who come into close proximity to these Foam Cubes.

14 65. By committing the acts alleged above, Foam Cubes Defendants have at all
15 times relevant to this Complaint violated Proposition 65 by knowingly and intentionally exposing
16 individuals to TDCPP without first giving clear and reasonable warnings to such individuals
17 regarding the carcinogenicity of TDCPP.

18 Wherefore, CEH prays for judgment against Foam Cubes Defendants, as set forth
19 hereafter.

20 **PRAYER FOR RELIEF**

21 Wherefore, CEH prays for judgment against Defendants as follows:

22 1. That the Court, pursuant to Health & Safety Code § 25249.7(b), assess
23 civil penalties against each Defendant in the amount of \$2,500 per day for each violation of
24 Proposition 65 alleged herein according to proof;

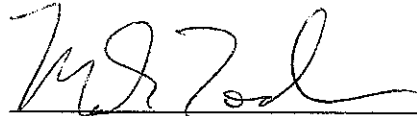
25 2. That the Court, pursuant to Health & Safety Code § 25249.7(a),
26 preliminarily and permanently enjoin Defendants from offering Products for sale in California
27 without providing prior clear and reasonable warnings, as CEH shall specify in further
28 application to the Court;

1 3. That the Court, pursuant to Health & Safety Code § 25249.7(a), order
2 Defendants to take action to stop ongoing unwarned exposures to TDCPP resulting from use of
3 Products sold by Defendants, as CEH shall specify in further application to the Court;

4 4. That the Court, pursuant to Code of Civil Procedure § 1021.5 or any other
5 applicable theory, grant CEH its reasonable attorneys' fees and costs of suit; and

6 5. That the Court grant such other and further relief as may be just and
7 proper.

8
9 Dated: June 14, 2013

Respectfully submitted,
LEXINGTON LAW GROUP

Mark N. Todzo
Attorneys for Plaintiff
CENTER FOR ENVIRONMENTAL HEALTH

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