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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF LOS ANGELES**

BC 541969

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

12 Plaintiff,

13 v.

14 PIVOTAL 5, LLC, a Delaware Limited
15 Liability Company; PIVOTAL 5, INC., an
16 Illinois Corporation; FITNESS
17 MANUFACTURING PARTNERS, LLC, an
18 Illinois Limited Liability Corporation;
19 KATHY SMITH LIFESTYLES, LLC, a
20 business entity form unknown; BODY BY
21 JAKE GLOBAL, LLC, a Delaware Limited
22 Liability Company; BODY BY JAKE, INC.,
a California Corporation; ROSS STORES,
INC., a Delaware Corporation; ROSS
DRESS FOR LESS, INC., a Virginia
Corporation; and DOES 1-20;

23 Defendants.

CASE NO.

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)

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25 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges a cause of action against
26 defendants PIVOTAL 5, LLC, PIVOTAL 5, INC., FITNESS MANUFACTURING
27 PARTNERS, LLC, KATHY SMITH LIFESTYLES, LLC, BODY BY JAKE GLOBAL, LLC,
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1 BODY BY JAKE, INC., ROSS STORES, INC., ROSS DRESS FOR LESS, INC., and DOES 1-
2 20 as follows:

3 **THE PARTIES**

- 4 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
5 organization qualified to do business in the State of California. CAG is a person within
6 the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting
7 as a private attorney general, brings this action in the public interest as defined under
8 Health and Safety Code section 25249.7, subdivision (d).
- 9 2. Defendant PIVOTAL 5, LLC (“PIVOTAL LLC”) is a Delaware limited liability
10 company, doing business in the State of California at all relevant times herein.
- 11 3. Defendant PIVOTAL 5, INC. (“PIVOTAL INC”) is an Illinois corporation, doing
12 business in the State of California at all relevant times herein.
- 13 4. Defendant FITNESS MANUFACTURING PARTNERS, LLC (“FITNESS
14 MANUFACTURING”) is an Illinois limited liability corporation, doing business in the
15 State of California at all relevant times herein.
- 16 5. Defendant KATHY SMITH LIFESTYLES, LLC (“KATHY SMITH”) is a business
17 entity form unknown, doing business in the State of California at all relevant times
18 herein.
- 19 6. Defendant BODY BY JAKE GLOBAL, LLC (“BODY LLC”) is a Delaware limited
20 liability company, doing business in the State of California at all relevant times herein.
- 21 7. Defendant BODY BY JAKE, INC. (“BODY INC”) is a California corporation, doing
22 business in the State of California at all relevant times herein.
- 23 8. Defendant ROSS STORES, INC. (“ROSS STORES”) is a Delaware corporation, doing
24 business in the State of California at all relevant times herein.
- 25 9. Defendant ROSS DRESS FOR LESS, INC. (“ROSS DRESS”) is a Virginia corporation,
26 doing business in the State of California at all relevant times herein.

1 10. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20,
2 and therefore sues these defendants by such fictitious names. Plaintiff will amend this
3 complaint to allege their true names and capacities when ascertained. Plaintiff is
4 informed, believes, and thereon alleges that each fictitiously named defendant is
5 responsible in some manner for the occurrences herein alleged and the damages caused
6 thereby.

7 11. At all times mentioned herein, the term "Defendants" includes PIVOTAL LLC,
8 PIVOTAL INC, FITNESS MANUFACTURING, KATHY SMITH, BODY LLC, BODY
9 INC, ROSS STORES, ROSS DRESS, and DOES 1-20.

10 12. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
11 times mentioned herein have conducted business within the State of California.

12 13. Upon information and belief, at all times relevant to this action, each of the Defendants,
13 including DOES 1-20, was an agent, servant, or employee of each of the other
14 Defendants. In conducting the activities alleged in this Complaint, each of the
15 Defendants was acting within the course and scope of this agency, service, or
16 employment, and was acting with the consent, permission, and authorization of each of
17 the other Defendants. All actions of each of the Defendants alleged in this Complaint
18 were ratified and approved by every other Defendant or their officers or managing agents.
19 Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged
20 wrongful conduct of each of the other Defendants.

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

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1 JURISDICTION

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

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

15 17. Venue is proper in the County of Los Angeles because one or more of the instances of
16 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
17 because Defendants conducted, and continue to conduct, business in the County of Los
18 Angeles with respect to the consumer product that is the subject of this action.

19 BACKGROUND AND PRELIMINARY FACTS

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21 18. In 1986, California voters approved an initiative to address growing concerns about
22 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
23 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
24 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
25 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections
26 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
27 from contamination, to allow consumers to make informed choices about the products
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1 they buy, and to enable persons to protect themselves from toxic chemicals as they see
2 fit.

3 19. Proposition 65 requires the Governor of California to publish a list of chemicals known to
4 the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*
5 § 25249.8. The list, which the Governor updates at least once a year, contains over 700
6 chemicals and chemical families. Proposition 65 imposes warning requirements and
7 other controls that apply to Proposition 65-listed chemicals.

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

14 21. Proposition 65 provides that any person "violating or threatening to violate" the statute
15 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.
16 "Threaten to violate" means "to create a condition in which there is a substantial
17 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
18 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
19 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

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

25 23. On January 1, 1988, the Governor of California added DEHP to the list of chemicals
26 known to the State to cause cancer, and on October 24, 2003, the Governor added DEHP
27 to the list of chemicals known to the State to cause developmental male reproductive
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1 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)
2 months after addition of DEHP to the list of chemicals known to the State to cause cancer
3 and reproductive toxicity, DEHP became fully subject to Proposition 65 warning
4 requirements and discharge prohibitions.

5 **SATISFACTION OF PRIOR NOTICE**

6 24. On or about December 19, 2013, Plaintiff gave notice of alleged violations of Health and
7 Safety Code section 25249.6, concerning consumer products exposures and occupational
8 exposures, subject to a private action to KATHY SMITH, PIVOTAL LLC, PIVOTAL
9 INC, FITNESS MANUFACTURING, ROSS STORES, ROSS DRESS, and to the
10 California Attorney General, County District Attorneys, and City Attorneys for each city
11 containing a population of at least 750,000 people in whose jurisdictions the violations
12 allegedly occurred, concerning the products Jump Ropes and Sauna Burn Suits
13 containing DEHP.

14 25. On or about January 17, 2014, Plaintiff gave notice of alleged violations of Health and
15 Safety Code section 25249.6, concerning consumer products exposures and occupational
16 exposures, subject to a private action to BODY LLC, BODY INC, PIVOTAL LLC,
17 PIVOTAL INC, FITNESS MANUFACTURING, ROSS STORES, ROSS DRESS, and
18 to the California Attorney General, County District Attorneys, and City Attorneys for
19 each city containing a population of at least 750,000 people in whose jurisdictions the
20 violations allegedly occurred, concerning the product Burn Suits containing DEHP.

21 26. Before sending the notices of alleged violation, Plaintiff investigated the consumer
22 products involved, the likelihood that such products would cause users to suffer
23 significant exposures to DEHP, and the corporate structure of each of the Defendants.

24 27. Plaintiff's notices 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, the
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1 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 28. 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 29. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
10 gave notices of the alleged violations to PIVOTAL LLC, PIVOTAL INC, FITNESS
11 MANUFACTURING, KATHY SMITH, BODY LLC, BODY INC, ROSS STORES,
12 ROSS DRESS, and the public prosecutors referenced in Paragraph 24 and 25.

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

16 **FIRST CAUSE OF ACTION**

17 **(By CONSUMER ADVOCACY GROUP, INC. and against PIVOTAL LLC,
18 PIVOTAL INC, FITNESS MANUFACTURING, KATHY SMITH, ROSS
19 STORES, ROSS DRESS, and DOES 1-20 for Violations of Proposition 65, The Safe
20 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§
21 25249.5, *et seq.*))**

22 **Jump Ropes**

23 31. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
24 reference paragraphs 1 through 30 of this complaint as though fully set forth herein.
25 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
26 distributor, promoter, or retailer of Jump Ropes, which includes but is not limited to
27 "DELUXE SPEED JUMP ROPE, 9-foot, kathy smith HEALTHY LIVING, "D1066
28 C6612 982", "400097712501", "N 337 03 FITNESS SIZE", Barcode: 8 16142 01011 7"
("JUMP ROPES").

1 32. JUMP ROPES contain DEHP.

2 33. 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 JUMP ROPES within Plaintiff's notice of alleged violations
6 further discussed above at Paragraph 24.

7 34. Plaintiff's allegations regarding JUMP ROPES concern "[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)*. JUMP ROPES are consumer products, and, as mentioned herein, exposures to
12 DEHP took place as a result of such normal and foreseeable consumption and use.

13 35. Plaintiff is informed, believes, and thereon alleges that between December 19, 2010 and
14 the present, each of the Defendants knowingly and intentionally exposed their employees
15 and California consumers and users of JUMP ROPES, which Defendants manufactured,
16 distributed, or sold as mentioned above, to DEHP, without first providing any type of
17 clear and reasonable warning of such to the exposed persons before the time of exposure.
18 Defendants have distributed and sold JUMP ROPES in California. Defendants know and
19 intend that California consumers will use and consume JUMP ROPES, thereby exposing
20 them to DEHP. Defendants thereby violated Proposition 65.

21 36. The principal routes of exposure are through dermal contact, ingestion and inhalation.
22 Persons sustain exposures by handling JUMP ROPES without wearing gloves or any
23 other personal protective equipment, or by touching bare skin or mucous membranes with
24 gloves after handling JUMP ROPES, as well as through direct and indirect hand to mouth
25 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
26 JUMP ROPES. And as to Defendants' employees, employees may be exposed to DEHP
27 in the course of their employment by handling, distributing, and selling JUMP ROPES.
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1 37. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
2 Proposition 65 as to JUMP ROPES have been ongoing and continuous to the date of the
3 signing of this complaint, as Defendants engaged and continue to engage in conduct
4 which violates Health and Safety Code section 25249.6, including the manufacture,
5 distribution, promotion, and sale of JUMP ROPES, so that a separate and distinct
6 violation of Proposition 65 occurred each and every time a person was exposed to DEHP
7 by JUMP ROPES as mentioned herein.

8 38. 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 into the future.

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

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

16 **SECOND CAUSE OF ACTION**

17 **(By CONSUMER ADVOCACY GROUP, INC. and against PIVOTAL LLC,
18 PIVOTAL INC, FITNESS MANUFACTURING, KATHY SMITH, ROSS
19 STORES, ROSS DRESS, and DOES 1-20 for Violations of Proposition 65, The Safe
20 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§
25249.5, et seq.*))**

21 **SAUNA BURN SUITS**

22 41. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
23 reference paragraphs 1 through 40 of this complaint as though fully set forth herein.
24 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
25 distributor, promoter, or retailer of Sauna Burn Suits, which includes but is not limited to
26 "SAUNA BURN SUITE, kathy smith HEALTHY LIVING, "XXL Fits Waist Size 36"-
27 42"", "D1066 C6612 1646", "400097712518", "N 337 03 FITNESS SIZE",
28 "KSRSSXXL"" ("SAUNA BURN SUITS").

1 42. SAUNA BURN SUITS contain DEHP.

2 43. 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 SAUNA BURN SUITS within Plaintiff's notice of alleged
6 violations further discussed above at Paragraph 24.

7 44. Plaintiff's allegations regarding SAUNA BURN SUITS concern "[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)*. SAUNA BURN SUITS are consumer products, and, as mentioned herein,
12 exposures to DEHP took place as a result of such normal and foreseeable consumption
13 and use.

14 45. Plaintiff is informed, believes, and thereon alleges that between December 19, 2010 and
15 the present, each of the Defendants knowingly and intentionally exposed their employees
16 and California consumers and users of SAUNA BURN SUITS, which Defendants
17 manufactured, distributed, or sold as mentioned above, to DEHP, without first providing
18 any type of clear and reasonable warning of such to the exposed persons before the time
19 of exposure. Defendants have distributed and sold SAUNA BURN SUITS in California.
20 Defendants know and intend that California consumers will use and consume SAUNA
21 BURN SUITS, thereby exposing them to DEHP. Defendants thereby violated
22 Proposition 65.

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

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

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

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

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

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20 **THIRD CAUSE OF ACTION**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against PIVOTAL LLC,
22 PIVOTAL INC, FITNESS MANUFACTURING, BODY LLC, BODY INC, ROSS
23 STORES, ROSS DRESS, and DOES 1-20 for Violations of Proposition 65, The Safe
24 Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§
25 25249.5, et seq.*))**

26 **Burn Suits**

27 51. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
28 reference paragraphs 1 through 50 of this complaint as though fully set forth herein.

1 52. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Burn Suits, which include but are not limited to
3 “BODY BY JAKE® MAX BURN SUIT, ELASTIC COMFORT FIT, “There’s only one
4 BODY BY!TM”, “BURN CALORIES DETOXIFY BODY DESIGNED FOR
5 COMFORT”, “BBJMBS-R”, “Manufactured and distributed under license from Body By
6 Jake by Pivotal 5, Inc., Chicago, IL 60644”, “03 FITNESS SIZE”, “D1066 C6611”,
7 “400097908089” (“BURN SUITS”).

8 53. BURN SUITS contain DEHP.

9 54. Defendants knew or should have known that DEHP has been identified by the State of
10 California as a chemical known to cause cancer and reproductive toxicity and therefore
11 was subject to Proposition 65 warning requirements. Defendants were also informed of
12 the presence of DEHP in BURN SUITS within Plaintiff’s notice of alleged violations
13 further discussed above at Paragraph 25.

14 55. Plaintiff’s allegations regarding BURN SUITS concern “[c]onsumer products
15 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
16 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
17 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
18 *25602(b)*. BURN SUITS are consumer products, and, as mentioned herein, exposures to
19 DEHP took place as a result of such normal and foreseeable consumption and use.

20 56. Plaintiff is informed, believes, and thereon alleges that between January 17, 2011 and the
21 present, each of the Defendants knowingly and intentionally exposed their employees and
22 California consumers and users of BURN SUITS, which Defendants manufactured,
23 distributed, or sold as mentioned above, to DEHP, without first providing any type of
24 clear and reasonable warning of such to the exposed persons before the time of exposure.
25 Defendants have distributed and sold BURN SUITS in California. Defendants know and
26 intend that California consumers will use and consume BURN SUITS, thereby exposing
27 them to DEHP. Defendants thereby violated Proposition 65.

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

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

15 59. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
16 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
17 violations alleged herein will continue to occur into the future.

18 60. Based on the allegations herein, Defendants are liable for civil penalties of up to
19 \$2,500.00 per day per individual exposure to DEHP from BURN SUITS, pursuant to
20 Health and Safety Code section 25249.7(b).

21 61. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
22 filing this Complaint.

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PRAYER FOR RELIEF

Plaintiff demands against each of the Defendants as follows:

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

Dated: April 8, 2014

YEROUSHALMI & ASSOCIATES

BY: 

Reuben Yeroushalmi
Attorneys for Plaintiff,
Consumer Advocacy Group, Inc.