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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF ALAMEDA  
14 UNLIMITED CIVIL JURISDICTION

15 ANTHONY E. HELD, Ph.D., P.E. and  
16 LAURENCE VINOCUR

17 Plaintiffs,

18 v.

19 COLUMBIA SPORTSWEAR COMPANY,  
20 MOUNTAIN HARDWEAR, INC., JAS D.  
21 EASTON, INC., EASTON TECHNICAL  
22 PRODUCTS, INC.; and DOES 1-150,  
23 inclusive,

24 Defendants.

Case No. **RG15761080**

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 *et seq.*)

**NATURE OF THE ACTION**

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2           1.     This Complaint institutes a representative action brought by plaintiffs ANTHONY E.  
3 HELD, Ph.D., P.E. and LAURENCE VINO CUR (collectively “Plaintiffs”) in the public interest of  
4 the citizens of the State of California to enforce the People’s right to be informed about (a)  
5 exposures to di(2-ethylhexyl)phthalate (“DEHP”), a toxic chemical found in the vinyl/PVC pouches  
6 of gear wallets sold in California: (b) exposures to Lead, a toxic chemical found in the handles of  
7 gear wallets sold in California: and (c) exposures to Tris(1,3-dichloro-2-propyl) phosphate  
8 (“TDCPP”) and Tris(2-chloroethyl) phosphate (“TCEP”), toxic chemicals found in tent and shelter  
9 fabrics sold in California. DEHP, Lead, TDCPP and TCEP are referred to collectively herein as  
10 the “LISTED CHEMICALS.”

11           2.     By this Complaint, Plaintiffs seek to remedy defendants’ failure to warn California  
12 citizens, consumers, and other individuals about the risks associated with exposures to the LISTED  
13 CHEMICALS present in and on the products manufactured, sold, distributed, and/or offered for  
14 sale or use to consumers and other individuals in California.

15           3.     Detectable levels of DEHP are commonly found in and on vinyl/PVC pouches of the  
16 gear wallets that defendants import, manufacture, distribute for sale, ship for sale, sell and/or offer  
17 for sale to consumers throughout the State of California.

18           4.     Detectable levels of TDCPP and TCEP are commonly found in and on tent and  
19 shelter fabrics that defendants import, manufacture, distribute for sale, ship for sale, sell and/or  
20 offer for sale to consumers and other individuals throughout the State of California.

21           5.     Detectable levels of Lead are commonly found in and on the handles of gear wallets  
22 that defendants import, manufacture, distribute for sale, ship for sale, sell and/or offer for sale to  
23 consumers and other individuals throughout the State of California.

24           6.     Under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at  
25 Health and Safety Code section 25249.6 *et seq.* (“Proposition 65”), “[n]o person in the course of  
26 doing business shall knowingly and intentionally expose any individual to a chemical known to the  
27 state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to  
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1 such individual . . . .” Health & Safety Code § 25249.6.

2 7. On February 27, 1987, California listed Lead pursuant to Proposition 65 as a  
3 chemical that is known to cause birth defects or other reproductive harm. Lead became subject to  
4 the “clear and reasonable warning” requirements of the act one year later on February 27, 1988.  
5 Cal. Code Regs. tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

6 8. On April 1, 1992, California listed TCEP pursuant to Proposition 65 as a chemical  
7 that is known to cause cancer. TCEP became subject to the “clear and reasonable warning”  
8 requirements of the act one year later on April 1, 1993. Cal. Code Regs. tit. 27, § 27001(b); Health  
9 & Safety Code §§ 25249.8 & 25249.10(b).

10 9. On October 24, 2003, California listed DEHP pursuant to Proposition 65 as a  
11 chemical that is known to cause birth defects or other reproductive harm. DEHP became subject to  
12 the “clear and reasonable warning” requirements of the act one year later on October 24, 2004. Cal.  
13 Code Regs. tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

14 10. On October 28, 2011, California listed TDCPP pursuant to Proposition 65 as a  
15 chemical that is known to cause cancer. TDCPP became subject to the “clear and reasonable  
16 warning” requirements of the act one year later on October 28, 2012. Cal. Code Regs. tit. 27, §  
17 27001(b); Health & Safety Code §§ 25249.8 & 25249.10(b).

18 11. Defendants manufacture, distribute, import, sell, and/or offer for sale without a  
19 warning in California certain products containing the LISTED CHEMICALS as follows:

20 a. Defendants Jas D. Easton, Inc. (“JDEI”) and Easton Technical Products, Inc.,  
21 (“Easton”) manufacture, distribute, import, sell, and offer for sale without a warning in  
22 California, gear wallets with vinyl/PVC pouches containing DEHP, gear wallet with handles  
23 containing Lead, and tent/shelter fabrics that contain TDCPP including but not limited to, the  
24 *Easton Gear Wallet*, #112979, UPC #7 23560 12979 9; and the *Sundial S 3-Season Shade*  
25 *Shelter*, #020319, UPC #7 23560 20319 2, as alleged in plaintiff’s June 4, 2014 and October  
26 24, 2014 notices of violation of Proposition 65 served on JDEI and EASTON.



1 interest pursuant to Health and Safety Code section 25249.7(d).

2 17. Plaintiff LAURENCE VINOCUR is a citizen of the State of California who is  
3 dedicated to protecting the health of California citizens through the elimination or reduction of  
4 harmful exposures to toxic chemicals from consumer products. He brings this action in the public  
5 interest pursuant to Health and Safety Code section 25249.7(d).

6 18. Defendant JDEI is a person in the course of doing business within the meaning of  
7 Health and Safety Code sections 25249.6 and 25249.11.

8 19. JDEI manufactures, imports, distributes, sells, and/or offers the PRODUCTS for sale  
9 or use in California, or it implies by its conduct that it manufactures, imports, distributes, sells,  
10 and/or offers the PRODUCTS for sale or use in California.

11 20. Defendant EASTON is a person in the course of doing business within the meaning  
12 of Health and Safety Code sections 25249.6 and 25249.11.

13 21. EASTON manufactures, imports, distributes, sells, and/or offers the PRODUCTS for  
14 sale or use in California, or it implies by its conduct that it manufactures, imports, distributes, sells,  
15 and/or offers the PRODUCTS for sale or use in California.

16 22. Defendant COLUMBIA is a person in the course of doing business within the  
17 meaning of Health and Safety Code sections 25249.6 and 25249.11.

18 23. COLUMBIA manufactures, imports, distributes, sells, and/or offers the PRODUCTS  
19 for sale or use in California, or it implies by its conduct that it manufactures, imports, distributes,  
20 sells, and/or offers the PRODUCTS for sale or use in California.

21 24. Defendant MHI is a person in the course of doing business within the meaning of  
22 Health and Safety Code sections 25249.6 and 25249.11.

23 25. MHI manufactures, imports, distributes, sells, and/or offers the PRODUCTS for sale  
24 or use in the State of California, or it implies by its conduct that it manufactures, imports, distributes,  
25 sells, and/or offers the PRODUCTS for sale or use in the State of California.

26 26. Defendants DOES 1-50 ("MANUFACTURER DEFENDANTS") are each a person  
27 in the course of doing business within the meaning of Health and Safety Code sections 25249.6 and  
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1 25249.11.

2 27. MANUFACTURER DEFENDANTS, and each of them, research, test, design,  
3 assemble, fabricate, and manufacture, or each implies by its conduct that it researches, tests,  
4 designs, assembles, fabricates, and manufactures one or more of the PRODUCTS offered for sale or  
5 use in California.

6 28. Defendants DOES 51-100 (“DISTRIBUTOR DEFENDANTS”) are each a person in  
7 the course of doing business within the meaning of Health and Safety Code sections 25249.6 and  
8 25249.11.

9 29. DISTRIBUTOR DEFENDANTS, and each of them, distribute, exchange, transfer,  
10 process, and transport one or more of the PRODUCTS to individuals, businesses, or retailers for  
11 sale or use in the State of California, or each implies by its conduct that it distributes, exchanges,  
12 transfers, processes, and transports one or more of the PRODUCTS to individuals, businesses, or  
13 retailers for sale or use in the State of California.

14 30. Defendants DOES 101-150 (“RETAILER DEFENDANTS”) are each a person in the  
15 course of doing business within the meaning of Health and Safety Code sections 25249.6 and  
16 25249.11.

17 31. RETAILER DEFENDANTS, and each of them, offer the PRODUCTS for sale to  
18 individuals in the State of California.

19 32. At this time, the true names of defendants DOES 1 through 150, inclusive, are  
20 unknown to Plaintiffs, who, therefore, sue said defendants by their fictitious names pursuant to  
21 Code of Civil Procedure section 474. Plaintiffs are informed and believe, and on that basis allege,  
22 that each of the fictitiously named defendants is responsible for the acts and occurrences alleged  
23 herein. When ascertained, their true names shall be reflected in an amended complaint.

24 33. JDEI, EASTON, COLUMBIA, MHI, MANUFACTURER DEFENDANTS,  
25 DISTRIBUTOR DEFENDANTS, and RETAILER DEFENDANTS are collectively referred to  
26 hereinafter as “DEFENDANTS.”

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1 **VENUE AND JURISDICTION**

2 34. Venue is proper in the County of Alameda, pursuant to Code of Civil Procedure  
3 sections 393, 395, and 395.5, because this Court is a court of competent jurisdiction, because  
4 Plaintiffs seek civil penalties against DEFENDANTS, because one or more instances of wrongful  
5 conduct occurred, and continue to occur, in this county, and/or because DEFENDANTS conducted,  
6 and continue to conduct, business in Alameda County with respect to their PRODUCTS.

7 35. The California Superior Court has jurisdiction over this action pursuant to California  
8 Constitution Article VI, section 10, which grants the Superior Court “original jurisdiction in all  
9 causes except those given by statute to other trial courts.” The statute under which this action is  
10 brought does not specify any other basis of subject matter jurisdiction.

11 36. The California Superior Court has jurisdiction over DEFENDANTS based on  
12 Plaintiffs’ information and good faith beliefs that each defendant is a person, firm, corporation or  
13 association that is a citizen of the State of California, has sufficient minimum contacts in the State  
14 of California, and/or otherwise purposefully avails itself of the California market. DEFENDANTS’  
15 purposeful availment renders the exercise of personal jurisdiction by California courts consistent  
16 with traditional notions of fair play and substantial justice.

17 **FIRST CAUSE OF ACTION**

18 **(Violation of Proposition 65 - Against All Defendants)**

19 37. Plaintiffs reallege and incorporate by reference as if fully set forth herein, Paragraphs  
20 1 through 36, inclusive.

21 38. In enacting Proposition 65, in the preamble to the Safe Drinking Water and Toxic  
22 Enforcement Act of 1986, the People of California expressly declared their right “[t]o be informed  
23 about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.”

24 39. Proposition 65 states, “[n]o person in the course of doing business shall knowingly  
25 and intentionally expose any individual to a chemical known to the state to cause cancer or  
26 reproductive toxicity without first giving clear and reasonable warning to such individual . . . .”  
27 Health & Safety Code § 25249.6.  
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1           40.    On June 4, 2014, plaintiff ANTHONY E. HELD, Ph.D., P.E. served a sixty-day  
2 notice of violation, together with the requisite certificate of merit, on JDEI, EASTON, and the  
3 California Attorney General and other requisite public enforcement agencies, alleging that, as a  
4 result of DEFENDANTS’ sales of the PRODUCTS containing DEHP and Lead, consumers and  
5 other individuals in the State of California are being exposed to the LISTED CHEMICAL resulting  
6 from their reasonably foreseeable use of the PRODUCTS, without the individual purchasers and  
7 users first having received a “clear and reasonable warning” regarding such toxic exposures, as  
8 required by Proposition 65.

9           41.    On October 24, 2014, plaintiff ANTHONY E. HELD, Ph.D., P.E. served a  
10 supplemental sixty-day notice of violation, together with the requisite certificate of merit, on JDEI,  
11 EASTON, and the California Attorney General and other requisite public enforcement agencies,  
12 alleging that, as a result of DEFENDANTS’ sales of the PRODUCTS containing DEHP, Lead and  
13 TDCPP, workers, consumers, and other individuals in the State of California are being exposed to  
14 these LISTED CHEMICALS resulting from their reasonably foreseeable use of the PRODUCTS,  
15 without the individual purchasers and users first having received a “clear and reasonable warning”  
16 regarding such toxic exposures, as required by Proposition 65.

17           42.    On September 30, 2014, plaintiff LAURENCE VINO CUR served a sixty-day notice  
18 of violation, together with the requisite certificate of merit, to COLUMBIA, MHI, and the  
19 California Attorney General and other requisite public enforcement agencies, alleging that, as a  
20 result of DEFENDANTS’ sales of the PRODUCTS containing TDCPP, workers, consumers, and  
21 other individuals in the State of California are being exposed to the LISTED CHEMICAL resulting  
22 from their reasonably foreseeable use of the PRODUCTS, without the individual purchasers and  
23 users first having received a “clear and reasonable warning” regarding the health hazards associated  
24 with such toxic exposures, as required by Proposition 65.

25           43.    DEFENDANTS have engaged in the manufacture, importation, distribution, sale, and  
26 offering of the PRODUCTS for sale or use in violation of Health and Safety Code section 25249.6,  
27 and DEFENDANTS’ violations have continued to occur beyond their receipt of Plaintiffs’ sixty-day  
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1 notices of violation. As such, DEFENDANTS' violations are ongoing and continuous in nature,  
2 and will continue to occur in the future.

3 44. After receiving Plaintiffs' sixty-day notices of violation the respective sixty-day  
4 notice period as to each of Plaintiffs' notices concluded without any public enforcement agency  
5 having elected to commence and diligently prosecute a cause of action against any of the  
6 DEFENDANTS for any of the violations of Proposition 65 alleged in Plaintiffs' 60-day notices of  
7 violation.

8 45. The PRODUCTS manufactured, imported, distributed, sold, and offered for sale or  
9 use in California by DEFENDANTS contain the LISTED CHEMICALS in such a way that the  
10 reasonably foreseeable uses of these products result in exposures that require a "clear and  
11 reasonable" warning under Proposition 65.

12 46. DEFENDANTS know that the PRODUCTS they manufacture, import, distribute,  
13 sell, and offer for sale or use in California contain the LISTED CHEMICALS.

14 47. is the LISTED CHEMICALS are each present in or on the DEFEDNANTS'  
15 PRODUCTS in such a way as to expose individuals through dermal contact, inhalation and/or  
16 ingestion during and after their reasonably foreseeable use.

17 48. The normal and reasonably foreseeable uses of the PRODUCTS have caused, and  
18 continue to cause, consumer exposures to the LISTED CHEMICALS, as such exposures are  
19 defined by title 27 of the California Code of Regulations, section 25602(b).

20 49. DEFENDANTS know that the normal and reasonably foreseeable uses of their  
21 PRODUCTS exposes individuals to the LISTED CHEMICALS through dermal contact, inhalation  
22 and/or ingestion.

23 50. DEFENDANTS intend for such exposures to the LISTED CHEMICALS from the  
24 reasonably foreseeable uses of their PRODUCTS to occur by their deliberate, non-accidental  
25 participation in the manufacture, distribution, sale, and/or offering of the PRODUCTS for sale or  
26 use to workers, consumers, and other individuals in the State of California.



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- 3. That the Court grant Plaintiffs their reasonable attorneys' fees and costs; and
- 4. That the Court grant such other and further relief as may be just and proper.

Dated: March 4, 2015

Respectfully Submitted,  
THE CHANLER GROUP



By: \_\_\_\_\_  
Brian Johnson  
Attorneys for Plaintiffs  
ANTHONY E. HELD, Ph.D., P.E. and  
LAURENCE VINOCUR