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ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

FEB 24 2016

Sherri R. Carter, Executive Officer/Clerk  
By Cristina Grijalva, Deputy

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES**

14 CONSUMER ADVOCACY GROUP, INC.,  
15 in the public interest,

16 Plaintiff,

17 v.

18 HARBOR-FREIGHT TOOLS USA, INC., a  
19 Delaware Corporation; and DOES 1-20;

20 Defendants.

CASE NO.

**BC 6 1 1 4 6 2**

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)

21 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges a cause of action against  
22 Defendants HARBOR FREIGHT TOOLS USA, INC., and DOES 1-20 as follows:

23 **THE PARTIES**

- 24 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. ("Plaintiff" or "CAG") is an  
25 organization qualified to do business in the State of California. CAG is a person  
26 within the meaning of Health and Safety Code section 25249.11, subdivision (a).  
27 CAG, acting as a private attorney general, brings this action in the public interest as  
28 defined under Health and Safety Code section 25249.7, subdivision (d).

- 1 2. Defendant HARBOR FREIGHT TOOLS USA, INC. (“HARBOR”) is a Delaware  
2 Corporation, doing business in the State of California at all relevant times herein.
- 3 3. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-  
4 20, and therefore sues these defendants by such fictitious names. Plaintiff will amend  
5 this complaint to allege their true names and capacities when ascertained. Plaintiff is  
6 informed, believes, and thereon alleges that each fictitiously named defendant is  
7 responsible in some manner for the occurrences herein alleged and the damages  
8 caused thereby.
- 9 4. At all times mentioned herein, the term “Defendants” includes HARBOR, and DOES  
10 1-20.
- 11 5. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at  
12 all times mentioned herein have conducted business within the State of California.
- 13 6. Upon information and belief, at all times relevant to this action, each of the  
14 Defendants, including DOES 1-20, was an agent, servant, or employee of each of the  
15 other Defendants. In conducting the activities alleged in this Complaint, each of the  
16 Defendants was acting within the course and scope of this agency, service, or  
17 employment, and was acting with the consent, permission, and authorization of each  
18 of the other Defendants. All actions of each of the Defendants alleged in this  
19 Complaint were ratified and approved by every other Defendant or their officers or  
20 managing agents. Alternatively, each of the Defendants aided, conspired with and/or  
21 facilitated the alleged wrongful conduct of each of the other Defendants.
- 22 7. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of  
23 the Defendants was a person doing business within the meaning of Health and Safety  
24 Code section 25249.11, subdivision (b), and that each of the Defendants had ten (10)  
25 or more employees at all relevant times.

26 **JURISDICTION**

- 27 8. The Court has jurisdiction over this lawsuit pursuant to California Constitution  
28 Article VI, Section 10, which grants the Superior Court original jurisdiction in all

1 causes except those given by statute to other trial courts. This Court has jurisdiction  
2 over this action pursuant to Health and Safety Code section 25249.7, which allows  
3 enforcement of violations of Proposition 65 in any Court of competent jurisdiction.

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

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

### 17 **BACKGROUND AND PRELIMINARY FACTS**

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

27 12. Proposition 65 requires the Governor of California to publish a list of chemicals  
28 known to the state to cause cancer, birth defects, or other reproductive harm. *Health*

1            & Safety Code § 25249.8. The list, which the Governor updates at least once a year,  
2            contains over 700 chemicals and chemical families. Proposition 65 imposes warning  
3            requirements and other controls that apply to Proposition 65-listed chemicals.

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

10           14. Proposition 65 provides that any person "violating or threatening to violate" the  
11           statute may be enjoined in any court of competent jurisdiction. *Health & Safety Code*  
12           § 25249.7. "Threaten to violate" means "to create a condition in which there is a  
13           substantial probability that a violation will occur." *Health & Safety Code* §  
14           25249.11(e). Defendants are also liable for civil penalties of up to \$2,500.00 per day  
15           per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

16           15. On January 1, 1988, the Governor of California added DEHP to the list of chemicals  
17           known to the State to cause cancer, and on October 24, 2003, the Governor added  
18           DEHP to the list of chemicals known to the State to cause developmental male  
19           reproductive toxicity. Pursuant to Health and Safety Code sections 25249.9 and  
20           25249.10, twenty (20) months after addition of DEHP to the list of chemicals known  
21           to the State to cause reproductive toxicity, DEHP became fully subject to Proposition  
22           65 warning requirements and discharge prohibitions.

23           16. Plaintiff identified certain practices of manufacturers and distributors of DEHP-  
24           bearing products of exposing, knowingly and intentionally, persons in California to  
25           the Proposition 65-listed chemicals of such products without first providing clear and  
26           reasonable warnings of such to the exposed persons prior to the time of exposure.  
27           Plaintiff later discerned that Defendants engaged in such practice.

1 17. Plaintiff identified certain practices of manufacturers and distributors of Di Isononyl  
2 Phthalate, also known as diisononyl phthalate (“DINP”)-bearing products of  
3 exposing, knowingly and intentionally, persons in California to the Proposition 65-  
4 listed chemicals of such products without first providing clear and reasonable  
5 warnings of such to the exposed persons prior to the time of exposure. Plaintiff later  
6 discerned that Defendants engaged in such practice.

7 18. On December 20, 2013, the Governor of California added DINP to the list of  
8 chemicals known to the State to cause cancer. Pursuant to Health and Safety Code  
9 sections 25249.9 and 25249.10, twenty (20) months after addition of DINP to the list  
10 of chemicals known to the State to cause cancer, DINP became fully subject to  
11 Proposition 65 warning requirements and discharge prohibitions.

12 **SATISFACTION OF PRIOR NOTICE**

13 19. On or about, February 10, 2015, Plaintiff gave notice of alleged violations of Health  
14 and Safety Code section 25249.6, concerning consumer products exposures, subject  
15 to a private action to HARBOR and to the California Attorney General, County  
16 District Attorneys, and City Attorneys for each city containing a population of at least  
17 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
18 the product Hand Tools containing DEHP.

19 20. On or about March 4, 2015, Plaintiff gave notice of alleged violations of Health and  
20 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
21 private action to HARBOR and to the California Attorney General, County District  
22 Attorneys, and City Attorneys for each city containing a population of at least  
23 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
24 the product Hand Tools containing DEHP.

25 21. On or about March 9, 2015, Plaintiff gave notice of alleged violations of Health and  
26 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
27 private action to HARBOR and to the California Attorney General, County District  
28 Attorneys, and City Attorneys for each city containing a population of at least

1 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
2 the product Hand Tools containing DEHP.

3 22. On or about May 7, 2015, Plaintiff gave notice of alleged violations of Health and  
4 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
5 private action to HARBOR and to the California Attorney General, County District  
6 Attorneys, and City Attorneys for each city containing a population of at least  
7 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
8 the product Gloves, Hand Tools and Recreational Accessories containing DEHP and  
9 DINP.

10 23. On or about May 27, 2015, Plaintiff gave notice of alleged violations of Health and  
11 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
12 private action to HARBOR and to the California Attorney General, County District  
13 Attorneys, and City Attorneys for each city containing a population of at least  
14 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
15 the product, Hand Tools containing DEHP.

16 24. On or about June 12, 2015, Plaintiff gave notice of alleged violations of Health and  
17 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
18 private action to HARBOR and to the California Attorney General, County District  
19 Attorneys, and City Attorneys for each city containing a population of at least  
20 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
21 the product Gloves, Hand Tools, Automobile Accessories and Organizational  
22 Accessories containing DEHP and DINP.

23 25. On or about July 2, 2015, Plaintiff gave notice of alleged violations of Health and  
24 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
25 private action to HARBOR and to the California Attorney General, County District  
26 Attorneys, and City Attorneys for each city containing a population of at least  
27 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
28 the product Tape and Hand Tools containing DEHP.

1 26. On or about August 5, 2015, Plaintiff gave notice of alleged violations of Health and  
2 Safety Code section 25249.6, concerning consumer products exposures, subject to a  
3 private action to HARBOR and to the California Attorney General, County District  
4 Attorneys, and City Attorneys for each city containing a population of at least  
5 750,000 people in whose jurisdictions the violations allegedly occurred, concerning  
6 the product Hand Tools containing DEHP.

7 27. Before sending the notice of alleged violations, Plaintiff investigated the consumer  
8 products involved, the likelihood that such products would cause users to suffer  
9 significant exposures to DEHP and DINP, and the corporate structure of each of the  
10 Defendants.

11 28. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the  
12 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney  
13 for Plaintiff who executed the certificate had consulted with at least one person with  
14 relevant and appropriate expertise who reviewed data regarding the exposures to  
15 DEHP and DINP, the subject Proposition 65-listed chemicals of this action. Based on  
16 that information, the attorney for Plaintiff who executed the Certificate of Merit  
17 believed there was a reasonable and meritorious case for this private action. The  
18 attorney for Plaintiff attached to the Certificate of Merit served on the Attorney  
19 General the confidential factual information sufficient to establish the basis of the  
20 Certificate of Merit.

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

24 30. Plaintiff is commencing this action more than sixty (60) days from the dates that  
25 Plaintiff gave notices of the alleged violation to HARBOR the public prosecutors  
26 referenced in Paragraphs 19-26.

1 31. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General,  
2 nor any applicable district attorney or city attorney has commenced and is diligently  
3 prosecuting an action against the Defendants.  
4

5 **FIRST CAUSE OF ACTION**

6 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
7 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
8 **(Health & Safety Code, §§ 25249.5, et seq.))**

9 **Stair Tools**

10 32. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
11 reference paragraphs 1 through 31 of this complaint as though fully set forth herein.  
12 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
13 distributor, promoter, or retailer of Carpet Stair Tools with Vinyl Grips, which  
14 includes but is not limited to, “CF CENTRAL FORGE® CAPRPET STAIR TOOL;  
15 ITEM 95600; STAIR CARPET TUCKING TOOL; Steel Chisel Blade; Made in  
16 India: UPC 7 92363 95600 0”, (“STAIR TOOLS”).

17 33. STAIR TOOLS contains DEHP.

18 34. Defendants knew or should have known that DEHP has been identified by the State  
19 of California as a chemical known to cause cancer and reproductive toxicity and  
20 therefore was subject to Proposition 65 warning requirements. Defendants were also  
21 informed of the presence of DEHP in STAIR TOOLS within Plaintiff’s notice of  
22 alleged violations further discussed above at Paragraphs 19.

23 35. Plaintiff’s allegations regarding STAIR TOOLS concerns “[c]onsumer products  
24 exposure[s],” which “is an exposure that results from a person’s acquisition,  
25 purchase, storage, consumption, or other reasonably foreseeable use of a consumer  
26 good, or any exposure that results from receiving a consumer service.” *Cal. Code*  
27 *Regs. tit. 27, § 25602(b)*. STAIR TOOLS are consumer products, and, as mentioned  
28 herein, exposures to DEHP took place as a result of such normal and foreseeable use.



1 36. Plaintiff's allegations regarding STAIR TOOLS also concern occupational exposures,  
2 which means "an exposure to any employee in his or her employer's workplace." *Cal.*  
3 *Code Regs.* tit. 27, § 25602(b). Exposures of DEHP to Defendants' employees  
4 occurred through the course of their employment in their employers' workplaces

5 37. Plaintiff is informed, believes, and thereon alleges that between February 10, 2012  
6 and the present, each of the Defendants knowingly and intentionally exposed their  
7 employees, California consumers and users of STAIR TOOLS, which Defendants  
8 manufactured, distributed, or sold as mentioned above, to DEHP, without first  
9 providing any type of clear and reasonable warning of such to the exposed persons  
10 before the time of exposure. Defendants have distributed and sold STAIR TOOLS in  
11 California. Defendants know and intend that California consumers will use STAIR  
12 TOOLS, thereby exposing them to DEHP. Defendants thereby violated Proposition  
13 65.

14 38. The principal routes of exposure are through dermal contact, and inhalation. Persons  
15 sustain exposures by handling STAIR TOOLS without wearing gloves or any other  
16 personal protective equipment, or by touching bare skin or mucous membranes with  
17 gloves after handling STAIR TOOLS, as well as through direct and indirect hand to  
18 mouth contact, hand to mucous membrane, or breathing in particulate matter  
19 dispersed from STAIR TOOLS. And as to Defendants' employees, employees may  
20 be exposed to DEHP in the course of their employment by handling, distributing, and  
21 selling STAIR TOOLS.

22 39. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
23 of Proposition 65 as to STAIR TOOLS have been ongoing and continuous to the date  
24 of the signing of this complaint, as Defendants engaged and continue to engage in  
25 conduct which violates Health and Safety Code section 25249.6, including the  
26 manufacture, distribution, promotion, and sale of STAIR TOOLS, so that a separate  
27 and distinct violation of Proposition 65 occurred each and every time a person was  
28 exposed to DEHP by STAIR TOOLS as mentioned herein.

1 40. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
2 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
3 violations alleged herein will continue to occur into the future.

4 41. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to DEHP from the STAIR TOOLS,  
6 pursuant to Health and Safety Code section 25249.7(b).

7 42. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
8 filing this Complaint.

9  
10 **SECOND CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
12 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
13 ***(Health & Safety Code, §§ 25249.5, et seq.)***

14 **Wrenches**

15 43. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
16 reference paragraphs 1 through 41 of this complaint as though fully set forth herein.  
17 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
18 distributor, promoter, or retailer of Wrench Sets with Vinyl Grips, which includes but  
19 is not limited to, "PITTSBURGH® 4 PC. PROFESSIONAL ADJUSTABLE  
20 WRENCH SET; Item 93943; Heavy-duty alloy steel with rubber cushioned grips;  
21 Size #6, Siz #8, Size #10, Size #12; White Circle: 37041 502013; "Distributed by  
22 Harbor Freight Tools, Camarillo, CA"; Made in China; Barcode 7 92363 93943 0",  
23 ("WRENCHES").

24 44. WRENCHES contains DEHP.

25 45. Defendants knew or should have known that DEHP has been identified by the State  
26 of California as a chemical known to cause cancer and reproductive toxicity and  
27 therefore was subject to Proposition 65 warning requirements. Defendants were also  
28

1 informed of the presence of DEHP in WRENCHES within Plaintiff's notice of  
2 alleged violations further discussed above at Paragraphs 19.

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

9 47. Plaintiff is informed, believes, and thereon alleges that between February 10, 2012  
10 and the present, each of the Defendants knowingly and intentionally exposed their  
11 California consumers and users of WRENCHES, which Defendants manufactured,  
12 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
13 clear and reasonable warning of such to the exposed persons before the time of  
14 exposure. Defendants have distributed and sold WRENCHES in California.  
15 Defendants know and intend that California consumers will use WRENCHES,  
16 thereby exposing them to DEHP. Defendants thereby violated Proposition 65.

17 48. The principal routes of exposure are through dermal contact, and inhalation. Persons  
18 sustain exposures by handling WRENCHES without wearing gloves or any other  
19 personal protective equipment, or by touching bare skin or mucous membranes with  
20 gloves after handling WRENCHES, as well as through direct and indirect hand to  
21 mouth contact, hand to mucous membrane, or breathing in particulate matter  
22 dispersed from WRENCHES.

23 49. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
24 of Proposition 65 as to WRENCHES have been ongoing and continuous to the date of  
25 the signing of this complaint, as Defendants engaged and continue to engage in  
26 conduct which violates Health and Safety Code section 25249.6, including the  
27 manufacture, distribution, promotion, and sale of WRENCHES, so that a separate and  
28

1 distinct violation of Proposition 65 occurred each and every time a person was  
2 exposed to DEHP by WRENCHES as mentioned herein.

3 50. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
4 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
5 violations alleged herein will continue to occur into the future.

6 51. Based on the allegations herein, Defendants are liable for civil penalties of up to  
7 \$2,500.00 per day per individual exposure to DEHP from WRENCHES, pursuant to  
8 Health and Safety Code section 25249.7(b).

9 52. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
10 filing this Complaint.

### 11 **THIRD CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
13 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
14 ***(Health & Safety Code, §§ 25249.5, et seq.)***

#### 15 **Long Reach Pliers**

16 53. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
17 reference paragraphs 1 through 51 of this complaint as though fully set forth herein.  
18 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 distributor, promoter, or retailer of Long Reach Hose Grips Pliers Sets with Vinyl  
20 Grips, which includes but is not limited to, "PITTSBURGH® Automotive Long  
21 Reach Hose Grip Pliers Set; ENGINE; 3 PIECE; ITEM 37909; Cushioned grips for  
22 comfort fit; "Distributed by Harbor Freight Tools, Camarillo, CA"; White square  
23 sticker: 36972 222014; Made in China; Barcode: 7 92363 37909 0", ("LONG  
24 REACH PLIERS").

25 54. LONG REACH PLIERS contains DEHP.

26 55. Defendants knew or should have known that DEHP has been identified by the State  
27 of California as a chemical known to cause cancer and reproductive toxicity and  
28 therefore was subject to Proposition 65 warning requirements. Defendants were also

1 informed of the presence of DEHP in LONG REACH PLIERS within Plaintiff's  
2 notice of alleged violations further discussed above at Paragraphs 19.

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

10 57. Plaintiff is informed, believes, and thereon alleges that between February 10, 2012  
11 and the present, each of the Defendants knowingly and intentionally exposed their  
12 California consumers and users of LONG REACH PLIERS, which Defendants  
13 manufactured, distributed, or sold as mentioned above, to DEHP, without first  
14 providing any type of clear and reasonable warning of such to the exposed persons  
15 before the time of exposure. Defendants have distributed and sold LONG REACH  
16 PLIERS in California. Defendants know and intend that California consumers will  
17 use LONG REACH PLIERS, thereby exposing them to DEHP. Defendants thereby  
18 violated Proposition 65.

19 58. The principal routes of exposure are through dermal contact, and inhalation. Persons  
20 sustain exposures by handling LONG REACH PLIERS without wearing gloves or  
21 any other personal protective equipment, or by touching bare skin or mucous  
22 membranes with gloves after handling LONG REACH PLIERS, as well as through  
23 direct and indirect hand to mouth contact, hand to mucous membrane, or breathing in  
24 particulate matter dispersed from LONG REACH PLIERS.

25 59. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
26 of Proposition 65 as to LONG REACH PLIERS have been ongoing and continuous to  
27 the date of the signing of this complaint, as Defendants engaged and continue to  
28 engage in conduct which violates Health and Safety Code section 25249.6, including

1 the manufacture, distribution, promotion, and sale of LONG REACH PLIERS, so that  
2 a separate and distinct violation of Proposition 65 occurred each and every time a  
3 person was exposed to DEHP by LONG REACH PLIERS as mentioned herein.

4 60. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
5 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
6 violations alleged herein will continue to occur into the future.

7 61. Based on the allegations herein, Defendants are liable for civil penalties of up to  
8 \$2,500.00 per day per individual exposure to DEHP from LONG REACH PLIERS,  
9 pursuant to Health and Safety Code section 25249.7(b).

10 62. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
11 filing this Complaint.

#### 12 **FOURTH CAUSE OF ACTION**

13 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
14 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
15 ***(Health & Safety Code, §§ 25249.5, et seq.)***

#### 16 **Riveters**

17 63. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
18 reference paragraphs 1 through 61 of this complaint as though fully set forth herein.  
19 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
20 distributor, promoter, or retailer of Riveter Kits with Vinyl Grips, which includes but  
21 is not limited to: (1) "PITTSBURGH® 3-IN-1 RIVETER KIT; "Lifetime  
22 Warranty"; "Nose pieces: 3/32", 1/8", 5/32", 3/16"; Nut sizes: 6-32, 8-32m 10-24m  
23 1/14"-20; Max rivet capacity: 3/16"; ITEM 94100; "Distributed by Harbor Freight  
24 Tools, Camarillo, CA"; White circle sticker: 36972 272014; Barcode: 7 92363 94100  
25 6"; and (2) "PITTSBURGH® Hand Riveter Set; ITEM 38353; Limited Lifetime  
26 Warranty; use on Metal, Leather, Plastic and More; All Steel Construction; Rubber  
27 Grip Handles; Includes: 100 Rivets: 25 2.4 mm 3/32" Rivets, 25 3.2mm 1/8" Rivets  
28 25 4.0 mm 5/32" Rivets, 25 4.8mm 3/16" Rivets; 4 Nosepieces; 1 Spanner Wrench

1 (Stored in handle); Distributed by Harbor Freight Tools, Camarillo, CA; Made in  
2 China, circle with numbers 37040 052015; UPC #: 7 92363 38353 0”  
3 (“RIVETERS”).

4 64. RIVETERS contains DEHP.

5 65. Defendants knew or should have known that DEHP has been identified by the State  
6 of California as a chemical known to cause cancer and reproductive toxicity and  
7 therefore was subject to Proposition 65 warning requirements. Defendants were also  
8 informed of the presence of DEHP in RIVETERS within Plaintiff’s notice of alleged  
9 violations further discussed above at Paragraphs 19 and 25.

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

16 67. Plaintiff is informed, believes, and thereon alleges that between February 10, 2012  
17 and the present, each of the Defendants knowingly and intentionally exposed their  
18 California consumers and users of RIVETERS, which Defendants manufactured,  
19 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
20 clear and reasonable warning of such to the exposed persons before the time of  
21 exposure. Defendants have distributed and sold RIVETERS in California.  
22 Defendants know and intend that California consumers will use RIVETERS, thereby  
23 exposing them to DEHP. Defendants thereby violated Proposition 65.

24 68. The principal routes of exposure are through dermal contact, and inhalation. Persons  
25 sustain exposures by handling RIVETERS without wearing gloves or any other  
26 personal protective equipment, or by touching bare skin or mucous membranes with  
27 gloves after handling RIVETERS, as well as through direct and indirect hand to  
28

1 mouth contact, hand to mucous membrane, or breathing in particulate matter  
2 dispersed from RIVETERS.

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

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

13 71. 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 RIVETERS, pursuant to  
15 Health and Safety Code section 25249.7(b).

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

### 18 **FIFTH CAUSE OF ACTION**

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

#### 22 **Wire Strippers**

23 73. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
24 reference paragraphs 1 through 72 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 Wire Strippers with Vinyl Grips, which includes  
27 but is not limited to, "5" Wire Stripper; Item 36901; Cuts wire from #24 to #10  
28



1 gauge; “Distributed by Harbor Freight Tools, Camarillo, CA”; Barcode: 7 92363  
2 36901 5”, (“WIRE STRIPPERS”).

3 74. WIRE STRIPPERS contains DEHP.

4 75. Defendants knew or should have known that DEHP has been identified by the State  
5 of California as a chemical known to cause cancer and reproductive toxicity and  
6 therefore was subject to Proposition 65 warning requirements. Defendants were also  
7 informed of the presence of DEHP in WIRE STRIPPERS within Plaintiff’s notice of  
8 alleged violations further discussed above at Paragraphs 20.

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

16 77. Plaintiff is informed, believes, and thereon alleges that between March 4, 2012 and  
17 the present, each of the Defendants knowingly and intentionally exposed their  
18 California consumers and users of WIRE STRIPPERS, which Defendants  
19 manufactured, distributed, or sold as mentioned above, to DEHP, without first  
20 providing any type of clear and reasonable warning of such to the exposed persons  
21 before the time of exposure.

22 Defendants have distributed and sold WIRE STRIPPERS in California. Defendants know  
23 and intend that California consumers will use WIRE STRIPPERS, thereby exposing  
24 them to DEHP. Defendants thereby violated Proposition 65.

25 78. The principal routes of exposure are through dermal contact, and inhalation. Persons  
26 sustain exposures by handling WIRE STRIPPERS without wearing gloves or any  
27 other personal protective equipment, or by touching bare skin or mucous membranes  
28 with gloves after handling WIRE STRIPPERS, as well as through direct and indirect

1 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
2 dispersed from WIRE STRIPPERS.

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

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

13 81. 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 WIRE STRIPPERS,  
15 pursuant to Health and Safety Code section 25249.7(b).

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

18 **SIXTH CAUSE OF ACTION**

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

22 **Needle Nose Plier**

23 83. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
24 reference paragraphs 1 through 82 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 Needle Nose Pliers with Vinyl Grips, which  
27 includes but is not limited to, "PITTSBURGH® PLIER NEEDLE NOSE;  
28

1 SKU#40696; “Distributed by Harbor Freight Tools, Camarillo, CA”; Barcode: 7  
2 92363 40696 3 4”, (“NEEDLE NOSE PLIERS”).

3 84. NEEDLE NOSE PLIERS contains DEHP.

4 85. Defendants knew or should have known that DEHP has been identified by the State  
5 of California as a chemical known to cause cancer and reproductive toxicity and  
6 therefore was subject to Proposition 65 warning requirements. Defendants were also  
7 informed of the presence of DEHP in NEEDLE NOSE PLIERS within Plaintiff’s  
8 notice of alleged violations further discussed above at Paragraphs 20.

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

16 87. Plaintiff’s allegations regarding NEEDLE NOSE PLIERS also concern occupational  
17 exposures, which means “an exposure to any employee in his or her employer’s  
18 workplace.” *Cal. Code Regs. tit. 27, § 25602(b)*. Exposures of DEHP to Defendants’  
19 employees occurred through the course of their employment in their employers’  
20 workplaces.

21 88. Plaintiff is informed, believes, and thereon alleges that between March 4, 2012 and  
22 the present, each of the Defendants knowingly and intentionally exposed their  
23 employees, California consumers and users of NOSE PLIER, which Defendants  
24 manufactured, distributed, or sold as mentioned above, to DEHP, without first  
25 providing any type of clear and reasonable warning of such to the exposed persons  
26 before the time of exposure. Defendants have distributed and sold NOSE PLIER in  
27 California. Defendants know and intend that California consumers will use NOSE  
28

1 PLIER, thereby exposing them to DEHP. Defendants thereby violated Proposition  
2 65.

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

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

18 91. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
19 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
20 violations alleged herein will continue to occur into the future.

21 92. Based on the allegations herein, Defendants are liable for civil penalties of up to  
22 \$2,500.00 per day per individual exposure to DEHP from NEEDLE NOSE PLIERS,  
23 pursuant to Health and Safety Code section 25249.7(b).

24 93. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
25 filing this Complaint.  
26  
27  
28

1 **SEVENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
3 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
4 **(Health & Safety Code, §§ 25249.5, et seq.))**

5 **Welding Pliers**

6 94. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
7 reference paragraphs 1 through 93 of this complaint as though fully set forth herein.  
8 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
9 distributor, promoter, or retailer of Welding Pliers with Vinyl Grips, which includes  
10 but is not limited to, "PITTSBURGH® 8" FLAT JAW WELDING PLIERS; "ITEM  
11 93062"; "LIMITED LIFETIME WARRANTY"; "Distributed by Harbor Freight  
12 Tools, Camarillo, CA"; circle on package with numbers 37041 122012, UPC: 7  
13 92363 93062 8", ("WELDING PLIERS").

14 95. WELDING PLIERS contains DEHP.

15 96. Defendants knew or should have known that DEHP has been identified by the State  
16 of California as a chemical known to cause cancer and reproductive toxicity and  
17 therefore was subject to Proposition 65 warning requirements. Defendants were also  
18 informed of the presence of DEHP in WELDING PLIERS within Plaintiff's notice of  
19 alleged violations further discussed above at Paragraphs 21 and 26.

20 97. Plaintiff's allegations regarding WELDING PLIERS concerns "[c]onsumer products  
21 exposure[s]," which "is an exposure that results from a person's acquisition,  
22 purchase, storage, consumption, or other reasonably foreseeable use of a consumer  
23 good, or any exposure that results from receiving a consumer service." *Cal. Code*  
24 *Regs. tit. 27, § 25602(b)*. WELDING PLIERS are consumer products, and, as  
25 mentioned herein, exposures to DEHP took place as a result of such normal and  
26 foreseeable use.

27 98. Plaintiff's allegations regarding WELDING PLIERS also concern occupational  
28 exposures, which means "an exposure to any employee in his or her employer's  
workplace." *Cal. Code Regs. tit. 27, § 25602(b)*. Exposures of DEHP to Defendants'

1 employees occurred through the course of their employment in their employers'  
2 workplaces.

3 99. Plaintiff is informed, believes, and thereon alleges that between March 9, 2012 and  
4 the present, each of the Defendants knowingly and intentionally exposed their  
5 employees, California consumers and users of WELDING PLIERS, which  
6 Defendants manufactured, distributed, or sold as mentioned above, to DEHP, without  
7 first providing any type of clear and reasonable warning of such to the exposed  
8 persons before the time of exposure. Defendants have distributed and sold  
9 WELDING PLIERS in California. Defendants know and intend that California  
10 consumers will use WELDING PLIERS, thereby exposing them to DEHP.  
11 Defendants thereby violated Proposition 65.

12 100. The principal routes of exposure are through dermal contact, and inhalation. Persons  
13 sustain exposures by handling WELDING PLIERS without wearing gloves or any  
14 other personal protective equipment, or by touching bare skin or mucous membranes  
15 with gloves after handling WELDING PLIERS, as well as through direct and indirect  
16 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
17 dispersed from WELDING PLIERS. And as to Defendants' employees, employees  
18 may be exposed to DEHP in the course of their employment by handling, distributing,  
19 and selling WELDING PLIERS.

20 101. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
21 of Proposition 65 as to WELDING PLIERS have been ongoing and continuous to the  
22 date of the signing of this complaint, as Defendants engaged and continue to engage  
23 in conduct which violates Health and Safety Code section 25249.6, including the  
24 manufacture, distribution, promotion, and sale of WELDING PLIERS, so that a  
25 separate and distinct violation of Proposition 65 occurred each and every time a  
26 person was exposed to DEHP by WELDING PLIERS as mentioned herein.

1 102. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
2 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
3 violations alleged herein will continue to occur into the future.

4 103. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to DEHP from WELDING PLIERS,  
6 pursuant to Health and Safety Code section 25249.7(b).

7 104. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
8 filing this Complaint.

9  
10 **EIGHTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
12 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
13 ***(Health & Safety Code, §§ 25249.5, et seq.)***

14 **Brake Line Tools**

15 105. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
16 reference paragraphs 1 through 105 of this complaint as though fully set forth herein.  
17 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
18 distributor, promoter, or retailer of Brake Line Forming Tools with Vinyl Grips,  
19 which includes but is not limited to, "PITTSBURGH® AUTOMOTIVE Brake Line  
20 Forming Tool; BRAKE; ITEM 95782; "Works on 3/16" and 1/4" tubing"; "Comfort  
21 grips" "Distributed by Harbor Freight Tools, Camarillo, CA"; circular sticker placed  
22 to package with numbers 36972 072014; UPC: 7 92363 95782 3", ("BRAKE LINE  
23 TOOLS").

24 106. BRAKE LINE TOOLS contains DEHP.

25 107. Defendants knew or should have known that DEHP has been identified by the State  
26 of California as a chemical known to cause cancer and reproductive toxicity and  
27 therefore was subject to Proposition 65 warning requirements. Defendants were also  
28 informed of the presence of DEHP in BRAKE LINE TOOLS within Plaintiff's notice  
of alleged violations further discussed above at Paragraphs 21.

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

8 109. Plaintiff is informed, believes, and thereon alleges that between March 9, 2012 and  
9 the present, each of the Defendants knowingly and intentionally exposed their  
10 California consumers and users of BRAKE LINE TOOLS, which Defendants  
11 manufactured, distributed, or sold as mentioned above, to DEHP, without first  
12 providing any type of clear and reasonable warning of such to the exposed persons  
13 before the time of exposure. Defendants have distributed and sold BRAKE LINE  
14 TOOLS in California. Defendants know and intend that California consumers will  
15 use BRAKE LINE TOOLS, thereby exposing them to DEHP. Defendants thereby  
16 violated Proposition 65.

17 110. The principal routes of exposure are through dermal contact, and inhalation. Persons  
18 sustain exposures by handling BRAKE LINE TOOLS without wearing gloves or any  
19 other personal protective equipment, or by touching bare skin or mucous membranes  
20 with gloves after handling BRAKE LINE TOOLS, as well as through direct and  
21 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate  
22 matter dispersed from BRAKE LINE TOOLS.

23 111. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
24 of Proposition 65 as to BRAKE LINE TOOLS have been ongoing and continuous to  
25 the date of the signing of this complaint, as Defendants engaged and continue to  
26 engage in conduct which violates Health and Safety Code section 25249.6, including  
27 the manufacture, distribution, promotion, and sale of BRAKE LINE TOOLS, so that  
28



1 a separate and distinct violation of Proposition 65 occurred each and every time a  
2 person was exposed to DEHP by BRAKE LINE TOOLS as mentioned herein.

3 112. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
4 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
5 violations alleged herein will continue to occur into the future.

6 113. Based on the allegations herein, Defendants are liable for civil penalties of up to  
7 \$2,500.00 per day per individual exposure to DEHP from BRAKE LINE TOOLS,  
8 pursuant to Health and Safety Code section 25249.7(b).

9 114. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
10 filing this Complaint.

11 **NINTH CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
13 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
14 ***(Health & Safety Code, §§ 25249.5, et seq.)***

15 **Long Reach Pliers Set**

16 115. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
17 reference paragraphs 1 through 114 of this complaint as though fully set forth herein.  
18 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 distributor, promoter, or retailer of Long Reach Pliers with Vinyl Grips, which  
20 includes but is not limited to, "PITTSBURGH® 16" LONG REACH PLIERS SET;  
21 Lifetime Warranty' "Matte grips"; ITEM 38598; "Distributed by Harbor Freight  
22 Tools, Camarillo, CA"; circular sticker placed to package with numbers 36972  
23 2422014; UPC: 7 92363 38598 5", ("LONG REACH PLIERS").

24 116. LONG REACH PLIERS contains DEHP.

25 117. Defendants knew or should have known that DEHP has been identified by the State of  
26 California as a chemical known to cause cancer and reproductive toxicity and  
27 therefore was subject to Proposition 65 warning requirements. Defendants were also  
28

1 informed of the presence of DEHP in LONG REACH PLIERS within Plaintiff's  
2 notice of alleged violations further discussed above at Paragraphs 21.

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

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

15 120. Plaintiff is informed, believes, and thereon alleges that between March 9, 2012 and  
16 the present, each of the Defendants knowingly and intentionally exposed their  
17 employees, California consumers and users of LONG REACH PLIERS, which  
18 Defendants manufactured, distributed, or sold as mentioned above, to DEHP, without  
19 first providing any type of clear and reasonable warning of such to the exposed  
20 persons before the time of exposure. Defendants have distributed and sold LONG  
21 REACH PLIERS in California. Defendants know and intend that California  
22 consumers will use LONG REACH PLIERS, thereby exposing them to DEHP.  
23 Defendants thereby violated Proposition 65.

24 121. The principal routes of exposure are through dermal contact, and inhalation. Persons  
25 sustain exposures by handling LONG REACH PLIERS without wearing gloves or  
26 any other personal protective equipment, or by touching bare skin or mucous  
27 membranes with gloves after handling LONG REACH PLIERS, as well as through  
28 direct and indirect hand to mouth contact, hand to mucous membrane, or breathing in

1 particulate matter dispersed from LONG REACH PLIERS. And as to Defendants'  
2 employees, employees may be exposed to DEHP in the course of their employment  
3 by handling, distributing, and selling LONG REACH PLIERS.

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

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

14 124. 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 LONG REACH PLIERS,  
16 pursuant to Health and Safety Code section 25249.7(b).

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

19 **TENTH CAUSE OF ACTION**

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

23 **PVC Gloves**

24 126. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
25 reference paragraphs 1 through 125 of this complaint as though fully set forth herein.  
26 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
27 distributor, promoter, or retailer of PVC Gloves, which includes but is not limited to,  
28 (1) "Western Safety PVC gloves; Large; Item 99691; 1 pair; Double Dipped for

1 nonslip performance; “Distributed by Harbor Freight Tools, Camarillo, CA”, Made in  
2 China, white circle circular with numbers 36009 432014; Barcode: 7 92363 99691 4”;  
3 and (2) “Western Safety Oil-Resistant PVC gloves; Large; Item 99677; 1 pair;  
4 Lightweight; 2” long cuff protects arms form chemical and oil; Finished with a rough  
5 surface for a better grip; Polyvinyl chloride, cotton lining, PVC cuff extension;  
6 “Distributed by Harbor Freight Tools, Camarillo, CA”, Made in China, white circle  
7 circular with numbers 36009 522014; Barcode: 7 92363 99677 8”, (“GLOVES”).

8 127. GLOVES contains DEHP and DINP.

9 128. Defendants knew or should have known that DEHP and DINP has been identified by  
10 the State of California as a chemical known to cause cancer and/or reproductive  
11 toxicity and therefore was subject to Proposition 65 warning requirements.

12 Defendants were also informed of the presence of DEHP and DINP in GLOVES  
13 within Plaintiff’s notice of alleged violations further discussed above at Paragraphs 22  
14 and 24.

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

22 130. Plaintiff’s allegations regarding GLOVES also concern occupational exposures,  
23 which means “an exposure to any employee in his or her employer’s workplace.” *Cal.*  
24 *Code Regs. tit. 27, § 25602(b)*. Exposures of DEHP and DINP to Defendants’  
25 employees occurred through the course of their employment in their employers’  
26 workplaces.

27 131. Plaintiff is informed, believes, and thereon alleges that between June 12, 2012 and the  
28 present, each of the Defendants knowingly and intentionally exposed their employees,

1 California consumers and users of GLOVES, which Defendants manufactured,  
2 distributed, or sold as mentioned above, to DEHP and DINP, without first providing  
3 any type of clear and reasonable warning of such to the exposed persons before the  
4 time of exposure. Defendants have distributed and sold GLOVES in California.  
5 Defendants know and intend that California consumers will use GLOVES, thereby  
6 exposing them to DEHP and DINP. Defendants thereby violated Proposition 65.

7 132. The principal routes of exposure are through dermal contact, and inhalation. Persons  
8 sustain exposures by handling GLOVES without wearing gloves or any other  
9 personal protective equipment, or by touching bare skin or mucous membranes with  
10 gloves after handling GLOVES, as well as through direct and indirect hand to mouth  
11 contact, hand to mucous membrane, or breathing in particulate matter dispersed from  
12 GLOVES. And as to Defendants' employees, employees may be exposed to DEHP  
13 and DINP in the course of their employment by handling, distributing, and selling  
14 GLOVES.

15 133. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
16 of Proposition 65 as to GLOVES have been ongoing and continuous to the date of the  
17 signing of this complaint, as Defendants engaged and continue to engage in conduct  
18 which violates Health and Safety Code section 25249.6, including the manufacture,  
19 distribution, promotion, and sale of GLOVES, so that a separate and distinct violation  
20 of Proposition 65 occurred each and every time a person was exposed to DEHP and  
21 DINP by GLOVES as mentioned herein.

22 134. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
23 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
24 violations alleged herein will continue to occur into the future.

25 135. Based on the allegations herein, Defendants are liable for civil penalties of up to  
26 \$2,500.00 per day per individual exposure to DEHP and DINP from GLOVES,  
27 pursuant to Health and Safety Code section 25249.7(b).  
28

1 136. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
2 filing this Complaint.

3 **ELEVENTH CAUSE OF ACTION**

4 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
5 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
6 **(Health & Safety Code, §§ 25249.5, et seq.))**

7 **Plier and Crimping Tool Sets**

8 137. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
9 reference paragraphs 1 through 136 of this complaint as though fully set forth herein.  
10 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
11 distributor, promoter, or retailer of Lineman’s Pliers and Crimpers Tools with Vinyl  
12 Grips Set, which includes but is not limited to, “PITTSBURGH® LINEMAN’S  
13 PLIERS AND CRIMPING TOOL, “Limited Lifetime Warranty”, ITEM 36760;  
14 “CLACK CUSHIONED HANDLES.”, “PIECES: 2”; “DESCRIPTION: 9-12”  
15 LINEMAN’S, 9-12” CRIMPING”; Made in China, circular sticker placed to package  
16 with numbers 37041 282014; Barcode: 7 92363 36760”, (“PLIERS AND CRIMPING  
17 TOOLS”).

18 138. PLIERS AND CRIMPING TOOLS contains DEHP.

19 139. Defendants knew or should have known that DEHP has been identified by the State of  
20 California as a chemical known to cause cancer and reproductive toxicity and  
21 therefore was subject to Proposition 65 warning requirements. Defendants were also  
22 informed of the presence of DEHP in PLIERS AND CRIMPING TOOLS within  
23 Plaintiff’s notice of alleged violations further discussed above at Paragraphs 22.

24 140. Plaintiff’s allegations regarding PLIERS AND CRIMPING TOOLS concerns  
25 “[c]onsumer products exposure[s],” which “is an exposure that results from a  
26 person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable  
27 use of a consumer good, or any exposure that results from receiving a consumer  
28 service.” *Cal. Code Regs. tit. 27, § 25602(b)*. PLIERS AND CRIMPING TOOLS

1 are consumer products, and, as mentioned herein, exposures to DEHP took place as a  
2 result of such normal and foreseeable use.

3 141. Plaintiff's allegations regarding PLIERS AND CRIMPING TOOLS also concern  
4 occupational exposures, which means "an exposure to any employee in his or her  
5 employer's workplace." *Cal. Code Regs.* tit. 27, § 25602(b). Exposures of DEHP to  
6 Defendants' employees occurred through the course of their employment in their  
7 employers' workplaces.

8 142. Plaintiff is informed, believes, and thereon alleges that between May 7, 2012 and the  
9 present, each of the Defendants knowingly and intentionally exposed their employees,  
10 California consumers and users of PLIERS AND CRIMPING TOOLS, which  
11 Defendants manufactured, distributed, or sold as mentioned above, to DEHP, without  
12 first providing any type of clear and reasonable warning of such to the exposed  
13 persons before the time of exposure. Defendants have distributed and sold PLIERS  
14 AND CRIMPING TOOLS in California. Defendants know and intend that California  
15 consumers will use PLIERS AND CRIMPING TOOLS, thereby exposing them to  
16 DEHP. Defendants thereby violated Proposition 65.

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

26 144. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
27 of Proposition 65 as to PLIERS AND CRIMPING TOOLS have been ongoing and  
28 continuous to the date of the signing of this complaint, as Defendants engaged and

1 continue to engage in conduct which violates Health and Safety Code section  
2 25249.6, including the manufacture, distribution, promotion, and sale of PLIERS  
3 AND CRIMPING TOOLS, so that a separate and distinct violation of Proposition 65  
4 occurred each and every time a person was exposed to DEHP by PLIERS AND  
5 CRIMPING TOOLS as mentioned herein.

6 145. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
7 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
8 violations alleged herein will continue to occur into the future.

9 146. Based on the allegations herein, Defendants are liable for civil penalties of up to  
10 \$2,500.00 per day per individual exposure to DEHP from PLIERS AND CRIMPING  
11 TOOLS, pursuant to Health and Safety Code section 25249.7(b).

12 147. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
13 filing this Complaint.

14 **TWELFTH CAUSE OF ACTION**

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

18 **Groove Joint Pliers**

19 148. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
20 reference paragraphs 1 through 147 of this complaint as though fully set forth herein.  
21 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
22 distributor, promoter, or retailer of Groove Joint Pliers with Vinyl Grips, which  
23 includes but is not limited to, "PITTSBURGH® PRO 20" Groove Joint Pliers;  
24 Lifetime Warranty; Item 60537; Laser heat treated teeth; Durable grip for comfort;  
25 Undercut tongue-and groove design; circular sticker placed to package with numbers:  
26 35418 2622014 Barcode: 7 92363 60537 3", ("JOINT PLIERS").

27 149. JOINT PLIERS contain DEHP.  
28



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

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

12 152. Plaintiff's allegations regarding JOINT PLIERS also concern occupational exposures,  
13 which means "an exposure to any employee in his or her employer's workplace." *Cal.*  
14 *Code Regs. tit. 27, § 25602(b)*. Exposures of DEHP to Defendants' employees  
15 occurred through the course of their employment in their employers' workplaces.

16 153. Plaintiff is informed, believes, and thereon alleges that between May 27, 2012 and the  
17 present, each of the Defendants knowingly and intentionally exposed their employees,  
18 California consumers and users of JOINT PLIERS, which Defendants manufactured,  
19 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
20 clear and reasonable warning of such to the exposed persons before the time of  
21 exposure. Defendants have distributed and sold JOINT PLIERS in California.  
22 Defendants know and intend that California consumers will use JOINT PLIERS,  
23 thereby exposing them to DEHP. Defendants thereby violated Proposition 65.

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

1 dispersed from JOINT PLIERS. And as to Defendants' employees, employees may  
2 be exposed to DEHP in the course of their employment by handling, distributing, and  
3 selling JOINT PLIERS.

4 155. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
5 of Proposition 65 as to JOINT PLIERS have been ongoing and continuous to the date  
6 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 JOINT PLIERS, so that a separate  
9 and distinct violation of Proposition 65 occurred each and every time a person was  
10 exposed to DEHP by JOINT PLIERS as mentioned herein.

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

14 157. 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 JOINT PLIERS, pursuant  
16 to Health and Safety Code section 25249.7(b).

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

19 **THIRTEENTH CAUSE OF ACTION**

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

23 **Tongue & Groove Joint Plier Sets**

24 159. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
25 reference paragraphs 1 through 158 of this complaint as though fully set forth herein.  
26 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
27 distributor, promoter, or retailer of Tongue & Groove Joint Plier Sets with Vinyl  
28 Grips, which includes but is not limited to, "PITTSBURGH® 4 PC. Tongue &

1 Groove Joint Plier Set, “Lifetime Warranty”, ITEM 43553; Chrome vanadium steel  
2 construction; PVC grips; Sizes: 6”, 8”, 10”, 12”; Locking joints; Distributed by  
3 Harbor Freight Tools, Camarillo, CA; Made in China, circle with numbers 37041  
4 282014; Barcode: 7 92363 43553 6”, (“TONGUE & GROOVE JOINT PLIERS”).

5 160. TONGUE & GROOVE JOINT PLIERS contains DEHP.

6 161. Defendants knew or should have known that DEHP has been identified by the State of  
7 California as a chemical known to cause cancer and reproductive toxicity and  
8 therefore was subject to Proposition 65 warning requirements. Defendants were also  
9 informed of the presence of DEHP in TONGUE & GROOVE JOINT PLIERS within  
10 Plaintiff’s notice of alleged violations further discussed above at Paragraphs 24.

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

18 163. Plaintiff is informed, believes, and thereon alleges that between June 12, 2012 and the  
19 present, each of the Defendants knowingly and intentionally exposed their California  
20 consumers and users of TONGUE & GROOVE JOINT PLIERS, which Defendants  
21 manufactured, distributed, or sold as mentioned above, to DEHP, without first  
22 providing any type of clear and reasonable warning of such to the exposed persons  
23 before the time of exposure. Defendants have distributed and sold TONGUE &  
24 GROOVE JOINT PLIERS in California. Defendants know and intend that California  
25 consumers will use TONGUE & GROOVE JOINT PLIERS, thereby exposing them  
26 to DEHP. Defendants thereby violated Proposition 65.

27 164. The principal routes of exposure are through dermal contact, and inhalation. Persons  
28 sustain exposures by handling TONGUE & GROOVE JOINT PLIERS without

1 wearing gloves or any other personal protective equipment, or by touching bare skin  
2 or mucous membranes with gloves after handling TONGUE & GROOVE JOINT  
3 PLIERS, as well as through direct and indirect hand to mouth contact, hand to  
4 mucous membrane, or breathing in particulate matter dispersed from TONGUE &  
5 GROOVE JOINT PLIERS.

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

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

17 167. Based on the allegations herein, Defendants are liable for civil penalties of up to  
18 \$2,500.00 per day per individual exposure to DEHP from TONGUE & GROOVE  
19 JOINT PLIERS, pursuant to Health and Safety Code section 25249.7(b).

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

22 **FOURTEENTH CAUSE OF ACTION**

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

26 **Snip Sets**

27 169. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
28 reference paragraphs 1 through 168 of this complaint as though fully set forth herein.

1 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Aviation Tine Snip Sets with Vinyl Grips, which  
3 includes but is not limited to, "PITTSBURGH® 3 PC. Aviation Tin Snip Set; ITEM  
4 62157; Left cut; straight cut snips; 10" length; Color coded vinyl grips; Serrated jaws;  
5 Safety latch; Distributed by Harbor Freight Tools, Camarillo, CA; Made in China,  
6 circular sticker placed to package with numbers 36027 422014; Barcode: 7 92363  
7 62157 1" ("SNIP SETS").

8 170. SNIP SETS contains DEHP.

9 171. 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  
11 therefore was subject to Proposition 65 warning requirements. Defendants were also  
12 informed of the presence of DEHP in SNIP SETS within Plaintiff's notice of alleged  
13 violations further discussed above at Paragraphs 24.

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

20 173. Plaintiff is informed, believes, and thereon alleges that between June 12, 2012 and the  
21 present, each of the Defendants knowingly and intentionally exposed their California  
22 consumers and users of SNIP SETS, which Defendants manufactured, distributed, or  
23 sold as mentioned above, to DEHP, without first providing any type of clear and  
24 reasonable warning of such to the exposed persons before the time of exposure.  
25 Defendants have distributed and sold SNIP SETS in California. Defendants know  
26 and intend that California consumers will use SNIP SETS, thereby exposing them to  
27 DEHP. Defendants thereby violated Proposition 65.

1 174. The principal routes of exposure are through dermal contact, and inhalation. Persons  
2 sustain exposures by handling SNIP SETS without wearing gloves or any other  
3 personal protective equipment, or by touching bare skin or mucous membranes with  
4 gloves after handling SNIP SETS, as well as through direct and indirect hand to  
5 mouth contact, hand to mucous membrane, or breathing in particulate matter  
6 dispersed from SNIP SETS.

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

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

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

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

22 **FIFTEENTH CAUSE OF ACTION**

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

26 **Nail Punch Sets**

27 179. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
28 reference paragraphs 1 through 178 of this complaint as though fully set forth herein.

1 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Nail Punch Sets with Vinyl Grips, which includes  
3 but is not limited to, "PITTSBURGH® 3 PC. Nail Punch Set; ITEM 41988; Marking  
4 sizes: 1/32", 1/16", and 3/32"; Color coded and stamped for easy identification; Rubber  
5 molded grips; Distributed by Harbor Freight Tools, Camarillo, CA; Made in China;  
6 circular sticker placed to package with numbers 37037 492014; Barcode: 7 92363  
7 41988 8" ("NAIL PUNCH SETS").

8 180. NAIL PUNCH SETS contains DEHP.

9 181. 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 NAIL PUNCH SETS within Plaintiff's notice of alleged  
13 violations further discussed above at Paragraphs 24.

14 182. Plaintiff's allegations regarding NAIL PUNCH SETS concerns "[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). NAIL PUNCH SETS are consumer products, and, as mentioned herein,  
19 exposures to DEHP took place as a result of such normal and foreseeable use.

20 183. Plaintiff is informed, believes, and thereon alleges that between June 12, 2012 and the  
21 present, each of the Defendants knowingly and intentionally exposed their California  
22 consumers and users of NAIL PUNCH SETS, 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  
25 exposure. Defendants have distributed and sold NAIL PUNCH SETS in California.  
26 Defendants know and intend that California consumers will use NAIL PUNCH SETS,  
27 thereby exposing them to DEHP. Defendants thereby violated Proposition 65.  
28

1 184. The principal routes of exposure are through dermal contact, and inhalation. Persons  
2 sustain exposures by handling NAIL PUNCH SETS without wearing gloves or any  
3 other personal protective equipment, or by touching bare skin or mucous membranes  
4 with gloves after handling NAIL PUNCH SETS, as well as through direct and indirect  
5 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
6 dispersed from NAIL PUNCH SETS.

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

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

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

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

22 **SIXTEENTH CAUSE OF ACTION**

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

26 **Logic Probes**

27 189. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
28 reference paragraphs 1 through 188 of this complaint as though fully set forth herein.



1 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Computer Safe Automotive Logic Probe with  
3 Vinyl Grips, which includes but is not limited to, “CEN-TECH® Computer Safe  
4 Automotive Logic Probe; Tests power and ground voltages; Insulated 3-12” rest  
5 probe; ITEM 97809; Distributed by Harbor Freight Tools, Camarillo, CA; Made in  
6 China; circular sticker placed to package with numbers 36239 032015; Barcode: 7  
7 92363 987709 7” (“LOGIC PROBES”).

8 190. LOGIC PROBES contains DEHP.

9 191. 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  
11 therefore was subject to Proposition 65 warning requirements. Defendants were also  
12 informed of the presence of DEHP in LOGIC PROBES within Plaintiff’s notice of  
13 alleged violations further discussed above at Paragraphs 24.

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

21 193. Plaintiff is informed, believes, and thereon alleges that between June 12, 2012 and the  
22 present, each of the Defendants knowingly and intentionally exposed their California  
23 consumers and users of LOGIC PROBES, which Defendants manufactured,  
24 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
25 clear and reasonable warning of such to the exposed persons before the time of  
26 exposure. Defendants have distributed and sold LOGIC PROBES in California.  
27 Defendants know and intend that California consumers will use LOGIC PROBES,  
28 thereby exposing them to DEHP. Defendants thereby violated Proposition 65.

1 194. The principal routes of exposure are through dermal contact, and inhalation. Persons  
2 sustain exposures by handling LOGIC PROBES without wearing gloves or any other  
3 personal protective equipment, or by touching bare skin or mucous membranes with  
4 gloves after handling LOGIC PROBES, as well as through direct and indirect hand to  
5 mouth contact, hand to mucous membrane, or breathing in particulate matter  
6 dispersed from LOGIC PROBES.

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

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

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

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

22 **SEVENTEENTH CAUSE OF ACTION**

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

26 **Jiggler Pumps**

27 199. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
28 reference paragraphs 1 through 199 of this complaint as though fully set forth herein.

1 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Self Priming Copper Jiggler Pumps with Plastic  
3 Tubing, which includes but is not limited to, "PITTSBURGH® AUTOMOTIVE Self-  
4 Priming Copper Jiggler Pump; ITEM 47334; LUBE; Overall dimensions: 6 ft. x 7/8"  
5 diameter; Distributed by Harbor Freight Tools, Camarillo, CA; Made in China;  
6 Barcode: 7 92363 47334 7" ("JIGGLER PUMPS").

7 200. JIGGLER PUMPS contains DEHP.

8 201. Defendants knew or should have known that DEHP has been identified by the State of  
9 California as a chemical known to cause cancer and reproductive toxicity and  
10 therefore was subject to Proposition 65 warning requirements. Defendants were also  
11 informed of the presence of DEHP in JIGGLER PUMPS within Plaintiff's notice of  
12 alleged violations further discussed above at Paragraphs 24.

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

20 203. Plaintiff is informed, believes, and thereon alleges that between June 12, 2012 and the  
21 present, each of the Defendants knowingly and intentionally exposed their California  
22 consumers and users of JIGGLER PUMPS, 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  
25 exposure. Defendants have distributed and sold JIGGLER PUMPS in California.  
26 Defendants know and intend that California consumers will use JIGGLER PUMPS,  
27 thereby exposing them to DEHP. Defendants thereby violated Proposition 65.  
28

1 204. The principal routes of exposure are through dermal contact, and inhalation. Persons  
2 sustain exposures by handling JIGGLER PUMPS without wearing gloves or any  
3 other personal protective equipment, or by touching bare skin or mucous membranes  
4 with gloves after handling JIGGLER PUMPS, as well as through direct and indirect  
5 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
6 dispersed from JIGGLER PUMPS.

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

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

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

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

22 **EIGHTEENTH CAUSE OF ACTION**

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

26 **Hooks**

27 209. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
28 reference paragraphs 1 through 208 of this complaint as though fully set forth herein.

1 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 distributor, promoter, or retailer of Storage Hook Assortments with Vinyl Grips,  
3 which includes but is not limited to, “STOREHOUSE® 20 PC. Storage Hook  
4 Assortment; ITEM 67587; Sets includes small and large hooks, extra long hooks, coat  
5 hooks, nails, U-brackets, and U-hooks; Range in size from 3” to 7-3/4” long; Made of  
6 galvanized steel with PVC coating to resist rust and corrosion; Distributed by Harbor  
7 Freight Tools, Camarillo, CA; Made in China, circular sticker placed to package with  
8 numbers 36972 222014; Barcode: 7 92363 67587 1” (“HOOKS”).

9 210. HOOKS contains DEHP.

10 211. Defendants knew or should have known that DEHP has been identified by the State of  
11 California as a chemical known to cause cancer and reproductive toxicity and  
12 therefore was subject to Proposition 65 warning requirements. Defendants were also  
13 informed

14 of the presence of DEHP in HOOKS within Plaintiff’s notice of alleged violations further  
15 discussed above at Paragraphs 24.

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

22 213. Plaintiff is informed, believes, and thereon alleges that between June 12, 2012 and the  
23 present, each of the Defendants knowingly and intentionally exposed their California  
24 consumers and users of HOOKS, which Defendants manufactured, distributed, or  
25 sold as mentioned above, to DEHP, without first providing any type of clear and  
26 reasonable warning of such to the exposed persons before the time of exposure.

27 Defendants have distributed and sold HOOKS in California. Defendants know and  
28

1 intend that California consumers will use HOOKS, thereby exposing them to DEHP.  
2 Defendants thereby violated Proposition 65.

3 214. The principal routes of exposure are through dermal contact, and inhalation. Persons  
4 sustain exposures by handling HOOKS without wearing gloves or any other personal  
5 protective equipment, or by touching bare skin or mucous membranes with gloves  
6 after handling HOOKS, as well as through direct and indirect hand to mouth contact,  
7 hand to mucous membrane, or breathing in particulate matter dispersed from  
8 HOOKS.

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

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

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

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

24 **NINETEENTH CAUSE OF ACTION**

25 **(By CONSUMER ADVOCACY GROUP, INC. and against HARBOR and DOES 1-20 for**  
26 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**  
27 **(Health & Safety Code, §§ 25249.5, et seq.))**

28 **Electrical Tape**

1 219. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
2 reference paragraphs 1 through 218 of this complaint as though fully set forth herein.  
3 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
4 distributor, promoter, or retailer of Electrical Tape, which includes but is not limited  
5 to, “HFT® a Harbor Freight Tools Brand 10 Rolls 60ft x ¾” Heavy Duty Electrical  
6 Tape; Thickness: 7 mil; Elongation: 170%; Tensile strength: 21 lbs.; 60 Ft Length x  
7 .73” Width; ITEM 69587; Distributed by Harbor Freight Tools, Camarillo, CA; Made  
8 in China; UPC #: 7 92363 69587 9”, (“ELECTRICAL TAPE”).

9 220. ELECTRICAL TAPE contains DEHP.

10 221. Defendants knew or should have known that DEHP has been identified by the State of  
11 California as a chemical known to cause cancer and reproductive toxicity and  
12 therefore was subject to Proposition 65 warning requirements. Defendants were also  
13 informed

14 of the presence of DEHP in ELECTRICAL TAPE within Plaintiff’s notice of alleged  
15 violations further discussed above at Paragraphs 25.

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

23 223. Plaintiff is informed, believes, and thereon alleges that between July 2, 2012 and the  
24 present, each of the Defendants knowingly and intentionally exposed their California  
25 consumers and users of ELECTRICAL TAPE, which Defendants manufactured,  
26 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
27 clear and reasonable warning of such to the exposed persons before the time of  
28 exposure. Defendants have distributed and sold ELECTRICAL TAPE in California.

1 Defendants know and intend that California consumers will use ELECTRICAL  
2 TAPE, thereby exposing them to DEHP. Defendants thereby violated Proposition 65.  
3 224. The principal routes of exposure are through dermal contact, and inhalation. Persons  
4 sustain exposures by handling ELECTRICAL TAPE without wearing gloves or any  
5 other personal protective equipment, or by touching bare skin or mucous membranes  
6 with gloves after handling ELECTRICAL TAPE, as well as through direct and  
7 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate  
8 matter dispersed from ELECTRICAL TAPE.

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

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

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

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

24  
25 **PRAYER FOR RELIEF**

26 Plaintiff demands against each of the Defendants as follows:

- 27 1. A permanent injunction mandating Proposition 65-compliant warnings;  
28 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);



1 engage in conduct which violates Health and Safety Code section 25249.6, including  
2 the manufacture, distribution, promotion, and sale of ELECTRICAL TAPE, so that a  
3 separate and distinct violation of Proposition 65 occurred each and every time a  
4 person was exposed to DEHP by ELECTRICAL TAPE as mentioned herein.

5 226. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
6 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
7 violations alleged herein will continue to occur into the future.

8 227. Based on the allegations herein, Defendants are liable for civil penalties of up to  
9 \$2,500.00 per day per individual exposure to DEHP from ELECTRICAL TAPE,  
10 pursuant to Health and Safety Code section 25249.7(b).

11 228. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
12 filing this Complaint.

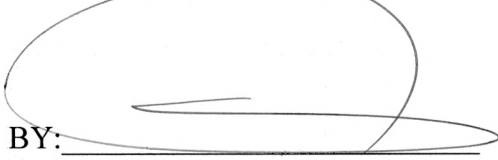
13  
14 **PRAYER FOR RELIEF**

15 Plaintiff demands against each of the Defendants as follows:

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

21  
22  
23 Dated: February 22, 2016

YEROUSHALMI & YEROUSHALMI

24  
25 

26 BY: \_\_\_\_\_  
27 Reuben Yeroushalmi  
28 Attorneys for Plaintiff,  
Consumer Advocacy Group, Inc.