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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ALAMEDA
11 UNLIMITED CIVIL JURISDICTION
12

13 ANTHONY E. HELD, PH.D., P.E.,
14 Plaintiffs,
15 v.
16 INTEPLAST GROUP, LTD.; and DOES 1-150,
17 Defendants.

Case No. RG 15777038
**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**
(Health & Safety Code § 25249.5 *et seq.*)

ENDORSED
FILED
ALAMEDA COUNTY

JUL 08 2015

CLERK OF THE SUPERIOR COURT
By Maria Carrera
Maria Carrera, Deputy

NATURE OF THE ACTION

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2 1. This Complaint is a representative action brought by plaintiff ANTHONY E.
3 HELD, PH.D., P.E. in the public interest of the citizens of the State of California to enforce the
4 People’s right to be informed of the health hazards caused by exposures to diisononyl phthalate
5 (“DINP”), a toxic chemical found in vinyl/PVC gloves sold by defendants in California.

6 2. By this Complaint, plaintiff seeks to remedy defendants’ continuing failure to
7 warn California citizens and other individuals about the risks of exposure to DINP present in
8 and on vinyl/PVC gloves manufactured, distributed, and offered for sale or use by defendants to
9 consumers and other individuals throughout the State of California.

10 3. Detectable levels of DINP are found in and on the vinyl/PVC gloves that
11 defendants manufacture, distribute, and offer for sale to consumers and other individuals
12 throughout the State of California.

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

18 5. Pursuant to Proposition 65, on December 20, 2013, California identified and listed
19 DINP as a chemical known to cause cancer. DINP became subject to the “clear and reasonable
20 warning” requirements of the act one year later on December 20, 2014. Cal. Code Regs. tit. 27,
21 § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

22 6. Defendants manufacture, distribute, import, sell, and offer for sale without a
23 health hazard warning in California, vinyl/PVC gloves containing DINP including, but not
24 limited to, the *Vinyl Gloves, VF002, #1 07 62935 00026 1, UPC #7 62935 00026 4*. All such
25 vinyl/PVC gloves containing DINP, shall be referred to hereinafter as “PRODUCTS.”

26 7. Defendants’ failure to warn consumers and other individuals in the State of
27 California of the health hazards associated with exposures to DINP in conjunction with
28

1 defendants' sales of the PRODUCTS are violations of Proposition 65, and subject defendants,
2 and each of them, to enjoinder of such conduct as well as civil penalties for each violation.
3 Health & Safety Code § 25249.7(a) & (b)(1).

4 8. For defendants' violations of Proposition 65, plaintiff seeks preliminary and
5 permanent injunctive relief to compel defendants to provide purchasers or users of the
6 PRODUCTS with the required warning regarding the health hazards associated with exposures
7 to DINP. Health & Safety Code § 25249.7(a).

8 9. Pursuant to Health and Safety Code section 25249.7(b), plaintiff also seeks civil
9 penalties against defendants for their violations of Proposition 65.

10 PARTIES

11 10. Plaintiff ANTHONY E. HELD, PH.D., P.E. is a citizen of the State of California
12 who is dedicated to protecting the health of California citizens through the elimination or
13 reduction of toxic exposures from consumer products; and he brings this action in the public
14 interest pursuant to Health and Safety Code Section 25249.7(d).

15 11. Defendant INTEPLAST GROUP, LTD. is a person in the course of doing
16 business within the meaning of Health and Safety Code sections 25249.6 and 25249.11.

17 12. INTEPLAST GROUP, LTD. manufactures, imports, distributes, sells, and/or
18 offers the PRODUCTS for sale or use in the State of California, or implies by its conduct that it
19 manufactures, imports, distributes, sells, and/or offers the PRODUCTS for sale or use in the
20 State of California.

21 13. Defendants DOES 1-50 ("MANUFACTURER DEFENDANTS") are each a
22 person in the course of doing business within the meaning of Health and Safety Code sections
23 25249.6 and 25249.11.

24 14. MANUFACTURER DEFENDANTS research, test, design, assemble, fabricate,
25 and manufacture, or imply by their conduct that they research, test, design, assemble, fabricate,
26 and manufacture one or more of the PRODUCTS offered for sale or use in the State of
27 California.

1 PRODUCTS, without the individual purchasers and users first having been provided with a
2 “clear and reasonable warning” regarding the harms associated with such exposures, as required
3 by Proposition 65.

4 28. DEFENDANTS manufacture, import, distribute, sell, and offer the PRODUCTS
5 for sale or use in violation of Health and Safety Code section 25249.6, and DEFENDANTS’
6 violations have continued beyond their receipt of plaintiff’s sixty-day notice of violation.
7 DEFENDANTS’ violations are ongoing and continuous in nature, and, as such, will continue in
8 the future.

9 29. After receiving plaintiff’s sixty-day notice of violation, none of the appropriate
10 public enforcement agencies have commenced and diligently prosecuted a cause of action
11 against DEFENDANTS under Proposition 65 to enforce the alleged violations that are the
12 subject of plaintiff’s notice of violation.

13 30. The PRODUCTS that DEFENDANTS manufacture, import, distribute, sell, and
14 offer for sale or use in California cause exposures to DINP as a result of the reasonably
15 foreseeable use of the PRODUCTS. Such exposures caused by DEFENDANTS and endured by
16 consumers and other individuals in California are not exempt from the “clear and reasonable”
17 warning requirements of Proposition 65, yet DEFENDANTS provide no warning.

18 31. DEFENDANTS knew or should have known that the PRODUCTS they
19 manufactured, imported, distributed, sold, and offered for sale or use in California contained
20 DINP.

21 32. DINP is present in or on the PRODUCTS in such a way as to expose individuals
22 to DINP through dermal contact and/or ingestion during reasonably foreseeable use.

23 33. The normal and reasonably foreseeable use of the PRODUCTS has caused, and
24 continues to cause, consumer exposures to DINP, as defined by title 27 of the California Code
25 of Regulations, section 25602(b).

26 34. DEFENDANTS had knowledge that the normal and reasonably foreseeable use of
27 the PRODUCTS exposed individuals to DINP through dermal contact and/or ingestion.

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1 reasonable warning” in accordance with title 27 of the California Code of Regulations, section
2 25601 *et seq.*, regarding the harms associated with exposures DINP;

3 3. That the Court, Pursuant to Health and Safety Code section 25249.7(a), issue
4 preliminary and permanent injunctions mandating that DEFENDANTS recall all PRODUCTS
5 currently in the chain of commerce in California without a “clear and reasonable warning” as
6 defined by California Code of Regulations title 27, section 25601 *et seq.*;


7 4. That the Court grant plaintiff his reasonable attorneys’ fees and costs of suit; and

8 5. That the Court grant such other and further relief as may be just and proper.
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10 Dated: July 8, 2015

Respectfully Submitted,

THE CHANLER GROUP

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14 By: 
15 Warren M. Klein
16 Attorneys for Plaintiff
17 ANTHONY E. HELD, PH.D., P.E.
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