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9 Attorneys for Plaintiff,  
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

10  
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF ORANGE  
13 (Unlimited Jurisdiction)

14 MATEEL ENVIRONMENTAL  
JUSTICE FOUNDATION,

CASE NO. 30-2015-00810110-CU-BT-CJC  
Judge Sheila Fell

15 Plaintiff,  
16 v.

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

17  
18 WALT DISNEY PARKS & RESORTS U.S.,  
INC.

TOXIC TORT/ENVIRONMENTAL

19 Defendant.  
20 \_\_\_\_\_ /

21 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

22 INTRODUCTION

23 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
24 failure of defendant WALT DISNEY PARKS & RESORTS U.S., INC. (hereinafter “WDPR” or  
25 “Defendant”), to give clear and reasonable warnings to patrons who visit the Disneyland  
26 attraction, Autopia, that standing or sitting in close proximity to Autopia causes exposure to  
27 engine exhaust and its toxic components, including carbon monoxide (hereinafter “engine  
28 exhaust”). Engine exhaust is known to cause cancer, birth defects and other reproductive harm.

1 The go karts that patrons drive at Autopia emit engine exhaust and components of that exhaust,  
2 including carbon monoxide, are concentrated in the air at Autopia at levels that require warnings  
3 pursuant to Health & Safety Code section 25249.6. When people drive go karts at Autopia, when  
4 they stand in line at Autopia and when they observe and photograph drivers at Autopia, they  
5 breathe engine exhaust and its components, including carbon monoxide, at levels that require  
6 Proposition 65 warnings.

7 2. WDPR operates “Disneyland” an amusement park located in Anaheim, California.  
8 Autopia is a go kart track at Disneyland where WDPR patrons can drive go karts around a track.  
9 The go karts at Autopia utilize gasoline-powered engines that emit engine exhaust. This exhaust  
10 contains the following: engine exhaust (condensates/extracts), carbon monoxide, benzene,  
11 toluene, benzo(a)pyrene, formaldehyde, acetaldehyde, 1,3-butadiene, benz(a)anthracene,  
12 benzo(b)fluoranthene, benzo(k)fluoranthene, benzo(j)fluoranthene, chrysene, and indeno [1,2,3-  
13 cd] pyrene. These chemicals are all known to cause cancer, birth defects or other reproductive  
14 harm. WDPR intends that residents of California go to Autopia, stand in line at Autopia, drive go  
15 karts at Autopia, and watch and film people who are driving go karts at Autopia. WDPR knows  
16 that when people go to Autopia, they inhale air. WDPR knows that when people inhale air at  
17 Autopia they inhale, and are thus exposed to, engine exhaust and its components, including  
18 carbon monoxide and the other above-referenced components of engine exhaust. WDPR did not  
19 and does not provide clear and reasonable warnings that the air in close proximity to Autopia  
20 causes exposure to chemicals known to cause cancer, birth defects or other reproductive harm.

21 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
22 to compel WDPR to bring its business practices into compliance with section 25249.5 et seq. by  
23 providing a clear and reasonable warning to each individual who has been and who in the future  
24 may be exposed to engine exhaust and its components, including carbon monoxide, by breathing  
25 go kart exhaust in proximity to Autopia.

26 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure  
27 of WDPR to provide clear and reasonable warnings regarding exposure to chemicals known to  
28 cause cancer, birth defects and other reproductive harm.

PARTIES

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2           5.       Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION (“Mateel”)  
3 is a non-profit organization dedicated to, among other causes, the protection of the environment,  
4 promotion of human health, environmental education, and consumer rights. Mateel is based in  
5 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a  
6 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement  
7 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of  
8 California are exposed to engine exhaust and its components, including carbon monoxide,  
9 without a clear and reasonable Proposition 65 warning, from the exhaust generated by the go  
10 karts WDPR operates at Autopia

11           6.       WDPR is a person doing business within the meaning of Health & Safety Code  
12 Section 25249.11. WDPR is a business that owns, operates, and promotes “Disneyland” and  
13 “California Adventure”, amusement parks located in Anaheim, California. The exposures to  
14 engine exhaust and its components, including carbon monoxide, that is generated by the Autopia  
15 go karts WDPR operates at “Disneyland” occur in Orange County.

16           7.       Plaintiff brings this enforcement action against WDPR pursuant to Health &  
17 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a  
18 Notice of Violation letter, dated June 30, 2015, which Mateel sent to California's Attorney  
19 General. A substantially identical letter was sent on that same day to the District Attorney of  
20 Orange County and to WDPR. Attached to the Notice of Violation letters sent to WDPR was a  
21 summary of Proposition 65 that was prepared by California’s Office of Environmental Health  
22 Hazard Assessment. In addition, each Notice of Violation letter plaintiff sent was accompanied  
23 by a Certificate of Service attesting to the service of the Notice of Violation letter on each entity  
24 that received it. Pursuant to California Health & Safety Code Section 25249.7(d), a Certificate of  
25 Merit attesting to the reasonable and meritorious basis for the action was also sent with each  
26 Notice of Violation letter. Factual information sufficient to establish the basis of the Certificate  
27 of Merit was enclosed with the Notice of Violation letters Mateel sent to the Attorney General.

28           8.       WDPR employs more than ten people.





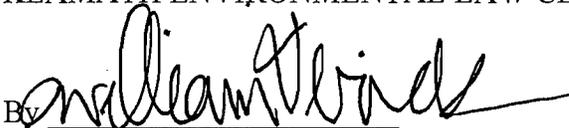
1           2.       Pursuant to the Second Cause of Action, that WDPR be assessed a civil penalty in  
2 an amount equal to \$2,500.00 per day per individual exposed, in violation of Section 25249.6 of  
3 the California Health & Safety Code, to engine exhaust and its components, including carbon  
4 monoxide, as the result of WDPR's operation of go karts at Autopia.;

5           3.       That, pursuant to Civil Procedure Code § 1021.5, WDPR be ordered to pay to  
6 Plaintiff the attorneys fees and costs it incurred in bringing this enforcement action.

7           4.       For such other relief as this court deems just and proper.  
8

9 Dated: September 16, 2015

KLAMATH ENVIRONMENTAL LAW CENTER

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11 

12 By William Verick  
13 Attorney for Plaintiff  
14 Mateel Environmental Justice Foundation  
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