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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SANTA CLARA  
UNLIMITED CIVIL JURISDICTION

**16CV292585**

WHITNEY R. LEEMAN, PH.D.,  
  
Plaintiff,  
  
v.  
  
HAMPTON PRODUCTS INTERNATIONAL  
CORPORATION; and DOES 1-150, inclusive,  
  
Defendants.

) Case No. \_\_\_\_\_  
)  
) **COMPLAINT FOR CIVIL PENALTIES**  
) **AND INJUNCTIVE RELIEF**  
)  
) (Health & Safety Code § 25249.5 *et seq.*)  
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**NATURE OF THE ACTION**

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2           1.     This Complaint is a representative action brought by Plaintiff WHITNEY R.  
3 LEEMAN, PH.D. 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: (i) di(2-  
5 ethylhexyl)phthalate (“DEHP”), a toxic chemical found in, locks with vinyl/PVC cables, sold by  
6 Defendants in California.

7           2.     By this Complaint, Plaintiff seeks to remedy defendants’ continuing failure to  
8 warn individuals not covered by California’s Occupational Safety Health Act, Labor Code  
9 section 6300 et seq., who purchase, use or handle defendants’ products, about the risks of  
10 exposure to DEHP present in and on the locks with vinyl/PVC cables manufactured, distributed,  
11 and offered for sale or use throughout the State of California. Individuals not covered by  
12 California’s Occupational Safety Health Act, Labor Code section 6300 et seq., who purchase,  
13 use or handle Defendants’ products, are referred to hereinafter as “consumers.” Detectable  
14 levels of DEHP are commonly found in and on components of locks with vinyl/PVC cables that  
15 Defendants import, manufacture, distribute, ship, sell and/or offer for sale to consumers  
16 throughout the State of California.

17           3.     Detectable levels of DEHP are found in, locks with vinyl/PVC cables that  
18 Defendants manufacture, distribute, and offer for sale to consumers and other individuals  
19 throughout the State of California.

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

25           5.     Pursuant to Proposition 65, on October 24, 2003, California identified and listed  
26 DEHP as a chemical known to cause birth defects and other reproductive harm. DEHP became  
27 subject to the “clear and reasonable warning” requirements of the act one year later on October  
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1 24, 2004. Cal. Code Regs. tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &  
2 25249.10(b).

3 6. Defendants manufacture, distribute, import, sell, and offer for sale without health  
4 hazard warnings in California, locks with vinyl/PVC cables including, but not limited to, Brinks  
5 Resettable Luggage Lock, #165-25105, UPC #0 39208 98345 7, hereinafter the “PRODUCTS”.

6 7. Defendants’ failure to warn consumers and other individuals in the State of  
7 California not covered by California’s Occupational Safety Health Act, Labor Code section  
8 6300 et seq. of the health hazards associated with exposures to DEHP in conjunction with  
9 Defendants’ sales of the PRODUCTS, are violations of Proposition 65, and subject Defendants  
10 to enjoinder of such conduct as well as civil penalties for each violation. Health & Safety  
11 Code § 25249.7(a) & (b)(1).

12 8. For Defendants’ violations of Proposition 65, Plaintiff seeks preliminary and  
13 permanent injunctive relief to compel Defendants to provide purchasers or users of the Products  
14 with the required warning regarding the health hazards associated with the respective exposures  
15 to DEHP. Health & Safety Code § 25249.7(a).

16 9. Pursuant to Health and Safety Code section 25249.7(b), Plaintiff also seeks civil  
17 penalties against Defendants for their violations of Proposition 65.

### 18 PARTIES

19 10. Plaintiff WHITNEY R. LEEMAN, PH.D., (“PLAINTIFF”) is a citizen of the  
20 State of California who is dedicated to protecting the health of California citizens through the  
21 elimination or reduction of toxic exposures from consumer products; and she brings this action  
22 in the public interest pursuant to Health and Safety Code section 25249.7(d).

23 11. Defendant HAMPTON PRODUCTS INTERNATIONAL CORPORATION  
24 (“HAMPTON”) is a person in the course of doing business within the meaning of Health and  
25 Safety Code sections 25249.6 and 25249.11.

26 12. HAMPTON manufactures, imports, distributes, sells, and/or offers the  
27 PRODUCTS for sale or use in the State of California, or implies by its conduct that it  
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1 manufactures, imports, distributes, sells, and/or offers the PRODUCTS for sale or use in the  
2 State of California.

3 13. Defendants DOES 1-50 (“MANUFACTURER DEFENDANTS”) are each a  
4 person in the course of doing business within the meaning of Health and Safety Code sections  
5 25249.6 and 25249.11.

6 14. MANUFACTURER DEFENDANTS research, test, design, assemble, fabricate,  
7 and manufacture, or imply by their conduct that they research, test, design, assemble, fabricate,  
8 and manufacture one or more of the PRODUCTS offered for sale or use in the State of  
9 California.

10 15. Defendant DOES 51-100 (“DISTRIBUTOR DEFENDANTS”) are each a person  
11 in the course of doing business within the meaning of Health and Safety Code sections 25249.6  
12 and 25249.11.

13 16. DISTRIBUTOR DEFENDANTS distribute, exchange, transfer, process, and  
14 transport one or more of the Products to individuals, businesses, or retailers for sale or use in the  
15 State of California.

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

19 18. RETAILER DEFENDANTS offer the Products for sale to individuals in the State  
20 of California.

21 19. At this time, the true names of defendant DOES 1 through 150, inclusive, are  
22 unknown to PLAINTIFF, who, therefore, sues said defendants by their fictitious names pursuant  
23 to Code of Civil Procedure section 474. PLAINTIFF is informed and believes, and on that basis  
24 alleges, that each of the fictitiously named Defendants is responsible for the acts and  
25 occurrences alleged herein. When ascertained, their true names shall be reflected in an  
26 amended complaint.



1 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive  
2 harm.”

3 26. Proposition 65 states, “[n]o person in the course of doing business shall  
4 knowingly and intentionally expose any individual to a chemical known to the state to cause  
5 cancer or reproductive toxicity without first giving clear and reasonable warning to such  
6 individual . . .” Health & Safety Code § 25249.6.

7 27. On December 29, 2015, PLAINTIFF served a sixty-day notice of violation,  
8 together with the requisite certificate of merit, on HAMPTON and certain public enforcement  
9 agencies alleging that, as a result of DEFENDANTS’ sales of the PRODUCTS containing  
10 DEHP, purchasers and users in the State of California were being exposed to DEHP resulting  
11 from their reasonably foreseeable use of the PRODUCTS, without the individual purchasers and  
12 users first having been provided with a “clear and reasonable warning” regarding the harms  
13 associated with such exposures, as required by Proposition 65.

14 28. DEFENDANTS manufacture, import, distribute, sell, and offer the Products for  
15 sale or use in violation of Health and Safety Code section 25249.6, and DEFENDANTS’  
16 violations have continued beyond their receipt of PLAINTIFF’S sixty-day notice of violation.  
17 DEFENDANTS’ violations are ongoing and continuous in nature, and, as such, will continue in  
18 the future.

19 29. After receiving PLAINTIFF’S sixty-day notice of violation, none of the  
20 appropriate public enforcement agencies have commenced and diligently prosecuted a cause of  
21 action against DEFENDANTS under Proposition 65 to enforce the alleged violations that are  
22 the subject of PLAINTIFF’S notice of violation.

23 30. DEFENDANTS manufacture, import, distribute, sell, and offer for sale or use in  
24 California, PRODUCTS which cause exposures to DEHP as a result of their reasonably  
25 foreseeable use. Such exposures caused by DEFENDANTS and endured by consumers and  
26 other individuals in California are not exempt from the “clear and reasonable” warning  
27 requirements of Proposition 65, yet DEFENDANTS provide no warning.

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1           31.    DEFENDANTS knew or should have known that the PRODUCTS they  
2 manufactured, imported, distributed, sold, and offered for sale or use in California contained  
3 DEHP.

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

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

9           34.    DEFENDANTS had knowledge that the normal and reasonably foreseeable use of  
10 the PRODUCTS exposed individuals to DEHP through dermal contact and/or ingestion.

11           35.    DEFENDANTS intended that exposures to DEHP from the reasonably  
12 foreseeable use of the PRODUCTS would occur by their deliberate, non-accidental participation  
13 in the manufacture, importation, distribution, sale, and offering of the PRODUCTS for sale or  
14 use to consumers and other individuals in California.

15           36.    DEFENDANTS failed to provide a “clear and reasonable warning” to those  
16 consumers and other individuals in California who were or who would become exposed to  
17 DEHP through dermal contact and/or ingestion resulting from their use of the PRODUCTS.

18           37.    Contrary to the express policy and statutory prohibition of Proposition 65 enacted  
19 directly by California voters, individuals who have been exposed to DEHP through dermal  
20 contact and/or ingestion as a result of their use of the PRODUCTS that DEFENDANTS sold  
21 without a “clear and reasonable” health hazard warning, have suffered, and continue to suffer,  
22 irreparable harm for which they have no plain, speedy, or adequate remedy at law.

23           38.    Pursuant to Health and Safety Code section 25249.7(b), as a consequence of the  
24 above-described acts, DEFENDANTS are liable for a maximum civil penalty of \$2,500 per day  
25 for each violation.

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