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**ENDORSED
FILED
ALAMEDA COUNTY**

DEC 20 2016

CLERK OF THE SUPERIOR COURT
By 
JAMIE THOMAS, Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ALAMEDA

11 UNLIMITED CIVIL JURISDICTION

12
13 LAURENCE VINO CUR,

14 Plaintiff,

15 v.

16 HONEYWELL INTERNATIONAL INC.; and
DOES 1-150, inclusive,

17 Defendants.
18

Case No. RG 16843189

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.5 *et seq.*)

NATURE OF THE ACTION

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2 1. This Complaint is a representative action brought by plaintiff LAURENCE
3 VINOCUR (“Vinocur”) in the public interest of the citizens of the State of California to enforce
4 the People’s right to be informed of the health hazards caused by exposures to di(2-
5 ethylhexyl)phthalate (“DEHP”), a toxic chemical found in products sold by defendants in
6 California.

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

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

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

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

23 6. Defendants manufacture, distribute, import, sell and/or offer for sale without health
24 hazard warnings in California gloves with vinyl/PVC components including, but not limited to, the
25 *North Safety Products Power Expert Mechanic’s Glove, M3000, UPC #8 21812 76019 3*. All such
26 gloves with vinyl/PVC components containing DEHP are referred to collectively hereinafter as
27 “PRODUCTS.”
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1 wrongful conduct occurred, and continue to occur, in this county, and/or because DEFENDANTS
2 conducted, and continue to conduct, business in Alameda County with respect to the PRODUCTS.

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

7 23. The California Superior Court has jurisdiction over DEFENDANTS based on
8 Vinocur’s information and good faith belief that each defendant is a person, firm, corporation or
9 association that is a citizen of the State of California, has sufficient minimum contacts in the State
10 of California, and/or otherwise purposefully avails itself of the California market. DEFENDANTS’
11 purposeful availment renders the exercise of personal jurisdiction by California courts consistent
12 with traditional notions of fair play and substantial justice.

13 **FIRST CAUSE OF ACTION**

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

15 24. Vinocur realleges and incorporates by reference, as if fully set forth herein,
16 Paragraphs 1 through 23, inclusive.

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

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

24 27. On September 29, 2016, Vinocur served a sixty-day notice of violation, together
25 with the requisite certificate of merit, on HONEYWELL and certain public enforcement agencies
26 alleging that, as a result of DEFENDANTS’ sales of the PRODUCTS containing DEHP,
27 purchasers and users in the State of California were being exposed to DEHP resulting from their
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1 reasonably foreseeable use of the PRODUCTS, without the individual purchasers and users first
2 having been provided with a “clear and reasonable warning” regarding the harms associated with
3 such exposures, as required by Proposition 65.

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

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

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

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

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

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

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

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

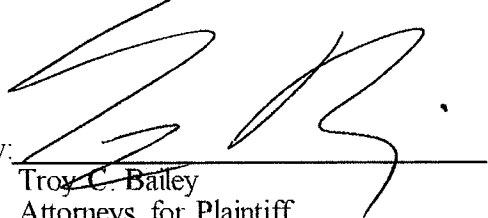
3 3. That the Court, Pursuant to Health and Safety Code section 25249.7(a), issue
4 preliminary and permanent injunctions mandating that DEFENDANTS recall all PRODUCTS
5 currently in the chain of commerce in California without a “clear and reasonable warning” as
6 defined by California Code of Regulations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

7 4. That the Court grant Vinocur 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: December 19, 2016

Respectfully Submitted,
THE CHANLER GROUP

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13 By: 
14 Troy C. Bailey
15 Attorneys for Plaintiff
16 LAURENCE VINO CUR
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