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ENDORSED  
FILED  
San Francisco County Superior Court

MAR 06 2018

CLERK OF THE COURT  
BY: KALENE APOLONIO  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
CITY AND COUNTY OF SAN FRANCISCO  
UNLIMITED CIVIL JURISDICTION

LAURENCE VINO CUR,  
Plaintiff,  
v.  
STREAMLIGHT, INC.,  
Defendant.

Case No. **CGC-18-564803**

COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF  
(Health & Safety Code §25249.5 *et seq.*)

By Fax

**NATURE OF THE ACTION**

1  
2           1.     This Complaint is a representative action brought by plaintiff Laurence Vinocur in the  
3 public interest of the citizens of the State of California to enforce the People’s right to be informed  
4 of the health hazards caused by exposures to lead and di(2-ethylhexyl)phthalate (“DEHP”),  
5 chemicals found in vinyl/PVC lantern handles sold by defendant in California.

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

10          3.     Detectable levels of lead and DEHP are found in and on vinyl/PVC lantern handles  
11 that defendant manufactures, imports, distributes, sells and/or offers for sale to consumers and other  
12 individuals 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 §25249.6 *et seq.* (“Proposition 65”), “[n]o person in the course of doing  
15 business shall knowingly and intentionally expose any individual to a chemical known to the state to  
16 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such  
17 individual . . .” Health & Safety Code §25249.6.

18          5.     Pursuant to Proposition 65, on February 27, 1987, California identified and listed lead  
19 as a chemical known to cause birth defects (and other reproductive harm). Lead became subject to  
20 the “clear and reasonable warning” requirements of the Act one year later on February 27, 1988.  
21 Cal. Code Regs. tit. 27, §27001(c); Health & Safety Code §§25249.8 & 25249.10(b).

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

26          7.     Defendant manufactures, distributes, imports, sells, and/or offers for sale without  
27 health hazard warnings in California, vinyl/PVC lantern handles containing lead and DEHP  
28 including, but not limited to, vinyl/PVC lantern handles of *Streamlight Siege AA Rugged LED*

1 *Lanterns, Part # 449303, UPC #0 80926 44941 1.* All vinyl/PVC lantern handles containing lead  
2 and DEHP that are manufactured, imported, distributed, sold and/or offered for sale by defendant in  
3 the State of California are referred to collectively hereinafter as "PRODUCTS."

4 8. Defendant's failure to warn consumers and other individuals in the State of California  
5 of the health hazards associated with exposures to lead and DEHP in conjunction with defendant's  
6 sales of the PRODUCTS are violations of Proposition 65, and subject defendant to enjoinder of  
7 such conduct as well as civil penalties for each violation. Health & Safety Code §25249.7(a), (b)(1).

8 9. For defendant's violations of Proposition 65, plaintiff seeks preliminary and  
9 permanent injunctive relief to compel defendant to provide purchasers or users of the PRODUCTS  
10 with the required warning regarding the health hazards associated with exposures to lead and DEHP.  
11 Health & Safety Code §25249.7(a).

12 10. Pursuant to Health and Safety Code §25249.7(b), plaintiff also seeks civil penalties  
13 against defendant for its violations of Proposition 65.

#### 14 PARTIES

15 11. Plaintiff Laurence Vinocur is a citizen of the State of California who is dedicated to  
16 protecting the health of California citizens through the elimination or reduction of toxic exposures  
17 from consumer products; and he brings this action in the public interest pursuant to Health and  
18 Safety Code §25249.7(d).

19 12. Defendant Streamlight, Inc. ("Streamlight") is a person in the course of doing business  
20 within the meaning of Health and Safety Code §§25249.6 and 25249.11.

21 13. Streamlight manufactures, imports, distributes, sells, and/or offers the PRODUCTS for  
22 sale or use in the State of California, or implies by its conduct that it manufactures, imports,  
23 distributes, sells, and/or offers the PRODUCTS for sale or use in the State of California.

24 14. Streamlight shall, where appropriate, be referred to herein as "DEFENDANT."

#### 25 VENUE AND JURISDICTION

26 15. Venue is proper in the Superior Court for the City and County of San Francisco,  
27 pursuant to Code of Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of  
28 competent jurisdiction, because plaintiff seeks civil penalties against DEFENDANT, because one or

1 more instances of wrongful conduct occurred, and continue to occur, in this county, and/or because  
2 DEFENDANT conducted, and continue to conduct, business in the City and County of San  
3 Francisco with respect to the PRODUCTS.

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

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

#### 14 **FIRST CAUSE OF ACTION**

##### 15 **(Violation of Proposition 65 - Against All Defendants)**

16 18. Plaintiff realleges and incorporates by reference, as if fully set forth herein, Paragraphs  
17 1 through 17, inclusive.

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

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

25 21. On April 27, 2017, plaintiff served a 60-day Notice of Violation (the "Notice"),  
26 together with the requisite certificate of merit, on Streamlight and certain public enforcement  
27 agencies alleging that, as a result of DEFENDANT's sales of the vinyl/PVC lantern handles  
28 containing lead, purchasers and users in the State of California were being exposed to lead resulting

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

4 22. On September 28, 2017, plaintiff served a Supplemental 60-day Notice of Violation  
5 (the “Supplemental Notice”), together with the requisite certificate of merit, on Streamlight and  
6 certain public enforcement agencies alleging that, as a result of DEFENDANT’s sales of the  
7 vinyl/PVC lantern handles containing DEHP, purchasers and users in the State of California were  
8 being exposed to DEHP resulting from their reasonably foreseeable uses of the PRODUCTS,  
9 without the individual purchasers and users first having been provided with a “clear and reasonable  
10 warning” regarding the harms associated with such exposures, as required by Proposition 65. The  
11 Notice and Supplemental Notice shall, where appropriate, be referred to herein collectively as the  
12 “Notices.”

13 23. DEFENDANT manufactures, imports, distributes, sells, and offers the PRODUCTS  
14 for sale or use in violation of Health and Safety Code §25249.6, and DEFENDANT’s violations  
15 have continued beyond its receipt of plaintiff’s Notices. DEFENDANT’s violations are ongoing and  
16 continuous in nature, and, as such, will continue in the future.

17 24. After receiving plaintiff’s Notices, none of the appropriate public enforcement  
18 agencies have commenced and diligently prosecuted a cause of action against DEFENDANT under  
19 Proposition 65 to enforce the alleged violations that are the subject of plaintiff’s Notices.

20 25. The PRODUCTS that DEFENDANT manufactures, imports, distributes, sells, and  
21 offers for sale or use in California cause exposures to lead and DEHP as a result of the reasonably  
22 foreseeable uses of the PRODUCTS. Such exposures caused by DEFENDANT and endured by  
23 consumers and other individuals in California are not exempt from the “clear and reasonable”  
24 warning requirements of Proposition 65, yet DEFENDANT provides no warning.

25 26. DEFENDANT knew or should have known that the PRODUCTS it manufactured,  
26 imported, distributed, sold, and offered for sale or use in California contained lead and DEHP.



1           1.     That the Court, pursuant to Health and Safety Code §25249.7(b), assess civil penalties  
2 against DEFENDANT in the amount of \$2,500 per day for each violation;

3           2.     That the Court, pursuant to Health and Safety Code §25249.7(a), preliminarily and  
4 permanently enjoin DEFENDANT from manufacturing, distributing, or offering the PRODUCTS  
5 for sale or use in California without first providing a “clear and reasonable warning” in accordance  
6 with title 27 of the California Code of Regulations, section 25601 *et seq.*, regarding the harms  
7 associated with exposures to lead and DEHP;

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


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

13           5.     That the Court grant such other and further relief as may be just and proper.  
14

15 Dated: March 5, 2018

Respectfully Submitted,  
THE CHANLER GROUP

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18  
19 By: \_\_\_\_\_

  
Laralei Paras  
Attorneys for Plaintiff  
LAURENCE VINOCUR