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ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

APR 16 2018

Sherri R. Carter, Executive Officer/Clerk  
By Nancy Alvarez, Deputy

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
8 COUNTY OF LOS ANGELES  
9

10 SHEFA LMV, INC.,

11 Plaintiff,

12 vs.

13 I WORLD GLOBAL TRADING LLC;  
14 I WORLD LLC; NATIONAL STORES, INC.;  
15 FALLAS MANAGEMENT, INC.; and DOES  
1 through 100, Inclusive,

16 Defendants.  
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) Unlimited Jurisdiction

) CASE NO.:

BC 702616

) COMPLAINT FOR CIVIL PENALTY AND  
INJUNCTIVE RELIEF

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

) TOXIC TORT/ENVIRONMENTAL  
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BY FAX

1 Plaintiff, Shefa LMV, INC., hereby alleges:

2 **I. PRELIMINARY STATEMENT**

3 1. This complaint seeks to remedy the failure of Defendants to warn persons of exposure  
4 to Diisononyl Phthalate (“DINP”) and Di[2-Ethylhexyl] Phthalate (“DEHP”), chemicals known to the  
5 State of California to cause cancer and/or reproductive harm.

6 2. Under the Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety  
7 Code § 25249.6 (also known as “Proposition 65”) businesses must provide persons with a “clear and  
8 reasonable warning” before exposing individuals to chemicals known to the state to cause cancer,  
9 birth defects or other reproductive harm.

10 **II. PARTIES**

11 3. Plaintiff is a non-profit public benefit corporation formed pursuant to the laws of the  
12 State of California, made up of California citizens, represented by and through its counsel of record,  
13 the Law Office of Daniel N. Greenbaum.

14 4. Health & Safety Code § 25249.7(d) provides that actions to enforce Proposition 65  
15 may be brought by “any person in the public interest.”

16 5. Defendant I WORLD GLOBAL TRADING LLC is a business entity with ten or more  
17 employees that sells, or has, at times relevant to this complaint, authorized the manufacture,  
18 distribution, or sale of earbud headphone with microphone products manufactured by or for  
19 Defendant, imported by or for Defendant, or distributed or sold by or for Defendant, including, but  
20 not limited to, Core Audio™ Excel Earbuds with Mic; (CEEX-1080) UPC840824106355, and Atom  
21 Earbuds with Mic; (EAM-1021); UPC813566018408, that contain DINP, for sale within the State of  
22 California, without first giving clear and reasonable warning.

23 6. Defendant I World LLC is a business entity with ten or more employees that sells, or  
24 has, at times relevant to this complaint, authorized the manufacture, distribution, or sale of earbud  
25 headphone with microphone products manufactured by or for Defendant, imported by or for  
26 Defendant, or distributed or sold by or for Defendant, including, but not limited to, Core Audio™  
27 Excel Earbuds with Mic; (CEEX-1080) UPC840824106355, and Atom Earbuds with Mic; (EAM-

1 1021); UPC813566018408, that contain DINP, for sale within the State of California, without first  
2 giving clear and reasonable warning.

3 7. Defendant NATIONAL STORES, INC. is a business entity with ten or more  
4 employees that sells, or has, at times relevant to this complaint, authorized the manufacture,  
5 distribution, or sale of earbud headphone with microphone products manufactured by or for  
6 Defendant, imported by or for Defendant, or distributed or sold by or for Defendant, including, but  
7 not limited to, Core Audio™ Excel Earbuds with Mic; (CEEX-1080) UPC840824106355, and Atom  
8 Earbuds with Mic; (EAM-1021); UPC813566018408, that contain DINP, and plastic sandal products  
9 manufactured by or for Defendant, imported by or for Defendant, or distributed or sold by or for  
10 Defendant, including, but not limited to, Bow Pink Sandals; SKU 01003249, and Aviva Red Sandals;  
11 SKU 920136, that contain DEHP for sale within the State of California, without first giving clear and  
12 reasonable warning.

13 8. Defendant FALLAS MANAGEMENT, INC. is a business entity with ten or more  
14 employees that sells, or has, at times relevant to this complaint, authorized the manufacture,  
15 distribution, or sale of earbud headphone with microphone products manufactured by or for  
16 Defendant, imported by or for Defendant, or distributed or sold by or for Defendant, including, but  
17 not limited to, Core Audio™ Excel Earbuds with Mic; (CEEX-1080) UPC840824106355, and Atom  
18 Earbuds with Mic; (EAM-1021); UPC813566018408, that contain DINP, and plastic sandal products  
19 manufactured by or for Defendant, imported by or for Defendant, or distributed or sold by or for  
20 Defendant, including, but not limited to, Bow Pink Sandals; SKU 01003249, and Aviva Red Sandals;  
21 SKU 920136, that contain DEHP for sale within the State of California, without first giving clear and  
22 reasonable warning.

23 9. The identities of DOES 1 through 100 are unknown to Plaintiff at this time; however,  
24 Plaintiff suspects they are business entities with ten or more employees that sells, or has, at times  
25 relevant to this complaint, authorized the manufacture, distribution, or sale of earbud headphone with  
26 microphone products manufactured by or for Defendant, imported by or for Defendant, or distributed  
27 or sold by or for Defendant, including, but not limited to, Core Audio™ Excel Earbuds with Mic;

1 (CEEX-1080) UPC840824106355, and Atom Earbuds with Mic; (EAM-1021); UPC813566018408,  
2 that contain DINP, and plastic sandal products manufactured by or for Defendant, imported by or for  
3 Defendant, or distributed or sold by or for Defendant, including, but not limited to, Bow Pink  
4 Sandals; SKU 01003249, and Aviva Red Sandals; SKU 920136, that contain DEHP for sale within  
5 the State of California, without first giving clear and reasonable warning.

6 10. Defendants named in paragraphs 5 through 9 have at all times relevant to this  
7 complaint, authorized the manufacture, distribution, or sale of earbud headphone with microphone  
8 products manufactured by or for Defendant, imported by or for Defendant, or distributed or sold by  
9 or for Defendant, including, but not limited to, Core Audio™ Excel Earbuds with Mic; (CEEX-1080)  
10 UPC840824106355, and Atom Earbuds with Mic; (EAM-1021); UPC813566018408, that contain  
11 DINP, and plastic sandal products manufactured by or for Defendant, imported by or for Defendant,  
12 or distributed or sold by or for Defendant, including, but not limited to, Bow Pink Sandals; SKU  
13 01003249, and Aviva Red Sandals; SKU 920136, that contain DEHP (hereinafter “PRODUCTS) for  
14 sale within the State of California, without first giving clear and reasonable warning.

### 15 III. JURISDICTION AND VENUE

16 11. This Court has jurisdiction pursuant to California Constitution Article VI, section 10,  
17 because this case is a cause not given by statute to other trial courts.

18 12. This Court has jurisdiction over Defendants, because they are business entities that do  
19 sufficient business, have sufficient minimum contacts in California, or otherwise intentionally avail  
20 themselves of the California market, through the sale, marketing, and use of its products in  
21 California, to render the exercise of jurisdiction over it by the California courts consistent with  
22 traditional notions of fair play and substantial justice.

23 13. Venue is proper in this Court because the cause, or part thereof, arises in Los Angeles  
24 County because Defendant’s products are sold and consumed in this county.

### 25 IV. STATUTORY BACKGROUND

26 14. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute  
27 passed as “Proposition 65” by a vote of the people in November of 1986.



1           25.     OEHHA placed DINP on the list of chemicals known to California to cause cancer on  
2 December 20, 2013. (27 CCR 27001(b))

3           26.     OEHHA placed DEHP on the list of chemicals known to California to cause cancer on  
4 January 1, 1988. (27 CCR 27001(b))

5           27.     OEHHA placed DEHP on the list of chemicals known to California to cause cancer on  
6 October 24, 2003. (27 CCR 27001(b))

7           28.     Defendants I WORLD GLOBAL TRADING LLC, I WORLD LLC, NATIONAL  
8 STORES, INC. and FALLAS MANAGEMENT, INC. are the manufacturer(s) and distributor(s) of  
9 the PRODUCTS for use by individuals in the home and other endeavors.

10          29.     The PRODUCTS was sold through various retailers, including but not limited to  
11 Fallas Discount Stores, owned by Defendants NATIONAL STORES, INC. and FALLAS  
12 MANAGEMENT, INC. and located in California for use by citizens of the State of California.

13          30.     Beginning on March 25, 2017, Plaintiff purchased the PRODUCTS.

14          31.     Beginning on April 17, 2017, Plaintiff's expert prepared reports summarizing the  
15 results of analysis on the PRODUCTS, including the amount of the DINP and DEHP found in the  
16 PRODUCTS.

17          32.     Based on the levels found in analysis, Plaintiff's expert opined the use of the  
18 PRODUCTS would lead to exposure to DINP and DEHP above the safe harbor levels set by the  
19 Office of Environment Health Hazard Assessment (OEHHA).

20          33.     Based on that report and opinion, Plaintiff and its counsel prepared Notices of  
21 Violation.

22          34.     Pursuant to the statute and regulations referenced above, on May 08, 2017, May 26,  
23 2017 and July 10, 2017, Plaintiff served the Notices of Violation on the Office of the Attorney  
24 General, Defendant, as well as all required public agencies.

25          35.     Plaintiff is unaware of any governmental prosecution against Defendants.

26          36.     At least sixty days have elapsed since service of the Notices of Violation.

1           37. Based upon consultation with experts, Plaintiff alleges that individuals who purchase,  
2 handle, or use the PRODUCTS are exposed to DINP and DEHP chiefly through:

- 3           a. contact between the item and the skin;  
4           b. transfer of DINP and DEHP from the skin to the mouth, both by transfer of  
5 DINP and DEHP directly from the hand to mouth, and indirectly by transfer of DINP and  
6 DEHP from the skin to objects that are placed in the mouth, such as food; and  
7           c. through absorption of DINP and DEHP through the skin.

8           38. Such individuals are thereby exposed to the DINP and DEHP that is present on or in  
9 the PRODUCTS during the intended and reasonably foreseeable use of the PRODUCTS.

10           39. At all times material to this complaint, Defendants have had knowledge that the  
11 PRODUCTS contain DINP and DEHP and that an individual's skin may contact DINP through the  
12 intended and reasonably foreseeable use of the PRODUCTS.

13           40. At all times material to this complaint, Defendants have had knowledge that  
14 individuals within the State of California handle the PRODUCTS, which contain DINP and DEHP.

15           41. At all times material to this complaint, Defendants knew that the PRODUCTS were  
16 sold throughout the State of California in large numbers, and Defendants profited from such sales.

17           42. Notwithstanding this knowledge, Defendants intentionally authorized and reauthorized  
18 the sale of the PRODUCTS, thereby exposing consumers to DINP and DEHP.

19           43. At all times material to this complaint, therefore, Defendants have knowingly and  
20 intentionally exposed individuals within the State of California to DINP and DEHP.

21           44. The exposure is knowing and intentional because it is the result of the Defendant's  
22 deliberate act of authorizing the sale of products known to contain DINP and DEHP, in a manner  
23 whereby these products were, and would inevitably be, sold to consumers within the state of  
24 California, and with the knowledge that the intended use of this PRODUCTS would result in  
25 exposures to DINP and DEHP by individuals within the State of California.

26           45. Defendants have failed to provide clear and reasonable warnings that the use of the  
27 PRODUCTS in question in California results in exposure to a chemical known to the State of  
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1 California to cause cancer, birth defects, and other reproductive harm, and no such warning was  
2 provided to those individuals by any other person.

3 **VI. FIRST CAUSE OF ACTION**

4 **(Against All Defendants for Violation of Proposition 65)**

5 46. Paragraphs 1 through 45 are re-alleged as if fully set forth herein.

6 47. By committing the acts alleged above, Defendants have, in the course of doing  
7 business, knowingly and intentionally exposed individuals in California to chemicals known to the  
8 State of California to cause cancer or reproductive toxicity without first giving clear and reasonable  
9 warning to such individuals, within the meaning of Health & Safety Code § 25249.6.

10 48. Said violations render Defendants liable to Plaintiffs for civil penalties not to exceed  
11 \$2,500 per day for each violation, as well as other remedies.

12 **PRAYER FOR RELIEF**

13 WHEREFORE, Plaintiffs pray that the Court:

- 14 1. Pursuant to the First Causes of Action, grant civil penalties according to proof;  
15 2. Pursuant to Health & Safety Code § 25249.7, enter such temporary restraining orders,  
16 preliminary injunctions, permanent injunctions, or other orders prohibiting Defendant from  
17 exposing persons within the State of California to Listed Chemicals caused by the use of their  
18 products without providing clear and reasonable warnings, as Plaintiffs shall specify in further  
19 application to the court;  
20 3. Award Plaintiffs their costs of suit;  
21 4. Grant such other and further relief as the court deems just and proper.

22  
23 Respectfully submitted,

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25 DATED: April 16, 2018

26 LAW OFFICE OF DANIEL N. GREENBAUM

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By: DANIEL N. GREENBAUM  
Attorneys for Plaintiff  
Shefa LMV, INC.