

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

DOLLAR TREE STORES, INC., a Virginia Corporation;
GREENBRIER INTERNATIONAL, INC., and DOES 1 through 50, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CENTER FOR ADVANCED PUBLIC AWARENESS, INC., in the
public interest,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

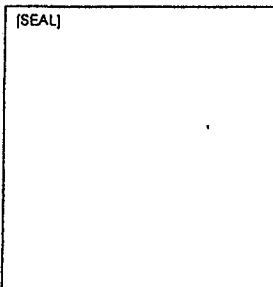
CASE NUMBER
(Número del Caso): **09C-17-562186**

The name and address of the court is:
(El nombre y dirección de la corte es): San Francisco Superior Court
400 McAllister St.
San Francisco, CA 94102-4514

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Kawahito Law Group APC, 222 N. Sepulveda Blvd., Suite 2222, El Segundo, CA 90245, 310-746-5300

DATE: **OCT 27 2017** **CLERK OF THE COURT** by **KALENE APOLONIC** Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):

under: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date):

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ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
James Kawahito 234851
Kawahito Law Group APC
222 North Sepulveda Blvd., Suite 2222
El Segundo, CA 90245
TELEPHONE NO.: 310-746-5300 FAX NO.: 310-593-2520
ATTORNEY FOR (Name): Center for Advanced Public Awareness, Inc.

FOR COURT USE ONLY
ENDORSED FILED
San Francisco County Superior Court
OCT 27 2017
CLERK OF THE COURT
BY: KALENE APOLONIO Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister St.
MAILING ADDRESS: 400 McAllister St.
CITY AND ZIP CODE: San Francisco, CA 94102-4514
BRANCH NAME: Civic Center Courthouse

CASE NAME:
Center for Advanced Public Awareness, Inc., v. Dollar Tree Stores, Inc.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
CGC-17-562186
JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
a. Large number of separately represented parties
b. Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. Substantial amount of documentary evidence
d. Large number of witnesses
e. Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court
f. Substantial postjudgment judicial supervision
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive

4. Number of causes of action (specify): **2**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

CHAMBER'S COPY
DO NOT FILE

Date: October 27, 2017
James Kawahito
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

ENDORSED
FILED
San Francisco County Superior Court

OCT 27 2017
CLERK OF THE COURT
BY: KALENE APOLONIO
Deputy Clerk

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JAMES KAWAHITO (SBN 234851)
KAWAHITO LAW GROUP APC
222 N. Sepulveda Blvd. Suite 2222
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Facsimile: (310) 593-2520
Email: jkawahito@kawahitolaw.com

Attorneys for Plaintiff the Center for Advanced Public Awareness, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

CC-17-562186

CENTER FOR ADVANCED PUBLIC
AWARENESS, INC., in the public interest,

Plaintiff,

vs.

DOLLAR TREE STORES, INC., a Virginia
Corporation; GREENBRIER
INTERNATIONAL, INC., and DOES 1
through 50, inclusive,

Defendants.

Case Number:

**COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES**

**Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement Act
of 1986 (Health and Safety Code § 25249.5 et
seq.)**

Plaintiff the Center for Advanced Public Awareness, Inc., ("CAPA"), in the public interest,
alleges as follows as to matters within its own knowledge, and on information and belief as to all
other matters:

INTRODUCTION

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1. This action seeks to remedy the alleged failure of Defendants Dollar Tree Stores, Inc.
("Dollar Tree") and Greenbrier International, Inc. ("Greenbrier") and DOES 1-50 (hereinafter
individually referred to as "Defendant" and collectively as "Defendants") to warn consumers in
California that they are being exposed to Di-(2-ethylhexyl) phthalate ("DEHP"), a substance
known to the State of California to cause cancer and developmental/reproductive toxicity.

1 Plaintiff alleges such exposures have occurred through the manufacture, distribution, sale and
2 consumer use of Defendants' party string cup lights (Party Lights/Lanternes de Fetes), which are
3 imported, sold and/or distributed for sale in California by Dollar Tree and/or Greenbrier (the
4 "Products"). California consumers are directly exposed to DEHP through the touching of the
5 components of the Products. In addition, DEHP transferred to the hand is then ingested through
6 hand to mouth contact.

7 2. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, Health and
8 Safety Code Section 25249.5 *et seq.* (hereinafter "Proposition 65"), it is unlawful for businesses
9 to knowingly and intentionally expose individuals in California to chemicals known to the State
10 to cause cancer and/or birth defects or other reproductive harm above the safe harbor levels,
11 which include the No Significant Risk Levels ("NSRLs") and/or Maximum Allowable Dose
12 Levels ("MADLs") without providing "clear and reasonable" warnings to individuals prior to
13 their exposure.

14 3. Despite the fact that Defendants' Products allegedly expose consumers to levels of DEHP
15 above the listed NSRLs and MADLs, Plaintiff contends that Defendants failed to provide any
16 warnings whatsoever about the carcinogenic hazards associated with DEHP exposure.
17 Moreover, Defendants' manufacture, packaging, distribution, marketing, and/or sales of the
18 Products without the required health hazard warnings, causes consumers to be involuntarily,
19 unknowingly and unwittingly exposed to levels of DEHP that violate Proposition 65. Thus,
20 Defendants' conduct subjects them to civil penalties and injunctive relief.

21 JURISDICTION AND VENUE

22 4. This Court has jurisdiction over this action pursuant to Cal. Health & Safety Code §
23 25249.7, which allows enforcement in any court of competent jurisdiction. The California
24 Superior Court has jurisdiction over this action pursuant to California Constitution Article VI,
25 Section 10, which grants the Superior Court "original jurisdiction in all cases except those given
26 by statute to other trial courts." The statute under which this is brought does not specify any other
27 court with jurisdiction.

1 5. This Court has jurisdiction over Defendants because they are business entities that do
2 sufficient business, have sufficient minimum contacts or otherwise intentionally avails themselves
3 of the California market through the sale, marketing, or use of the Products in the California
4 market and/or by having such other contact with California so as to render the exercise of
5 jurisdiction over them by the California courts consistent with traditional notions of fair play and
6 substantial justice.

7 6. Venue is proper in this Court because, upon information and belief, one or more of the
8 violations arise in San Francisco County.

9 **THE PARTIES**

10 7. CAPA is a non-profit corporation organized under the laws of California acting in the
11 interest of the general public seeking to further, among other causes, the protection of the
12 environment, awareness of dangerous chemicals in consumer products, and corporate
13 accountability. CAPA is a “person” within the meaning of Cal. Health & Safety Code §
14 25249.11(a) and brings this enforcement action in the public interest pursuant to Cal. Health &
15 Safety Code § 25249.7(d).

16 8. CAPA is informed and believes, and thereon alleges, that Defendant Dollar Tree Stores,
17 Inc. is a Virginia Corporation with numerous retail stores in the state of California. Defendant is a
18 “person in the course of doing business” within the meaning of Cal. Health & Safety Code §
19 25249.11(b).

20 9. CAPA is informed and believes, and thereon alleges, that Defendant Greenbrier,
21 International, Inc. is a Virginia corporation numerous retail stores in the state of California.
22 Defendant is a “person in the course of doing business” within the meaning of Cal. Health &
23 Safety Code § 25249.11(b)

24 10. CAPA is unaware of the true names or capacities of the Defendants sued herein under the
25 fictitious names DOES 1-50, but prays for leave to amend and serve such fictitiously named
26 Defendants pursuant to California Code of Civil Procedure § 474, once their names and capacities
27 become known.

28

1 11. CAPA is informed and believes, and thereon alleges, that each and all of the acts and
2 omissions alleged herein were performed by, or are attributable to, Defendants and DOES 1-50,
3 each acting as the agent for the other, with legal authority to act on the other's behalf. Upon
4 information and belief, the acts of Defendants were in accordance with, and represent the official
5 policies of Defendants.

6 12. At all times herein mentioned, upon information and belief, the Defendants, and each of
7 them, ratified each and every act or omission complained of herein. At all times herein
8 mentioned, upon information and belief, Defendants, and each of them, aided and abetted the acts
9 and omissions of each and all the other Defendants proximately causing the damages herein
10 alleged.

11 13. CAPA is informed and believes, and thereon alleges, that each of Defendants are in some
12 manner intentionally, negligently, or otherwise responsible for the acts, omissions, occurrences,
13 and transactions alleged herein.

14 **STATUTORY AND REGULATORY BACKGROUND**

15 14. The People of the State of California declared in Proposition 65 their right "[t]o be
16 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
17 harm." (Section 1(b) of Initiative Measure, Proposition 65).

18 15. To effectuate this goal, Proposition 65 requires that individuals be provided with a "clear
19 and reasonable warning" before being exposed to substances listed by the State of California as
20 causing cancer or reproductive toxicity. Cal. Health and Safety Code §25249.6 states, in pertinent
21 part:

22 No person in the course of doing business shall knowingly and
23 intentionally expose any individual to a chemical known to the
24 state to cause cancer or reproductive toxicity without first giving
25 clear and reasonable warning to such individual....

26 16. A product exposure to a chemical is one that "results from a person's acquisition,
27 purchase, storage, consumption, or other reasonably foreseeable use of a product" 27 C.C.R.
28 §25600(h).

1 17. Proposition 65 provides that any “person who violates or threatens to violate” the statute
2 may be enjoined in a court of competent jurisdiction. Cal. Health & Safety Code §25249.7. The
3 phrase “threaten to violate” is defined to mean creating “a condition in which there is a substantial
4 probability that a violation will occur” Cal. Health & Safety Code §25249.11(e). Violators are
5 liable for civil penalties of up to \$2,500 per day for each violation of the Act. Cal. Health &
6 Safety Code §25249.7.

7 18. On October 24, 2003, the State of California officially listed DEHP as a chemical known
8 to cause cancer. On October 24, 2004, one year after it was listed as a chemical known to cause
9 cancer and reproductive/developmental toxicity, DINP became subject to the clear and reasonable
10 warning requirement regarding under Proposition 65. 27 C.C.R. §27001(c); Cal. Health & Safety
11 Code §25249.10(b). Due to the toxicity of DEHP, the California Office of Environmental Health
12 Hazard Assessment (“OEHHA”) set the NSRL for exposure to DEHP at 310 micrograms per day
13 and a MADL of 410 micrograms per day for oral ingestion.

14 **STATEMENT OF RELEVANT FACTS**

15 19. CAPA purchased the Product in April 2017.

16 20. To test Defendants’ Products for phthalates, CAPA engaged a well-respected and
17 accredited testing laboratory to determine the amount of DEHP contained in the Products pursuant
18 to testing methods adopted by the Federal Consumer Products Safety Commission. The testing
19 revealed that the Product had levels of DEHP that Plaintiff believes would result in exposure of
20 DEHP to consumers far higher than the limit proscribed by the NSRL and MADL.

21 21. Plaintiff alleges that Defendants’ Products contain sufficient quantities of DEHP such that
22 individuals who handle the Products are exposed to significant amounts of DEHP through the
23 average and intended use of the Products. For example, ordinary consumers absorb DEHP
24 through the skin when they touch, use, and/or handle the Products. Ordinary consumers also
25 ingest DEHP via hand to mouth contact after they touch, use, or handle the Products and then
26 touch their mouths or other objects that are then placed in their mouths.

1 22. Plaintiff alleges that Defendants know and intend that consumers will use the products in
2 manner stated above, and that they will be exposed to any chemicals such as DEHP that exist in
3 the Products.

4 23. At all times relevant to this action, Defendants, therefore, have knowingly and
5 intentionally exposed the users, consumers and/or handlers of the Products to DEHP without first
6 giving a clear and reasonable warning to such individuals.

7 24. CAPA is informed and believes, and thereon alleges, that Defendants have, since April
8 2017, and continuing through the present, exposed consumers to DEHP without providing clear
9 and reasonable warnings regarding the cancer hazards of DEHP.

10 25. As a proximate result of acts by Defendants, as persons in the course of doing business
11 within the meaning of Health & Safety Code §25249.11, Plaintiff alleges they have subjected
12 consumers to violative exposures through the normal and foreseeable use of the Products.

13 26. Any person acting in the public interest has standing to enforce violations of Proposition
14 65 provided that such person has supplied the requisite public enforcers with a valid 60-Day
15 Notice of Violation and such public enforcers are not diligently prosecuting the action with such
16 time. Cal. Health & Safety Code §25249.7(d).

17 27. On July 31, 2017, CAPA provided a “60-Day Notice of Violations of California Health &
18 Safety Code Section 25249.5 et seq.” (“Notice”) to the California Attorney General, the District
19 Attorneys of every county in California, and the City Attorneys of every California city with a
20 population greater than 750,000. Defendants were also provided a copy of the Notice. The Notice
21 included, *inter alia*, the following information: the name, address, and telephone number of the
22 noticing individual; the name of the alleged violator; the statute violated; the approximate time
23 period during which violations occurred; and descriptions of the violations including the
24 chemicals involved, the routes of toxic exposure, and the specific product or type of product
25 causing the violations. In compliance with California Health & Safety Code § 25249.7(d) and 11
26 C.C.R. §3102, CAPA provided factual information – on a confidential basis – to the Attorney
27 General sufficient to satisfy basis for the Certificate of Merit, including the testing performed by
28

1 CAPA, and/or its litigation consultants, and the facts, studies, or other data supporting the
2 Certificate.

3 28. After expiration of the sixty (60) day notice period, the appropriate public enforcement
4 agencies have failed to commence and diligently prosecute a cause of action under California
5 Health & Safety Code §25249.5 *et seq.* against Defendants based on the allegations herein.

6 29. CAPA has engaged in good faith efforts to resolve the claims alleged herein prior to filing
7 this complaint, and as a result, the parties have reached a consent judgment that they intend to file
8 with the Court to resolve the claims in this lawsuit.

9 **FIRST CAUSE OF ACTION**

10 **(Injunctive Relief Pursuant to Cal. Health & Safety Code §25249.5 *et seq.*)**

11 30. CAPA incorporates by reference and re-alleges as if fully stated herein the material
12 allegations set out in paragraphs 1 through 29, inclusive.

13 31. By committing the acts alleged in this Complaint, Plaintiff alleges that Defendants at all
14 times relevant to this action, and continuing through the present, have violated California Health
15 & Safety Code §25249.6 by, in the course of doing business, knowingly and intentionally
16 exposing individuals in California to chemicals known to the State of California to cause cancer or
17 reproductive toxicity without first giving clear and reasonable warnings to such persons who use,
18 consume or handle the Products containing DEHP, pursuant to California Health & Safety Code
19 §§25249.6 and 25249.11(f).

20 32. By the above-described acts, Plaintiff alleges Defendants have violated California Health
21 & Safety Code §25249.6 and are therefore subject to preliminary and permanent injunctions
22 ordering Defendants to stop violating Proposition 65, to provide warnings to all present and future
23 customers, and to provide warnings to Defendants' past customers who purchased or used the
24 Products without receiving a clear and reasonable warning.

25 33. An action for injunctive relief under Proposition 65 is specifically authorized by California
26 Health & Safety Code §25249.7(a).

1 34. Plaintiff alleges that Defendants actions in selling the Products without clear and
2 reasonable warnings will irreparably harm the citizens of the State of California, for which harm
3 they have no plain, speedy, or adequate remedy at law.

4 35. In the absence of preliminary and then permanent injunctive relief, Plaintiff alleges that
5 Defendants will continue to create a substantial risk of irreparable injury by continuing to cause
6 consumers to be involuntarily, unknowingly and unwittingly exposed to DEHP through the use,
7 consumption and/or handling of the Products.

8 **SECOND CAUSE OF ACTION**

9 **(Civil Penalties Pursuant to Cal. Health & Safety Code §25249.5 *et seq*)**

10 36. CAPA incorporates by reference and re-alleges as if fully stated herein the material
11 allegations set out in paragraphs 1 through 35, inclusive.

12 37. By committing the acts alleged in this Complaint, Plaintiff alleges Defendants at all times
13 relevant to this action, and continuing through the present, have violated California Health &
14 Safety Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing
15 individuals in California to chemicals known to the State of California to cause cancer or
16 reproductive toxicity without first giving clear and reasonable warnings to such persons who use,
17 consume or handle the Products containing DEHP, pursuant to California Health & Safety Code
18 §§25249.6 and 25249.11(f).

19 38. By engaging in the above-described acts, Plaintiff alleges Defendants are liable, pursuant
20 to California Health & Safety Code §25249.7(b), for a civil penalty of up to \$2,500 per day per
21 violation for each unlawful exposure to DEHP from the Products in an amount in excess of \$1
22 million.

23 **PRAYER FOR RELIEF**

24 WHEREFORE, CAPA prays for relief and judgment against Defendants, and each of
25 them, as follows:
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1 As to the Causes of Action

2 1. A preliminary and permanent injunction, pursuant to California Health &
3 Safety Code Code §25249.7(a), enjoining Defendants, their agents, employees, assigns and all
4 persons acting in concert or participating with Defendants, from manufacturing, distributing,
5 marketing or selling the Products in California without either reformulating the Products or
6 providing a clear and reasonable warning, within the meaning of Proposition 65, that the users
7 and/or handlers of the Products are exposed to DEHP;

8 2. An Order pursuant to California Health & Safety Code §25249.7(a)
9 compelling Defendants to use best methods to identify and locate each individual who purchased
10 the Products during the statutory period, and to provide a warning to such person that the use of
11 the Products will expose them to chemicals known to cause cancer;

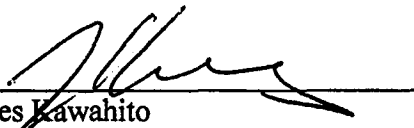
12 3. An assessment of civil penalties pursuant to California Health & Safety
13 Code §25249.7(b) against Defendants in the amount of \$2,500 per day for each violation of
14 Proposition 65, in an amount to be determined at trial;

15 4. For an award to CAPA of its reasonable attorneys' fees and costs of suit
16 incurred herein; and

17 5. For such equitable or other relief as the Court may deem just and proper.
18

19 Dated: October 27, 2017

KAWAHITO LAW GROUP APC

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21
22 By: 
23 James Kawahito
24 Attorneys for Plaintiff
25 CENTER FOR ADVANCED PUBLIC
26 AWARENESS
27
28