



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

2 **I. PRELIMINARY STATEMENT**

3 1. This complaint seeks to remedy the failure of Defendant to warn persons of exposure  
4 to Di[2-Ethylhexyl] Phthalate (“DEHP”), a chemical known to the State of California to cause cancer  
5 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 IWISS ELECTRIC CO., LTD 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 clamp handed tool products manufactured by or for Defendant, imported by or  
19 for Defendant, or distributed or sold by or for Defendant, including, but not limited to, Iwiss F2098  
20 Pex Clamp Tool 1”, Part #, KG1096-KITS, that contain DEHP, for sale within the State of California,  
21 without first giving clear and reasonable warning.

22 6. Defendant IWISS TOOL CO., LTD is a business entity with ten or more employees  
23 that sells, or has, at times relevant to this complaint, authorized the manufacture, distribution, or sale  
24 of clamp handed tool products manufactured by or for Defendant, imported by or for Defendant, or  
25 distributed or sold by or for Defendants, including, but not limited to, Iwiss F2098 Pex Clamp Tool  
26 1”, Part #, KG1096-KITS, that contain DEHP, for sale within the State of California, without first  
27 giving clear and reasonable warning





1 23. DEHP was placed on the Governor's list of chemicals known to the State to cause  
2 cancer on January 1, 1988. (27 CCR 27001(b))

3 24. DEHP was placed on the Governor's list of chemicals known to the State to cause  
4 reproductive toxicity on October 24, 2003. (27 CCR 27001(b))

5 25. Defendant IWISS ELECTRIC CO., LTD and Defendant IWISS TOOL CO., INC. are  
6 the manufacturers of the PRODUCT for use by individuals in the home and other endeavors.

7 26. The PRODUCT is sold through various retailers located in California for use by  
8 citizens of the State of California.

9 27. On August 11, 2017, Plaintiff's expert prepared a report summarizing the results of  
10 analysis on the PRODUCT, including the amount of the DEHP in the product.

11 28. Based on the levels, Plaintiff's expert opined that use of the PRODUCT would lead to  
12 exposure to DEHP above the safe harbor levels set by the Office of Environment Health Hazard  
13 Assessment (OEHHA).

14 29. Based on that report and opinion, Plaintiff and its counsel prepared a Notice of  
15 Violation.

16 30. Pursuant to the statute and regulations referenced above, August 29, 2017, Plaintiff  
17 served the Notices of Violation on the Office of the Attorney General, Defendant, as well as all  
18 required public agencies.

19 31. Plaintiff is unaware of any governmental prosecution against Defendants.

20 32. At least sixty days have elapsed since service of the Notice of Violation.

21 33. Based upon consultation with experts, Plaintiff alleges that individuals who purchase,  
22 handle, or use the PRODUCT are exposed to DEHP chiefly through:

23 a. contact between the item and the skin;

24 b. transfer of DEHP from the skin to the mouth, both by transfer of DEHP  
25 directly from the hand to mouth, and indirectly by transfer of DEHP from the skin to objects  
26 that are placed in the mouth, such as food; and

27 c. through absorption of DEHP through the skin.



1 State of California to cause cancer or reproductive toxicity without first giving clear and reasonable  
2 warning to such individuals, within the meaning of Health & Safety Code § 25249.6.

3 44. Said violations render Defendants liable to Plaintiffs for civil penalties not to exceed  
4 \$2,500 per day for each violation, as well as other remedies.

5 **PRAYER FOR RELIEF**

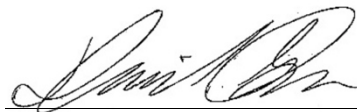
6 WHEREFORE, Plaintiffs pray that the Court:

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

16  
17 Respectfully submitted,

18  
19 DATED: August 2, 2018

20 LAW OFFICE OF DANIEL N. GREENBAUM

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