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ENDORSED
FILED
ALAMEDA COUNTY
AUG 15 2019

CLERK OF SUPERIOR COURT
By JAMIE THOMAS
JAMIE THOMAS, Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ALAMEDA

Case No.: **RG19031366**

11 EMA BELL,

12 Plaintiff,

13 vs.

14 ROSS STORES, INC.,

Defendant.

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

15 Plaintiff Ema Bell ("Plaintiff"), by and through her attorneys, alleges the following cause
16 of action in the public interest of the citizens of the State of California.

17 **BACKGROUND OF THE CASE**

18 1. Plaintiff brings this representative action on behalf of all California citizens to
19 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified
20 at the Health and Safety Code § 25249.5 et seq ("Proposition 65"), which reads, in relevant part,
21 "[n]o person in the course of doing business shall knowingly and intentionally expose any
22 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
23 giving clear and reasonable warning to such individual ...". Health & Safety Code § 25249.6.

24 2. This complaint is a representative action brought by Plaintiff in the public interest
25 of the citizens of the State of California to enforce the People's right to be informed of the health
26 hazards caused by exposure to diisononyl phthalate (DINP), a toxic chemical found in Minky
27 Accessories purses sold and/or distributed by defendant Ross Stores, Inc. d/b/a dd's Discounts
28 ("dd's Discounts" or "Defendant") in California.

- 1 -
COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF - VIOLATION OF
HEALTH & SAFETY CODE §25249.5

Filed by [Signature]

1 continued to knowingly and intentionally expose California users and consumers of the Product
2 to DINP without providing required warnings under Proposition 65.

3 25. The exposures that are the subject of the Notice result from the purchase,
4 acquisition, handling and recommended use of the Product. Consequently, the primary route of
5 exposure to these chemicals is through dermal absorption. Users may be exposed to DINP by
6 dermal absorption through direct skin contact with the Product during routine use when the
7 Product is manipulated with bare hands. Concentrations of DINP can be expected to build within
8 the enclosed interior of the Product. This DINP can potentially be absorbed to the surface of the
9 interior contents that can be subsequently handled, worn, mouthed, or ingested by the user. If the
10 Product is stored or transported in a carrier, DINP that leaches from the purse may contaminate
11 other articles contained within these closed spaces that are subsequently handled, worn,
12 mouthed, or ingested by the user. Finally, while mouthing of the Product does not seem likely,
13 some amount of exposure through ingestion can occur by touching the Product with subsequent
14 touching of the user's hand to mouth.

15 26. Plaintiff, based on her best information and belief, avers that such exposures will
16 continue every day until clear and reasonable warnings are provided to Product purchasers and
17 users or until this known toxic chemical is removed from the Product.

18 27. Defendant has knowledge that the normal and reasonably foreseeable use of the
19 Product exposes individuals to DINP, and Defendant intends that exposures to DINP will occur
20 by its deliberate, non-accidental participation in the manufacture, importation, distribution, sale
21 and offering of the Products to consumers in California.

22 28. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
23 Complaint.

24 29. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
25 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

26 30. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
27 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.

28 **PRAYER FOR RELIEF**

1 WHEREFORE, Plaintiff demands judgment against Defendant and requests the
2 following relief:

- 3 A. That the court assess civil penalties against Defendant in the amount of
4 \$2,500 per day for each violation in accordance with Health and Safety
5 Code § 25249.7(b);
- 6 B. That the court preliminarily and permanently enjoin Defendant mandating
7 Proposition 65 compliant warnings on the Product;
- 8 C. That the court grant Plaintiff reasonable attorney's fees and costs of suit.
- 9 D. That the court grant any further relief as may be just and proper.

10 Dated: August 15, 2019

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28