

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Steven Kleifield

1 Daniel N. Greenbaum, Esq. (SBN 268104)
LAW OFFICE OF DANIEL N. GREENBAUM
2 The Hathaway Building
7120 Hayvenhurst Ave., Suite 320
3 Van Nuys CA 91406
Telephone: (818) 809-2199
4 Facsimile: (424) 243-7689
Email: dgreenbaum@greenbaumlawfirm.com

5 Attorney for Shefa LMV, INC.
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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF LOS ANGELES
9

10	SHEFA LMV, INC.,)	Unlimited Jurisdiction
11)	
12	Plaintiff,)	CASE NO.
13	vs.)	
14	LIKE DREAMS, INC.,)	COMPLAINT FOR CIVIL PENALTY AND
15	Defendant.)	INJUNCTIVE RELIEF
16)	(Health & Safety Code § 25249.5 et seq.)
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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 Diisononyl Phthalate (“DINP”), a chemical known to the State of California to cause cancer.

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

9 3. Plaintiff alleges that Defendant failed to provide such warning before exposing
10 individuals to DINP.

11 **II. PARTIES**

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

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

17 6. Defendant LIKE DREAMS, INC., is a business entity with ten or more employees that
18 sells, or has, at times relevant to this complaint, authorized the manufacture, distribution, or sale of
19 bags and purses that are made with a plastic skin including, but not limited to the purses designed in
20 the same style as H17101320, H17110132, H17110130, E170904, which may appear in the colors
21 silver, rose gold, clear plastic, black, taupe, blush, white, blue, pink, red, gray, beige, multi-color, and
22 multi-print, that contain DINP, for sale within the State of California, without first giving clear and
23 reasonable warning.

24 **III. JURISDICTION AND VENUE**

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

1 17. In addition, violators are liable for civil penalties of up to \$2,500 per day for each
2 violation, recoverable in a civil action. (Health & Safety Code § 25249.7 (b).)

3 18. Actions to enforce the law “may be brought by the Attorney General in the name of
4 the People of the State of California [or] by any district attorney [or] by any City Attorney of a City
5 having a population in excess of 750,000 . . .” (Health & Safety Code § 25249.7(c).)

6 19. Private parties are given authority to enforce Proposition 65 “in the public interest,”
7 but only if the private party first provides written notice of a violation to the alleged violator, the
8 Attorney General, and every District Attorney in whose jurisdiction the alleged violation occurs.

9 20. If no public prosecutors commence enforcement within sixty (60) days, then the
10 private party may sue. (Health & Safety Code § 25249.7(d).)

11 **V. FACTS**

12 21. The Office of Environmental Health Hazard Assessment (“OEHHA”) is the California
13 agency tasked (in part) with providing the regulatory and scientific framework for Proposition 65.

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

16 23. Defendant LIKE DREAMS, INC., is the manufacturer and distributor of the
17 PRODUCTS for use by individuals in the home and other endeavors.

18 24. The PRODUCTS are sold through various retailers, including but not limited to Ross
19 Stores, Inc., located in California for use by citizens of the State of California.

20 25. On July 23, 2018, Plaintiff purchased the PRODUCT from a Ross Stores, Inc. retail
21 location in California.

22 26. On September 1, 2018, Plaintiff’s expert prepared a report summarizing the results of
23 analysis on the PRODUCTS, including the amount of the DINP in the product.

24 27. Based on the levels found in analysis, Plaintiff’s expert opined the use of the
25 PRODUCTS would lead to exposure to DINP above the safe harbor levels set by the Office of
26 Environment Health Hazard Assessment (OEHHA).

1 28. Based on that report and opinion, Plaintiff and its counsel prepared a Notice of
2 Violation.

3 29. Pursuant to the statute and regulations referenced above, on or around September 21,
4 2018 Plaintiff served the Notice of Violation on the Office of the Attorney General, Defendant, as
5 well as all required public agencies.

6 30. Plaintiff is unaware of any governmental prosecution against Defendant.

7 31. At least sixty (60) days have elapsed since service of the Notice of Violation.

8 32. Based upon consultation with experts, Plaintiff alleges that individuals who purchase,
9 handle, or use the PRODUCTS are exposed to DINP chiefly through:

10 a. contact between the item and the skin;

11 b. transfer of DINP from the skin to the mouth, both by transfer of DINP directly
12 from the hand to mouth, and indirectly by transfer of DINP from the skin to objects that are
13 placed in the mouth, such as food or cigarettes; and

14 c. through direct absorption of DINP through the skin.

15 33. Such individuals are thereby exposed to the DINP that is present on or in the
16 PRODUCTS during the intended and reasonably foreseeable use of the PRODUCTS.

17 34. At all times material to this complaint, Defendant has had knowledge that the
18 PRODUCTS contain DINP and that an individual's skin may contact DINP through the intended and
19 reasonably foreseeable use of the PRODUCTS.

20 35. At all times material to this complaint, Defendant has had knowledge that individuals
21 within the State of California handle the PRODUCTS, which contain DINP.

22 36. At all times material to this complaint, Defendant knew that the PRODUCTS were
23 sold throughout the State of California in large numbers, and Defendant profited from such sales.

24 37. Notwithstanding this knowledge, Defendant intentionally authorized and reauthorized
25 the sale of the PRODUCTS, thereby exposing consumers to DINP.

26 38. At all times material to this complaint, therefore, Defendant has knowingly and
27 intentionally exposed individuals within the State of California to DINP.

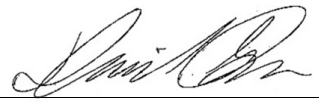
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4. Grant such other and further relief as the court deems just and proper.

Respectfully submitted,

DATED: May 2, 2019

LAW OFFICE OF DANIEL N. GREENBAUM



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