

THE PARTIES

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2 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
3 organization qualified to do business in the State of California. CAG is a person within
4 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting
5 as a private attorney general, brings this action in the public interest as defined under
6 Health and Safety Code Section 25249.7, subdivision (d).
- 7 2. Defendant ROSS STORES, INC., dba DD’S DISCOUNTS (“ROSS STORES”) is a
8 Delaware Corporation, qualified to do business in Delaware, and doing business in the
9 State of California at all relevant times herein.
- 10 3. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-30,
11 and therefore sues these defendants by such fictitious names. Plaintiff will amend this
12 Complaint to allege their true names and capacities when ascertained. Plaintiff is
13 informed, believes, and thereon alleges that each fictitiously named defendant is
14 responsible in some manner for the occurrences herein alleged and the damages caused
15 thereby.
- 16 4. At all times mentioned herein, the term “Defendants” includes ROSS STORES, and
17 DOES 1-70.
- 18 5. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
19 times mentioned herein have conducted business within the State of California.
- 20 6. Upon information and belief, at all times relevant to this action, each of the Defendants,
21 including DOES 1-70, was an agent, servant, or employee of each of the other
22 Defendants. In conducting the activities alleged in this Complaint, each of the Defendants
23 was acting within the course and scope of this agency, service, or employment, and was
24 acting with the consent, permission, and authorization of each of the other Defendants.
25 All actions of each of the Defendants alleged in this Complaint were ratified and
26 approved by every other Defendant or their officers or managing agents. Alternatively,
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1 each of the Defendants aided, conspired with and/or facilitated the alleged wrongful
2 conduct of each of the other Defendants.

- 3 7. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
4 Defendants was a person doing business within the meaning of Health and Safety Code
5 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
6 employees at all relevant times.

7 **JURISDICTION**

- 8 8. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
9 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
10 those given by statute to other trial courts. This Court has jurisdiction over this action
11 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
12 violations of Proposition 65 in any Court of competent jurisdiction.

- 13 9. This Court has jurisdiction over Defendants named herein because Defendants either
14 reside or are located in this State or are foreign corporations authorized to do business in
15 California, are registered with the California Secretary of State, or who do sufficient
16 business in California, have sufficient minimum contacts with California, or otherwise
17 intentionally avail themselves of the markets within California through their manufacture,
18 distribution, promotion, marketing, or sale of their products within California to render
19 the exercise of jurisdiction by the California courts permissible under traditional notions
20 of fair play and substantial justice.

- 21 10. Venue is proper in the County of Los Angeles because one or more of the instances of
22 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
23 because Defendants conducted, and continue to conduct, business in the County of Los
24 Angeles with respect to the consumer product that is the subject of this action.

25 **BACKGROUND AND PRELIMINARY FACTS**

- 26 11. In 1986, California voters approved an initiative to address growing concerns about
27 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
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1 chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp.,
2 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
3 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
4 25249.5, *et seq.* ("Proposition 65"), helps to protect California's drinking water sources
5 from contamination, to allow consumers to make informed choices about the products
6 they buy, and to enable persons to protect themselves from toxic chemicals as they see
7 fit.

8 12. Proposition 65 requires the Governor of California to publish a list of chemicals known to
9 the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*
10 § 25249.8. The list, which the Governor updates at least once a year, contains over 700
11 chemicals and chemical families. Proposition 65 imposes warning requirements and
12 other controls that apply to Proposition 65-listed chemicals.

13 13. All businesses with ten (10) or more employees that operate or sell products in California
14 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
15 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
16 water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and
17 reasonable" warnings before exposing a person, knowingly and intentionally, to a
18 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

19 14. Proposition 65 provides that any person "violating or threatening to violate" the statute
20 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.
21 "Threaten to violate" means "to create a condition in which there is a substantial
22 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

23 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
24 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

25 15. Plaintiff identified certain practices of manufacturers and distributors of consumer
26 products of exposing, knowingly and intentionally, persons in California to Di(2-
27 ethylhexyl)phthalate ("DEHP") and Diisononyl Phthalate ("DINP") in such products
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1 without first providing clear and reasonable warnings of such to the exposed persons
2 prior to the time of exposure. Plaintiff later discerned that Defendants engaged in such
3 practice.

4 16. On January 1, 1988, the Governor of California added DEHP to the list of chemicals
5 known to the State to cause cancer (*Cal. Code Regs. tit. 27, § 27001(b)*). Pursuant to
6 Health and Safety Code Sections 25249.9 and 25249.10, twenty (20) months after
7 addition of DEHP to the list of chemicals known to the State to cause cancer, DEHP
8 became fully subject to Proposition 65 warning requirements and discharge prohibitions.

9 17. On October 24, 2003, the Governor of California added DEHP to the list of chemicals
10 known to the State to cause developmental and male reproductive toxicity (*Cal. Code
11 Regs. tit. 27, § 27001(c)*). Pursuant to Health and Safety Code sections 25249.9 and
12 25249.10, twenty (20) months after addition of DEHP to the list of chemicals known to
13 the State to cause reproductive and developmental toxicity, DEHP became fully subject
14 to Proposition 65 warning requirements and discharge prohibitions.

15 18. On December 20, 2013, the Governor of California added DINP to the list of chemicals
16 known to the State to cause cancer (*Cal. Code Regs. tit. 27, § 27001(b)*). Pursuant to
17 Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months after
18 addition of DINP to the list of chemicals known to the State to cause cancer, DINP
19 became fully subject to Proposition 65 warning requirements and discharge prohibitions.

20 **SATISFACTION OF PRIOR NOTICE**

21 19. On or about August 21, 2019, Plaintiff gave notice of alleged violations of Health and
22 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
23 private action to ROSS DRESS, ROSS STORES, ROSS PRO, and to the California
24 Attorney General, County District Attorneys, and City Attorneys for each city containing
25 a population of at least 750,000 people in whose jurisdictions the violations allegedly
26 occurred, concerning the Fanny Pack with Plastic Components.

1 20. On or about October 2, 2019, Plaintiff gave notice of alleged violations of Health and
2 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
3 private action to ROSS DRESS, ROSS STORES, ROSS PRO, and to the California
4 Attorney General, County District Attorneys, and City Attorneys for each city containing
5 a population of at least 750,000 people in whose jurisdictions the violations allegedly
6 occurred, concerning the Plastic Cosmetic Case.

7 21. On or about October 4, 2019, Plaintiff gave notice of alleged violations of Health and
8 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
9 private action to ROSS STORES, and to the California Attorney General, County District
10 Attorneys, and City Attorneys for each city containing a population of at least 750,000
11 people in whose jurisdictions the violations allegedly occurred, concerning the Kid's
12 Backpack with Plastic Components.

13 22. On or about November 5, 2019, Plaintiff gave notice of alleged violations of Health and
14 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
15 private action to ROSS STORES, and to the California Attorney General, County District
16 Attorneys, and City Attorneys for each city containing a population of at least 750,000
17 people in whose jurisdictions the violations allegedly occurred, concerning Polymer
18 Evening Bags.

19 23. On or about August 26, 2019, Plaintiff gave notice of alleged violations of Health and
20 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
21 private action to ROSS STORES, and to the California Attorney General, County District
22 Attorneys, and City Attorneys for each city containing a population of at least 750,000
23 people in whose jurisdictions the violations allegedly occurred, concerning Handbags
24 with Polymer Components.

25 24. On or about September 13, 2019, Plaintiff gave notice of alleged violations of Health and
26 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
27 private action to ROSS STORES, and to the California Attorney General, County District
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1 Attorneys, and City Attorneys for each city containing a population of at least 750,000
2 people in whose jurisdictions the violations allegedly occurred, concerning Handbags
3 with Polymer Components.

4 25. On or about September 11, 2019, Plaintiff gave notice of alleged violations of Health and
5 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
6 private action to ROSS STORES, and to the California Attorney General, County District
7 Attorneys, and City Attorneys for each city containing a population of at least 750,000
8 people in whose jurisdictions the violations allegedly occurred, concerning Wallets with
9 Plastic Components.

10 26. On or about September 23, 2019, Plaintiff gave notice of alleged violations of Health and
11 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
12 private action to ROSS STORES, and to the California Attorney General, County District
13 Attorneys, and City Attorneys for each city containing a population of at least 750,000
14 people in whose jurisdictions the violations allegedly occurred, concerning Wallets with
15 Plastic Components.

16 27. On or about May 22, 2019, Plaintiff gave notice of alleged violations of Health and
17 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
18 private action to ROSS STORES, and to the California Attorney General, County District
19 Attorneys, and City Attorneys for each city containing a population of at least 750,000
20 people in whose jurisdictions the violations allegedly occurred, concerning Backpack
21 with Polymer Components.

22 28. On or about August 2, 2019, Plaintiff gave notice of alleged violations of Health and
23 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
24 private action to ROSS STORES, and to the California Attorney General, County District
25 Attorneys, and City Attorneys for each city containing a population of at least 750,000
26 people in whose jurisdictions the violations allegedly occurred, concerning Backpack
27 with Plastic Components.

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1 29. On or about September 5, 2019, Plaintiff gave notice of alleged violations of Health and
2 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
3 private action to ROSS STORES, and to the California Attorney General, County District
4 Attorneys, and City Attorneys for each city containing a population of at least 750,000
5 people in whose jurisdictions the violations allegedly occurred, concerning Backpacks
6 with Plastic Components.

7 30. On or about June 28, 2019, Plaintiff gave notice of alleged violations of Health and
8 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
9 private action to ROSS STORES, and to the California Attorney General, County District
10 Attorneys, and City Attorneys for each city containing a population of at least 750,000
11 people in whose jurisdictions the violations allegedly occurred, concerning the Jewelry
12 Organizers.

13 31. On or about August 17, 2019, Plaintiff gave notice of alleged violations of Health and
14 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
15 private action to ROSS STORES, and to the California Attorney General, County District
16 Attorneys, and City Attorneys for each city containing a population of at least 750,000
17 people in whose jurisdictions the violations allegedly occurred, concerning Rivet Guns
18 With Plastic Components (“Rivet Gun”) containing DEHP.

19 32. On or about August 22, 2019, Plaintiff gave notice of alleged violations of Health and
20 Safety Code Section 25249.6, concerning consumer products exposures, subject to a
21 private action to ROSS STORES, and to the California Attorney General, County District
22 Attorneys, and City Attorneys for each city containing a population of at least 750,000
23 people in whose jurisdictions the violations allegedly occurred, concerning Plastic Knee
24 Pads (“Knee Pads”) containing DEHP.

25 33. Before sending the notice of alleged violations, Plaintiff investigated the consumer
26 products involved, the likelihood that such products would cause users to suffer
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1 significant exposures to DEHP and DINP, and the corporate structure of each of the
2 Defendants.

3 34. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
4 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
5 Plaintiff who executed the certificate had consulted with at least one person with relevant
6 and appropriate expertise who reviewed data regarding the exposures to DEHP and
7 DINP, the subject Proposition 65-listed chemical of this action. Based on that
8 information, the attorney for Plaintiff who executed the Certificate of Merit believed
9 there was a reasonable and meritorious case for this private action. The attorney for
10 Plaintiff attached to the Certificate of Merit served on the Attorney General the
11 confidential factual information sufficient to establish the basis of the Certificate of
12 Merit.

13 35. Plaintiff's notice of alleged violations also included a Certificate of Service and a
14 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
15 (Proposition 65) A Summary." *Health & Safety Code § 25249.7(d)*.

16 36. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
17 gave notice of the alleged violations to ROSS DRESS, ROSS STORES, ROSS PRO, and
18 the public prosecutors referenced in Paragraphs 21-27.

19 37. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
20 any applicable district attorney or city attorney has commenced and is diligently
21 prosecuting an action against the Defendants.

22 **FIRST CAUSE OF ACTION**

23 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES, and**
24 **DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
25 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

26 **Fashion Accessories**

27 38. Plaintiff repeats and incorporates by reference paragraphs 1 through 38 of this complaint
28 as though fully set forth herein.

1 39. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Fanny Pack with Plastic Components (“Fanny Pack”),
3 including but not limited “love trove;” “LOS ANGELES;” “MB136;” “MARBLE;”
4 “MADE IN CHINA;” “dd’s DISCOUNTS;” “D5301 C2000;” “400191836974”.

5 40. Fanny Pack contains DINP.

6 41. Defendants knew or should have known that DINP has been identified by the State of
7 California as a chemical known to cause cancer and therefore was subject to Proposition
8 65 warning requirements. Defendants were also informed of the presence of DINP in
9 Fanny Pack within Plaintiff’s notice of alleged violations further discussed above at
10 Paragraph 19.

11 42. Plaintiff’s allegations regarding Fanny Pack concerns “[c]onsumer products exposure[s],”
12 which “is an exposure that results from a person’s acquisition, purchase, storage,
13 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
14 that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*.
15 Fanny Pack is a consumer product, and, as mentioned herein, exposures to DINP took
16 place as a result of such normal and foreseeable consumption and use.

17 43. Plaintiff is informed, believes, and thereon alleges that between August 21, 2016 and the
18 present, each of the Defendants knowingly and intentionally exposed California
19 consumers and users of Fanny Packs, which Defendants manufactured, distributed, or
20 sold as mentioned above, to DINP, without first providing any type of clear and
21 reasonable warning of such to the exposed persons before the time of exposure.
22 Defendants have distributed and sold Fanny Pack in California. Defendants know and
23 intend that California consumers will use Fanny Pack, thereby exposing them to DINP.
24 Defendants thereby violated Proposition 65.

25 44. The principal routes of exposure are through transdermal absorption, ingestion and
26 inhalation. Persons sustain exposures by using or handling Fanny Pack without wearing
27 gloves or any other personal protective equipment, or by touching bare skin or mucous
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1 membranes with gloves after handling Fanny Pack, as well as through direct and indirect
2 hand to mouth contact, hand to food to mouth, hand to mucous membrane, as well as
3 environmental mediums that carry the DINP once contained in the Fanny Pack.

4 45. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
5 Proposition 65 as to Fanny Pack have been ongoing and continuous, as Defendants
6 engaged and continue to engage in conduct which violates Health and Safety Code
7 Section 25249.6, including the manufacture, distribution, promotion, and sale of Fanny
8 Pack, so that a separate and distinct violation of Proposition 65 occurred each and every
9 time a person was exposed to DINP by Fanny Pack as mentioned herein.

10 46. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
11 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
12 violations alleged herein will continue to occur into the future.

13 47. Based on the allegations herein, Defendants are liable for civil penalties of up to
14 \$2,500.00 per day per individual exposure to DINP from Fanny Pack, pursuant to Health
15 and Safety Code Section 25249.7(b).

16 48. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18 **SECOND CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES, and**
20 **DOES 11-20 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
21 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

22 **Cosmetic Cases**

23 49. Plaintiff repeats and incorporates by reference paragraphs 1 through 49 of this complaint
24 as though fully set forth herein.

25 50. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
26 distributor, promoter, or retailer of Plastic Cosmetic Case ("Cosmetic Case"), including
27 but not limited "ali&dax;" "AD06694;" "10 PIECE SET;" "AD8624CH;" "IMPORTED
28 BY ACI BRANDS INC. 2616 SHERIDAN GARDEN DRIVE, OAKVILLE, ONTARIO,

1 L6J 7Z2 CANADA;” “WWW.ACIBRANDS.COM;” “MADE IN CHINA;” “6 20584
2 58624 2;” “dd’s DISCOUNTS;” “D5423 C5430;” “COSMTIC CASES;”
3 “400192251462”.

4 51. Cosmetic Case contains DEHP.

5 52. Defendants knew or should have known that DEHP has been identified by the State of
6 California as a chemical known to cause cancer and developmental and male
7 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
8 Defendants were also informed of the presence of DEHP in Cosmetic Case within
9 Plaintiff’s notice of alleged violations further discussed above at Paragraph 20.

10 53. Plaintiff’s allegations regarding Cosmetic Case concerns “[c]onsumer products
11 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
12 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
13 exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, §
14 25602(b). Cosmetic Case is a consumer product, and, as mentioned herein, exposures to
15 DEHP took place as a result of such normal and foreseeable consumption and use.

16 54. Plaintiff is informed, believes, and thereon alleges that between October 2, 2016 and the
17 present, each of the Defendants knowingly and intentionally exposed California
18 consumers and users of Cosmetic Cases, which Defendants manufactured, distributed, or
19 sold as mentioned above, to DEHP, without first providing any type of clear and
20 reasonable warning of such to the exposed persons before the time of exposure.
21 Defendants have distributed and sold Cosmetic Case in California. Defendants know and
22 intend that California consumers will use Cosmetic Case, thereby exposing them to
23 DEHP. Defendants thereby violated Proposition 65.

24 55. The principal routes of exposure are through dermal contact, ingestion and inhalation.
25 Persons sustain exposures by using, carrying or handling Cosmetic Case without wearing
26 gloves or any other personal protective equipment, or by touching bare skin or mucous
27 membranes with gloves after handling Cosmetic Case, as well as through direct and
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1 indirect hand to mouth contact, hand to food to mouth, hand to mucous membrane, as
2 well as environmental mediums that carry the DEHP once contained in the Cosmetic
3 Case.

4 56. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
5 Proposition 65 as to Cosmetic Case have been ongoing and continuous, as Defendants
6 engaged and continue to engage in conduct which violates Health and Safety Code
7 Section 25249.6, including the manufacture, distribution, promotion, and sale of
8 Cosmetic Case, so that a separate and distinct violation of Proposition 65 occurred each
9 and every time a person was exposed to DEHP by Cosmetic Case as mentioned herein.

10 57. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
11 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
12 violations alleged herein will continue to occur into the future.

13 58. Based on the allegations herein, Defendants are liable for civil penalties of up to
14 \$2,500.00 per day per individual exposure to DEHP from Cosmetic Case, pursuant to
15 Health and Safety Code Section 25249.7(b).

16 59. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18 **THIRD CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES, and**
20 **DOES 21-30 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
21 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

22 **Kid's Accessories**

23 60. Plaintiff repeats and incorporates by reference paragraphs 1 through 60 of this complaint
24 as though fully set forth herein.

25 61. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
26 distributor, promoter, or retailer of Kid's Backpack with Plastic Components. ("Kid's
27 Backpack"), including but not limited Clear Pink Backpack. "Kiss Me Couture"; "Style:
28 KMC1615, Color: Pink"; SKU 400186183649, "Made in China".

1 62. Kid's Backpack contains DEHP.

2 63. Defendants knew or should have known that DEHP has been identified by the State of
3 California as a chemical known to cause cancer and developmental and male
4 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
5 Defendants were also informed of the presence of DEHP in Kid's Backpack within
6 Plaintiff's notice of alleged violations further discussed above at Paragraph 21.

7 64. Plaintiff's allegations regarding Kid's Backpack concerns "[c]onsumer products
8 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
9 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
10 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
11 *25602(b)*. Kid's Backpack is a consumer product, and, as mentioned herein, exposures to
12 DEHP took place as a result of such normal and foreseeable consumption and use.

13 65. Plaintiff is informed, believes, and thereon alleges that between October 4, 2016 and the
14 present, each of the Defendants knowingly and intentionally exposed California
15 consumers and users of Kid's Backpacks, which Defendants manufactured, distributed,
16 or sold as mentioned above, to DEHP, without first providing any type of clear and
17 reasonable warning of such to the exposed persons before the time of exposure.
18 Defendants have distributed and sold Kid's Backpack in California. Defendants know
19 and intend that California consumers will use Kid's Backpack, thereby exposing them to
20 DEHP. Defendants thereby violated Proposition 65.

21 66. The principal routes of exposure are through dermal contact, ingestion and inhalation.
22 Persons sustain exposures by using, carrying or handling Kid's Backpack without
23 wearing gloves or any other personal protective equipment, or by touching bare skin or
24 mucous membranes with gloves after handling Kid's Backpack, as well as through direct
25 and indirect hand to mouth contact, hand to food to mouth, hand to mucous membrane, as
26 well as environmental mediums that carry the DEHP once contained in the Kid's
27 Backpack.

1 67. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
2 Proposition 65 as to Kid's Backpack have been ongoing and continuous, as Defendants
3 engaged and continue to engage in conduct which violates Health and Safety Code
4 Section 25249.6, including the manufacture, distribution, promotion, and sale of Kid's
5 Backpack, so that a separate and distinct violation of Proposition 65 occurred each and
6 every time a person was exposed to DEHP by Kid's Backpack as mentioned herein.

7 68. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
8 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
9 violations alleged herein will continue to occur into the future.

10 69. Based on the allegations herein, Defendants are liable for civil penalties of up to
11 \$2,500.00 per day per individual exposure to DEHP from Kid's Backpack, pursuant to
12 Health and Safety Code Section 25249.7(b).

13 70. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
14 filing this Complaint.

15 **FOURTH CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and DOES**
17 **31-40 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
18 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*)**

19 **Fashion Accessories**

20 71. Plaintiff repeats and incorporates by reference paragraphs 1 through 71 of this
21 Complaint as though fully set forth herein.

22 72. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
23 distributor, promoter, or retailer of Polymer Evening Bags, including but not limited to: o
24 "CHARLOTTE DANIEL;" "MADE IN CHINA;" "ROSS;" "D1520 C5469;"
25 "400197687662" ("Evening Bags").

26 73. Evening Bags contains DEHP.
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1 74. Defendants knew or should have known that DEHP has been identified by the State of
2 California as a chemical known to cause cancer and developmental and male
3 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
4 Defendants were also informed of the presence of DEHP in Evening Bags within
5 Plaintiff's notice of alleged violations further discussed above at Paragraph 22.

6 75. Plaintiff's allegations regarding Evening Bags concerns "[c]onsumer products
7 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
8 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
9 exposure that results from receiving a consumer service." Cal. Code Regs. tit. 27, §
10 25602(b). Evening Bags are a consumer product, and, as mentioned herein, exposures to
11 DEHP took place as a result of such normal and foreseeable use.

12 76. Plaintiff is informed, believes, and thereon alleges that between November 5, 2016 and
13 the present, each of the Defendants knowingly and intentionally exposed California
14 consumers and users of Evening Bags, which Defendants manufactured, distributed, or
15 sold as mentioned above, to DEHP, without first providing any type of clear and
16 reasonable warning of such to the exposed persons before the time of exposure.
17 Defendants have distributed and sold Evening Bags in California. Defendants know and
18 intend that California consumers will use Evening Bags, thereby exposing them to
19 DEHP. Defendants thereby violated Proposition 65.

20 77. The principal routes of exposure are through dermal contact, ingestion and inhalation.
21 Persons sustain exposures by using, carrying or handling Evening Bags without wearing
22 gloves or any other personal protective equipment, or by touching bare skin or mucous
23 membranes with gloves after handling Evening Bags, as well as through direct and
24 indirect hand to mouth contact, hand to mucous membrane, as well as environmental
25 mediums that carry the DEHP once contained in the Evening Bags.

26 78. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
27 Proposition 65 as to Evening Bags have been ongoing and continuous, as Defendants
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1 engaged and continue to engage in conduct which violates Health and Safety Code
2 Section 25249.6, including the manufacture, distribution, promotion, and sale of
3 Yellow Wallets, so that a separate and distinct violation of Proposition 65 occurred each
4 and every time a person was exposed to DEHP by Evening Bags as mentioned herein.

5 79. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
6 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
7 violations alleged herein will continue to occur into the future.

8 80. Based on the allegations herein, Defendants are liable for civil penalties of up to
9 \$2,500.00 per day per individual exposure to DEHP from Evening Bags, pursuant to
10 Health and Safety Code Section 25249.7(b).

11 81. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
12 filing this Complaint.

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14 **FIFTH CAUSE OF ACTION**

15 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
16 **DOES 41-50 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
17 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

18 **Handbags**

19 82. Plaintiff repeats and incorporates by reference paragraphs 1 through 82 of this complaint
20 as though fully set forth herein.

21 83. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
22 distributor, promoter, or retailer of Handbag with Polymer Components, including but not
23 limited to: "CHARLOTTE DANIEL;" "3124-7175-7422;" "BLACK;" "002-639-0211;"
24 "ROSS;" "D1520 C5469;" "400197687648;" "MADE IN CHINA;" ("Charlotte
25 Handbag").

26 84. Charlotte Handbag contains DEHP.

27 85. Defendants knew or should have known that DEHP has been identified by the State of
28 California as a chemical known to cause cancer and developmental and male
reproductive toxicity and therefore was subject to Proposition 65 warning requirements.

1 Defendants were also informed of the presence of DEHP in Charlotte Handbags within
2 Plaintiff's notice of alleged violations further discussed above at Paragraph 23.

3 86. Plaintiff's allegations regarding Charlotte Handbag concerns "[c]onsumer products
4 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
5 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
6 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
7 *25602(b)*. Charlotte Handbag is a consumer product, and, as mentioned herein,
8 exposures to DEHP took place as a result of such normal and foreseeable use.

9 87. Plaintiff is informed, believes, and thereon alleges that between August 26, 2016 and the
10 present, each of the Defendants knowingly and intentionally exposed California
11 consumers and users of Charlotte Handbags, which Defendants manufactured,
12 distributed, or sold as mentioned above, to DEHP, without first providing any type of
13 clear and reasonable warning of such to the exposed persons before the time of exposure.
14 Defendants have distributed and sold Charlotte Handbag in California. Defendants know
15 and intend that California consumers will use Charlotte Handbag, thereby exposing them
16 to DEHP. Defendants thereby violated Proposition 65.

17 88. The principal routes of exposure are through transdermal absorption, ingestion and
18 inhalation. Persons sustain exposures by using or handling Charlotte Handbags without
19 wearing gloves or any other personal protective equipment, or by touching bare skin or
20 mucous membranes with gloves after handling Charlotte Handbags, as well as through
21 direct and indirect hand to mouth contact, hand to mucous membrane, as well as
22 environmental mediums that carry the DEHP once contained in the Charlotte Handbags.

23 89. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
24 Proposition 65 as to Charlotte Handbags have been ongoing and continuous, as
25 Defendants engaged and continue to engage in conduct which violates Health and Safety
26 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
27 Yellow Wallets, so that a separate and distinct violation of Proposition 65 occurred each
28

1 and every time a person was exposed to DEHP by Charlotte Handbags as mentioned
2 herein.

3 90. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
4 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
5 violations alleged herein will continue to occur into the future.

6 91. Based on the allegations herein, Defendants are liable for civil penalties of up to
7 \$2,500.00 per day per individual exposure to DEHP from Charlotte Handbags, pursuant
8 to Health and Safety Code Section 25249.7(b).

9 92. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
10 filing this Complaint.

11 **SIXTH CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
13 **DOES 51-60 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
14 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

15 **Fashion Accessories**

16 93. Plaintiff repeats and incorporates by reference paragraphs 1 through 93 of this complaint
17 as though fully set forth herein.

18 94. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Handbags with Polymer Components, including but
20 not limited to: "SAG HARBOR;" "PINK/CORAL066;" "14 HANDBAGS;" "dd's
21 DISCOUNTS;" "D5505 C6701;" "400192171425" ("Pink Handbags").

22 95. Pink Handbag contains DEHP.

23 96. Defendants knew or should have known that DEHP has been identified by the State of
24 California as a chemical known to cause cancer and developmental and male
25 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
26 Defendants were also informed of the presence of DEHP in Handbag within Plaintiff's
27 notice of alleged violations further discussed above at Paragraph 24.

1 97. Plaintiff's allegations regarding Handbag concerns "[c]onsumer products exposure[s],"
2 which "is an exposure that results from a person's acquisition, purchase, storage,
3 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
4 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.
5 Pink Handbags are a consumer product, and, as mentioned herein, exposures to DEHP
6 took place as a result of such normal and foreseeable use.

7 98. Plaintiff is informed, believes, and thereon alleges that between September 13, 2016 and
8 the present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Pink Handbags, which Defendants manufactured, distributed, or
10 sold as mentioned above, to DEHP, without first providing any type of clear and
11 reasonable warning of such to the exposed persons before the time of exposure.
12 Defendants have distributed and sold Pink Handbags in California. Defendants know and
13 intend that California consumers will use Pink Handbags, thereby exposing them to
14 DEHP. Defendants thereby violated Proposition 65.

15 99. The principal routes of exposure are through transdermal absorption, ingestion and
16 inhalation. Persons sustain exposures by using or handling Pink Handbags without
17 wearing gloves or any other personal protective equipment, or by touching bare skin or
18 mucous membranes with gloves after handling Pink Handbags, as well as through direct
19 and indirect hand to mouth contact, hand to mucous membrane, as well as environmental
20 mediums that carry the DEHP once contained in the Pink Handbags.

21 100. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
22 violations of Proposition 65 as to Pink Handbags have been ongoing and continuous, as
23 Defendants engaged and continue to engage in conduct which violates Health and Safety
24 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
25 Pink Handbags, so that a separate and distinct violation of Proposition 65 occurred each
26 and every time a person was exposed to DEHP by Pink Handbags as mentioned herein.

1 101. Plaintiff is informed, believes, and thereon alleges that each violation of
2 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
3 that the violations alleged herein will continue to occur into the future.

4 102. Based on the allegations herein, Defendants are liable for civil penalties of up to
5 \$2,500.00 per day per individual exposure to DEHP from Pink Handbags, pursuant to
6 Health and Safety Code Section 25249.7(b).

7 103. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
8 prior to filing this Complaint.

9
10 **SEVENTH CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
12 **DOES 61-70 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
13 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

14 **Wallets**

15 104. Plaintiff repeats and incorporates by reference paragraphs 1 through 104 of this
16 complaint as though fully set forth herein.

17 105. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
18 distributor, promoter, or retailer of Wallets with Plastic Components, including but not
19 limited to: “Lady Flora;” “MADE IN CHINA;” “dd’s DISCOUNTS;” “D5301 C1996;”
20 “400196174866;” “SPRING GRE297;” Green Wallet with Polka Dots” (“Green Wallet”)

21 106. Green Wallet contains DEHP.

22 107. Defendants knew or should have known that DEHP has been identified by the
23 State of California as a chemical known to cause cancer and developmental and male
24 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
25 Defendants were also informed of the presence of DEHP in Green Wallets within
26 Plaintiff’s notice of alleged violations further discussed above at Paragraph 25.

27 108. Plaintiff’s allegations regarding Green Wallets concerns “[c]onsumer products
28 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
storage, consumption, or other reasonably foreseeable use of a consumer good, or any

1 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
2 25602(b). Green Wallets are a consumer product, and, as mentioned herein, exposures to
3 DEHP took place as a result of such normal and foreseeable use.

4 109. Plaintiff is informed, believes, and thereon alleges that between September 11,
5 2016 and the present, each of the Defendants knowingly and intentionally exposed
6 California consumers and users of Green Wallets, which Defendants manufactured,
7 distributed, or sold as mentioned above, to DEHP, without first providing any type of
8 clear and reasonable warning of such to the exposed persons before the time of exposure.
9 Defendants have distributed and sold Green Wallets in California. Defendants know and
10 intend that California consumers will use Green Wallets, thereby exposing them to
11 DEHP. Defendants thereby violated Proposition 65.

12 110. The principal routes of exposure are through transdermal absorption, ingestion
13 and inhalation. Persons sustain exposures by using or handling Green Wallets without
14 wearing gloves or any other personal protective equipment, or by touching bare skin or
15 mucous membranes with gloves after handling Green Wallets, as well as through direct
16 and indirect hand to mouth contact, hand to mucous membrane, as well as environmental
17 mediums that carry the DEHP once contained in the Green Wallets.

18 111. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
19 violations of Proposition 65 as to Green Wallets have been ongoing and continuous, as
20 Defendants engaged and continue to engage in conduct which violates Health and Safety
21 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
22 Yellow Wallets, so that a separate and distinct violation of Proposition 65 occurred each
23 and every time a person was exposed to DEHP by Green Wallets as mentioned herein.

24 112. Plaintiff is informed, believes, and thereon alleges that each violation of
25 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
26 that the violations alleged herein will continue to occur into the future.

1 113. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DEHP from Green Wallets, pursuant to
3 Health and Safety Code Section 25249.7(b).

4 114. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
5 prior to filing this Complaint.

6 **EIGHTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
8 **DOES 71-80 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
9 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

10 **Wallets**

11 115. Plaintiff repeats and incorporates by reference paragraphs 1 through 115 of this
12 complaint as though fully set forth herein.

13 116. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
14 distributor, promoter, or retailer of Wallets with Plastic Components, including but not
15 limited to: “LADY FLORA;” “ORANGE PTRN089;” “D5301 C1996;”
16 “400196174859;” “14 Sm Lthr Goods;” Orange wallet with white polka dot pattern.
17 (“Orange Wallet”).

18 117. Orange Wallets contains DEHP.

19 118. Defendants knew or should have known that DEHP has been identified by the
20 State of California as a chemical known to cause cancer and developmental and male
21 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
22 Defendants were also informed of the presence of DEHP in Orange Wallets within
23 Plaintiff’s notice of alleged violations further discussed above at Paragraph 26.

24 119. Plaintiff’s allegations regarding Orange Wallets concerns “[c]onsumer products
25 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
26 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
27 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*

1 25602(b). Orange Wallets are a consumer product, and, as mentioned herein, exposures
2 to DEHP took place as a result of such normal and foreseeable use.

3 120. Plaintiff is informed, believes, and thereon alleges that between September 23,
4 2016 and the present, each of the Defendants knowingly and intentionally exposed
5 California consumers and users of Orange Wallets, which Defendants manufactured,
6 distributed, or sold as mentioned above, to DEHP, without first providing any type of
7 clear and reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Orange Wallets in California. Defendants know
9 and intend that California consumers will use Orange Wallets, thereby exposing them to
10 DEHP. Defendants thereby violated Proposition 65.

11 121. The principal routes of exposure are through transdermal absorption, ingestion
12 and inhalation. Persons sustain exposures by using or handling Orange Wallets without
13 wearing gloves or any other personal protective equipment, or by touching bare skin or
14 mucous membranes with gloves after handling Orange Wallets, as well as through direct
15 and indirect hand to mouth contact, hand to mucous membrane, as well as environmental
16 mediums that carry the DEHP once contained in the Orange Wallets.

17 122. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
18 violations of Proposition 65 as to Orange Wallets have been ongoing and continuous, as
19 Defendants engaged and continue to engage in conduct which violates Health and Safety
20 Code Section 25249.6, including the manufacture, distribution, promotion, and sale of
21 Yellow Wallets, so that a separate and distinct violation of Proposition 65 occurred each
22 and every time a person was exposed to DEHP by Orange Wallets as mentioned herein.

23 123. Plaintiff is informed, believes, and thereon alleges that each violation of
24 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
25 that the violations alleged herein will continue to occur into the future.
26
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1 124. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to DEHP from Orange Wallets, pursuant to
3 Health and Safety Code Section 25249.7(b).

4 125. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
5 prior to filing this Complaint.

6
7 **NINTH CAUSE OF ACTION**

8 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
9 **DOES 81-90 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
10 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

11 **Backpack with Polymer Components**

12 126. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
13 reference paragraphs 1 through 126 of this complaint as though fully set forth herein.

14 127. Each of the alleged defendants are, and at all times mentioned herein was, a
15 manufacturer, distributor, promoter, or retailer of Backpacks with Polymer Components
16 (“Backpacks”), including but not limited to “Black backpack with dual zippers. “SKU
17 400191364972”; “Bottari USA”; “JH102-Black”; Designed in USA, Made in China.”

18 128. Backpacks contain DEHP.

19 129. Defendants knew or should have known that DEHP has been identified by the
20 State of California as a chemical known to cause cancer and reproductive and
21 developmental toxicity and therefore was subject to Proposition 65 warning
22 requirements. Defendants were also informed of the presence of DEHP in Backpack
23 within Plaintiff's notice of alleged violations further discussed above at Paragraph 27.

24 130. Plaintiff's allegations regarding Backpacks concerns “[c]onsumer products
25 exposure[s],” which “is an exposure that results from a person's acquisition, purchase,
26 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
27 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
28 *25602(b)*. Backpacks are consumer products, and, as mentioned herein, exposures to
DEHP took place as a result of such normal and foreseeable consumption and use.

1 131. Plaintiff is informed, believes, and thereon alleges that between May 22, 2016 and
2 the present, each of the Defendants knowingly and intentionally exposed California
3 consumers and users of Backpacks, which Defendants manufactured, distributed, or sold
4 as mentioned above, to DEHP, without first providing any type of clear and reasonable
5 warning of such to the exposed persons before the time of exposure. Defendants have
6 distributed and sold Backpacks in California. Defendants know and intend that
7 California consumers will use and consume Backpacks, thereby exposing them to DEHP.
8 Defendants thereby violated Proposition 65.

9 132. The principal routes of exposure are through dermal contact, ingestion and
10 inhalation. Persons sustain exposures by handling Backpacks without wearing gloves or
11 any other personal protective equipment, or by touching bare skin or mucous membranes
12 with gloves after handling Backpacks, as well as through direct and indirect hand to
13 mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed
14 from Backpacks.

15 133. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
16 violations of Proposition 65 as to Backpacks have been ongoing and continuous to the
17 date of the signing of this complaint, as Defendants engaged and continue to engage in
18 conduct which violates Health and Safety Code section 25249.6, including the
19 manufacture, distribution, promotion, and sale of Backpacks, so that a separate and
20 distinct violation of Proposition 65 occurred each and every time a person was exposed to
21 DEHP by Backpacks as mentioned herein.

22 134. Plaintiff is informed, believes, and thereon alleges that each violation of
23 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
24 that the violations alleged herein will continue to occur into the future.

25 135. Based on the allegations herein, Defendants are liable for civil penalties of up to
26 \$2,500.00 per day per individual exposure to DEHP from Backpacks, pursuant to Health
27 and Safety Code section 25249.7(b).

28

1 136. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
2 prior to filing this Complaint.

3 **TENTH CAUSE OF ACTION**

4 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
5 **DOES 91-100 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
6 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

7 **Fashion Accessories**

8 137. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
9 reference paragraphs 1 through 137 of this Complaint as though fully set forth herein.

10 138. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
11 distributor, promoter, or retailer of Backpack with Plastic Components including but not
12 limited to: “two Girls accessories;” “STYLE#2GA1696MBP;” “GOLD POP MINI BP;”
13 “NEW YORK, NY 10018;” “MADE IN CHINA;” “8 50748 00712 6;” “400177291926;”
14 “D1329 C7765;” “18 Girls Basics;” (“Gold Backpack”).

15 139. Gold Backpacks contains DEHP.

16 140. Defendants knew or should have known that DEHP has been identified by the State of
17 California as a chemical known to cause cancer and developmental and reproductive
18 toxicity therefore was subject to Proposition 65 warning requirements. Defendants were
19 also informed of the presence of DEHP in Gold Backpacks within Plaintiff's notice of
20 alleged violations further discussed above at Paragraph 28.

21 141. Plaintiff's allegations regarding Gold Backpacks concerns “[c]onsumer products
22 exposure[s],” which “is an exposure that results from a person's acquisition, purchase,
23 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
24 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
25 *25602(b)*. Gold Backpacks is a consumer product, and, as mentioned herein, exposures
26 to DEHP took place as a result of such normal and foreseeable use.

27 142. Plaintiff is informed, believes, and thereon alleges that between August 2, 2016 and the
28 present, each of the Defendants knowingly and intentionally exposed California
consumers and users of Gold Backpacks, which Defendants manufactured, distributed, or

1 sold as mentioned above, to DEHP, without first providing any type of clear and
2 reasonable warning of such to the exposed persons before the time of exposure.

3 Defendants have distributed and sold Gold Backpacks in California. Defendants know
4 and intend that California consumers will use Gold Backpacks, thereby exposing them to
5 DEHP. Defendants thereby violated Proposition 65.

6 143. The principal routes of exposure are through dermal contact, inhalation, and ingestion.

7 Persons sustain exposures by handling or carrying Gold Backpacks without wearing
8 gloves or by touching bare skin or mucous membranes with or without gloves after
9 handling Gold Backpacks, as well as through direct and indirect hand to mouth contact,
10 hand to mucous membrane, trans-dermal absorption, or breathing in particulate matter
11 emanating from Gold Backpacks during use, as well as through environmental mediums
12 that carry the DEHP once contained within the Gold Backpacks.

13 144. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of

14 Proposition 65 as to Gold Backpacks have been ongoing and continuous, as Defendants
15 engaged and continue to engage in conduct which violates Health and Safety Code
16 section 25249.6, including the manufacture, distribution, promotion, and sale of
17 Backpack, so that a separate and distinct violation of Proposition 65 occurred each and
18 every time a person was exposed to DEHP by Gold Backpacks as mentioned herein.

19 145. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65

20 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
21 violations alleged herein will continue to occur into the future.

22 146. Based on the allegations herein, Defendants are liable for civil penalties of up to

23 \$2,500.00 per day per individual exposure to DEHP from Gold Backpacks, pursuant to
24 Health and Safety Code section 25249.7(b).

25 147. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to

26 filing this Complaint.

27 **ELEVENTH CAUSE OF ACTION**

1 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
2 **DOES 101-110 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
3 **Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

4 **Backpacks**

5 148. Plaintiff repeats and incorporates by reference paragraphs 1 through 148 of this
6 complaint as though fully set forth herein.

7 149. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
8 distributor, promoter, or retailer of Backpacks with Plastic Components, including but not
9 limited to: “two Girls accessories;” “STYLE:2GA1712MBP;” “FLOWERS & STRIPES
10 MINI BP;” “NEW YORK, NY 10018;” “MADE IN CHINA;” “8 50748 00753 9;”
11 “400177292145” (“Flower Backpacks”).

12 150. Flower Backpacks contains DEHP.

13 151. Defendants knew or should have known that DEHP has been identified by the
14 State of California as a chemical known to cause cancer and developmental and male
15 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
16 Defendants were also informed of the presence of DEHP in Flower Backpacks within
17 Plaintiff's notice of alleged violations further discussed above at Paragraph 29.

18 152. Plaintiff's allegations regarding Flower Backpacks concerns “[c]onsumer
19 products exposure[s],” which “is an exposure that results from a person's acquisition,
20 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,
21 or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27,*
22 § 25602(b). Flower Backpacks are a consumer product, and, as mentioned herein,
23 exposures to DEHP took place as a result of such normal and foreseeable use.

24 153. Plaintiff is informed, believes, and thereon alleges that between September 5,
25 2016 and the present, each of the Defendants knowingly and intentionally exposed
26 California consumers and users of Flower Backpacks, which Defendants manufactured,
27 distributed, or sold as mentioned above, to DEHP, without first providing any type of
28 clear and reasonable warning of such to the exposed persons before the time of exposure.

1 Defendants have distributed and sold Flower Backpacks in California. Defendants know
2 and intend that California consumers will use Flower Backpacks, thereby exposing them
3 to DEHP. Defendants thereby violated Proposition 65.

4 154. The principal routes of exposure are through transdermal absorption, ingestion
5 and inhalation. Persons sustain exposures by using or handling Flower Backpacks
6 without wearing gloves or any other personal protective equipment, or by touching bare
7 skin or mucous membranes with gloves after handling Flower Backpacks, as well as
8 through direct and indirect hand to mouth contact, hand to mucous membrane, as well as
9 environmental mediums that carry the DEHP once contained in the Flower Backpacks.

10 155. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
11 violations of Proposition 65 as to Flower Backpacks have been ongoing and continuous,
12 as Defendants engaged and continue to engage in conduct which violates Health and
13 Safety Code Section 25249.6, including the manufacture, distribution, promotion, and
14 sale of Flower Backpacks, so that a separate and distinct violation of Proposition 65
15 occurred each and every time a person was exposed to DEHP by Flower Backpacks as
16 mentioned herein.

17 156. Plaintiff is informed, believes, and thereon alleges that each violation of
18 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes
19 that the violations alleged herein will continue to occur into the future.

20 157. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to DEHP from Flower Backpacks, pursuant to
22 Health and Safety Code Section 25249.7(b).

23 158. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein
24 prior to filing this Complaint.

25
26 **TWELFTH CAUSE OF ACTION**

27 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
28 **DOES 111-120 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))

Rivet Gun with Plastic Components

159. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by reference paragraphs 1 through 159 of this complaint as though fully set forth herein.

160. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Rivet Gun with Polymer Components, including but not limited to: “TOUGH GEAR”; “9.5” Rivet Gun Swivel With 100 Rivets”; “Rugged all-steel construction, Durable black wrinkle finish, Nonslip cushioned handle grips, Rivet heads and wrench store in handle, 100pc rust-proof aluminum rivets”; “dd’s DISCOUNTS”; “D5311 C4410”; “COMPARABLE VALUE \$13.00”; “YOU PAY \$4.99”; “HOME IMPRV”; “400168659629” (“Rivet Gun”).

161. Rivet Gun contain DEHP.

162. Defendants knew or should have known that DEHP has been identified by the State of California as a chemical known to cause cancer, developmental, and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of DEHP in Plaintiff’s notice of alleged violations further discussed above at Paragraph 31.

163. Plaintiff’s allegations regarding Rivet Gun concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs.* tit. 27, § 25602(b). Rivet Gun are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable consumption and use.

164. Plaintiff is informed, believes, and thereon alleges that between August 17, 2015 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Rivet Gun, which Defendants manufactured, distributed, or sold as mentioned above, to DEHP, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Rivet Gun in California. Defendants know and intend that California

1 consumers will use Rivet Gun. thereby exposing them to DEHP. Defendants thereby
2 violated Proposition 65.

3 165. The principal routes of exposure were through dermal contact, ingestion, and inhalation.
4 Persons sustain exposures by using and/or handling the Rivet Gun without wearing
5 gloves or by touching bare skin or mucous membranes with or without gloves after
6 handling Rivet Gun, as well as direct and indirect hand to mouth contact, hand to
7 mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating
8 from the Rivet Gun during use, as well as through environmental mediums that carry the
9 DEHP once contained within the Rivet Gun.

10 166. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
11 Proposition 65 as to Rivet Gun have been ongoing and continuous to the date of the
12 signing of this complaint, as Defendants engaged and continue to engage in conduct
13 which violates Health and Safety Code section 25249.6, including the manufacture,
14 distribution, promotion, and sale of Rivet Gun, so that a separate and distinct violation of
15 Proposition 65 occurred each and every time a person was exposed to DEHP by Rivet
16 Gun as mentioned herein.

17 167. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
18 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
19 violations alleged herein will continue to occur into the future.

20 168. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to DEHP from Rivet Gun, pursuant to Health
22 and Safety Code section 25249.7(b).

23 169. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
24 filing this Complaint.

25 **THIRTEENTH CAUSE OF ACTION**

26 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES and**
27 **DOES 121-130 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
28 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

1 **Plastic Knee Pads**

2 170. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
3 reference paragraphs 1 through 170 of this complaint as though fully set forth herein.

4 171. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
5 distributor, promoter, or retailer of Plastic Knee Pads, including but not limited to:
6 “TOUGH GEAR”; “ACCORDION KNEE PAD”; “PROTECT YOUR KNEES WITH
7 ACCORDION CONSTRUCTION THAT FOLLOWS YOUR KNEES’ MOVEMENTS
8 FOR ACCOMMODATING COMFORT”; “STRAPS WITH HOOK AND LOOP
9 CLOSURES ADJUST TO FIT”; “EXTRA CUSHIONING KEEPS YOU
10 COMFORTABLE WHILE YOU WORK”; “DD’S DISCOUNTS D5311 C4419”;
11 “COMPARABLE VALUE \$13.00”; “YOU PAY \$6.99”; “Made in China”;
12 “400159055546” (“Knee Pads”).

13 172. Knee Pads contain DEHP.

14 173. Defendants knew or should have known that DEHP has been identified by the State of
15 California as a chemical known to cause cancer, developmental, and reproductive
16 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
17 were also informed of the presence of DEHP in Plaintiff’s notice of alleged violations
18 further discussed above at Paragraph 32.

19 174. Plaintiff’s allegations regarding Knee Pads concerns “[c]onsumer products exposure[s],”
20 which “is an exposure that results from a person’s acquisition, purchase, storage,
21 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
22 that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*.
23 Knee Pads are consumer products, and, as mentioned herein, exposures to DEHP took
24 place as a result of such normal and foreseeable consumption and use.

25 175. Plaintiff is informed, believes, and thereon alleges that between August 22, 2015 and the
26 present, each of the Defendants knowingly and intentionally exposed California
27 consumers and users of Knee Pads, which Defendants manufactured, distributed, or sold
28 as mentioned above, to DEHP, without first providing any type of clear and reasonable

1 warning of such to the exposed persons before the time of exposure. Defendants have
2 distributed and sold Knee Pads in California. Defendants know and intend that
3 California consumers will use Knee Pads, thereby exposing them to DEHP. Defendants
4 thereby violated Proposition 65.

5 176. The principal routes of exposure were through dermal contact, ingestion, and inhalation.
6 Persons sustain exposures by using and/or handling the Knee Pads without wearing
7 gloves or by touching bare skin or mucous membranes with or without gloves after
8 handling Knee Pads, as well as direct and indirect hand to mouth contact, hand to
9 mucous membrane, trans-dermal absorption, or breathing in particulate matter emanating
10 from the Knee Pads during use, as well as through environmental mediums that carry the
11 DEHP once contained within the Knee Pads.

12 177. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
13 Proposition 65 as to Knee Pads have been ongoing and continuous to the date of the
14 signing of this complaint, as Defendants engaged and continue to engage in conduct
15 which violates Health and Safety Code section 25249.6, including the manufacture,
16 distribution, promotion, and sale of Knee Pads, so that a separate and distinct violation
17 of Proposition 65 occurred each and every time a person was exposed to DEHP by Knee
18 Pads as mentioned herein.

19 178. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
20 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
21 violations alleged herein will continue to occur into the future.

22 179. Based on the allegations herein, Defendants are liable for civil penalties of up to
23 \$2,500.00 per day per individual exposure to DEHP from Knee Pads, pursuant to Health
24 and Safety Code section 25249.7(b).

25 180. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
26 filing this Complaint.

1 **FOURTEENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS STORES, and**
3 **DOES 131-140 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Jewelry Organizer**

6 181. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by
7 reference paragraphs 1 through 181 of this Complaint as though fully set forth herein.

8 182. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
9 distributor, promoter, or retailer of Jewelry Organizer including but not limited to:
10 “JEWELRY ORGANIZER;” “ROSS;” “D1074C6093;” “400183499972” (“Jewelry
11 Organizer”).

12 183. Jewelry Organizer contains DEHP.

13 184. Defendants knew or should have known that DEHP has been identified by the
14 State of California as a chemical known to cause cancer and developmental and
15 reproductive toxicity therefore was subject to Proposition 65 warning requirements.
16 Defendants were also informed of the presence of DEHP in Handbag III within Plaintiff’s
17 notice of alleged violations further discussed above at Paragraph 30.

18 185. Plaintiff’s allegations regarding Jewelry Organizer concerns “[c]onsumer
19 products exposure[s],” which “is an exposure that results from a person’s acquisition,
20 purchase, storage, consumption, or other reasonably foreseeable use of a consumer good,
21 or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27,*
22 *§ 25602(b).* Jewelry Organizer is a consumer product, and, as mentioned herein,
23 exposures to DEHP took place as a result of such normal and foreseeable use.

24 186. Plaintiff is informed, believes, and thereon alleges that between June 28, 2016,
25 and the present, each of the Defendants knowingly and intentionally exposed California
26 consumers and users of Jewelry Organizer, which Defendants manufactured, distributed,
27 or sold as mentioned above, to DEHP, without first providing any type of clear and
28 reasonable warning of such to the exposed persons before the time of exposure.

Defendants have distributed and sold Jewelry Organizer in California. Defendants know

1 and intend that California consumers will use Jewelry Organizer, thereby exposing them
2 to DEHP. Defendants thereby violated Proposition 65.

3 187. The principal routes of exposure are through dermal contact, inhalation, and
4 ingestion. Persons sustain exposures by handling or carrying Jewelry Organizer without
5 wearing gloves or by touching bare skin or mucous membranes with or without gloves
6 after handling Jewelry Organizer, as well as through direct and indirect hand to mouth
7 contact, hand to mucous membrane, trans-dermal absorption, or breathing in particulate
8 matter emanating from Jewelry Organizer during use, as well as through environmental
9 mediums that carry the DEHP once contained within the Jewelry Organizer.

10 188. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
11 violations of Proposition 65 as to Jewelry Organizer have been ongoing and continuous,
12 as Defendants engaged and continue to engage in conduct which violates Health and
13 Safety Code section 25249.6, including the manufacture, distribution, promotion, and
14 sale of Jewelry Organizer, so that a separate and distinct violation of Proposition 65
15 occurred each and every time a person was exposed to DEHP by Jewelry Organizer as
16 mentioned herein.

17 189. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
18 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
19 violations alleged herein will continue to occur into the future.

20 190. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to DEHP from Jewelry Organizer, pursuant to
22 Health and Safety Code section 25249.7(b).

23 191. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
24 filing this Complaint.

25
26 **PRAYER FOR RELIEF**

27 Plaintiff demands against each of the Defendants as follows:

- 28 1. A permanent injunction mandating Proposition 65-compliant warnings;

- 1 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
- 2 3. Costs of suit;
- 3 4. Reasonable attorney fees and costs; and
- 4 5. Any further relief that the court may deem just and equitable.

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Dated: April 26, 2023

YEROUSHALMI & YEROUSHALMI

BY: /s/ Reuben Yeroushalmi
Reuben Yeroushalmi
Attorneys for Plaintiff,
CONSUMER ADVOCACY GROUP, INC.