

Assigned for all purposes to: Stanley Mosk Courthouse, Judicial Officer: Jon Takasugi

1 Reuben Yeroushalmi (SBN 193981)  
2 reuben@yeroshalmi.com  
3 **YERUSHALMI & YERUSHALMI\***  
4 9100 Wilshire Boulevard, Suite 240W  
5 Beverly Hills, California 90212  
6 Telephone: (310) 623-1926  
7 Facsimile: (310) 623-1930

8 Attorneys for Plaintiff,  
9 CONSUMER ADVOCACY GROUP, INC.

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **COUNTY OF LOS ANGELES**

12 CONSUMER ADVOCACY GROUP, INC.,  
13 in the public interest,

14 Plaintiff,

15 v.

16 ROSS STORES, INC., a Delaware  
17 Corporation;  
18 and DOES 1-140,

19 Defendants.

CASE NO.

**20STCV31340**

COMPLAINT FOR PENALTY AND  
INJUNCTION

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

ACTION IS AN UNLIMITED CIVIL  
CASE (exceeds \$25,000)

20  
21 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges fourteen causes of action  
22 against defendants ROSS STORES, INC., and DOES 1-140 as follows:  
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**THE PARTIES**

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code Section 25249.7, subdivision (d).
2. Defendant ROSS STORES, INC. (“ROSS”) is a Delaware Corporation qualified to do business in California, and doing business in the State of California at all relevant times herein.
3. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-140, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
4. At all times mentioned herein, the term “Defendants” includes ROSS and DOES 1-140.
5. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.
6. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-140, was an agent, servant, or employee of each of the other Defendants. In conducting the activities alleged in this Complaint, each of the Defendants was acting within the course and scope of this agency, service, or employment, and was acting with the consent, permission, and authorization of each of the other Defendants. All actions of each of the Defendants alleged in this Complaint were ratified and approved by every other Defendant or their officers or managing agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged wrongful conduct of each of the other Defendants.

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

### 5 **JURISDICTION**

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

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

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

### 23 **BACKGROUND AND PRELIMINARY FACTS**

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

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

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

17 14. Proposition 65 provides that any person "violating or threatening to violate" the statute  
18 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §  
19 25249.7. "Threaten to violate" means "to create a condition in which there is a  
20 substantial probability that a violation will occur." *Health & Safety Code* §  
21 25249.11(e). Defendants are also liable for civil penalties of up to \$2,500.00 per day  
22 per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

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

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

### 21 **SATISFACTION OF PRIOR NOTICE**

22 19. On or about October 11, 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 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 Handbags  
27 with Plastic Components.

1 20. On or about October 18, 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 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 Clear Plastic  
6 Handbags.

7 21. On or about October 18, 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 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 Handbags  
12 with Plastic Components.

13 22. On or about October 18, 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 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 4-piece Tote  
18 Bags with Polymer Components.

19 23. On or about November 5, 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 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  
24 Crossbody Bags.

25 24. On or about November 15, 2019, Plaintiff gave notice of alleged violations of Health  
26 and Safety Code Section 25249.6, concerning consumer products exposures subject to a  
27 private action to ROSS 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 Plastic Components.

4 25. On or about November 15, 2019, Plaintiff gave notice of alleged violations of Health  
5 and Safety Code Section 25249.6, concerning consumer products exposures subject to a  
6 private action to ROSS 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 Backpacks  
9 with Plastic Components.

10 26. On or about November 19, 2019, Plaintiff gave notice of alleged violations of Health  
11 and Safety Code Section 25249.6, concerning consumer products exposures subject to a  
12 private action to ROSS 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 Tote Bags  
15 with Polymer Components.

16 27. On or about November 19, 2019, Plaintiff gave notice of alleged violations of Health  
17 and Safety Code Section 25249.6, concerning consumer products exposures subject to a  
18 private action to ROSS 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 Backpacks  
21 with Plastic Components.

22 28. On or about December 4, 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 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 Handbags  
27 with Plastic Components.

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1 29. On or about December 9, 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 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 Clear Plastic  
6 Handbags.

7 30. On or about December 9, 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 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 Cosmetic  
12 Bag with PVC Components.

13 31. On or about December 9, 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 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 Clear Plastic  
18 Handbags.

19 32. On or about December 16, 2019, Plaintiff gave notice of alleged violations of Health  
20 and Safety Code Section 25249.6, concerning consumer products exposures subject to a  
21 private action to ROSS 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 Tote Bag  
24 Sets with Plastic Components.

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

13 35. Plaintiff's notice of alleged violations also included Certificates 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  
17 Plaintiff gave notice of the alleged violations to ROSS, and the public prosecutors  
18 referenced in Paragraphs 19-32.

19 37. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General,  
20 nor 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, and DOES 1-10**  
24 **for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement**  
25 **Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

### 26 **Handbags**

27 38. Plaintiff repeats and incorporates by reference paragraphs 1 through 37 of this  
28 complaint 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 Handbags with Plastic Components including but  
3 not limited to: “dd’s DISCOUNTS;” “TAN-BEIGE-024;” “D5502 C5531;”  
4 “400200486091;” “MADE IN CHINA;” “HBG102749BEI” Cream/Beige and Clear  
5 Handbag (“Handbags”).

6 40. Handbags contain DEHP.

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

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

18 43. Plaintiff is informed, believes, and thereon alleges that between October 11, 2016 and  
19 the present, each of the Defendants knowingly and intentionally exposed California  
20 consumers and users of Handbags, which Defendants manufactured, distributed, or sold  
21 as mentioned above, to DEHP, without first providing any type of clear and reasonable  
22 warning of such to the exposed persons before the time of exposure. Defendants have  
23 distributed and sold Handbags in California. Defendants know and intend that  
24 California consumers will use Handbags, thereby exposing them to DEHP. Defendants  
25 thereby violated Proposition 65.

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

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

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

15 47. Based on the allegations herein, Defendants are liable for civil penalties of up to  
16 \$2,500.00 per day per individual exposure to DEHP from Handbags, pursuant to Health  
17 and Safety Code Section 25249.7(b).

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

## 20 **SECOND CAUSE OF ACTION**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 11-**  
22 **20 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
23 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

### 24 **Handbags**

25 49. Plaintiff repeats and incorporates by reference paragraphs 1 through 48 of this  
26 complaint as though fully set forth herein.

27 50. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
28 distributor, promoter, or retailer of Clear Plastic Handbags including but not limited to:

1 “Clear Plastic Handbag with Pink Handle/Straps; “Love Love Love” on the handle.  
2 “HBG103109PN” “400200481492 N BL/CLR MOTO JACK”; “Made in China”  
3 (“Handbags II”).

4 51. Handbags II contain 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; developmental toxicity; 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 Handbags II within  
9 Plaintiff’s notice of alleged violations further discussed above at Paragraph 20.

10 53. Plaintiff’s allegations regarding Handbags II 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)*. Handbags II are consumer products, 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 18, 2016 and  
17 the present, each of the Defendants knowingly and intentionally exposed California  
18 consumers and users of Handbags II, 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 Handbags II in California. Defendants know and  
22 intend that California consumers will use Handbags II, thereby exposing them to DEHP.  
23 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 the Handbags without  
26 wearing gloves or by touching bare skin or mucous membranes with or without gloves  
27 after handling Handbags, as a direct and indirect hand to mouth contact, hand to mucous

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1 membrane, trans-dermal absorption, or breathing in particulate matter emanating from  
2 Handbags during use, as well as through environmental mediums that carry the DEHP  
3 once contained within the Handbags.

4 56. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
5 of Proposition 65 as to Handbags II 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 Handbags II, so that a separate and distinct violation of Proposition 65 occurred each  
9 and every time a person was exposed to DEHP by Handbags II 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 Handbags II, 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, and DOES 21-**  
20 **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 **Handbags**

23 60. Plaintiff repeats and incorporates by reference paragraphs 1 through 59 of this  
24 complaint 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 Handbags with Plastic Components including but  
27 not limited to: "ALFA BAGS;" "CLASSIC COLLECTION U.S.A.;" "PC01172DD;"

1           “dd’s DISCOUNTS;” “RED PTRN069;” “14 HANDBAGS;” “D5502 C5523;”  
2           “400193109779;” Red and Clear Handbag with Black pouch inside” (“Handbags III”).

3           62. Handbags III contain DEHP.

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

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

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

23           66. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
24           Persons sustain exposures by using, carrying, or handling the Handbags III without  
25           wearing gloves or by touching bare skin or mucous membranes with or without gloves  
26           after handling Handbags III, as a direct and indirect hand to mouth contact, hand to  
27           mucous membrane, trans-dermal absorption, or breathing in particulate matter

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1 emanating from Handbags III during use, as well as through environmental mediums  
2 that carry the DEHP once contained within the Handbags III.

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

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

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

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

#### 17 **FOURTH CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 31-  
19 40 for Violations of Proposition 65, The Safe Drinking Water and Toxic  
20 Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

#### 21 **Women's Accessories**

22 71. Plaintiff repeats and incorporates by reference paragraphs 1 through 70 of this  
23 complaint as though fully set forth herein.

24 72. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
25 distributor, promoter, or retailer of Clear Plastic 4-piece Tote Bag with Polymer  
26 Components including but not limited to: "Clear Floral 4-piece Tote Bag"; "Alfa Bags";  
27 "Classic Collection USA"; "400200981008 Blue Trop Floral 4"; "Made in China"  
28 ("Tote bags").

1 73. Tote bags contain DINP.

2 74. Defendants knew or should have known that DINP has been identified by the State of  
3 California as a chemical known to cause cancer and therefore was subject to Proposition  
4 65 warning requirements. Defendants were also informed of the presence of DINP in  
5 Tote bags within Plaintiff's notice of alleged violations further discussed above at  
6 Paragraph 22.

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

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

21 77. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
22 Persons sustain exposures by using, carrying, or handling the Tote bags without wearing  
23 gloves or by touching bare skin or mucous membranes with or without gloves after  
24 handling Tote bags, as a direct and indirect hand to mouth contact, hand to mucous  
25 membrane, trans-dermal absorption, or breathing in particulate matter emanating from  
26 Tote bags during use, as well as through environmental mediums that carry the DEHP  
27 once contained within the Tote bags.



1 78. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations  
2 of Proposition 65 as to Tote bags 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 Tote  
5 bags, so that a separate and distinct violation of Proposition 65 occurred each and every  
6 time a person was exposed to DINP by Tote bags as mentioned herein.

7 79. 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 80. Based on the allegations herein, Defendants are liable for civil penalties of up to  
11 \$2,500.00 per day per individual exposure to DINP from Tote bags, pursuant to Health  
12 and Safety Code Section 25249.7(b).

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

15 **FIFTH CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 31-**  
17 **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 **Crossbody Bags**

20 82. Plaintiff repeats and incorporates by reference paragraphs 1 through 81 of this  
21 complaint as though fully set forth herein.

22 83. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
23 distributor, promoter, or retailer of Plastic Crossbody Bags including but not limited to:  
24 "MADE IN CHINA;" "HBG103077BL;" "dd's DISCOUNTS;" "BLUE040;" "918  
25 SIZE;" "TRAVEL ACC;" "ONE SIZE;" "D5145 C4950;" "400197213786;" "Plastic  
26 Blue/Clear Crossbody Purse. ("Crossbody bags").

27 84. Crossbody bags contain DINP.

28

1 85. Defendants knew or should have known that DINP has been identified by the State of  
2 California as a chemical known to cause cancer and therefore was subject to Proposition  
3 65 warning requirements. Defendants were also informed of the presence of DINP in  
4 Crossbody bags within Plaintiff's notice of alleged violations further discussed above at  
5 Paragraph 23.

6 86. Plaintiff's allegations regarding Crossbody 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)*. Crossbody bags are consumer products, and, as mentioned herein, exposures  
11 to DINP took place as a result of such normal and foreseeable consumption and use.

12 87. 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 Crossbody bags, which Defendants manufactured, distributed,  
15 or sold as mentioned above, to DINP, 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 Crossbody bags in California. Defendants know  
18 and intend that California consumers will use Crossbody bags, thereby exposing them  
19 to DINP. Defendants thereby violated Proposition 65.

20 88. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
21 Persons sustain exposures by using, carrying, or handling the Tote bags without wearing  
22 gloves or by touching bare skin or mucous membranes with or without gloves after  
23 handling Crossbody bags, as a direct and indirect hand to mouth contact, hand to  
24 mucous membrane, trans-dermal absorption, or breathing in particulate matter  
25 emanating from Crossbody bags during use, as well as through environmental mediums  
26 that carry the DEHP once contained within the Crossbody bags.

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

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

11 91. Based on the allegations herein, Defendants are liable for civil penalties of up to  
12 \$2,500.00 per day per individual exposure to DINP from Crossbody bags, pursuant to  
13 Health and Safety Code Section 25249.7(b).

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

### 16 **SIXTH CAUSE OF ACTION**

17 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 51-**  
18 **60 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
19 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

### 20 **Backpacks**

21 93. Plaintiff repeats and incorporates by reference paragraphs 1 through 92 of this  
22 complaint as though fully set forth herein.

23 94. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
24 distributor, promoter, or retailer of Backpacks with Plastic Components including but  
25 not limited to: "Juicy Couture los angeles, california;" "CLEAR SKIES MINI  
26 BACKPACK;" "CLEAR I1PVE77JS-CL;" "8 85919 62227 3;" "dd's DISCOUNTS;"  
27 "924;" ",JUICY C;" "D5303 C4233;" "CLEAR COL0847;" "14 BACKPACKS;"

1 "400200378181;" "RN#108833;" "MADE IN CAMBODIA;" White Backpack with  
2 gold zippers"; ("Backpacks").

3 95. Backpacks contain DEHP.

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

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

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

23 99. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
24 Persons sustain exposures by using, carrying, or handling the Backpacks without  
25 wearing gloves or by touching bare skin or mucous membranes with or without gloves  
26 after handling Backpacks, as a direct and indirect hand to mouth contact, hand to  
27 mucous membrane, trans-dermal absorption, or breathing in particulate matter

28

1 emanating from Backpacks during use, as well as through environmental mediums that  
2 carry the DEHP once contained within the Backpacks.

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

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

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

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

17 **SEVENTH CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 61-**  
19 **70 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
20 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

21 **Handbags**

22 104. Plaintiff repeats and incorporates by reference paragraphs 1 through 103 of this  
23 complaint as though fully set forth herein.

24 105. Each of the Defendants is, and at all times mentioned herein was, a  
25 manufacturer, distributor, promoter, or retailer of Handbags with Plastic Components  
26 including but not limited to: "dd's DISCOUNTS;" "BLUE PTRN049;" "914 SIZE;"  
27 "14 HANDBAGS;" "D5502 C5526;" "40019670288;" "6030 BLUE;" "690 181116  
28

1 06;” “MADE IN CHINA;” Clear Plastic Handbag with Blue and Pink Details and Gold  
2 Strap (“Handbags IV”).

3 106. Handbags IV contain DEHP.

4 107. Defendants knew or should have known that DEHP has been identified by the  
5 State of California as a chemical known to cause cancer; developmental toxicity; and  
6 male reproductive toxicity and therefore was subject to Proposition 65 warning  
7 requirements. Defendants were also informed of the presence of DEHP in Handbags IV  
8 within Plaintiff’s notice of alleged violations further discussed above at Paragraph 25.

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

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

23 110. The principal routes of exposure are through dermal contact, ingestion and  
24 inhalation. Persons sustain exposures by using, carrying, or handling the Handbags IV  
25 without wearing gloves or by touching bare skin or mucous membranes with or without  
26 gloves after handling Handbags IV, as a direct and indirect hand to mouth contact, hand  
27 to mucous membrane, trans-dermal absorption, or breathing in particulate matter

1 emanating from Handbags IV during use, as well as through environmental mediums  
2 that carry the DEHP once contained within the Handbags IV.

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

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

13 113. 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 Handbags IV, pursuant to  
15 Health and Safety Code Section 25249.7(b).

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

18 **EIGHTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 71-**  
20 **80 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
21 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

22 **Women's Accessories**

23 115. Plaintiff repeats and incorporates by reference paragraphs 1 through 114 of this  
24 complaint as though fully set forth herein.

25 116. Each of the Defendants is, and at all times mentioned herein was, a  
26 manufacturer, distributor, promoter, or retailer of Tote Bags with Polymer Components  
27 including but not limited to: (1) Clear 4-piece Tote Bag with Black Floral Edging;  
28 "ALFA"; "Alfa Bags"; "Classic Collection USA"; "4002009800995 BK/IVRY FLRL

1 4PC”; “Made in China”; and (2) Clear 4-piece Tote Bag with Pink Paris Edging;  
2 “ALFA”; “Alfa Bags”; “Classic Collection USA”; “4002009800957 LT PNK PARIK  
3 CLEAR”; “Made in China”; (“Tote bags II”).

4 117. Tote bags II contain DEHP and DINP.

5 118. Defendants knew or should have known that DEHP and DINP have been  
6 identified by the State of California as a chemical known to cause cancer;  
7 developmental toxicity; and male reproductive toxicity and therefore was subject to  
8 Proposition 65 warning requirements. Defendants were also informed of the presence  
9 of DEHP and DINP in Tote bags II within Plaintiff’s notice of alleged violations further  
10 discussed above at Paragraph 26.

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

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

26 121. The principal routes of exposure are through dermal contact, ingestion and  
27 inhalation. Persons sustain exposures by using, carrying, or handling the Tote bags II

28



1 without wearing gloves or by touching bare skin or mucous membranes with or without  
2 gloves after handling Tote bags II, as a direct and indirect hand to mouth contact, hand  
3 to mucous membrane, trans-dermal absorption, or breathing in particulate matter  
4 emanating from Tote bags II during use, as well as through environmental mediums that  
5 carry the DEHP once contained within the Tote bags II.

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

13 123. Plaintiff is informed, believes, and thereon alleges that each violation of  
14 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
15 believes that the violations alleged herein will continue to occur into the future.

16 124. Based on the allegations herein, Defendants are liable for civil penalties of up to  
17 \$2,500.00 per day per individual exposure to DEHP and DINP from Tote bags II,  
18 pursuant to Health and Safety Code Section 25249.7(b).

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

### 21 **NINTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 81-**  
23 **90 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
24 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

### 25 **Backpacks**

26 126. Plaintiff repeats and incorporates by reference paragraphs 1 through 125 of this  
27 complaint as though fully set forth herein.

1 127. Each of the Defendants is, and at all times mentioned herein was, a  
2 manufacturer, distributor, promoter, or retailer of Backpacks with Plastic Components  
3 including but not limited to: "R+US;" "CROSS ST;" WWW.CCROSS-ST.COM;  
4 "Lucerne Ave. Clear Backpack;" "Style Number: CBP1003 2S18Y;" "Color Mustard;"  
5 "dd's DISCOUNTS;" "MUSTARD626;" "927 SIZE;" "ONE SIZE;" "D5502 C5530;"  
6 "14 BACKPACKS;" "400200981497;" "90% PVC;" ALL MAN-MADE  
7 MATERIALS;" "MADE IN CHINA;" ("Backpacks II").

8 128. Backpacks II contain DEHP.

9 129. Defendants knew or should have known that DEHP has been identified by the  
10 State of California as a chemical known to cause cancer; developmental toxicity; and  
11 male reproductive toxicity and therefore was subject to Proposition 65 warning  
12 requirements. Defendants were also informed of the presence of DEHP in Backpacks II  
13 within Plaintiff's notice of alleged violations further discussed above at Paragraph 27.

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

20 131. Plaintiff is informed, believes, and thereon alleges that between November 19,  
21 2016 and the present, each of the Defendants knowingly and intentionally exposed  
22 California consumers and users of Backpacks II, which Defendants manufactured,  
23 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
24 clear and reasonable warning of such to the exposed persons before the time of  
25 exposure. Defendants have distributed and sold Backpacks II in California. Defendants  
26 know and intend that California consumers will use Backpacks II, thereby exposing  
27 them to DEHP. Defendants thereby violated Proposition 65.

28

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

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

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

18 135. Based on the allegations herein, Defendants are liable for civil penalties of up to  
19 \$2,500.00 per day per individual exposure to DEHP from Backpacks II, pursuant to  
20 Health and Safety Code Section 25249.7(b).

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

23 //

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25 //

1 **TENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 91-**  
3 **100 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Women's Accessories**

6 137. Plaintiff repeats and incorporates by reference paragraphs 1 through 136 of this  
7 complaint as though fully set forth herein.

8 138. Each of the Defendants is, and at all times mentioned herein was, a  
9 manufacturer, distributor, promoter, or retailer of Clear Plastic Handbags including but  
10 not limited to: "6030 BLACK;" "690 6030 0001;" "MADE IN CHINA;" "dd's  
11 DISCOUNTS;" "ClearI53;" "SIZE;" "D5502 C5526;" "14 HANDBAGS;"  
12 "400196790325;" Black Clear Handbag ("Handbags V").

13 139. Handbags V contain DEHP.

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

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

25 142. Plaintiff is informed, believes, and thereon alleges that between December 4,  
26 2016 and the present, each of the Defendants knowingly and intentionally exposed  
27 California consumers and users of Handbags V, which Defendants manufactured,  
28 distributed, or sold as mentioned above, to DEHP, without first providing any type of

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

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

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

19 145. Plaintiff is informed, believes, and thereon alleges that each violation of  
20 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
21 believes that the 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 Handbags V, 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  
26 prior to filing this Complaint.

27  
28

1 **ELEVENTH CAUSE OF ACTION**

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

5 **Women’s Accessories**

6 148. Plaintiff repeats and incorporates by reference paragraphs 1 through 147 of this  
7 complaint as though fully set forth herein.

8 149. Each of the Defendants is, and at all times mentioned herein was, a  
9 manufacturer, distributor, promoter, or retailer of Clear Plastic Handbags including but  
10 not limited to: (1) Clear Plastic Handbag with Light Blue Edging; “LoveLoveLove”;  
11 “HBG1 03109BL”; “400200481508 N PNK/CLR MOTO JAC”; “Made in China”; and  
12 (2) Clear Plastic Handbag with White Edging; “LoveLoveLove”; “HBG1 03109BL”;  
13 “400200481508 N WHT/CLR MOTO JAC”; “Made in China”; (“Handbags VI”).

14 150. Handbags VI contain DEHP.

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

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

26 153. Plaintiff is informed, believes, and thereon alleges that between December 9,  
27 2016 and the present, each of the Defendants knowingly and intentionally exposed  
28 California consumers and users of Handbags VI, which Defendants manufactured,

1 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
2 clear and reasonable warning of such to the exposed persons before the time of  
3 exposure. Defendants have distributed and sold Handbags VI in California. Defendants  
4 know and intend that California consumers will use Handbags VI, thereby exposing  
5 them to DEHP. Defendants thereby violated Proposition 65.

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

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

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

23 157. Based on the allegations herein, Defendants are liable for civil penalties of up to  
24 \$2,500.00 per day per individual exposure to DEHP from Handbags VI, pursuant to  
25 Health and Safety Code Section 25249.7(b).

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

28

1 **TWELFTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 111-**  
3 **120 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Women's Accessories**

6 159. Plaintiff repeats and incorporates by reference paragraphs 1 through 158 of this  
7 complaint as though fully set forth herein.

8 160. Each of the Defendants is, and at all times mentioned herein was, a  
9 manufacturer, distributor, promoter, or retailer of Cosmetic Bag with PVC Components  
10 including but not limited to: 4-piece Clear Blue Transparent cosmetic bag with blue  
11 polka dot edging. "PO 8716936 "STYLE: 660041"; "COLOR: BLUE"; "Imo  
12 Accessories"; "Imoshionusa.com"; "dd's Discounts"; "400194335955"; "Madc in  
13 China" ("Cosmetic bags").

14 161. Cosmetic bags contain DEHP.

15 162. Defendants knew or should have known that DEHP has been identified by the  
16 State of California as a chemical known to cause cancer; developmental toxicity; and  
17 male reproductive toxicity and therefore was subject to Proposition 65 warning  
18 requirements. Defendants were also informed of the presence of DEHP in Cosmetic  
19 bags within Plaintiff's notice of alleged violations further discussed above at Paragraph  
20 30.

21 163. Plaintiff's allegations regarding Cosmetic bags 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)*. Cosmetic bags are consumer products, and, as mentioned herein, exposures  
26 to DEHP took place as a result of such normal and foreseeable consumption and use.

27 164. Plaintiff is informed, believes, and thereon alleges that between December 9,  
28 2016 and the present, each of the Defendants knowingly and intentionally exposed



1 California consumers and users of Cosmetic bags, which Defendants manufactured,  
2 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
3 clear and reasonable warning of such to the exposed persons before the time of  
4 exposure. Defendants have distributed and sold Cosmetic bags in California.  
5 Defendants know and intend that California consumers will use Cosmetic bags, thereby  
6 exposing them to DEHP. Defendants thereby violated Proposition 65.

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

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

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

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

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

3 **THIRTEENTH CAUSE OF ACTION**

4 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 121-**  
5 **130 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**

8 170. Plaintiff repeats and incorporates by reference paragraphs 1 through 169 of this  
9 complaint as though fully set forth herein.

10 171. Each of the Defendants is, and at all times mentioned herein was, a  
11 manufacturer, distributor, promoter, or retailer of Clear Plastic Handbags including but  
12 not limited to: (1) Clear Beige Plastic Shoulder Bag; "Yoki"; "Style: YK9004"; "Color:  
13 Beige"; "400200634997"; "CLEAR BIB XB"; "Made in China"; and (2) Clear Blue  
14 Plastic Shoulder Bag; "Yoki"; "Style: K9004"; "Color: Navy"; "400200634898";  
15 "CLEAR BIB XB"; "Made in China" ("Handbags VII").

16 172. Handbags VII contain DEHP.

17 173. Defendants knew or should have known that DEHP has been identified by the  
18 State of California as a chemical known to cause cancer; developmental toxicity; and  
19 male reproductive toxicity and therefore was subject to Proposition 65 warning  
20 requirements. Defendants were also informed of the presence of DEHP in Handbags  
21 VII within Plaintiff's notice of alleged violations further discussed above at Paragraph  
22 31.

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

1 175. Plaintiff is informed, believes, and thereon alleges that between December 9,  
2 2016 and the present, each of the Defendants knowingly and intentionally exposed  
3 California consumers and users of Handbags VII, which Defendants manufactured,  
4 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
5 clear and reasonable warning of such to the exposed persons before the time of  
6 exposure. Defendants have distributed and sold Handbags VII in California.

7 Defendants know and intend that California consumers will use Handbags VII, thereby  
8 exposing them to DEHP. Defendants thereby violated Proposition 65.

9 176. The principal routes of exposure are through dermal contact, ingestion and  
10 inhalation. Persons sustain exposures by using, carrying, or handling the Handbags VII  
11 without wearing gloves or by touching bare skin or mucous membranes with or without  
12 gloves after handling Handbags VII, as a direct and indirect hand to mouth contact,  
13 hand to mucous membrane, trans-dermal absorption, or breathing in particulate matter  
14 emanating from Handbags VII during use, as well as through environmental mediums  
15 that carry the DEHP once contained within the Handbags VII.

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

23 178. Plaintiff is informed, believes, and thereon alleges that each violation of  
24 Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and  
25 believes that the violations alleged herein will continue to occur into the future.  
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1 179. 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 Handbags VII, pursuant to  
3 Health and Safety Code Section 25249.7(b).

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

6 **FOURTEENTH CAUSE OF ACTION**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 131-**  
8 **40 for Violations of Proposition 65, The Safe Drinking Water and Toxic**  
9 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

10 **Bag Sets**

11 181. Plaintiff repeats and incorporates by reference paragraphs 1 through 180 of this  
12 complaint as though fully set forth herein.

13 182. Each of the Defendants is, and at all times mentioned herein was, a  
14 manufacturer, distributor, promoter, or retailer of Tote Bag Sets with Plastic  
15 Components including but not limited to: (1) "ALFA;" "ALFABAGS;" "CLASSIC  
16 COLLECTION U.S.A.;" "CCOOI46;" "dd's DISCOUNTS;" "PRINTS092;" "927  
17 SIZE;" "05423 C5427;" "COSMETIC CASES;" "400200980933;"; and (2) "ALFA  
18 BAGS;" "CLASSIC COLLECTION U.S.A.;" "CC00147;" "dd's DISCOUNTS;"  
19 "BLACK PTRN009;" "931;" "SIZE 4;" "COSMETIC CASES;" "05423 C5427;"  
20 "400200980964;" ("Tote bags III").

21 183. Tote bags III contain DEHP.

22 184. Defendants knew or should have known that DEHP have been identified by the  
23 State of California as a chemical known to cause cancer; developmental toxicity; and  
24 male reproductive toxicity and therefore was subject to Proposition 65 warning  
25 requirements. Defendants were also informed of the presence of DEHP in Tote bags III  
26 within Plaintiff's notice of alleged violations further discussed above at Paragraph 32.

27 185. Plaintiff's allegations regarding Tote bags III concerns "[c]onsumer products  
28 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,

1 storage, consumption, or other reasonably foreseeable use of a consumer good, or any  
2 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*  
3 *25602(b)*. Tote bags III are consumer products, and, as mentioned herein, exposures to  
4 DEHP took place as a result of such normal and foreseeable consumption and use.

5 186. Plaintiff is informed, believes, and thereon alleges that between December 16,  
6 2016 and the present, each of the Defendants knowingly and intentionally exposed  
7 California consumers and users of Tote bags III, which Defendants manufactured,  
8 distributed, or sold as mentioned above, to DEHP, without first providing any type of  
9 clear and reasonable warning of such to the exposed persons before the time of  
10 exposure. Defendants have distributed and sold Tote bags III in California. Defendants  
11 know and intend that California consumers will use Tote bags III, thereby exposing  
12 them to DEHP. Defendants thereby violated Proposition 65.

13 187. The principal routes of exposure are through dermal contact, ingestion and  
14 inhalation. Persons sustain exposures by using, carrying, or handling the Tote bags III  
15 without wearing gloves or by touching bare skin or mucous membranes with or without  
16 gloves after handling Tote bags III, as a direct and indirect hand to mouth contact, hand  
17 to mucous membrane, trans-dermal absorption, or breathing in particulate matter  
18 emanating from Tote bags III during use, as well as through environmental mediums  
19 that carry the DEHP once contained within the Tote bags III.

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

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

4 190. 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 and DINP from Tote bags III,  
6 pursuant to Health and Safety Code Section 25249.7(b).

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

9 **PRAYER FOR RELIEF**

10 Plaintiff demands against each of the Defendants as follows:

- 11 1. A permanent injunction mandating Proposition 65-compliant warnings;
- 12 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
- 13 3. Costs of suit;
- 14 4. Reasonable attorney fees and costs; and
- 15 5. Any further relief that the court may deem just and equitable.

16  
17 Dated: August 17, 2020

YEROUSHALMI & YEROUSHALMI\*

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21 Reuben Yeroushalmi  
22 Attorneys for Plaintiff,  
23 CONSUMER ADVOCACY GROUP, INC.  
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