E 30-2020-01132	lectronically Filed by Superior Court of California, Cour 973-CU-BT-CJC - ROA # 2 - DAVID H. YAMASAKI, C	nty of Orange, 02/21/2020 10:05:26 AM. Ierk of the Court By Amy Van Arkel, Deputy Clerk.	
1 2 2	BENJAMIN D. WESTON (SBN 240641) AGENCY D&L 1968 S. COAST HWY, #1200		
3	LAGUNA BEACH, CA 92651 Tel: 650.250.5075		
4	Fax: 650.206.9844		
6	Email: ben@agencydl.com		
7	Attorney for MARIA ELIZABETH ROMERO		
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9	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
10	COUNTY OF ORANGE		
11	UNLIMITED JU	JRISDICTION	
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13	MARIA ELIZABETH ROMERO,	Case No.: ^{30-2020-01132973-CU-BT-CJC}	
14	Plaintiff,	Judge John C. Gastelum	
15	VS.	COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES	
16	LCCSTANDADDS NIC - Maggachugatta	(Haalth & Safatz Cada \$25240.5 at any)	
17	LGC STANDARDS, INC., a Massachusetts corporation, LGC NORTH AMERICA,	(Health & Safety Code §25249.5 et seq.)	
18	INC., a Delaware corporation, VHG LABS, INCORPORATED, a New Hampshire	DEMAND FOR JURY TRIAL	
19	corporation, and DOES 1 to 10,		
20	Defendants.		
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23	Plaintiff Maria Elizabeth Rome	ro ("Plaintiff"), by and through her	
24 25	attorneys, alleges the following cause of action in the public interest of the citizens of		
23	the State of California.	•	
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	COMPLAINT ROMERO v. LGC STANDARDS, INC. <i>et al.</i>		

ALLEGATIONS COMMON TO ALL CAUSES OF ACTION

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

9 2. This complaint seeks to secure the right of residents of the State of
10 California to receive clear and reasonable warnings of toxicity prior to being exposed to
11 Acrylamide, a chemical recognized by the State as causing cancer, developmental
12 toxicity, and reproductive toxicity. Pursuant to Health & Safety Code section 25249.8,
13 the State first recognized Acrylamide as carcinogenic on January 1, 1990, and listed the
14 chemical as causing reproductive harm on February 25, 2011. See 27 Cal. Code Regs.
15 27001(b).

3. Defendants LGC Standards, Inc., LGC North America, Inc., VHG Labs,
 Incorporated, and Does 1 through 10 (hereinafter collectively referenced as
 "Defendants") manufacture, import, supply, distribute, and sell products containing
 high-purity samples of Acrylamide to California companies and individuals, including
 via the Web site at <u>https://us.lgcstandards.com</u>.

4. Defendants do not provide clear and reasonable warnings of toxicity
 during the purchase process for Acrylamide products and do not provide clear and
 reasonable warnings of toxicity associated with purchased Acrylamide products.

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5. Defendants' sales of Acrylamide products without clear and reasonable warnings of toxicity cause California residents to be exposed to Acrylamide by dermal contact, eye contact, inhalation, ingestion, and accidental injection.

6. The exposures described in Paragraph 5 are reasonably foreseeable and at
all relevant times, Defendants have acted with full knowledge of the exposures.

7. The sales without notice described herein have occurred since December
 6, 2016 to the present date, and are continuing.

8. Plaintiff alleges that Defendants' actions and omissions as describe herein
violate the requirements of Health & Safety Code section 25249.6, and respectfully
requests injunctive relief, the imposition of financial penalties against Defendants, and
an award of her attorneys' fees incurred in prosecuting this matter.

9. On December 6, 2019, Plaintiff served a Notice of Violation on 7 Defendants LGC Standards, Inc., LGC North America, Inc., and VHG Labs, 8 9 Incorporated, setting forth the information required by law and attaching both a 10 summary of Proposition 65 and a Certificate of Merit signed by Plaintiff's counsel. Copies of the Notice were also served on the Attorney General of the State, on every 11 District Attorney, and on the City Attorneys of every California city with a population 12 greater than 750,000. More than 60 days have passed since service of the Notice of 13 Violation. Neither the Attorney General nor any other public prosecutor has 14 commenced prosecution related to the referenced Notice of Violation. 15

16 10. Plaintiff will amend this Complaint to name Doe defendants after
17 discovering their true identities.

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JURISDICTION, VENUE AND JURY TRIAL

11. Venue is proper in the County of Orange because one or more of the
instances of wrongful conduct described herein occurred, and continue to occur in this
county and/or because Defendant conducted, and continues to conduct, business in the
County of Orange.

12. This Court has jurisdiction over this action pursuant to California
Constitution Article VI, section 10, which grants the Superior Court original jurisdiction
in all causes except those given by statute to other trial courts. Health & Safety Code
section 25249.7 allows for the enforcement of violations of Proposition 65 in any Court
of competent jurisdiction; therefore, this Court has jurisdiction over this lawsuit.

1 15. This Court has jurisdiction over each Defendant because each Defendant
 has sufficient minimum contacts with the State of California and has otherwise
 purposefully availed itself of the California market through sales and marketing. Each
 of the Defendants additionally does business with and through related entities located in
 California, including LGC Biosearch Technologies. Such purposeful availment has
 rendered the exercise of jurisdiction by California courts permissible and consistent
 with traditional notions of fair play and substantial justice.

8 16. As provided in the Section 16 of Article I of the California Constitution
9 and California Code of Civil Procedure section 631(a), Plaintiff demands trial by jury.

PROPOSITION 65 SUMMARY

17. The People of the State of California have declared their right "[t]o be 12 informed about exposures to chemicals that cause cancer, birth defects, or other 13 reproductive harm." Proposition 65 1986 Ballot Initiative, §1(b). To effectuate this 14 goal, the State has promulgated Health & Safety Code section 25249.6, which states in 15 relevant part: "No person in the course of doing business shall knowingly and 16 17 intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such 18 19 individual "The statute applies to all companies employing 10 or more employees. Health & Saf. Code §25249.11(b). 20

18. Acrylamide is a chemical known to the State of California to cause cancer
and reproductive harm.

19. Proposition 65 mandates the imposition of civil penalties on any person
who violates the warning requirements of section 25249.6, in an amount not to exceed
two thousand five hundred dollars (\$2,500) per day for each violation, in addition to any
other penalty established by law. Health & Saf. Code §25249.7(b)(1). A court of
competent jurisdiction may additionally enjoin any person who "violates or threatens to
violate" Proposition 65's warning requirements. Health & Saf. Code §25249.7(a).

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20. Plaintiff alleges that Defendants' actions described herein violate the
 warnings requirements of Proposition 65.

PARTIES

21. Plaintiff is a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

9 22. Defendant LGC Standards, Inc. is a corporation registered with the
10 Commonwealth of Massachusetts, Corporations Division ID Number 001065652.
11 Defendant LGC North America Inc. is a corporation registered with the State of
12 Delaware, Division of Corporations File Number 5070053. VHG Labs, Incorporated is
13 a corporation registered with the State of New Hampshire, Department of State
14 Business ID 118820.

15 23. Defendants are persons in the course of doing business within the
16 meaning of Health & Safety Code section 25249.11(b). Defendants manufacture,
17 market, import, distribute, supply and sell Acrylamide products for sale and use in the
18 State of California.

19 24. Despite diligent efforts, Plaintiff has not yet identified the parties named
20 as Doe defendants herein. Plaintiff alleges that each of the Doe defendants has violated
21 Proposition 65 and is a person doing business in California within the meaning of the
22 statute. Plaintiff will amend this Complaint when the true identity of each Doe
23 defendant has been discovered.

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25. Each Defendant employs more than 10 people.

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FIRST CAUSE OF ACTION

(Violation of Health & Safety Code §25249.6 against all Defendants)
26. Plaintiff hereby repeats and incorporates by reference paragraphs 1
through 25 of this Complaint as though fully set forth herein.

5 27. In the course of doing business and at all relevant times, each Defendant
6 has acted as manufacturer, importer, distributor, supplier, and retail seller of products
7 containing high-purity samples of Acrylamide (collectively referenced as the
8 "Products"), including products identified by the codes PT-AQ-37, DRE-C10045300,
9 DRE-GA09011066ME, DRE-GS900038DI, ERM-BD515, ERM-BD514, ERM-BD513,
10 ERM-BD272, ERM-BD272-274, and PT-FC-788.

11 28. Acrylamide is a chemical listed by the State of California as causing
12 cancer and reproductive harm.

13 29. In the course of doing business and at all relevant times, each Defendant
14 marketed and sold the Products to colleges, universities, high schools, and academic
15 laboratories located in California.

30. Defendants' sales of the Products to colleges, universities, high schools,
and academic laboratories located in California have resulted in the exposure of
students and members of the public to Acrylamide. Such exposures result from regular
uses of the Products in research and from spills, accidents, splashing, vaporization,
combustion, improper cleaning procedures, improper use of protective equipment,
defective or damaged equipment, and from proper and improper disposal of waste
materials after research use of the Products, *inter alia*.

31. The exposures described herein are reasonably foreseeable and
substantially certain to result from the use of the Products in research. At all relevant
times, Defendants have acted with actual knowledge of the occurrence of such
exposures.

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32. At all relevant times, Defendants did not provide clear and reasonable
 warnings of toxicity to individuals exposed to Acrylamide via use of the Products, prior
 to their exposure to Acrylamide. Defendants provide no clear and reasonable warnings
 of toxicity to purchasers or users of the Products or to members of the public during the
 process of selling Products nor at any time prior to foreseeable exposures.

33. Plaintiff previously provided notice to Defendants of their violations of 6 Proposition 65 by service of a Notice of Violation dated July 26, 2019. Defendants 7 took no remedial actions in response to the Notice, but continued to market and sell 8 9 thousands of toxic products in California without warnings of toxicity. Furthermore, 10 Defendants have repeatedly willfully misrepresented sales and use of their chemical products in correspondence with Plaintiff and with the Attorney General, as will be 11 proven at trial. Defendants are large and prominent suppliers of toxic chemicals, and 12 the imposition of substantial penalties herein will deter other companies from similarly 13 violating Proposition 65. 14

15 34. Plaintiff has engaged in good faith efforts to resolve the claim stated
16 herein prior to filing this Complaint.

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PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against each Defendant and
respectfully requests the following relief:

1. That the Court impose penalties against each Defendant in the amount of
 \$2,500 per day per Product from December 6, 2016 until the date of judgment, pursuant
 to Health & Safety Code section 25249.7(b), or penalties according to proof;

24 2. That the Court preliminarily and permanently enjoin Defendants from
25 marketing and selling Products in California;

3. That the Court grant Plaintiff an award of reasonable attorney's fees and
costs of suit; and

1	4. That the court grant any further relief as may be just and proper.
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3	Respectfully submitted on this 18 th day of February, 2020.
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5	AGENCY D&L
6	The has
7	By:
8	BENJAMIN D. WESTON Attorney for Plaintiff
9	MARIA ELIZABETH ROMERO
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