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FILED
Superior Court of California
County of Los Angeles
12/23/2020

Sherri R. Carter, Executive Officer / Clerk of Court
By: A. Flores Deputy

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. DBA DD'S
17 DISCOUNTS, a Delaware Corporation;
18 and DOES 1-170,

19 Defendants.

CASE NO. 20STCV45871

FIRST AMENDED COMPLAINT

Complaint Filed: December 1, 2020

20 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges seventeen causes of action
21 against defendants ROSS STORES, INC. DBA DD'S DISCOUNTS, and DOES 1-170 as
22 follows:

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2 **THE PARTIES**

- 3 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
4 organization qualified to do business in the State of California. CAG is a person within
5 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting
6 as a private attorney general, brings this action in the public interest as defined under
7 Health and Safety Code Section 25249.7, subdivision (d).
- 8 2. Defendant ROSS STORES, INC. DBA DD’S DISCOUNTS (“ROSS”) is a Delaware
9 Corporation qualified to do business in Delaware, and doing business in the State of
10 California at all relevant times herein.
- 11 3. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-
12 170, and therefore sues these defendants by such fictitious names. Plaintiff will amend
13 this Complaint to allege their true names and capacities when ascertained. Plaintiff is
14 informed, believes, and thereon alleges that each fictitiously named defendant is
15 responsible in some manner for the occurrences herein alleged and the damages caused
16 thereby.
- 17 4. At all times mentioned herein, the term “Defendants” includes ROSS and DOES 1-170.
- 18 5. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
19 times mentioned herein have conducted business within the State of California.
- 20 6. Upon information and belief, at all times relevant to this action, each of the Defendants,
21 including DOES 1-170, was an agent, servant, or employee of each of the other
22 Defendants. In conducting the activities alleged in this Complaint, each of the
23 Defendants was acting within the course and scope of this agency, service, or
24 employment, and was acting with the consent, permission, and authorization of each of
25 the other Defendants. All actions of each of the Defendants alleged in this Complaint
26 were ratified and approved by every other Defendant or their officers or managing
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1 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated
2 the alleged wrongful conduct of each of the other Defendants.

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

7 **JURISDICTION**

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

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

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

25 **BACKGROUND AND PRELIMINARY FACTS**

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

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

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

19 14. Proposition 65 provides that any person "violating or threatening to violate" the statute
20 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
21 25249.7. "Threaten to violate" means "to create a condition in which there is a
22 substantial probability that a violation will occur." *Health & Safety Code* §
23 25249.11(e). Defendants are also liable for civil penalties of up to \$2,500.00 per day
24 per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

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

4 16. On January 1, 1988, the Governor of California added DEHP to the list of chemicals
5 known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)). On October
6 24, 2003, the Governor of California added DEHP to the list of chemicals known to the
7 State to cause developmental and male reproductive toxicity (*Cal. Code Regs.* tit. 27, §
8 27001(c)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty
9 (20) months after addition of DEHP to the list of chemicals known to the State to cause
10 cancer developmental toxicity, and male reproductive toxicity, DEHP became fully
11 subject to Proposition 65 warning requirements and discharge prohibitions.

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

17 18. On December 2, 2005, the Governor of California added DBP to the list of chemicals
18 known to the State to cause developmental, and reproductive toxicity (*Cal. Code Regs.*
19 tit. 27, § 27001(c)). DBP is known to the State to cause developmental, female, and
20 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
21 25249.10, twenty (20) months after addition of DBP to the list of chemicals known to the
22 State to cause reproductive toxicity, DBP became fully subject to Proposition 65 warning
23 requirements and discharge prohibitions.

24 **SATISFACTION OF PRIOR NOTICE**

25 19. Plaintiff gave notice of alleged violations of Health and Safety Code Section 25249.6 as
26 follows:

- 1 a. On or about March 10, 2020, concerning consumer products exposures subject
2 to a private action to ROSS and to the California Attorney General, County
3 District Attorneys, and City Attorneys for each city containing a population of at
4 least 750,000 people in whose jurisdictions the violations allegedly occurred,
5 concerning Magnifying Mirrors.
- 6 b. On or about August 18, 2020, Plaintiff gave notice of alleged violations of
7 Health and Safety Code Section 25249.6, concerning consumer products
8 exposures subject to a private action to ROSS and to the California Attorney
9 General, County District Attorneys, and City Attorneys for each city containing
10 a population of at least 750,000 people in whose jurisdictions the violations
11 allegedly occurred, concerning Makeup Bags.
- 12 c. On or about September 2, 2020, Plaintiff gave notice of alleged violations of
13 Health and Safety Code Section 25249.6, concerning consumer products
14 exposures subject to a private action to ROSS and to the California Attorney
15 General, County District Attorneys, and City Attorneys for each city containing
16 a population of at least 750,000 people in whose jurisdictions the violations
17 allegedly occurred, concerning Jewelry Box.
- 18 d. On or about May 18, 2020, Plaintiff gave notice of alleged violations of Health
19 and Safety Code Section 25249.6, concerning consumer products exposures
20 subject to a private action to ROSS and to the California Attorney General,
21 County District Attorneys, and City Attorneys for each city containing a
22 population of at least 750,000 people in whose jurisdictions the violations
23 allegedly occurred, concerning Handbag with Plastic Components.
- 24 e. On or about June 12, 2020, Plaintiff gave notice of alleged violations of Health
25 and Safety Code Section 25249.6, concerning consumer products exposures
26 subject to a private action to ROSS and to the California Attorney General,
27 County District Attorneys, and City Attorneys for each city containing a
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1 population of at least 750,000 people in whose jurisdictions the violations
2 allegedly occurred, concerning Handbag with PVC Components.

3 f. On or about June 12, 2020, Plaintiff gave notice of alleged violations of Health
4 and Safety Code Section 25249.6, concerning consumer products exposures
5 subject to a private action to ROSS and to the California Attorney General,
6 County District Attorneys, and City Attorneys for each city containing a
7 population of at least 750,000 people in whose jurisdictions the violations
8 allegedly occurred, concerning Handbag with Polymer Components.

9 g. On or about June 18, 2020, Plaintiff gave notice of alleged violations of Health
10 and Safety Code Section 25249.6, concerning consumer products exposures
11 subject to a private action to ROSS and to the California Attorney General,
12 County District Attorneys, and City Attorneys for each city containing a
13 population of at least 750,000 people in whose jurisdictions the violations
14 allegedly occurred, concerning Handbag with PVC Components.

15 h. On or about June 18, 2020, Plaintiff gave notice of alleged violations of Health
16 and Safety Code Section 25249.6, concerning consumer products exposures
17 subject to a private action to ROSS and to the California Attorney General,
18 County District Attorneys, and City Attorneys for each city containing a
19 population of at least 750,000 people in whose jurisdictions the violations
20 allegedly occurred, concerning Sandals with Plastic Components.

21 i. On or about July 1, 2020, Plaintiff gave notice of alleged violations of Health
22 and Safety Code Section 25249.6, concerning consumer products exposures
23 subject to a private action to ROSS and to the California Attorney General,
24 County District Attorneys, and City Attorneys for each city containing a
25 population of at least 750,000 people in whose jurisdictions the violations
26 allegedly occurred, concerning Purse with Polymer Components.

- 1 j. On or about July 22, 2020, Plaintiff gave notice of alleged violations of Health
2 and Safety Code Section 25249.6, concerning consumer products exposures
3 subject to a private action to ROSS and to the California Attorney General,
4 County District Attorneys, and City Attorneys for each city containing a
5 population of at least 750,000 people in whose jurisdictions the violations
6 allegedly occurred, concerning Backpack with PVC Components.
- 7 k. On or about August 3, 2020, Plaintiff gave notice of alleged violations of Health
8 and Safety Code Section 25249.6, concerning consumer products exposures
9 subject to a private action to ROSS and to the California Attorney General,
10 County District Attorneys, and City Attorneys for each city containing a
11 population of at least 750,000 people in whose jurisdictions the violations
12 allegedly occurred, concerning Handbag with PVC Components.
- 13 l. On or about August 3, 2020, Plaintiff gave notice of alleged violations of Health
14 and Safety Code Section 25249.6, concerning consumer products exposures
15 subject to a private action to ROSS and to the California Attorney General,
16 County District Attorneys, and City Attorneys for each city containing a
17 population of at least 750,000 people in whose jurisdictions the violations
18 allegedly occurred, concerning Handbag with PVC Components.
- 19 m. On or about September 2, 2020, Plaintiff gave notice of alleged violations of
20 Health and Safety Code Section 25249.6, concerning consumer products
21 exposures subject to a private action to ROSS and to the California Attorney
22 General, County District Attorneys, and City Attorneys for each city containing
23 a population of at least 750,000 people in whose jurisdictions the violations
24 allegedly occurred, concerning Handbag with PVC Components.
- 25 n. On or about September 2, 2020, Plaintiff gave notice of alleged violations of
26 Health and Safety Code Section 25249.6, concerning consumer products
27 exposures subject to a private action to ROSS and to the California Attorney
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1 General, County District Attorneys, and City Attorneys for each city containing
2 a population of at least 750,000 people in whose jurisdictions the violations
3 allegedly occurred, concerning Handbag with PVC Components.

4 o. On or about September 9, 2020, Plaintiff gave notice of alleged violations of
5 Health and Safety Code Section 25249.6, concerning consumer products
6 exposures subject to a private action to ROSS and to the California Attorney
7 General, County District Attorneys, and City Attorneys for each city containing
8 a population of at least 750,000 people in whose jurisdictions the violations
9 allegedly occurred, concerning Children's Backpack with PVC Components.

10 p. On or about September 9, 2020, Plaintiff gave notice of alleged violations of
11 Health and Safety Code Section 25249.6, concerning consumer products
12 exposures subject to a private action to ROSS and to the California Attorney
13 General, County District Attorneys, and City Attorneys for each city containing
14 a population of at least 750,000 people in whose jurisdictions the violations
15 allegedly occurred, concerning Cosmetic Case with PVC Components.

16 q. On or about September 17, 2020, Plaintiff gave notice of alleged violations of
17 Health and Safety Code Section 25249.6, concerning consumer products
18 exposures subject to a private action to ROSS and to the California Attorney
19 General, County District Attorneys, and City Attorneys for each city containing
20 a population of at least 750,000 people in whose jurisdictions the violations
21 allegedly occurred, concerning Wallet with PVC Components.

22 20. Before sending the notice of alleged violations, Plaintiff investigated the consumer
23 products involved, the likelihood that such products would cause users to suffer
24 significant exposures to DEHP, DBP, and DINP, and the corporate structure of each of
25 the Defendants.

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

9 22. Plaintiff's notices of alleged violations also included Certificates of Service and a
10 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
11 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

12 23. Plaintiff is commencing this action more than sixty (60) days from the dates that
13 Plaintiff gave notice of the alleged violations to ROSS, and the public prosecutors
14 referenced in Paragraph 19.

15 24. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General,
16 nor any applicable district attorney or city attorney has commenced and is diligently
17 prosecuting an action against the Defendants.

18 **FIRST CAUSE OF ACTION**

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

22 **Mirrors**

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

25 26. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
26 distributor, promoter, or retailer of Magnifying Mirrors including but not limited to:
27 "nicole miller NEW YORK;" "MAGNIFYING MIRROR WITH SUTCION CUPS;"
28 "www.nicolemiller.com;" "FOR ADULTS ONLY. NOT TESTED ON ANIMALS.

1 DESIGNED IN THE USA / MADE IN CHINA DESIGNED EXCLUSIVELY AND
2 DISTRIBUTED BY: ENCHANTÉ ACCESSORIES INC., NY, NY 10016;” “1 92598
3 30873 3;” “ROSS;” “\$5.99;” “COMPARABLE VALUE \$10.00;” “K 400194926344
4 D111 C5932;” (“Mirrors”).

5 27. Mirrors contain DEHP.

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

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

17 30. Plaintiff is informed, believes, and thereon alleges that between March 10, 2017 and the
18 present, each of the Defendants knowingly and intentionally exposed California
19 consumers and users of Mirrors, which Defendants manufactured, distributed, or sold as
20 mentioned above, to DEHP, without first providing any type of clear and reasonable
21 warning of such to the exposed persons before the time of exposure. Defendants have
22 distributed and sold Mirrors in California. Defendants know and intend that California
23 consumers will use Mirrors, thereby exposing them to DEHP. Defendants thereby
24 violated Proposition 65.

25 31. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
26 DEHP into the Mirrors; knowingly caused DEHP to be created in the Mirrors; covered,
27 obscured, or altered a warning; received notice and warning materials for the exposure
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1 from its upstream entities; and/or have actual knowledge of the potential exposure to
2 DEHP from Mirrors requiring the warning.

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

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

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

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

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

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1 **SECOND CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 11-**
3 **20 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Cosmetic Bags**

6 37. Plaintiff repeats and incorporates by reference paragraphs 1 through 36 of this
7 complaint as though fully set forth herein.

8 38. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
9 distributor, promoter, or retailer of Clear Plastic Makeup Bags with PVC Components
10 including but not limited to: 2 pc set Clear Silver Make-up Bag; "ALFA Bags";
11 "Classic-Collection U.S.A"; "2pc Set Cosmetic Cases"; "D5423 C5427"; "SKU
12 400203626784"; "Product Made in China" and • 2 pc set Clear Blue Make-up Bag;
13 "Eyelashes in Color"; "ALFA Bags"; "Classic-Collection U.S.A"; "2pc Set Csometric
14 Cases"; "D5423 C5427"; "SKU 400203626777"; "Product Made in China" ("Makeup
15 Bags").

16 39. Makeup Bags contain DEHP.

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

22 41. Plaintiff's allegations regarding Makeup Bags concerns "[c]onsumer products
23 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
24 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
25 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
26 *25602(b)*. Makeup Bags are consumer products, and, as mentioned herein, exposures to
27 DEHP took place as a result of such normal and foreseeable use.
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1 42. Plaintiff is informed, believes, and thereon alleges that between August 18, 2017 and
2 the present, each of the Defendants knowingly and intentionally exposed California
3 consumers and users of Makeup Bags, which Defendants manufactured, distributed, or
4 sold as mentioned above, to DEHP, without first providing any type of clear and
5 reasonable warning of such to the exposed persons before the time of exposure.

6 Defendants have distributed and sold Makeup Bags in California. Defendants know
7 and intend that California consumers will use Makeup Bags, thereby exposing them to
8 DEHP. Defendants thereby violated Proposition 65.

9 43. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
10 DEHP into the Makeup Bags; knowingly caused DEHP to be created in the Makeup
11 Bags; covered, obscured, or altered a warning; received notice and warning materials for
12 the exposure from its upstream entities; and/or have actual knowledge of the potential
13 exposure to DEHP from Makeup Bags requiring the warning.

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

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

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

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

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

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10 **THIRD CAUSE OF ACTION.**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 21-
12 30 for Violations of Proposition 65, The Safe Drinking Water and Toxic
13 Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

14 **Jewelry Organizer**

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

17 50. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
18 distributor, promoter, or retailer of Jewelry Box including but not limited to: Pink
19 Jewelry Box. “VRG Dongwha MDF Joint Stock Company”; “TSCA Title VI
20 Compliant”; Fabrication Date: 08/2019”; “PINK/CORAL066”; “SKU 400199338135
21 10x6. 7x5.5 Storage” and • Silver Jewelry Box. “VRG Dongwha MDF Joint Stock
22 Company”; “TSCA Title VI Compliant”; Fabrication Date: 08/2019”; “SILVER007”;
23 “SKU 400199338012 10x6x4 Oval Storage” (“Jewelry Boxes”).

24 51. Jewelry Boxes contain DEHP.

25 52. Defendants knew or should have known that DEHP has been identified by the State of
26 California as a chemical known to cause cancer; developmental toxicity; and male
27 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
28 Defendants were also informed of the presence of DEHP in Jewelry Boxes within
Plaintiff's notice of alleged violations further discussed above at Paragraph 19c.

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

7 54. Plaintiff is informed, believes, and thereon alleges that between September 2, 2017 and
8 the present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Jewelry Boxes, which Defendants manufactured, distributed, or
10 sold as mentioned above, to DEHP, without first providing any type of clear and
11 reasonable warning of such to the exposed persons before the time of exposure.
12 Defendants have distributed and sold Jewelry Boxes in California. Defendants know
13 and intend that California consumers will use Jewelry Boxes, thereby exposing them to
14 DEHP. Defendants thereby violated Proposition 65.

15 55. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
16 DEHP into the Jewelry Boxes; knowingly caused DEHP to be created in the Jewelry
17 Boxes; covered, obscured, or altered a warning; received notice and warning materials
18 for the exposure from its upstream entities; and/or have actual knowledge of the potential
19 exposure to DEHP from Jewelry Boxes requiring the warning.

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

1 57. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
2 of Proposition 65 as to Jewelry Boxes 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 Jewelry Boxes, so that a separate and distinct violation of Proposition 65
6 occurred each and every time a person was exposed to DEHP by Jewelry Boxes as
7 mentioned herein.

8 58. 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 59. Based on the allegations herein, Defendants are liable for civil penalties of up to
12 \$2,500.00 per day per individual exposure to DEHP from Jewelry Boxes, pursuant to
13 Health and Safety Code Section 25249.7(b).

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

16 **FOURTH CAUSE OF ACTION.**

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

20 **Handbag**

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

23 62. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
24 distributor, promoter, or retailer of Handbag with Plastic Components including but not
25 limited to: "PARK AVE COLLECTION;" "BJ5649N GY;" "CXS1 453 (US
26 PO#51193);" "842726172636;" "ROSS ONE SIZE;" "GRAY004;" "949 SIZE;" "07
27 HANDBAG;" "400208363448;" "COMPARABLE VALUE* \$20.00;" "ROSS PRICE
28 \$10.99;" ("Handbags I").

1 63. Handbags I contain DEHP.

2 64. Defendants knew or should have known that DEHP has been identified by the State of
3 California as a chemical known to cause cancer; developmental toxicity; and male
4 reproductive toxicity and therefore was subject to Proposition 65 warning requirements.
5 Defendants were also informed of the presence of DEHP in Handbags I within
6 Plaintiff's notice of alleged violations further discussed above at Paragraph 19d.

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

13 66. Plaintiff is informed, believes, and thereon alleges that between May 18, 2017 and the
14 present, each of the Defendants knowingly and intentionally exposed California
15 consumers and users of Handbags I, which Defendants manufactured, distributed, or
16 sold as mentioned above, to DEHP, without first providing any type of clear and
17 reasonable warning of such to the exposed persons before the time of exposure.
18 Defendants have distributed and sold Handbags I in California. Defendants know and
19 intend that California consumers will use Handbags I, thereby exposing them to DEHP.
20 Defendants thereby violated Proposition 65.

21 67. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
22 DEHP into the Handbags I; knowingly caused DEHP to be created in the Handbags I;
23 covered, obscured, or altered a warning; received notice and warning materials for the
24 exposure from its upstream entities; and/or have actual knowledge of the potential
25 exposure to DEHP from Handbags I requiring the warning.

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

6 69. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
7 of Proposition 65 as to Handbags I 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 I, so that a separate and distinct violation of Proposition 65 occurred each and
11 every time a person was exposed to DEHP by Handbags I as mentioned herein.

12 70. 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 71. 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 I, pursuant to
17 Health and Safety Code Section 25249.7(b).

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

20 **FIFTH CAUSE OF ACTION.**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 41-**
22 **50 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
23 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

24 **Fashion Accessories**

25 73. Plaintiff repeats and incorporates by reference paragraphs 1 through 72 of this
26 complaint as though fully set forth herein.

27 74. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
28 distributor, promoter, or retailer of Handbag with PVC Components including but not

1 limited to: Black with Stripes Clear Handbag; “Diophy ® In style Handbags”; “TM-
2 8125 BK”; “D5503 C6522”; “400202563752”; “Made in China” (“Handbags II”).

3 75. Handbags II contain DEHP.

4 76. 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 II within
8 Plaintiff’s notice of alleged violations further discussed above at Paragraph 19e.

9 77. Plaintiff’s allegations regarding Handbags II 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 II are consumer products, and, as mentioned herein, exposures to
14 DEHP took place as a result of such normal and foreseeable use.

15 78. Plaintiff is informed, believes, and thereon alleges that between June 12, 2017 and the
16 present, each of the Defendants knowingly and intentionally exposed California
17 consumers and users of Handbags II, 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 II in California. Defendants know and
21 intend that California consumers will use Handbags II, thereby exposing them to DEHP.
22 Defendants thereby violated Proposition 65.

23 79. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
24 DEHP into the Handbags II; knowingly caused DEHP to be created in the Handbags II;
25 covered, obscured, or altered a warning; received notice and warning materials for the
26 exposure from its upstream entities; and/or have actual knowledge of the potential
27 exposure to DEHP from Handbags II requiring the warning.

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

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

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

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

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

22 **SIXTH CAUSE OF ACTION.**

23 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 51-**
24 **60 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
25 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

26 **Fashion Accessories**

27 85. Plaintiff repeats and incorporates by reference paragraphs 1 through 84 of this
28 complaint as though fully set forth herein.

1 86. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Handbag with PVC Components including but not
3 limited to: Nude handbag with gold chain straps; “Flesh-Nude013”; “400200812234
4 R Nude Quilted Stu”; “Product Made in China” (“Handbags III”).

5 87. Handbags III contain DEHP.

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

11 89. Plaintiff’s allegations regarding Handbags III 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)*. Handbags III are consumer products, and, as mentioned herein, exposures to
16 DEHP took place as a result of such normal and foreseeable use.

17 90. Plaintiff is informed, believes, and thereon alleges that between June 12, 2017 and the
18 present, each of the Defendants knowingly and intentionally exposed California
19 consumers and users of Handbags III, which Defendants manufactured, distributed, or
20 sold as mentioned above, to DEHP, without first providing any type of clear and
21 reasonable warning of such to the exposed persons before the time of exposure.
22 Defendants have distributed and sold Handbags III in California. Defendants know and
23 intend that California consumers will use Handbags III, thereby exposing them to
24 DEHP. Defendants thereby violated Proposition 65.

25 91. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
26 DEHP into the Handbags III; knowingly caused DEHP to be created in the Handbags III;
27 covered, obscured, or altered a warning; received notice and warning materials for the
28

1 exposure from its upstream entities; and/or have actual knowledge of the potential
2 exposure to DEHP from Handbags III requiring the warning.

3 92. The principal routes of exposure are through dermal contact, ingestion and inhalation.

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

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

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

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

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

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1 **SEVENTH CAUSE OF ACTION.**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 61-**
3 **70 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

5 **Fashion Accessories**

6 97. Plaintiff repeats and incorporates by reference paragraphs 1 through 96 of this
7 complaint as though fully set forth herein.

8 98. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
9 distributor, promoter, or retailer of Handbag with PVC Components including but not
10 limited to: Brown Clear Handbag with Black Handle; “Diophy ® In style Handbags”;
11 “GSL-8202 BK”; “Black PTRN009”; “D5503 C6516”; “400207087123”
12 (“Handbags IV”).

13 99. Handbags IV contain DEHP.

14 100. 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 IV
18 within Plaintiff’s notice of alleged violations further discussed above at Paragraph 19g.

19 101. Plaintiff’s allegations regarding Handbags IV 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 IV are consumer products, and, as mentioned herein, exposures to
24 DEHP took place as a result of such normal and foreseeable use.

25 102. Plaintiff is informed, believes, and thereon alleges that between June 18, 2017
26 and the present, each of the Defendants knowingly and intentionally exposed California
27 consumers and users of Handbags IV, which Defendants manufactured, distributed, or
28 sold as mentioned above, to DEHP, without first providing any type of clear and

1 reasonable warning of such to the exposed persons before the time of exposure.

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

5 103. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
6 DEHP into the Handbags IV; knowingly caused DEHP to be created in the Handbags IV;
7 covered, obscured, or altered a warning; received notice and warning materials for the
8 exposure from its upstream entities; and/or have actual knowledge of the potential
9 exposure to DEHP from Handbags IV requiring the warning.

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

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

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

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1 107. 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 IV, pursuant to
3 Health and Safety Code Section 25249.7(b).

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

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7 **EIGHTH CAUSE OF ACTION.**

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

11 **Sandals**

12 109. Plaintiff repeats and incorporates by reference paragraphs 1 through 108 of this
13 complaint as though fully set forth herein.

14 110. Each of the Defendants is, and at all times mentioned herein was, a
15 manufacturer, distributor, promoter, or retailer of Sandals with Plastic Components
16 including but not limited to: Silver Metallic Sandals. Forever 8/12”; “USA 9 EUR 40”;
17 “DV 19 D5201 C0908”; “400203980644”; “PO#RT-18-02”; “Style: Rafele-23”; Made
18 in China” (“Sandals”).

19 111. Sandals contain DEHP and DBP.

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

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

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

3 114. Plaintiff is informed, believes, and thereon alleges that between June 18, 2017
4 and the present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Sandals, which Defendants manufactured, distributed, or sold as
6 mentioned above, to DEHP and DBP, without first providing any type of clear and
7 reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Sandals in California. Defendants know and
9 intend that California consumers will use Sandals, thereby exposing them to DEHP and
10 DBP. Defendants thereby violated Proposition 65.

11 115. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
12 DEHP into the Sandals; knowingly caused DEHP and DBP to be created in the Sandals;
13 covered, obscured, or altered a warning; received notice and warning materials for the
14 exposure from its upstream entities; and/or have actual knowledge of the potential
15 exposure to DEHP and DBP from Sandals requiring the warning.

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

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

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

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

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

11 **NINETH CAUSE OF ACTION.**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 81-**
13 **90 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
14 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

15 **Fashion Accessories**

16 121. Plaintiff repeats and incorporates by reference paragraphs 1 through 120 of this
17 complaint as though fully set forth herein.

18 122. Each of the Defendants is, and at all times mentioned herein was, a
19 manufacturer, distributor, promoter, or retailer of Purse with Polymer Components
20 including but not limited to: Black Purse “Le Miel” “Item No. LHU167 Color: BK”;
21 “8371808022”; “Made in China”; “Black PTRN009”; “D5503 C6518”
22 “400209416112” (“Purses”).

23 123. Purses contain DEHP.

24 124. Defendants knew or should have known that DEHP has been identified by the
25 State of California as a chemical known to cause cancer; developmental toxicity; and
26 male reproductive toxicity and therefore was subject to Proposition 65 warning
27 requirements. Defendants were also informed of the presence of DEHP in Purses
28 within Plaintiff's notice of alleged violations further discussed above at Paragraph 19i.

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

7 126. Plaintiff is informed, believes, and thereon alleges that between July 1, 2017 and
8 the present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Purses, which Defendants manufactured, distributed, or sold as
10 mentioned above, to DEHP, without first providing any type of clear and reasonable
11 warning of such to the exposed persons before the time of exposure. Defendants have
12 distributed and sold Purses in California. Defendants know and intend that California
13 consumers will use Purses, thereby exposing them to DEHP. Defendants thereby
14 violated Proposition 65.

15 127. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
16 DEHP into the Purses; knowingly caused DEHP to be created in the Purses; covered,
17 obscured, or altered a warning; received notice and warning materials for the exposure
18 from its upstream entities; and/or have actual knowledge of the potential exposure to
19 DEHP from Purses requiring the warning.

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

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

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

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

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

15 **TENTH CAUSE OF ACTION.**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 91-**
17 **100 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
18 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

19 **Fashion Accessories**

20 133. Plaintiff repeats and incorporates by reference paragraphs 1 through 132 of this
21 complaint as though fully set forth herein.

22 134. Each of the Defendants is, and at all times mentioned herein was, a
23 manufacturer, distributor, promoter, or retailer of Backpack with PVC Components
24 including but not limited to: Pink Backpack “Diophy ® In style Handbags”; “CY-
25 6795W PK”; “400203782701” (“Backpacks I”).

26 135. Backpacks I contain DEHP.

27 136. Defendants knew or should have known that DEHP has been identified by the
28 State of California as a chemical known to cause cancer; developmental toxicity; and

1 male reproductive toxicity and therefore was subject to Proposition 65 warning
2 requirements. Defendants were also informed of the presence of DEHP in Backpacks I
3 within Plaintiff's notice of alleged violations further discussed above at Paragraph 19j.

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

10 138. Plaintiff is informed, believes, and thereon alleges that between July 22, 2017
11 and the present, each of the Defendants knowingly and intentionally exposed California
12 consumers and users of Backpacks I, which Defendants manufactured, distributed, or
13 sold as mentioned above, to DEHP, without first providing any type of clear and
14 reasonable warning of such to the exposed persons before the time of exposure.
15 Defendants have distributed and sold Backpacks I in California. Defendants know and
16 intend that California consumers will use Purses, thereby exposing them to DEHP.
17 Defendants thereby violated Proposition 65.

18 139. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
19 DEHP into the Backpacks I; knowingly caused DEHP to be created in the Backpacks I;
20 covered, obscured, or altered a warning; received notice and warning materials for the
21 exposure from its upstream entities; and/or have actual knowledge of the potential
22 exposure to DEHP from Backpacks I requiring the warning.

23 140. The principal routes of exposure are through dermal contact, ingestion and
24 inhalation. Persons sustain exposures by using, or handling the Backpacks I without
25 wearing gloves or by touching bare skin or mucous membranes with or without gloves
26 after handling Backpacks I, 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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emanating from Backpacks I during use, as well as through environmental mediums that carry the DEHP once contained within the Backpacks I.

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

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

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

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

ELEVENTH CAUSE OF ACTION.

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

Fashion Accessories

145. Plaintiff repeats and incorporates by reference paragraphs 1 through 144 of this complaint as though fully set forth herein.

146. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Handbag with PVC Components including but not limited to: Black Faux Crocodile Purse;" "CH2-9695-2 Black"; "DV

1 14 D5503 C6529”; “SKU“400201591039;” “B/W Snake Croco Pa” (“Handbags
2 V”).

3 147. Handbags V contain DEHP.

4 148. 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 V
8 within Plaintiff’s notice of alleged violations further discussed above at Paragraph 19k.

9 149. Plaintiff’s allegations regarding Handbags V 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 V are consumer products, and, as mentioned herein, exposures to
14 DEHP took place as a result of such normal and foreseeable use.

15 150. Plaintiff is informed, believes, and thereon alleges that between August 3, 2017
16 and the present, each of the Defendants knowingly and intentionally exposed California
17 consumers and users of Handbags V, 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 V in California. Defendants know and
21 intend that California consumers will use Handbags V, thereby exposing them to
22 DEHP. Defendants thereby violated Proposition 65.

23 151. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
24 DEHP into the Handbags V; knowingly caused DEHP to be created in the Handbags V;
25 covered, obscured, or altered a warning; received notice and warning materials for the
26 exposure from its upstream entities; and/or have actual knowledge of the potential
27 exposure to DEHP from Handbags V requiring the warning.

1 152. The principal routes of exposure are through dermal contact, ingestion and
2 inhalation. Persons sustain exposures by using, or handling the Handbags V without
3 wearing gloves or by touching bare skin or mucous membranes with or without gloves
4 after handling Handbags V, 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 Handbags V during use, as well as through environmental mediums
7 that carry the DEHP once contained within the Handbags V.

8 153. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
9 violations of Proposition 65 as to Handbags V 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 Handbags V, so that a separate and distinct violation of Proposition 65 occurred
13 each and every time a person was exposed to DEHP by Handbags V as mentioned
14 herein.

15 154. 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.

18 155. 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 Handbags V, pursuant to
20 Health and Safety Code Section 25249.7(b).

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

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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 **Fashion Accessories**

6 157. Plaintiff repeats and incorporates by reference paragraphs 1 through 156 of this
7 complaint as though fully set forth herein.

8 158. Each of the Defendants is, and at all times mentioned herein was, a
9 manufacturer, distributor, promoter, or retailer of Handbag with PVC Components
10 including but not limited to: Teal Handbag;” “Giannini a Division of Hazan Import”;
11 “UPC 7 32569 00151 7”; “SKU 400205528529 (“Handbags VI”).

12 159. Handbags VI contain DEHP.

13 160. Defendants knew or should have known that DEHP has been identified by the
14 State of California as a chemical known to cause cancer; developmental toxicity; and
15 male reproductive toxicity and therefore was subject to Proposition 65 warning
16 requirements. Defendants were also informed of the presence of DEHP in Handbags VI
17 within Plaintiff’s notice of alleged violations further discussed above at Paragraph 191.

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

24 162. Plaintiff is informed, believes, and thereon alleges that between August 3, 2017
25 and the present, each of the Defendants knowingly and intentionally exposed California
26 consumers and users of Handbags VI, which Defendants manufactured, distributed, or
27 sold as mentioned above, to DEHP, without first providing any type of clear and
28 reasonable warning of such to the exposed persons before the time of exposure.

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

4 163. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
5 DEHP into the Handbags VI; knowingly caused DEHP to be created in the Handbags VI;
6 covered, obscured, or altered a warning; received notice and warning materials for the
7 exposure from its upstream entities; and/or have actual knowledge of the potential
8 exposure to DEHP from Handbags VI requiring the warning.

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

16 165. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
17 violations of Proposition 65 as to Handbags VI 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 VI, so that a separate and distinct violation of Proposition 65 occurred
21 each and every time a person was exposed to DEHP by Handbags VI as mentioned
22 herein.

23 166. 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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1 167. 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 VI, pursuant to
3 Health and Safety Code Section 25249.7(b).

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

6 **THIRTEENTH CAUSE OF ACTION.**

7 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 121-**
8 **130 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
9 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

10 **Fashion Accessories**

11 169. Plaintiff repeats and incorporates by reference paragraphs 1 through 168 of this
12 complaint as though fully set forth herein.

13 170. Each of the Defendants is, and at all times mentioned herein was, a
14 manufacturer, distributor, promoter, or retailer of Handbag with PVC Components
15 including but not limited to: Black Purse; “Tender Love + Carry”; “1287-089554782-
16 01299-23-6”; “8794-9435-328885-FLS17”; “D5502 C5524”; SKU 400205474062”;
17 “Made in China” (“Handbags VII”).

18 171. Handbags VII contain DEHP.

19 172. Defendants knew or should have known that DEHP has been identified by the
20 State of California as a chemical known to cause cancer; developmental toxicity; and
21 male reproductive toxicity and therefore was subject to Proposition 65 warning
22 requirements. Defendants were also informed of the presence of DEHP in Handbags
23 VII within Plaintiff’s notice of alleged violations further discussed above at Paragraph
24 19m.

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

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

3 174. Plaintiff is informed, believes, and thereon alleges that between September 2,
4 2017 and the present, each of the Defendants knowingly and intentionally exposed
5 California consumers and users of Handbags VII, which Defendants manufactured,
6 distributed, or sold as mentioned above, to DEHP, without first providing any type of
7 clear and reasonable warning of such to the exposed persons before the time of
8 exposure. Defendants have distributed and sold Handbags VII in California.
9 Defendants know and intend that California consumers will use Handbags VII, thereby
10 exposing them to DEHP. Defendants thereby violated Proposition 65.

11 175. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
12 DEHP into the Handbags VII; knowingly caused DEHP to be created in the Handbags
13 VII; covered, obscured, or altered a warning; received notice and warning materials for
14 the exposure from its upstream entities; and/or have actual knowledge of the potential
15 exposure to DEHP from Handbags VII requiring the warning.

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

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

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

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

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

11 **FOURTEENTH CAUSE OF ACTION.**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 121-**
13 **130 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
14 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

15 **Fashion Accessories**

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

18 182. Each of the Defendants is, and at all times mentioned herein was, a
19 manufacturer, distributor, promoter, or retailer of Handbag with PVC Components
20 including but not limited to: Silver Holographic Handbag; “Olive Miller Handbag
21 Collection”; “Style # OMZ-0876 SLIRID”; “UPC 6 57486 53204”; “SKU
22 400204270207 Silver Iridescent”; “RN105469”; “Made in China” (“Handbags VIII”).

23 183. Handbags VIII contain DINP.

24 184. Defendants knew or should have known that DINP has been identified by the
25 State of California as a chemical known to cause cancer and therefore was subject to
26 Proposition 65 warning requirements. Defendants were also informed of the presence
27 of DINP in Handbags VIII within Plaintiff’s notice of alleged violations further
28 discussed above at Paragraph 19n.

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

7 186. Plaintiff is informed, believes, and thereon alleges that between September 2,
8 2017 and the present, each of the Defendants knowingly and intentionally exposed
9 California consumers and users of Handbags VIII, which Defendants manufactured,
10 distributed, or sold as mentioned above, to DINP, without first providing any type of
11 clear and reasonable warning of such to the exposed persons before the time of
12 exposure. Defendants have distributed and sold Handbags VIII in California.
13 Defendants know and intend that California consumers will use Handbags VIII, thereby
14 exposing them to DINP. Defendants thereby violated Proposition 65.

15 187. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
16 DINP into the Handbags VIII; knowingly caused DINP to be created in the Handbags
17 VIII; covered, obscured, or altered a warning; received notice and warning materials for
18 the exposure from its upstream entities; and/or have actual knowledge of the potential
19 exposure to DINP from Handbags VIII requiring the warning.

20 188. The principal routes of exposure are through dermal contact, ingestion and
21 inhalation. Persons sustain exposures by using, or handling the Handbags VIII without
22 wearing gloves or by touching bare skin or mucous membranes with or without gloves
23 after handling Handbags VIII, 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 Handbags VIII during use, as well as through environmental mediums
26 that carry the DINP once contained within the Handbags VIII.

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

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

11 191. 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 Handbags VIII, pursuant to
13 Health and Safety Code Section 25249.7(b).

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

16 **FIFTEENTH CAUSE OF ACTION.**

17 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 141-**
18 **150 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
19 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

20 **Backpack**

21 193. Plaintiff repeats and incorporates by reference paragraphs 1 through 192 of this
22 complaint as though fully set forth herein.

23 194. Each of the Defendants is, and at all times mentioned herein was, a
24 manufacturer, distributor, promoter, or retailer of Backpack with PVC Components
25 including but not limited to: Clear Pink Llama Backpack” “Wonder Nation TM;” “One
26 Size Backpack”; “Clear Thinking Backpack”; “Pink B19GC42434-XX”; “UPC 8 43340
27 01894 9”; “Made in China” (“Backpacks II”).

28 195. Backpacks II contain DINP.

1 196. Defendants knew or should have known that DINP has been identified by the
2 State of California as a chemical known to cause cancer and therefore was subject to
3 Proposition 65 warning requirements. Defendants were also informed of the presence
4 of DINP in Backpacks II within Plaintiff's notice of alleged violations further discussed
5 above at Paragraph 190.

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

12 198. Plaintiff is informed, believes, and thereon alleges that between September 9,
13 2017 and the present, each of the Defendants knowingly and intentionally exposed
14 California consumers and users of Backpacks II, which Defendants manufactured,
15 distributed, or sold as mentioned above, to DINP, without first providing any type of
16 clear and reasonable warning of such to the exposed persons before the time of
17 exposure. Defendants have distributed and sold Backpacks II in California. Defendants
18 know and intend that California consumers will use Purses, thereby exposing them to
19 DINP. Defendants thereby violated Proposition 65.

20 199. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
21 DINP into the Backpacks II; knowingly caused DINP to be created in the Backpacks II;
22 covered, obscured, or altered a warning; received notice and warning materials for the
23 exposure from its upstream entities; and/or have actual knowledge of the potential
24 exposure to DINP from Backpacks II requiring the warning.

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

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

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

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

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

20
21 **SIXTEENTH CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 151-**
23 **160 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
24 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

25 **Cosmetic Case**

26 205. Plaintiff repeats and incorporates by reference paragraphs 1 through 204 of this
27 complaint as though fully set forth herein.

28 206. Each of the Defendants is, and at all times mentioned herein was, a
manufacturer, distributor, promoter, or retailer of Cosmetic Case with PVC

1 Components including but not limited to: Black Floral Cosmetic Case “PBC02”;
2 “D5423 C5428 Cosmetic Cases”; “SKU 400203196614 Med Golden Floral”; Product
3 Made in China” (“Cosmetic Cases”).

4 207. Cosmetic Cases contain DEHP.

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

11 209. Plaintiff’s allegations regarding Cosmetic Cases 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)*. Cosmetic Cases are consumer products, and, as mentioned herein, exposures
16 to DEHP took place as a result of such normal and foreseeable use.

17 210. Plaintiff is informed, believes, and thereon alleges that between September 9,
18 2017 and the present, each of the Defendants knowingly and intentionally exposed
19 California consumers and users of Cosmetic Cases, which Defendants manufactured,
20 distributed, or sold as mentioned above, to DEHP, without first providing any type of
21 clear and reasonable warning of such to the exposed persons before the time of
22 exposure. Defendants have distributed and sold Cosmetic Cases in California.
23 Defendants know and intend that California consumers will use Cosmetic Cases,
24 thereby exposing them to DEHP. Defendants thereby violated Proposition 65.

25 211. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
26 DEHP into the Cosmetic Cases; knowingly caused DEHP to be created in the Cosmetic
27 Cases; covered, obscured, or altered a warning; received notice and warning materials
28

1 for the exposure from its upstream entities; and/or have actual knowledge of the potential
2 exposure to DEHP from Cosmetic Cases requiring the warning.

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

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

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

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

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

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1 **SEVENTEENTH CAUSE OF ACTION.**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against ROSS, and DOES 161-**
3 **170 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
4 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

4 **Wallet**

5 217. Plaintiff repeats and incorporates by reference paragraphs 1 through 216 of this
6 complaint as though fully set forth herein.

7 218. Each of the Defendants is, and at all times mentioned herein was, a
8 manufacturer, distributor, promoter, or retailer of Wallet with PVC Components
9 including but not limited to: “Peach Wallet/Wristlet “BLUSH624”; “D5301 C1990”;
10 “SKU 400204220493 BLUSH EMB ROSE PU”; “Made in China” (“Wallets”).

11 219. Wallets contain DINP.

12 220. Defendants knew or should have known that DINP has been identified by the
13 State of California as a chemical known to cause cancer and therefore was subject to
14 Proposition 65 warning requirements. Defendants were also informed of the presence
15 of DINP in Wallets within Plaintiff’s notice of alleged violations further discussed
16 above at Paragraph 19p.

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

23 222. Plaintiff is informed, believes, and thereon alleges that between September 17,
24 2017 and the present, each of the Defendants knowingly and intentionally exposed
25 California consumers and users of Wallets, which Defendants manufactured,
26 distributed, or sold as mentioned above, to DINP, without first providing any type of
27 clear and reasonable warning of such to the exposed persons before the time of
28

1 exposure. Defendants have distributed and sold Wallets in California. Defendants
2 know and intend that California consumers will use Purses, thereby exposing them to
3 DINP. Defendants thereby violated Proposition 65.

4 223. Plaintiff is informed, believes, and thereon alleges that ROSS knowingly introduced
5 DINP into the Wallets; knowingly caused DINP to be created in the Wallets; covered,
6 obscured, or altered a warning; received notice and warning materials for the exposure
7 from its upstream entities; and/or have actual knowledge of the potential exposure to
8 DINP from Wallets requiring the warning.

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

16 225. Plaintiff is informed, believes, and thereon alleges that each of Defendants'
17 violations of Proposition 65 as to Wallets 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 Wallets, so that a separate and distinct violation of Proposition 65 occurred each
21 and every time a person was exposed to DINP by Wallets as mentioned herein.

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

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

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

3 **PRAYER FOR RELIEF**

4 Plaintiff demands against each of the Defendants as follows:

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

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11 Dated: December 23, 2020

YEROUSHALMI & YEROUSHALMI*

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14 _____
15 Reuben Yeroushalmi
16 Attorneys for Plaintiff,
17 CONSUMER ADVOCACY GROUP, INC.
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