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Attorneys for Plaintiff
ENVIRONMENTAL HEALTH ADVOCATES, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA**

ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

Plaintiff,

v.

LUXE PRODUCTS USA, a Virginia
corporation, and DOES I through 100,
inclusive,

Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

FILED BY FAX

ALAMEDA COUNTY

October 29, 2020

CLERK OF
THE SUPERIOR COURT
By Shabra Iyamu, Deputy

CASE NUMBER:

HG20078356

I.
INTRODUCTION

1
2 1. This Complaint is a representative action brought by Environmental Health Advocates,
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
4 seeks to remedy Defendant’s failure to inform the People of exposure to marijuana (cannabis) smoke, a
5 known carcinogen. Defendant exposes consumers to marijuana smoke by manufacturing, importing,
6 selling, and/or distributing Luxe Products USA Black Rig/Bong, Luxe Products USA 11” Broad Based
7 Crystal Shower perc Bong and Dab Rig, Luxe Products USA 11” Green Recycler Luxury Dab Rig and
8 Water Pipe, Luxe Products USA 11” Thick Durable Key Lime Percolator and Dab Rig Water Pipe,
9 Luxe Products USA 12” American Made Luxury Beaker Bong, Luxe Products USA 12” Blue Clear
10 Steel-Crystal Percolated Dab Rig and Water Pipe, Luxe Products USA 13” American Made Luxury
11 Beaker Bong, Luxe Products USA 14” Circular Hefty Dab Rig and Water Pipe, Luxe Products USA
12 14” Turquoise Cypress Style Dab Rig and/or Bong, Luxe Products USA 14.5” American Made Luxury
13 Beaker Bong, Luxe Products USA 16” American Made Luxury Beaker Bong, Luxe Products USA 16”
14 Large Ice Catcher Bong (Made in the USA), Luxe Products USA 9” Beaker Bong with Ice Catcher,
15 Luxe Products USA 9” Bong w/ Ice Catcher, Lux Products USA 9” Straight Tubed Ice Catcher Bong,
16 Luxe Products USA 9” Turquoise Luxury Dab Rig and Bong, and Luxe Products USA Wholesale Bongs
17 6-9 Inches Assorted (“Products”). Defendant knows and intends that customers will use Products
18 exposing consumers to marijuana smoke.

19 2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California
20 Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing
21 business shall knowingly and intentionally expose any individual to a chemical known to the state to
22 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such
23 individual. . . .” (Health & Safety Code, § 25249.6.)

24 3. California identified and listed marijuana smoke as a chemical known to cause cancer
25 as early as June 19, 2009, and as a chemical known to cause developmental/reproductive toxicity on
26 January 3, 2020.

27 ///
28 ///

1 20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a
2 60-Day Notice of Violation (“Notice”) as required by and in compliance with Proposition 65. Plaintiff
3 provided the Notice to the various required public enforcement agencies along with a certificate of merit.
4 The Notice alleged that Defendant violated Proposition 65 by failing to sufficiently warn consumers in
5 California of the health hazards associated with exposures to marijuana smoke contained in the Products.

6 21. The appropriate public enforcement agencies provided with the Notice failed to
7 commence and diligently prosecute a cause of action against Defendant.

8 22. Individuals exposed to marijuana smoke related to Products through dermal absorption,
9 ingestion, and inhalation resulting from reasonably foreseeable use of the Products have suffered and
10 continue to suffer irreparable harm. There is no other plain, speedy, or adequate remedy at law.

11 23. Defendant is liable for a maximum civil penalty of \$2,500 per day for each violation of
12 Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also
13 appropriate pursuant to Health and Safety Code, section 25249.7(a).

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1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendant as follows:

3 1. Civil penalties in the amount of \$2,500 per day for each violation;

4 2. A preliminary and permanent injunction against Defendant from manufacturing,
5 importing, selling, and/or distributing Products in California without providing a clear and reasonable
6 warning as required by Proposition 65 and related Regulations;

7 3. Reasonable attorney's fees and costs of suit; and

8 4. Such other and further relief as may be just and proper.

9
10 Respectfully submitted:

11 Dated: October 29, 2020

GLICK LAW GROUP, PC

12
13 By:



14 Noam Glick

NICHOLAS & TOMASEVIC, LLP

Craig M. Nicholas

Jake W. Schulte

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17 Attorneys for Plaintiff

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