

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

AMAZON.COM, INC.; and DOES 1-250, inclusive

YOU ARE BEING SUED BY PLAINTIFF: (LO ESTÁ DEMANDANDO EL DEMANDANTE):

LAURENCE VINOCUR

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): San Francisco County Superior Court
400 McAllister Street,
San Francisco, CA 94102

CASE NUMBER:
(Número del Caso):

CGC-21-595147

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Clifford A. Chanler (SBN: 135534) CHANLER, LLC, 72 Huckleberry Hill Road, New Canaan, CT 06840

DATE:
(Fecha) **10/04/2021**

Clerk, by
(Secretario) **JACKIE LAPREVOTTE**, Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify):

- | | |
|---|---|
| under: <input checked="" type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |

4. ☐ by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Clifford A. Chanler, State Bar No. 135534, c/o CHANLER, LLC 72 Huckleberry Hill Road New Canaan, CT 06840 TELEPHONE NO.: (203) 594-9246 FAX NO.: (203) 594-9247 ATTORNEY FOR (Name): Plaintiff, Laurence Vinocur		FOR COURT USE ONLY ELECTRONICALLY FILED <i>Superior Court of California, County of San Francisco</i> 09/14/2021 Clerk of the Court BY: JACKIE LAPREVOTTE Deputy Clerk	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102 BRANCH NAME: Civic Center Courthouse		CASE NUMBER: CGC-21-595147 JUDGE: DEPT:	
CASE NAME: Vinocur v. Amazon.com, Inc., et al.			
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)		Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)	

Items 1–6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400–3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case ☐ is ☒ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☐ punitive
4. Number of causes of action (specify): One (1)
5. This case ☐ is ☒ is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: September 14, 2021
 Clifford A. Chanler

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

INSTRUCTIONS ON HOW TO COMPLETE THE COVER SHEET

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the *Civil Case Cover Sheet* contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the *Civil Case Cover Sheet* to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

- Auto (22)—Personal Injury/Property Damage/Wrongful Death
- Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

- Asbestos (04)
 - Asbestos Property Damage
 - Asbestos Personal Injury/Wrongful Death
- Product Liability (*not asbestos or toxic/environmental*) (24)
- Medical Malpractice (45)
 - Medical Malpractice—Physicians & Surgeons
 - Other Professional Health Care Malpractice
- Other PI/PD/WD (23)
 - Premises Liability (e.g., slip and fall)
 - Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
 - Intentional Infliction of Emotional Distress
 - Negligent Infliction of Emotional Distress

Non-PI/PD/WD (Other) Tort

- Business Tort/Unfair Business Practice (07)
- Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
- Defamation (e.g., slander, libel) (13)
- Fraud (16)
- Intellectual Property (19)
- Professional Negligence (25)
 - Legal Malpractice
 - Other Professional Malpractice (*not medical or legal*)
- Other Non-PI/PD/WD Tort (35)

Employment

- Wrongful Termination (36)
- Other Employment (15)

Contract

- Breach of Contract/Warranty (06)
 - Breach of Rental/Lease
 - Contract (*not unlawful detainer or wrongful eviction*)
 - Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
- Negligent Breach of Contract/Warranty
- Other Breach of Contract/Warranty
- Collections (e.g., money owed, open book accounts) (09)
 - Collection Case—Seller Plaintiff
- Other Promissory Note/Collections Case
- Insurance Coverage (*not provisionally complex*) (18)
 - Auto Subrogation
 - Other Coverage
- Other Contract (37)
 - Contractual Fraud
 - Other Contract Dispute

Real Property

- Eminent Domain/Inverse Condemnation (14)
- Wrongful Eviction (33)
- Other Real Property (e.g., quiet title) (26)
 - Writ of Possession of Real Property
 - Mortgage Foreclosure
 - Quiet Title
 - Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

- Commercial (31)
- Residential (32)
- Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

- Asset Forfeiture (05)
- Petition Re: Arbitration Award (11)
- Writ of Mandate (02)
 - Writ—Administrative Mandamus
 - Writ—Mandamus on Limited Court Case Matter
- Writ—Other Limited Court Case Review
- Other Judicial Review (39)
 - Review of Health Officer Order
 - Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

- Antitrust/Trade Regulation (03)
- Construction Defect (10)
- Claims Involving Mass Tort (40)
- Securities Litigation (28)
- Environmental/Toxic Tort (30)
- Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

- Enforcement of Judgment (20)
 - Abstract of Judgment (Out of County)
 - Confession of Judgment (*non-domestic relations*)
 - Sister State Judgment
 - Administrative Agency Award (*not unpaid taxes*)
 - Petition/Certification of Entry of Judgment on Unpaid Taxes
- Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

- RICO (27)
- Other Complaint (*not specified above*) (42)
 - Declaratory Relief Only
 - Injunctive Relief Only (*non-harassment*)
 - Mechanics Lien
 - Other Commercial Complaint Case (*non-tort/non-complex*)
 - Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

- Partnership and Corporate Governance (21)
- Other Petition (*not specified above*) (43)
 - Civil Harassment
 - Workplace Violence
 - Elder/Dependent Adult Abuse
 - Election Contest
 - Petition for Name Change
 - Petition for Relief From Late Claim
- Other Civil Petition

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2 CHANLER, LLC
3 72 Huckleberry Hill Road
4 New Canaan, CT 06840
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6 Facsimile: (203) 594-9247
7 Email: Clifford@ChanlerLLC.com

8 Attorneys for Plaintiff
9 LAURENCE VINOCUR

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

09/14/2021
Clerk of the Court
BY: JACKIE LAPREVOTTE
Deputy Clerk

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO

12 UNLIMITED CIVIL JURISDICTION

CGC-21-595147

13 LAURENCE VINOCUR,

14 Plaintiff,

15 v.

16 AMAZON.COM, INC.; and DOES 1-250,
17 inclusive,

18 Defendants.

Case No. _____

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code §25249.5 *et seq.*)

1 **NATURE OF THE ACTION**

2 1. This Complaint is a representative action brought by plaintiff Laurence Vinocur in
3 the public interest of the citizens of the State of California to enforce the People’s right to be
4 informed of the health hazards caused by exposures to lead, a toxic chemical found in fishing
5 sinkers sold by defendants that are purchased by or shipped to citizens in California (the
6 “Products”).¹ Some of the Products are repackaged, produced, stored, shipped and/or sold online
7 to California citizens by defendant Amazon.com, Inc. through, among other representations,
8 “Amazon Warehouse” or other iterations of Amazon.com, Inc. as the “seller” of the items.

9 2. By this Complaint, plaintiff seeks to remedy defendants’ continuing failure to warn
10 consumers and businesses not covered by California’s Occupational Safety Health Act, Labor
11 Code §§6300 *et seq.* about the risks of exposure to lead present in certain fishing sinkers that are
12 manufactured, distributed, and offered for sale or use throughout the State of California.
13 Individuals, consumers and businesses not covered by California’s Occupational Safety Health
14 Act, Labor Code §§6300 *et seq.* who purchase, use or handle the Products are referred to
15 hereinafter as “consumers.”

16 3. Lead is found in fishing sinkers that defendants manufacture, import, distribute,
17 retail or otherwise market or offer for sale to consumers and other citizens throughout California
18 and have knowledge of their lead contents. Most, if not all, of the sales of the Products were and
19 continue to be offered for purchase and/or transacted through amazon.com.

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

25
26
27 ¹ The definition of Products excludes those items sold by the entities listed on Exhibit C. In contrast, Products sold by,
28 among other entities, Nanking Red Girl E-Commerce Co., Ltd, putianshi guyuke trade co., LTD, Liyizhou, Xiang
Yang Wei Chuang Shi Ke Ji Co., Ltd., and NEOERA are subject to this enforcement action.

1 5. Pursuant to Proposition 65, on February 27, 1987, California identified and listed
2 lead as a chemical known to cause birth defects and other reproductive harm. Lead became
3 subject to the “clear and reasonable warning” requirements of the act one year later on February
4 27, 1988. 27 Cal. Code Regs. §27001(b); Health & Safety Code §25249.8 and §25249.10(b).

5 6. Defendants manufacture, import, distribute, and/or offer for sale or use the Products
6 without the mandated health hazard warnings in California. The Products at issue are limited to
7 fishing sinkers containing lead as noted in footnote 2 below.² Products include, but are not
8 limited, to the list of exemplar items shown in column one on Exhibit A. An example of the
9 immediate packaging and the prominent part of display listing of one of the Products is shown in
10 Exhibit B.

11 7. Defendants’ failure to warn consumers and other individuals in California of the
12 health hazards associated with exposures to lead in conjunction with defendants’ sales of the
13 Products are violations of Proposition 65 which subject defendants, and each of them, to
14 enjoinder of such conduct as well as civil penalties for each violation. Health & Safety Code
15 §25249.7(a) and (b)(1).

16 8. For defendants’ violations and threatened violations of Proposition 65, plaintiff
17 seeks preliminary and permanent injunctive relief to compel defendants to provide purchasers and
18 users of the Products with the required warning regarding specific health hazards associated with
19 exposures to lead. Health & Safety Code §25249.7(a).

20 9. Pursuant to Health & Safety Code §25249.7(b), plaintiff also seeks civil penalties
21 against defendants for their violations of Proposition 65, some of which are ongoing.

22 **PARTIES**

23 10. Plaintiff Laurence Vinocur is a citizen of the State of California who is dedicated to
24 protecting the health of California citizens through the elimination or reduction of toxic exposures
25

26 ² The specific products covered by paragraph 6(a) of this complaint are limited to those items which reference the
27 toxicant “lead” in: (i) the product’s name; (ii) the product description or information referenced prominently near the
28 online display for the item when sold through an e-commerce platform; (iii) the search “filter,” if any, used to market
the products online; (iv) the immediate product packaging or container; or (v) in any other conspicuous manner likely
to be read by an online purchaser before payment without considerable effort to be undertaken by the consumer.

1 from consumer and industrial products, and he brings this action in the public interest pursuant to
2 Health & Safety Code §25249.7(d).

3 11. Defendant AMAZON.COM, INC. (AMAZON) is a person in the course of doing
4 business within the meaning of Health & Safety Code §§25249.6 and 25249.11.

5 12. AMAZON imports, distributes, sells, facilitates, and/or offers the Products for sale
6 or use in the State of California, or implies by its conduct that it imports, distributes, facilitates for
7 sale, sells, and/or offers the Products for sale or use in the State of California. AMAZON has
8 offered (and, in many instances, continues to offer) for sale Products supplied to it by entities that
9 are not subject to enforcement under Proposition 65 because: (i) they have less than ten employees
10 during all relevant periods; or (ii) do not have an agent for process of service in California.
11 Further, in some instances, the Products are shipped to California consumers either directly (or
12 indirectly through an AMAZON fulfilment center in the United States) by exporters located in
13 foreign countries without offices in the United States, after purchase at amazon.com.

14 13. Defendants DOES 1-50 (MANUFACTURER DEFENDANTS) are each a person in
15 the course of doing business within the meaning of Health & Safety Code §§25249.6 and
16 25249.11. Many of the MANUFACTURER DEFENDANTS may fall outside the statutory
17 purview of Proposition 65.

18 14. MANUFACTURER DEFENDANTS, and each of them, research, test, design,
19 assemble, fabricate, and manufacture, or each implies by its conduct that it researches, tests,
20 designs, assembles, fabricates, and manufactures one or more of the Products offered for sale or
21 use in California. Many of the MANUFACTURER DEFENDANTS may fall outside the statutory
22 purview of Proposition 65.

23 15. Defendants DOES 51-100 (EXPORTER DEFENDANTS) are each a person in the
24 course of doing business within the meaning of Health & Safety Code §§25249.6 and 25249.11.

25 16. EXPORTER DEFENDANTS, and each of them, ship and/or prepare for shipping
26 one or more of the Products to be exported to a United States-based business or individual for
27 purposes of distributing or selling one or more of the Products to California businesses or
28

1 consumers. Many of the EXPORTER DEFENDANTS may fall outside the statutory purview of
2 Proposition 65.

3 17. Defendants DOES 101-150 (IMPORTER DEFENDANTS) are each a person in the
4 course of doing business within the meaning of Health & Safety Code §§25249.6 and 25249.11.

5 18. IMPORTER DEFENDANTS, and each of them, import one or more of the Products
6 to be distributed or sold to California businesses or consumers. Many of the IMPORTER
7 DEFENDANTS may fall outside the statutory purview of Proposition 65.

8 19. Defendants DOES 151-200 (DISTRIBUTOR DEFENDANTS) are each a person in
9 the course of doing business within the meaning of Health & Safety Code §§25249.6 and
10 25249.11.

11 20. DISTRIBUTOR DEFENDANTS, and each of them, distribute, exchange, transfer,
12 process, and transport one or more of the Products to individuals or businesses for sale or use in
13 the State of California, or each implies by its conduct that it distributes, exchanges, transfers,
14 processes, and transports one or more of the Products to individuals or businesses for sale or use in
15 the State of California. Many of the DISTRIBUTOR DEFENDANTS may fall outside the
16 statutory purview of Proposition 65.

17 21. Defendants DOES 201-250 (RETAILER DEFENDANTS) are each a person in the
18 course of doing business within the meaning of Health & Safety Code §§25249.6 and 25249.11.

19 22. RETAILER DEFENDANTS, and each of them, offer the Products for sale to
20 individuals in the State of California.

21 23. At this time, the true names of defendants DOES 1 through 250, inclusive, are
22 unknown to plaintiff, who, therefore, sues said defendants by their fictitious names pursuant to
23 Code of Civil Procedure §474. Plaintiff is informed and believes, and on that basis alleges, that
24 each of the fictitiously named defendants is responsible for the acts and occurrences alleged
25 herein. When ascertained, their true names shall be reflected in an amended complaint.

26 24. AMAZON, MANUFACTURER DEFENDANTS, EXPORTER DEFENDANTS,
27 IMPORTER DEFENDANTS, DISTRIBUTOR DEFENDANTS, and RETAILER
28

1 DEFENDANTS shall hereinafter, where appropriate, be referred to collectively hereinafter as the
2 “DEFENDANTS.”

3 **VENUE AND JURISDICTION**

4 25. Venue is proper in the Superior Court for the County of San Francisco pursuant to
5 Code of Civil Procedure §§393, 395, and 395.5, because this Court is a court of competent
6 jurisdiction, because plaintiff seeks civil penalties against DEFENDANTS, one or more instances
7 of wrongful conduct occurred, and continue to occur, in this county, and/or DEFENDANTS
8 conducted, and continue to conduct business in San Francisco.

9 26. The California Superior Court has jurisdiction over this action pursuant to
10 California Constitution Article VI, section 10, which grants the Superior Court “original
11 jurisdiction in all causes except those given by statute to other trial courts.” The statute under
12 which this action is brought does not specify any other basis of subject matter jurisdiction.

13 27. The California Superior Court has jurisdiction over DEFENDANTS based on
14 plaintiff’s information and good faith belief that DEFENDANTS are each a person, firm,
15 corporation has a principal office or association that is a citizen of the State of California, has
16 sufficient minimum contacts in the State of California, and/or otherwise purposefully avails itself
17 of the California market. DEFENDANTS’ purposeful availment renders the exercise of personal
18 jurisdiction (specific, limited or both) by California courts consistent with traditional notions of
19 fair play and substantial justice.

20 **FIRST CAUSE OF ACTION**

21 **(Violation of Proposition 65 - Against All Defendants)**

22 28. Plaintiff realleges and incorporates by reference, as if fully set forth herein,
23 Paragraphs 1 through 27, inclusive.

24 29. In enacting Proposition 65, in the preamble to the Safe Drinking Water and Toxic
25 Enforcement Act of 1986, the People of California expressly declared their right “[t]o be informed
26 about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.”
27
28

1 30. Proposition 65 states, “[n]o person in the course of doing business shall knowingly
2 and intentionally expose any individual to a chemical known to the state to cause cancer or
3 reproductive toxicity without first giving clear and reasonable warning to such individual...”
4 Health & Safety Code §25249.6.

5 31. On August 8, 2020, plaintiff served 60-Day Notices of Violation (the August 8
6 Notices), together with the requisite certificates of merit, on AMAZON, the California Attorney
7 General’s Office, and the requisite public enforcement agencies alleging that, as a result of
8 DEFENDANTS’ sales of the Products, consumers in California are being exposed to lead
9 resulting from their reasonably foreseeable use of the Products, without them first receiving a
10 “clear and reasonable warning” regarding the reproductive and developmental harms associated
11 with such exposures, as required by Proposition 65. Each of the August 8 Notices is limited to the
12 specific Product identified in the corresponding sixty-day letter.

13 32. On October 30, 2020, plaintiff served a Supplemental 60-Day Notice of Violation,
14 (the October 30 Notice), together with the requisite certificate of merit, on AMAZON, the
15 California Attorney General’s Office, and the requisite public enforcement agencies alleging that,
16 as a result of DEFENDANTS’ sales of the Products, consumers in California are being exposed to
17 the toxin resulting from their reasonably foreseeable use of the Products, without them first
18 receiving a “clear and reasonable warning” regarding the reproductive toxicity associated with
19 exposures to the heavy metal, as required by Proposition 65. The October 30 Notice is limited to
20 fishing sinkers containing lead that reference the toxicant “lead” in: (i) the product’s name; (ii) the
21 product description or information referenced prominently near the online display for the item;
22 (iii) the search “filter,” if any, used to market the products online; (iv) the product packaging or
23 container; or (v) in any other conspicuous manner likely to be read by the online purchaser before
24 payment without considerable effort. The August 8 Notices and the October 30 Notice shall be
25 referred to as the “Notices.”

26 33. DEFENDANTS manufacture, import, distribute, facilitate for sale, sells, and/or
27 offer the Products for sale or use in violation of Health & Safety Code §25249.6, and
28

1 DEFENDANTS' violations have continued well beyond their receipt of plaintiff's Notices. As
2 such, DEFENDANTS' violations are ongoing and continuous in nature and, unless enjoined will
3 continue in the future without any information or written answers that they will cease and desist
4 until compliance is ensured.

5 34. After receiving plaintiff's Notices, no public enforcement agency has commenced
6 and diligently prosecuted a cause of action against DEFENDANTS under Proposition 65 to
7 enforce the alleged violations that are the subject of plaintiff's Notices.

8 35. The Products that DEFENDANTS manufacture, import, distribute, or offer for sale
9 throughout the State of California cause exposures to lead as a result of the reasonably foreseeable
10 use of the Products. Such exposures caused by DEFENDANTS and endured by consumers in
11 California who purchase, use or handle the Products are not exempt from the "clear and
12 reasonable" warning requirements of Proposition 65, yet DEFENDANTS do not provide
13 compliant warnings for the reproductive toxicity of lead.

14 36. DEFENDANTS have actual knowledge that the Products they manufacture,
15 import, distribute, sell, facilitate for sale or offer for sale in California contain lead.

16 37. Lead is present in or on the Products in such a way as to expose consumers through
17 dermal contact and/or ingestion during reasonably foreseeable use.

18 38. The normal and reasonably foreseeable use of the Products has caused, and
19 continues to cause, consumer product exposures to lead as defined by 27 California Code of
20 Regulations §25600.1(e).

21 39. DEFENDANTS know that the normal and reasonably foreseeable use of the
22 Products exposes individuals to lead through dermal contact and/or ingestion.

23 40. DEFENDANTS intend that exposures to lead from the reasonably foreseeable use
24 of the Products will occur by their deliberate, non-accidental participation in the manufacture,
25 importation, distribution, sale, and offering of the Products for sale or use to consumers and others
26 in California.

1 41. DEFENDANTS failed to provide a “clear and reasonable warning” to those
2 consumers and other citizens in California who have been, or who will be, exposed to lead through
3 dermal contact and/or ingestion resulting from their use of the Products.

4 42. Contrary to the express policy and statutory prohibition of Proposition 65 enacted
5 directly by California voters, consumers exposed to lead, through dermal contact and/or ingestion
6 as a result of their use of the Products that DEFENDANTS sold without a “clear and reasonable”
7 health hazard warning, have suffered, and continue to suffer, irreparable harm for which they have
8 no plain, speedy, or adequate remedy at law.

9 43. Pursuant to Health & Safety Code §25249.7(b), as a consequence of the above-
10 described acts, DEFENDANTS, and each of them, are liable for a maximum civil penalty of
11 \$2,500 per day for each violation.

12 44. As a consequence of the above-described acts, Health & Safety Code §25249.7(a)
13 also specifically authorizes the Court to grant injunctive relief against DEFENDANTS.

14 **PRAYER FOR RELIEF**

15 Wherefore, plaintiff prays for judgment against DEFENDANTS as follows:

16 1. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil
17 penalties against DEFENDANTS, and each of them, in the amount of \$2,500 per day for each
18 violation;

19 2. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and
20 permanently enjoin DEFENDANTS from manufacturing, importing, distributing, or offering the
21 Products for sale or use in California without first providing a “clear and reasonable warning”
22 regarding the harms associated with exposures to lead;

23 3. That the Court, pursuant to Health & Safety Code §25249.7(a), issue preliminary
24 and permanent injunctions mandating that DEFENDANTS recall all Products currently in the
25 chain of commerce in California without a “clear and reasonable warning” as defined by 27
26 California Code of Regulations §25600 *et seq.*;

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4. That the Court grant plaintiff his reasonable attorneys' fees and costs of suit; and
5. That the Court grant such other and further relief as may be just and proper.

Dated: September 14, 2021

Respectfully submitted,

CHANLER, LLC


By: 
Clifford A. Chanler

EXHIBIT A

<i>Examples of Products</i>	<i>ASIN/SKU/Item/Model No.</i>	<i>Vendor/Supplier/Seller /Manufacturer</i>
Fishing Worm Lead Weight Sinkers, as Illustrated in Exhibit B	B07C6B2QYF, B07C696DJS	RG Indoor and Outdoor Supply; Nanjing Red Girl E-Commerce Co., Ltd
VGEBY Fishing Sinkers	B0784FSWHX, PFB9977785; B07B4FBR9T (various weight/size); B07B51CW9S (various weight/size)	Amaus; Xiang Yang You Wei Chuang Shi Ke Ji Co., Ltd
Skinny Finesse Lead Drop Shot Fishing Weights Sinkers,	B07F42TY2N, B079L1F6H6	RG Indoor and Outdoor Supply; Nanjing Red Girl E-Commerce Co., Ltd
Tackle Kits with Lead Fishing Jig Heads	B07CQXX8N3	RG Indoor and Outdoor Supply; Nanjing Red Girl E-Commerce Co., Ltd
Guyouke Fishing Kits with Lead Fishing Weights and Sinkers	B08BPHQL5J; B089FGT7SK	Guyouke; putianshi guyuke trade co., LTD
LPATTERN Round Split Shots	B08BYNN5CJ	Liyizhou
Aezek Round Lead Fishing Split Shots	B08BL8GR52	NEOERA

<i>Examples of Products</i>	<i>ASIN/SKU/Item/Model No.</i>	<i>Vendor/Supplier/Seller /Manufacturer</i>
AMYSports Lead Drop Weights Sinkers Kit Casting Removable Fishing Weights Saltwater Bass Round Fishing Sinkers Swivel Round Shaped Cannonball Freshwater	B096M5SQ6T	LuckyLaker; Shenzhenshi Qishuo Technology Co., Limited
Lilureena 3pcs Pyramid Fishing Weights Sinker Bullet Weights for Saltwater Freshwater	B09D7GXB6H	Lilureena; Hefei Tuanlong Electronic Commerce Co., Ltd.
FCFKUK Fishing Sinkers Weights Worm Fishing Sinker Weight Bullet Lead Sinkers Fishing Carambola Shape Fishing Sinker	B08P4Q47S2	FCFKUK; Lishan
50Pcs Fishing Sinkers Weights Kit Worm Fishing Sinker Weight Bullet Lead Sinkers Fishing Set	B07R8DXS2M	FCFKUK; Lishan
Alwonder 10PCS/Pack Pyramid Sinkers Kit, 4 Sizes, Surf Fishing Weights Sinker Fishing Lead Weights Sinker No Roll Sinker for Freshwater Saltwater	B092V5ZG4Z	Adventure Infinite US; ShijiazhuangKesenzhengTiYu YongpinXiaoShouCO.LTD
5 Pack Soft Lead for Fishing, Soft Lead Sheet, Fishing Lead Roll, Fishing Tape Lead, Lead Strips Fishing Sinkers Weights Tackle Accessories Supplies	B097R8WF9D	Inhe j; Jiujianghenghechangdianzishang wuyouxiangongsi
Proximitck Fishing Weight Triangular Lead Sinkers 20Pcs Bullet Lead Sinker Weights Kit 3/8Oz	B09C632VDJ	Proports; Hefei Kongshuo Electronic Commerce Co., Ltd.
Fishing Sinkers Weights Shot Sinker Lead Sinkers for Worm Deep Saltwater Bottom Fishing Rig, 28Pcs Waterdrop Shape Fishing Weights	B095YG569S	Xiqueen

EXHIBIT B



6/24/2020

https://www.amazon.com/Fishing-Weight-Sinkers-Weights-Accessories_dp_B07C68HSZH_ref=sr_1_18_sspa_dc



Get \$10 for your first sign-in to the Amazon app

[Back to results](#)



Roll over image to zoom in

Fishing Worm Weight Sinkers Bullet Lead Sinker Weights Fishing Tackle Accessories Kit Size: 1/8oz 3/16oz 1/4oz 3/8oz 1/2oz 3/4oz 1oz

by Unknown

Price: **\$10.99** & **FREE Shipping** on orders over \$25.00 shipped by Amazon.

Pay **\$10.99** \$0.99 when you add a new payment method to your Amazon wallet. [Click here to add a debit card and save.](#) [Terms Apply](#)

Size:

1/8oz-20pcs

- Type: Worm Sinker Weights
- Made of premium material, anti-corrosion, sturdy and durable
- Concave base fits worm nose tight and lead bullet sinkers suit for types of rigs
- Great for sinking bait to the strike zone of fishing water layers
- Package contains 20pcs 1/8oz weights

[Report incorrect product information.](#)



Topeka Tungsten Weights (3 Ounce) ||
6 Pack of Half Ounce Weights ||
Premium Cylinder Tungsten Weights...

★★★★☆ 4
\$19.97 [prime](#)

Sponsored

\$10.99

& **FREE Shipping** on orders over \$25.00 shipped by Amazon.
[Details](#)

Arrives: **July 13 - 16** [Details](#)

Fastest delivery: **July 7 - 8**

In stock on July 5, 2020.
Order it now.

Qty: 1

[Add to Cart](#)

[Buy Now](#)

[Secure transaction](#)

Sold by [RG Indoor&Outdoor Supply](#) and Fulfilled by Amazon.

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Have one to sell?

[Sell on Amazon](#)

Frequently bought together



Total price: **\$27.54**

[Add all three to Cart](#)

[Add all three to List](#)

[These items are shipped from and sold by different sellers. Show details](#)

- ☒ **This item:** Fishing Worm Weight Sinkers Bullet Lead Sinker Weights Fishing Tackle Accessories Kit Size: 1/8oz 3/16oz 1/4oz 3/8oz 1/2oz 3/4oz 1oz \$10.99
- ☒ Berkley PowerBait Fresh Water Fishing Bait (All PowerBait Styles) \$4.56
- ☒ Bright start 60pcs Offset Worm Hook High Carbon Steel Wide Gap Bait Jig Fish Hooks with Plastic Box... \$11.99

Customers who bought this item also bought

Page 1 of 7



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EXHIBIT C

Shenzhen Plus Innovations Electronics Co. Ltd.;
Ruichi Industry (Shanghai) Co., Ltd.;
Mythik Lures LLC;
Baiou (Shanghai) Jianzhukeji Youxiangongsi;
Chillax-US;
Tian Shui Jia Tian Cai Liao You Xian Gong Si;
Henan Tianyege Company;
Xinxiangshihongqiquachiruimaoyiyouxiangongsi;
Henan xinkangde trading company
Tian Hu
Changzhou Yiernuo Trading Co., Ltd.
Swept;
Fang Li;
Glarks;
Scotank;
Shanghai FREE Trading Co., Ltd.;
Wuhan Shan Kou Fei Zi Dian Zi Shang Wu Co., Ltd.; and
henzhenshi Tianandianzimaoyi Youxiangongsi, d.b.a. YNEGSDE