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Superior Court of California,
County of San Diego
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Clerk of the Superior Court
By Keira McCray, Deputy Clerk

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN DIEGO**

13 Victoria Jamison, an individual

14 Plaintiff,

15 v.

16 PICCARD MEDS 4 PETS CORP., a Florida
17 Corporation; DOES 1-10

18 Defendants.

Case No. 37-2021-00026455-CU-MC-CTL

**COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES**

19 Plaintiff Victoria Jamison (“Plaintiff”) brings this action in the interests of the general public
20 and, on information and belief, hereby alleges:

21 **INTRODUCTION**

22 1. This action seeks to remedy the continuing failure of defendants to warn individuals
23 in California that they are being exposed to the substance Wood Dust by their product, the Easy
24 Pine Bedding (“Product”).

25 2. California’s Proposition 65 (Health & Safety Code § 25249.5, *et seq.*), is a right to
26 know statute. Under Proposition 65, it is unlawful for business to knowingly and intentionally
27 expose individuals in California to chemicals and substances known to the State to cause cancer,
28 birth defects, or other reproductive harm without providing clear and reasonable warnings to
individuals prior to exposure.

1 has violated or threaten to violate California law in the County of San Diego.

2 **PARTIES**

3 9. Plaintiff Victoria Jamison is a resident of San Diego County California and
4 working to protect human health and the environment by curbing the use of harmful products,
5 harmful food production technologies and by promoting organic and other forms of sustainable
6 agriculture. Plaintiff is a person with the meaning of Health & Safety Code § 25118 and brings
7 this enforcement action in the public interest pursuant to Health & Safety Code § 25249.7(d).

8 10. Defendant Piccard Meds 4 Pets Corp. is corporations organized under the State of
9 Florida and is a person doing business with the meaning of Health & Safety Code § 25249.11.

10 11. Defendants have manufactured, packaged, distributed, marketed and/or offered the
11 Product for sale or use in California and the County of San Diego. Plaintiff is informed and
12 believes, and thereupon alleges, that Defendants continue to manufacture, package, distribute,
13 market and/or sell the Products in California and in San Diego County.

14 **STATUTORY BACKGROUND**

15 12. The People of the State of California have declared in Proposition 65 their right
16 “[t]o be informed about exposures to chemicals and substances that cause cancer, birth defects, or
17 other reproductive harm.” Section 1(b) of Initiative Measure, Proposition 65.

18 13. To implement this goal, Proposition 65 requires that individuals be provided with a
19 “clear and reasonable warning” before being exposed to substances and chemicals listed by the
20 State of California as causing cancer or reproductive toxicity. Health & Safety Code § 25249.6
21 states, in pertinent part:

22 No person in the course of doing business shall knowingly and intentionally
23 expose any individual to a chemical known to the state to cause cancer or
24 reproductive toxicity without first giving clear and reasonable warning to such
individual...

25 14. “Knowingly” refers to knowledge of the fact that a discharge of, release of, or
26 exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No
27 knowledge that the discharge, release or exposure is unlawful is required.” 27 Cal. Code of Regs.
28 (“CCR”) §§ 25102(n).

- 1 a. The relevant Defendants were provided a copy of the Notice by U.S. Mail.
- 2 b. The relevant Defendants were provided a copy of the document entitled “The
- 3 Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
- 4 Summary,” which is also known as Appendix A to Title 27 of Cal. Code Regs §
- 5 25903.
- 6 c. The California Attorney General was provided a copy of the Notice via online
- 7 submission.
- 8 d. The California Attorney General was provided with a Certificate of Merit by
- 9 the attorney for the noticing party, stating that there is a reasonable and
- 10 meritorious case for this action, and attaching factual information sufficient to
- 11 establish a basis for the certificate, including the identity of the persons
- 12 consulted with and relied on by the certified, and the facts, studies, or other data
- 13 reviewed by those persons, pursuant to Health & Safety Code § 25249.7(h)(2).
- 14 e. The district attorneys, city attorneys or prosecutors of each jurisdiction within
- 15 which the Products are offered for sale within California were provided with a
- 16 copy of the Notice pursuant to Health & Safety Code § 25249.7(d)(1).

17 21. At least 60-days has lapsed since Plaintiff served the Notice to Defendants.

18 The appropriate public enforcement agencies have failed to commence and diligently prosecute a

19 cause of action under Health & Safety Code § 25249.5, *et seq.* against Defendants based on the

20 allegations herein.

21 22. On information and belief, the Products have been manufactured,

22 distributed, and/or sold by Defendants for use in California. On information and belief, the

23 Product continues to be distributed and sold in California without the requisite warning

24 information.

25 23. At all times relevant to this action, Defendants have knowingly and intentionally

26 exposed the users of the Products to Wood Dust without first giving a clear and reasonable

27 warning to such individuals.

28 24. As a proximate result of the acts of Defendants as persons in the course of doing

1 business within the meaning of Health & Safety Code § 25249.11, individuals throughout the
2 State of California, including the County of San Diego, have been exposed to Wood Dust without
3 a clear and reasonable warning. The individuals subject to the illegal exposures include normal
4 and foreseeable users of the Products, as well as all other persons exposed to the Products.

5
6 **FIRST CAUSE OF ACTION**
7 **(Violations of Health and Safety Code § 25249.5, et seq.)**

8 25. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 24,
9 inclusive, as if specifically set forth herein.

10 26. Defendants are a person doing business within the meaning of Health & Safety
11 Code § 25249.11.

12 27. Wood Dust is listed on the State of California as a substance known to cause
13 cancer.

14 28. Defendants have and continue to knowingly and intentionally expose individuals
15 who use the Products to the substance Wood Dust without first providing a clear and reasonable
16 warning to such individuals pursuant to Health & Safety Code §§ 25249.6 and 25249.11(f).

17 29. Continuing commission by Defendants of the acts alleged above will irreparably
18 harm the citizens of the State of California, for which harm they have no plain, speedy, or
19 adequate remedy at law.

20
21 **PRAYER FOR RELIEF**

22 Wherefore, Plaintiff prays for the following relief:

23 1. A preliminary and permanent injunction, pursuant to Health & Safety Code §
24 25249.7(b), enjoining Defendants, their agents, employees, assigns and all persons acting in
25 concert or participating with Defendants, from distributing or selling the Products in California
26 without first providing a clear and reasonable warning that consumers of the Products are exposed
27 to Wood Dust;

28 2. An injunctive order, pursuant to Health & Safety Code § 25249.7(b), compelling

1 Defendants to identify and locate each individual who has purchased the Product and to provide a
2 warning to such persons that use of the Product will expose the consumers to a substance known
3 to cause cancer.

4 3. An assessment of civil penalties pursuant to Health & Safety Code § 25249.7(b)
5 against Defendants in the amount of \$2,500 per day for each violation of Proposition 65;

6 4. An award to Plaintiff of its reasonable attorney’s fees and costs of suit pursuant to
7 California Code of Civil Procedure § 1021.5, as Plaintiff shall specify in further application to the
8 Court; and,

9 5. Such other and further relief as may be just and proper.

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DATED: June 17, 2021

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