

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):**

PAUL WOZNIAK

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-21-594849

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) **09/21/2021** Clerk, by (Secretario) _____, Deputy (Adjunto) **JACKIE LAPREVOTTE**

(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)).



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 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, Paul Wozniak		FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of San Francisco 09/13/2021 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 NAME: Wozniak 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)	CASE NUMBER: CGC-21-594849 JUDGE: DEPT:

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) |
|--|--|---|
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
b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve
c. <input type="checkbox"/> Substantial amount of documentary evidence | d. <input type="checkbox"/> Large number of witnesses
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
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 13, 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
Other PI/PD/WD

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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15 Attorneys for Plaintiff
16 PAUL WOZNIAK

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

09/13/2021
Clerk of the Court
BY: JACKIE LAPREVOTTE
Deputy Clerk

CGC-21-594849

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO
14 UNLIMITED CIVIL JURISDICTION
15

16 PAUL WOZNIAK,

17 Plaintiff,

18 v.

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

21 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 Paul Wozniak in the
3 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 solder wire
5 sold by defendants that are purchased by or shipped to citizens in California (the "Products").
6 Some of the Products are repackaged, produced, stored, shipped and/or sold online to California
7 citizens by defendant Amazon.com, Inc. through, among other representations, "Amazon
8 Warehouse" or other iterations of Amazon.com, Inc. as the "seller" of the products.

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 solder wire 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 solder wire that defendants manufacture, import, distribute, retail
17 or otherwise market or offer for sale to consumers and other citizens throughout California and
18 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 5. Pursuant to Proposition 65, on February 27, 1987, California identified and listed
26 lead as a chemical known to cause birth defects and other reproductive harm. Lead became
27
28

1 subject to the “clear and reasonable warning” requirements of the act one year later on February
2 27, 1988. 27 Cal. Code Regs. §27001(b); Health & Safety Code §25249.8 and §25249.10(b).

3 6. Defendants manufacture, import, distribute, and/or offer for sale or use the Products
4 without the mandated health hazard warnings in California. The Products at issue are limited to
5 solder wire containing lead as noted in footnote one below.¹ Products include, but are not limited,
6 to the list of exemplar items shown in column one on Exhibit A. Examples of the immediate
7 packaging and the prominent part of display listing of two of the products are shown in Exhibit B.

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

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

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

19 **PARTIES**

20 10. Plaintiff Paul Wozniak is a citizen of the State of California who is dedicated to
21 protecting the health of California citizens through the elimination or reduction of toxic exposures
22 from consumer and industrial products, and he brings this action in the public interest pursuant to
23 Health & Safety Code §25249.7(d).

24
25
26 ¹ The specific products covered by this complaint, including paragraphs 1 and 6, are limited to those items which
27 reference the toxicant “lead” in: (i) the product’s name; (ii) the product description or information referenced
28 prominently near the 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 11. Defendant AMAZON.COM, INC. (AMAZON) is a person in the course of doing
2 business within the meaning of Health & Safety Code §§25249.6 and 25249.11.

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

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

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

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

23 16. EXPORTER DEFENDANTS, and each of them, ship and/or prepare for shipping
24 one or more of the Products to be exported to a United States-based business or individual for
25 purposes of distributing or selling one or more of the Products to California businesses or
26 consumers. Many of the EXPORTER DEFENDANTS may fall outside the statutory purview of
27 Proposition 65.

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

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

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

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

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

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

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

24 24. AMAZON, MANUFACTURER DEFENDANTS, EXPORTER DEFENDANTS,
25 IMPORTER DEFENDANTS, DISTRIBUTOR DEFENDANTS, and RETAILER
26 DEFENDANTS shall hereinafter, where appropriate, be referred to collectively hereinafter as the
27 “DEFENDANTS.”
28

1 **VENUE AND JURISDICTION**

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

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

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

18 **FIRST CAUSE OF ACTION**

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

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

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

25 30. Proposition 65 states, “[n]o person in the course of doing business shall knowingly
26 and intentionally expose any individual to a chemical known to the state to cause cancer or
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28

1 reproductive toxicity without first giving clear and reasonable warning to such individual...”
2 Health & Safety Code §25249.6.

3 31. On April 29, 2021, plaintiff served a 60-Day Notice of Violation (the “Notice”),
4 together with the requisite certificates of merit, on AMAZON, the California Attorney General’s
5 Office, and the requisite public enforcement agencies alleging that, as a result of DEFENDANTS’
6 sales of the Products, consumers in California are being exposed to lead resulting from their
7 reasonably foreseeable use of the Products, without them first receiving a “clear and reasonable
8 warning” regarding the reproductive and developmental harms associated with such exposures, as
9 required by Proposition 65. The Notice is limited to solder wire containing lead that reference the
10 toxicant “lead” in: (i) the product’s name; (ii) the product description or information referenced
11 prominently near the online display for the item; (iii) the search “filter,” if any, used to market the
12 products online; (iv) the product packaging or container; or (v) in any other conspicuous manner
13 likely to be read by the online purchaser before payment without considerable effort.

14 32. DEFENDANTS manufacture, import, distribute, facilitate for sale, sells, and/or
15 offer the Products for sale or use in violation of Health & Safety Code §25249.6, and
16 DEFENDANTS’ violations have continued well beyond their receipt of plaintiff’s Notice. As
17 such, DEFENDANTS’ violations are ongoing and continuous in nature and, unless enjoined will
18 continue in the future without any information or written answers that they will cease and desist
19 until compliance is ensured.

20 33. After receiving plaintiff’s Notice, no public enforcement agency has commenced
21 and diligently prosecuted a cause of action against DEFENDANTS under Proposition 65 to
22 enforce the alleged violations that are the subject of plaintiff’s Notice.

23 34. The Products that DEFENDANTS manufacture, import, distribute, or offer for sale
24 throughout the State of California cause exposures to lead as a result of the reasonably foreseeable
25 use of the Products. Such exposures caused by DEFENDANTS and endured by consumers in
26 California who purchase, use or handle the Products are not exempt from the “clear and
27
28

1 reasonable” warning requirements of Proposition 65, yet DEFENDANTS do not provide
2 compliant warnings for the reproductive toxicity of lead.²

3 35. DEFENDANTS have actual knowledge that the Products they manufacture,
4 import, distribute, sell, facilitate for sale or offer for sale in California contain lead.

5 36. Lead is present in or on the Products in such a way as to expose consumers through
6 dermal contact, ingestion and/or inhalation during reasonably foreseeable use.

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

10 38. DEFENDANTS know that the normal and reasonably foreseeable use of the
11 Products exposes individuals to lead through dermal contact, ingestion and/or inhalation.

12 39. DEFENDANTS intend that exposures to lead from the reasonably foreseeable use
13 of the Products will occur by their deliberate, non-accidental participation in the manufacture,
14 importation, distribution, sale, and offering of the Products for sale or use to consumers and others
15 in California.

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

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

24
25
26
27 ² This enforcement action excludes those claims that were released by suppliers that (i) sold and/or offered for sale in
28 California soldering wire containing lead and (ii) resolved AMAZON’s liability related to such products through
settlements with Wozniak. These suppliers include, but are not limited to, AMF Industrial LLC.

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

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

PRAYER FOR RELIEF

Wherefore, plaintiff prays for judgment against DEFENDANTS as follows:

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

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

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

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 13, 2021

Respectfully submitted,

CHANLER, LLC

By: Cliff A.
Clifford A. Chanler

Attorneys for Plaintiff
PAUL WOZNIAK

EXHIBIT A

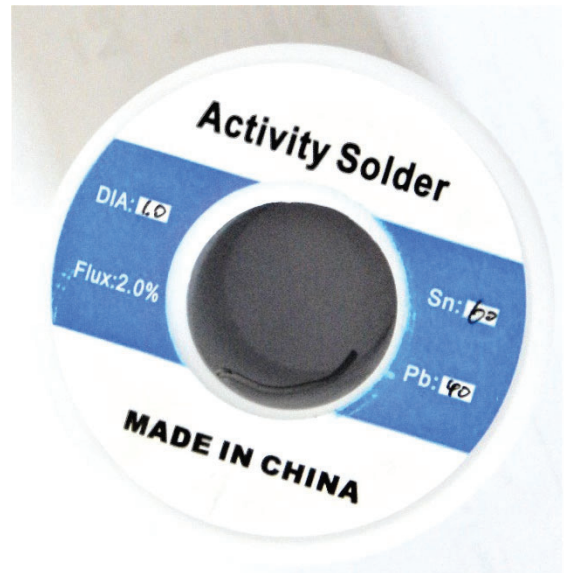
<i>Products</i>	<i>ASIN#/Item#/UPC#</i>	<i>Vendor/Supplier/Seller/ Manufacturer</i>
Activity 60/40 Tin Lead Solder Wire with Rosin for Electrical Soldering Flux 2.0% 1lb/454g 0.039"/1.0mm, <i>As illustrated in Exhibit B</i>	B07Y9YRLWQ	Amazon Warehouse; Amazon Services
WYCTIN 60-40 Tin Lead Rosin Core Solder Wire for Electrical Soldering and DIY 0.8mm (0.032in), 3PC Tube Pack, 60g, <i>As illustrated in Exhibit B</i>	B074FSGLV5	WYCTIN Solder
63-37 Tine Lead Rosin Core Solder Wire for Electrical Soldering (0.8mm 100g), 2 pcs Soldering Wick No-Clean Solder Braid Wick Desoldering Wick (2.5cm width. 1.5m Length). 2 Pcs Soldering Sponge,	B08C2ZZFX5; B08C2F8N6R	ruyibao
MAIYUM 63-37 Tin Lead Rosin Core Solder Wire for Electrical Soldering (various sizes)	B076QF1Y85; B075WBDYZZ; B076QD1W9X; B075WB98FJ; B075WBQYRG	MAIYUM
QJZXUEZHEN 60/40 Lead Solder Wire with Rosin for Electrical Repair Soldering Purpose (various sizes)	B096FQ4SPP; B096FPTBTQ; B096FQFKXF	QJZXUEZHEN
Icespring Solder Wire with Flux Rosin Core Tin Lead 63/37 0.031" Diameter 0.42oz in Storage Tube Welding Soldering DIY Works (various sizes)	B01N0VNNKO/SW-01; B01NH0REY3; B071JTM82; B072K22JRT	ExcellentConcept
Tamington Solder Wire Sn63 Pb37 with Rosin Core for Electrical Soldering 50g (0.8mm)	B072WN1DMG	CuO
J&F Rosin Core Solder 63/37 Leaded Electronics Solder (various sizes)	B00QQZBA7A/SL-1K-08; B00914JQDI/SL-12-08; B07XKWB1RR/SL-50-03; B07XKWFKWC/SL-100-05; B007N6R9E4/FBA_SL-100-06; B007N6RQC4/SL-100-06	JacobsParts Inc.
Fpxnb 2 Pack 60-40 Tin Lead Rosin Core Solder Wire Set for Electrical Soldering and DIY 0.8mm 100g,	B089VWK89L/HJ-HS-08MM	Fpxnb

<i>Products</i>	<i>ASIN#/Item#/UPC#</i>	<i>Vendor/Supplier/Seller/Manufacturer</i>
Forney Solder Rosin 1/8", 16 oz.	B003X3VUDM	Southfork Homecenter
Forney Solder Rosin 1/8", 16 oz.	B003X3VUDM	Bestbrandsupply
Forney Solder Rosin 1/8", 16 oz.	B003X3VUDM	PartsMonkey
WYCTIN 60-40 Tin Lead Rosin Core Solder Wire for Electrical Repair Soldering and DIY (various sizes),	B071G1J3W6/BC-2038; B071WQ9X5K/BC-2045; B071G1J3W6; B071JPDCB1;	WYCTIN Solder
TIPZAP 60-40 Tin Lead Rosin Core Solder Wire for Electrical Soldering (1.0mm 100g),	B08D9QD3R3	Enke Direct
AUSTOR 60-40 Tin Lead Rosin Core Solder Wire for Electrical Soldering (100g, 1.0mm),	B073LHK99Z/AMA-17-537/UPC 604263547457; B073LT2PKB;	Austor Direct
HGMZZQ 60/40 Tin Lead Solder Wire with rosin for Electrical Soldering 0.8mm 1lb,	B07CL3RP8W; ZY-EJ-0812-2-111	Amazon Warehouse
KAINA 1.0mm Solder Wire 63/37 Tin Lead Tin Wire Solder Rosin Core Solder Flux Soldering Welding,	B07RLN5NHX/4035546326884; B07RKYVY7C/4035546326907; B07RDN1DQ7/4035546326891; B07RFPC1S1/4035546326877; B07RDN1MN2/4035546326914	Amdalas; Kaiping City Hong Ri Garment Co., Ltd.
WYCTIN Helping Hand with Magnifying Glass Bonus 60-40 Tin Lead Rosin Core 0.6mm 50g Solder Wire for Electrical Soldering and DIY,	B0755V1RLL; B-0001	Amazon Warehouse; WYCTIN Solder
-RF4 63-37 Tin Lead Rosin Core Solder Wire for Electrical Soldering + Soldering Wire Storage Box,	B09126PVCQ; B0912CXJ2Z	Maintenance Tool
TUDEPROC 63-37 Tin Lead Rosin core solder wire for electrical soldering	B08RJXYGS6; B08RJZV5QB; B08RK14F6T; B08RJZ56J4	TUDEPROC
Miniatronics Corp Rosin Core Solder 60/40, 4oz, MNT1064004	B0006O933K	Miniatronics Corp.

<i>Products</i>	<i>ASIN#/Item#/UPC#</i>	<i>Vendor/Supplier/Seller/Manufacturer</i>
Mandela Crafts Rosin Core Solder Wire with 60-40 Tin Lead for Electrical, Electronic, PCB Soldering	B0759WKH3H; B08CY7PVKL; B06XX27KZ1; B06XWZHDR4; B06XX21QVR;	Mandela Crafts
Ripeng 3 Pieces 63-37 Tin Lead Solder Wire with Rosin Core for Electrical Flux Soldering Electronic Connector Electrical Soldering DIY 0.6 mm 0.8 mm 1 mm	B08ZCNPV1J; B08T62N3TP	Spreak Inc
HUAREW HR6337 Sn 63-Pb 37 electric solder tin lead wire with rosin core	B08CN66X5P; B08CN7JHHM; B08CN8LZ58; B08CN99TCV; B08CN99TCV; B08CN8PHV8	HUAREW
SainSmart 0.6mm Solder Wire 63/37 Tin/Lead Sn63Pb37 with Flux Rosin Core for Electrical Soldering,	B07PDC2D85; B07PD2VQPR; B07NW8WZ5G; B07PDBWYR3; B07PD1WBGZ	SainSmart Official; Vastmind LLC
Kaisiking 63-37 0.3mm 0.6mm 1.0mm/50g Tin Lead Solder Wire Set, Rosin Core Solder Wire with Solder Wick for Electrical Soldering and DIY,	B07PLZSMCK	Kaisiking; Guangzhou Kaisiking Trade Co.,Ltd
ZSHX 60/40 Tin Lead Rosin core solder wire for electrical soldering,	B07PJTC SYN; B07PFL1NYF; B07PDN3HBH; B07PDN2JW6; B07PDN3M72; B07PFL16J2; B07PJS9W7K	BoJack Electron; Zeyu
Forney Solder Rosin 1/8", 16 oz.	B003X3VUDM	Amazon.com
Q-MING Solder Wire and Rosin Paste Kit - 0.6mm 60/40 Tin Lead Solder Wire and Rosin Paste Flux for Electronics Repairs and Soldering DIY,	B081FDF9LP	MINGQ
Nathan Trotter 60/40 Solder for stained glass - 1 lb. spool /.125" dia.	B0851RNSHY	Pacwest Supply; Pacwest Sales, Inc.
Sywon 60-40 Tin Lead Rosin Core Solder Wire 0.039" 50g for Electrical Soldering and DIYs	B01LVTTL9E	Sywon Online

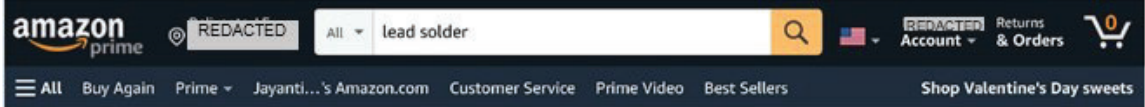
EXHIBIT B

Sold By Amazon



2/4/2021

60/40 Tin Lead Solder Wire with Rosin for Electrical Soldering Flux 1.7% 1lb/454g 0.039"/1.0mm - Amazon.com



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60/40 Tin Lead Solder Wire with Rosin for Electrical Soldering Flux 1.7% 1lb/454g 0.039"/1.0mm

Brand: findmall

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- 40% Lead Content Effectively Lowers Melting Point and Improves the Soldering Gloss, Also Saves Your Work Time.
- Wire Dia: 0.039"/1.00mm Gross Weight: 1lb/454g
- Composition: Sn: 60%; Pb: 40%
- Physical Performance: Its melting point is 361°F - 374°F/183°-190°;
- Application: DIY, home improvement, Repairation of cable/TV/Radio/sterro/ Toys Application: DIY, home improvement, Repairation of cable/TV/Radio/sterro/ Toys Application: DIY, home improvement, Repairation of cable/TV/Radio/sterro/ Toys Application: DIY, home improvement, Repairation of cable/TV/Radio/sterro/ Toys

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7/15/2021

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WYCTIN 60-40 Tin Lead Rosin Core Solder Wire for Electrical Soldering and DIY 0.8mm (0.032in), 3PC Tube Pack, 60g

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- ★ Lower Melting Point: 361F/183C
- ★ Wire Dia: 0.8mm(0.032inches), Gross Weight:60gram/0.132lbs/1.952ounces
- ★ Application: DIY, home improvement, Repairation of cable/TV/Radio/stereo/ Toys

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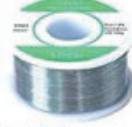
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