

**SUMMONS  
(CITACION JUDICIAL)**

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

**NOTICE TO DEFENDANT:  
(AVISO AL DEMANDADO):**

WALMART INC.

**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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California ([www.sucorte.ca.gov](http://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-22-597946**

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)

**02/02/2022**

Clerk, by \_\_\_\_\_, Deputy  
(Secretario) \_\_\_\_\_ (Adjunto)

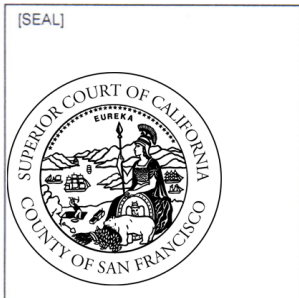
**LAURA SIMMONS**

(For proof of delivery 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:  CCP 416.10 (corporation)  CCP 416.60 (minor)  
 CCP 416.20 (defunct corporation)  CCP 416.70 (conservatee)  
 CCP 416.40 (association or partnership)  CCP 416.90 (authorized person)  
 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

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

FOR COURT USE ONLY

**ELECTRONICALLY FILED**  
 Superior Court of California,  
 County of San Francisco

**02/02/2022**  
 Clerk of the Court  
 BY: LAURA SIMMONS  
 Deputy Clerk

CASE NAME:  
 Vinocur v. Walmart Inc.

**CIVIL CASE COVER SHEET**

**Unlimited** (Amount demanded exceeds \$25,000)     **Limited** (Amount demanded is \$25,000 or less)

**Complex Case Designation**  
 **Counter**     **Joinder**  
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER: **CGC-22-597946**

JUDGE:  
 DEPT:

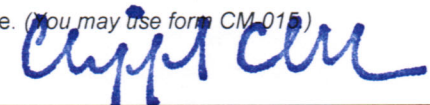
Items 1-6 below must be completed (see instructions on page 2).

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

<p><b>Auto Tort</b></p> <p><input type="checkbox"/> Auto (22)  <input type="checkbox"/> Uninsured motorist (46)</p> <p><b>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</b></p> <p><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)</p> <p><b>Non-PI/PD/WD (Other) Tort</b></p> <p><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)</p> <p><b>Employment</b></p> <p><input type="checkbox"/> Wrongful termination (36)  <input type="checkbox"/> Other employment (15)</p>	<p><b>Contract</b></p> <p><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)</p> <p><b>Real Property</b></p> <p><input type="checkbox"/> Eminent domain/Inverse condemnation (14)  <input type="checkbox"/> Wrongful eviction (33)  <input type="checkbox"/> Other real property (26)</p> <p><b>Unlawful Detainer</b></p> <p><input type="checkbox"/> Commercial (31)  <input type="checkbox"/> Residential (32)  <input type="checkbox"/> Drugs (38)</p> <p><b>Judicial Review</b></p> <p><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)</p>	<p><b>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</b></p> <p><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)</p> <p><b>Enforcement of Judgment</b></p> <p><input type="checkbox"/> Enforcement of judgment (20)</p> <p><b>Miscellaneous Civil Complaint</b></p> <p><input type="checkbox"/> RICO (27)  <input checked="" type="checkbox"/> Other complaint (not specified above) (42)</p> <p><b>Miscellaneous Civil Petition</b></p> <p><input type="checkbox"/> Partnership and corporate governance (21)  <input type="checkbox"/> Other petition (not specified above) (43)</p>
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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: February 2, 2022  
 Clifford A. Chanler

  
 (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.

## 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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CHANLER, LLC  
2 72 Huckleberry Hill Road  
New Canaan, CT 06840  
3 Telephone: (203) 594-9246  
Facsimile: (203) 594-9247  
4 Email: Clifford@ChanlerLLC.com

5 Attorneys for Plaintiff  
LAURENCE VINO CUR  
6  
7

ELECTRONICALLY  
**FILED**

Superior Court of California,  
County of San Francisco

**02/02/2022**  
Clerk of the Court

BY: LAURA SIMMONS  
Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN FRANCISCO

10 UNLIMITED CIVIL JURISDICTION

11  
12 LAURENCE VINO CUR,

13 Plaintiff,

14 v.

15 WALMART INC.,

16 Defendant.

Case No. \_\_\_\_\_

**CGC-22-597946**

**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 California citizens to enforce the People’s right to be informed of certain  
4 health hazards caused by exposures to lead, a toxic chemical found in solid ingots (sometimes  
5 referred to as “lead bars”) (the Products). The Products are repackaged, produced, stored,  
6 distributed, shipped and/or sold online (sold) to California citizens by defendant Walmart Inc.

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

13 3. Defendant has knowledge of the lead contents of the Products which were and  
14 continue to be offered for purchase and/or transacted through walmart.com.

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

20 5. Pursuant to Proposition 65, on February 27, 1987, California identified and listed  
21 lead as a chemical known to cause birth defects and other reproductive harm. Lead became  
22 subject to the “clear and reasonable warning” requirements of the act one year later on February  
23 27, 1988. 27 Cal. Code Regs. §27001(b); Health & Safety Code §25249.8 and §25249.10(b).

24 6. Defendant imports, distributes, facilitates and/or otherwise offers for sale the  
25 Products without the mandated health hazard warning in California. The Products at issue are  
26  
27  
28

1 limited by the description in footnote 1 below.<sup>1</sup> Products include the list of exemplar items shown  
2 in column one on Exhibit A. The immediate packaging of one of the Products is shown on Exhibit  
3 B.

4 7. Defendant's failure to warn consumers of the health hazards associated with  
5 exposures to lead in conjunction with defendant's sales of the Products are violations of  
6 Proposition 65 which subject defendant to enjoinder of such conduct as well as civil penalties for  
7 each violation. Health & Safety Code §25249.7(a) and (b)(1).

8 8. For defendant's violations and threatened violations of Proposition 65, plaintiff  
9 seeks preliminary and permanent injunctive relief to compel it to provide purchasers and users of  
10 the Products with the required warning regarding specific health hazards associated with  
11 exposures to lead. Health & Safety Code §25249.7(a).

12 9. Pursuant to Health & Safety Code §25249.7(b), plaintiff also seeks civil penalties  
13 against defendant for its violations of Proposition 65, some of which are ongoing.

14 **PARTIES**

15 10. Plaintiff Laurence Vinocur is a citizen of the State of California who is dedicated to  
16 protecting the health of California citizens through the elimination or reduction of toxic exposures  
17 from consumer, and he brings this action in the public interest pursuant to Health & Safety Code  
18 §25249.7(d).

19 11. Defendant WALMART INC. (WALMART) is a person in the course of doing  
20 business within the meaning of Health & Safety Code §§25249.6 and 25249.11.

21 12. WALMART imports, distributes, sells, facilitates, and/or offers the Products for  
22 sale in the State of California. WALMART has offered (and, in many instances, continues to  
23 offer) for sale Products supplied to it by entities that are not subject to enforcement under  
24

25  
26 \_\_\_\_\_  
27 <sup>1</sup> The specific products covered by paragraph 6 of this complaint are limited to those items which reference the toxicant  
28 "lead" in: (i) the product's name; (ii) the product description or information referenced on 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; or  
(iv) the immediate product packaging or container by use of the name of the heavy metal or its element symbol, Pb.

1 Proposition 65 because: (i) they have less than ten employees during all relevant periods; or (ii) do  
2 not have an agent for process of service in California.

3 **VENUE AND JURISDICTION**

4 13. 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 WALMART, one or more instances of  
7 wrongful conduct occurred, and continue to occur, in this county, and/or WALMART conducts,  
8 and continues to conduct business in San Francisco.

9 14. 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 15. The California Superior Court has jurisdiction over WALMART based on  
14 plaintiff’s information and good faith belief that WALMART is a person, firm, corporation has a  
15 principal office or association that is a citizen of the State of California, has sufficient minimum  
16 contacts in the State of California, and/or otherwise purposefully avails itself of the California  
17 market. WALMART’s purposeful availment renders the exercise of personal jurisdiction  
18 (specific, limited or both) by California courts consistent with traditional notions of fair play and  
19 substantial justice.

20 **FIRST CAUSE OF ACTION**

21 **(Violation of Proposition 65)**

22 16. Plaintiff realleges and incorporates by reference, as if fully set forth herein,  
23 Paragraphs 1 through 15, inclusive.

24 17. 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           18.     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           19.     On August 24, 2021, plaintiff served a 60-Day Notice of Violation, (the Notice),  
6 together with the requisite certificate of merit, on WALMART, the California Attorney General’s  
7 Office, and the requisite public enforcement agencies alleging that, as a result of WALMART’s  
8 sales of the Products, consumers in California are being exposed to the toxicant lead resulting  
9 from their reasonably foreseeable use of the Products, without them first receiving a “clear and  
10 reasonable warning” regarding the reproductive toxicity associated with exposures to the heavy  
11 metal, as required by Proposition 65. The Notice is limited to lead ingots as set forth in footnote 1  
12 above.

13           20.     WALMART imports, distributes, facilitates for sale, sells, and/or offers the  
14 Products for sale or use in violation of Health & Safety Code §25249.6, and WALMART’s  
15 violations have continued beyond its receipt of plaintiff’s Notice. As such, WALMART’s  
16 violations are ongoing and continuous in nature and, unless enjoined, will continue until  
17 compliance is ensured by the Court.

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

21           22.     The Products that WALMART distributes or offers for sale throughout the State of  
22 California cause exposures to lead as a result of their reasonably foreseeable use. Such exposures  
23 caused by WALMART and endured by consumers in California who purchase, use or handle the  
24 Products are not exempt from the “clear and reasonable” warning requirements of Proposition 65,  
25 yet WALMART does not provide compliant warnings for the risk of reproductive toxicity of lead.

26           23.     WALMART has actual knowledge that the Products it imports, distributes, sells,  
27 facilitates for sale or offers for sale in California contain lead.

28



1           24.     Lead is present in the Products in such a way as to expose consumers through  
2 dermal contact, direct and indirect ingestion and/or inhalation during reasonably foreseeable use.

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

6           26.     WALMART knows that the normal and reasonably foreseeable use of the Products  
7 exposes individuals to lead through dermal contact, ingestion and/or inhalation.

8           27.     WALMART intends that exposures to lead from the reasonably foreseeable use of  
9 the Products will occur by their deliberate, non-accidental participation in the importation,  
10 distribution, sale, and offering of the Products for sale or use to consumers and others in  
11 California.

12          28.     WALMART failed to provide a “clear and reasonable warning” to those consumers  
13 in California who have been, or who will be, exposed to lead resulting from their use of the  
14 Products.

15          29.     Contrary to the express policy and statutory prohibition of Proposition 65 enacted  
16 directly by California voters, consumers exposed to lead as a result of their use of the Products  
17 that WALMART sold without a “clear and reasonable” health hazard warning, have suffered, and  
18 continue to suffer, irreparable harm for which they have no plain, speedy, or adequate remedy at  
19 law.

20          30.     Pursuant to Health & Safety Code §25249.7(b), as a consequence of the above-  
21 described acts, WALMART is liable for a maximum civil penalty of \$2,500 per day for each  
22 violation.

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

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1 **PRAYER FOR RELIEF**

2 Wherefore, plaintiff prays for judgment against WALMART as follows:

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

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

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

13 4. That the Court grant plaintiff his reasonable attorneys’ fees and costs of suit; and

14 5. That the Court grant such other and further relief as may be just and proper.

15 Dated: February 2, 2022

16 Respectfully submitted,

17 CHANLER, LLC

18 By:  \_\_\_\_\_  
19 Clifford A. Chanler

**EXHIBIT A**

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<i>Products</i>	<i>Vendor/Supplier</i>
LK Enterprises Lead Ingots	AMI Ventures Inc
Bigbolo Bar Solder, Tin/Lead, 7/16 In. Diameter	Unique's Shop

## EXHIBIT B

