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**ELECTRONICALLY FILED**  
Superior Court of California,  
County of San Diego  
**08/04/2022** at 05:48:08 PM  
Clerk of the Superior Court  
By Marfil Estrada, Deputy Clerk

*Attorneys for Plaintiff, Keep America Safe and Beautiful*

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF SAN DIEGO**  
**UNLIMITED CIVIL JURISDICTION**

**KEEP AMERICA SAFE AND BEAUTIFUL**  
**Plaintiff,**  
**VS.**  
**MLC DISTRIBUTION, Inc.,**  
**AMAZON.COM, INC.,**  
**AMAZON.COM SERVICES, INC.,**  
**AND**  
**DOES 1-25 INCLUSIVE**  
**DEFENDANTS.**

**CASE NO.:** 37-2022-00031060-CU-NP-CTL  
**COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF**  
*(Cal. Health & Safety Code § 25249.6 et seq.)*

**NATURE OF THE ACTION**

1. This Complaint is a representative action brought by plaintiff Keep America Safe and Beautiful, in the public interest of the citizens of the State of California, to enforce the people’s right to be informed of the dangers from exposures to DEHP (Di-[2-Ethylhexyl] Phthalate) (hereafter “Listed Chemicals”) toxic chemicals when using the “Asani Oversized

1 Comfort Bike Seat Most Comfortable Replacement Bicycle Saddle For Cycling – Universal Fit  
2 For Outdoor Exercise Bikes & Indoor Spin Bikes – Wide Soft Padded Bike Saddle For Women  
3 and Men” sold by DEFENDANTS in California.

4 2. By this Complaint, plaintiff seeks to remedy DEFENDANTS` continuing failures  
5 to warn California citizens about their exposure to the Listed Chemicals during the normal and  
6 intended use of the “Asani Oversized Comfort Bike Seat Most Comfortable Replacement  
7 Bicycle Saddle For Cycling – Universal Fit For Outdoor Exercise Bikes & Indoor Spin Bikes –  
8 Wide Soft Padded Bike Saddle For Women and Men” (hereafter “PRODUCT(S)” that the  
9 DEFENDANT manufactured, distributed and sold, in the State of California and PRODUCTS  
10 that DEFENDANTS continue to manufacture, distribute and offer for sale in the State of  
11 California.

12 3. California citizens, including children, through the act of buying, acquiring or  
13 utilizing the products, are exposed to the listed chemicals in homes, workplaces, and places  
14 throughout California where these products are used.

15 4. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986,  
16 California Health & Safety Code § 25249.6 et seq. (Proposition 65), “No 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  
19 warning to such individual...” (*Cal. Health & Safety Code § 25249.6.*)

20 5. California identified and listed DEHP (Di-[2-Ethylhexyl] Phthalate) as a chemical  
21 known to cause cancer. DEHP (Di-[2-Ethylhexyl] Phthalate) became subject to the warning  
22 requirements of Proposition 65 for cancer beginning on January 1, 1988 (*27 CCR § 27002; Cal.*  
23 *Health & Safety Code § 25249.6.*)

24 6. California identified and listed DEHP (Di-[2-Ethylhexyl] Phthalate) as a chemical  
25 known to cause birth defects. DEHP (Di-[2-Ethylhexyl] Phthalate) became subject to the  
26 warning requirements of Proposition 65 for reproductive harm beginning on October 24, 2003.  
27 (*27 CCR Sec. 27002; Cal. Health & Safety Code Sec. 25249.6*)  
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1 County of San Diego and/or because DEFENDANTS conducted, and continue to conduct,  
2 business in this County with respect to the PRODUCT.

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

7 17. The California Superior Court has jurisdiction over DEFENDANTS based on  
8 plaintiff’s information and good faith belief that each defendant is a person, firm, corporation or  
9 association that either are citizens of the State of California, have sufficient minimum contacts in  
10 the State of California, or otherwise purposefully avail themselves of the California market.  
11 DEFENDANTS` purposeful availment renders the exercise of personal jurisdiction by California  
12 courts consistent with traditional notions of fair play and substantial justice.

13 **FIRST CAUSE OF ACTION**

14 **(Violation of Proposition 65 – Against Defendant)**

15 18. Plaintiff realleges and incorporates by reference, as if fully set forth herein,  
16 Paragraphs 1 through 17, inclusive.

17 19. The citizens of the State of California have expressly stated in the Safe Drinking  
18 Water and Toxic Enforcement Act of 1986, California Health & Safety Code § 25249.5, et seq.  
19 (Proposition 65) that they must be informed “about exposures to chemicals that cause cancer,  
20 birth defects and order reproductive harm.” (*Cal. Health & Safety Code § 25249.6.*)

21 20. Proposition 65 states, “No person in the course of doing business shall knowingly  
22 and intentionally expose any individual to a chemical known to the state to cause cancer or  
23 productive toxicity without first giving clear and reasonable warning to such individual...  
24 (*Id.*)”

25 21. On August 26, 2021 a sixty-day notice violation, together with the requisite  
26 certificate of merit, was provided to DEFENDANTS, and various public enforcement agencies  
27 stating that as a result of the DEFENDANTS’ sales of the PRODUCTS, purchasers and users in  
28 the State of California were being exposed to the LISTED CHEMICAL resulting from the

1 reasonably foreseeable use of the PRODUCTS, without the individual purchasers and users first  
2 having been provided with a “clear and reasonable warning” regarding such toxic exposures.

3           22. DEFENDANTS have engaged in the manufacture, distribution and/or offering of  
4 the PRODUCTS for sale or use in violation of California Health & Safety Code § 25249.6 and  
5 DEFENDANTS’ manufacture, distribution and/or offering of the PRODUCTS for sale or use in  
6 violation of California Health & Safety Code § 25249.6 has continued to occur beyond  
7 DEFENDANTS’ receipt of plaintiff’s sixty-day notice of violation. Plaintiff further alleges and  
8 believes that such violations will continue to occur into the future.

9           23. After receipt of the claims asserted in the sixty-day notices of violation, the  
10 appropriate public enforcement agencies have failed to commence and diligently prosecute a  
11 cause of action against DEFENDANTS under Proposition 65.

12           24. The PRODUCTS manufactured, distributed, and/or offered for sale or use in  
13 California by DEFENDANTS contained the LISTED CHEMICAL above the allowable state  
14 limits.

15           25. DEFENDANTS knew or should have known that the PRODUCTS manufactured,  
16 distributed, and/or for sale or use by DEFENDANTS in California contained the LISTED  
17 CHEMICAL.

18           26. The PRODUCTS, through normal use exposes users to the LISTED CHEMICALS  
19 in such a way as to expose individuals to the LISTED CHEMICALS through inhalation, dermal  
20 contact and/or ingestion during the reasonably foreseeable use of the PRODUCTS.

21           27. The normal and reasonably foreseeable use of the PRODUCTS has caused and  
22 continues to cause consumer exposures to the LISTED CHEMICAL, as such exposure is defined  
23 by 27 CCR§ 25602(b).

24           28. DEFENDANTS had knowledge that the normal and reasonably foreseeable use of  
25 the PRODUCTS would expose individuals to the LISTED CHEMICAL..

26           29. DEFENDANTS intended that such exposures to the LISTED CHEMICAL from  
27 the reasonably foreseeable use of the PRODUCTS would occur by their deliberate, non-  
28

1 accidental participation in the manufacture, distribution and/or offer for sale or use of  
2 PRODUCTS to individuals in the State of California.

3 30. DEFENDANTS failed to provide a “clear and reasonable warning” to those  
4 consumers and/or other individuals in the State of California who were or who could become  
5 exposed to the LISTED CHEMICAL during the reasonably foreseeable use of the PRODUCTS.

6 31. Contrary to the express policy and statutory prohibition of Proposition 65, enacted  
7 directly by California voters, individuals exposed to the LISTED CHEMICAL resulting from the  
8 reasonably foreseeable use of the PRODUCTS, sold by DEFENDENTS without a “clear and  
9 reasonable warning,” have suffered, and continue to suffer, irreparable harm, for which harm  
10 they have no plain, speedy or adequate remedy at law.

11 32. As a consequence of the above-described acts, DEFENDANTS are liable for a  
12 maximum civil penal of \$2,500 per day for each violation pursuant to California Health& Safety  
13 Code § 25249.7(b).

14 33. As a consequence of the above-described acts, California Health & Safety Code §  
15 25249.7(a) also specifically authorizes the Court to grant injunctive relief against  
16 DEFENDANTS.

17 34. Wherefore, plaintiff prays for judgment against DEFENDANTS as set forth  
18 hereinafter.

19 **PRAYER FOR RELIEF**

20 Wherefore, plaintiff prays for judgment against DEFENDANT as follows:

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


24 2. That the Court, pursuant to California Health & Safety Code § 25249.7(a),  
25 preliminarily and permanently enjoin DEFENDANTS from manufacturing, distributing or  
26 offering the PRODUCTS for sale or use in California, without providing “clear and reasonable  
27 warnings” as detailed by 27 CCR § 25601, as to the harms associated with exposures to the  
28 LISTED CHEMICAL;

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- 3. That the Court grant plaintiff its reasonable attorneys' fees and cost of suit; and,
- 4. That the Court grant such other and further relief as may be just and proper.

Dated: August 02, 2022

Respectfully Submitted,  
Law Offices of Stephanie Sy

By:   
Stephanie Sy, Esq.  
Attorney for Plaintiff