

1 Clifford A. Chanler, State Bar No. 135534  
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 Steven Y. Chen, State Bar No. 243200  
STEVEN Y. CHEN, A PROFESSIONAL LAW CORPORATION  
6 2650 River Avenue, Unit A  
Rosemead, CA 91702  
7 Telephone: (626) 782-5017  
Facsimile: (626) 307-1657  
8 Email: Schen@Schenlaw.com

9 Attorneys for Plaintiff  
LAURENCE VINOCUR

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ELECTRONICALLY

**FILED**

Superior Court of California,  
County of San Francisco

**04/27/2022**  
**Clerk of the Court**  
BY: KAREN VALDES  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

**CGC-22-599372**

UNLIMITED CIVIL JURISDICTION

LAURENCE VINOCUR,  
  
Plaintiff,  
  
v.  
  
BANGGOOD NETWORK TECHNOLOGY  
CO., LTD,  
  
Defendant.

Case No.  
  
**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**  
  
(Health & Safety Code §25249.5 *et seq.*)

1 **NATURE OF THE ACTION**

2 1. This Complaint is a representative action brought by plaintiff LAURENCE  
3 VINOCUR in the public interest of the citizens of the State of California to enforce the People’s  
4 right to be informed of the health hazards caused by exposures to lead, a toxic chemical found in  
5 and on solder wire and fishing sinkers (Products) sold by BANGGOOD NETWORK  
6 TECHNOLOGY CO., LTD in California.

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

13 3. Detectable levels of lead are found in and on Products that defendant manufactures,  
14 distributes, and/or offers for sale to consumers and other individuals throughout the State of  
15 California.

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

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

25 6. Defendant manufactures, distributes, imports, sells, and offers for sale without  
26 health hazard warnings in California, solder wire and fishing sinkers containing lead including, but  
27 not limited to, the items listed on Exhibit A. All such Products containing lead that are  
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1 manufactured, distributed, sold, or offered for sale by defendant in the State of California are  
2 referred to collectively hereinafter as “PRODUCTS.”

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

8 8. For defendant’s violations of Proposition 65, plaintiff seeks preliminary and  
9 permanent injunctive relief to compel defendant to provide consumers of the PRODUCTS with  
10 the required warning regarding the health hazards associated with exposures to lead. Health &  
11 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.

14 **PARTIES**

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

19 11. Defendant BANGGOOD NETWORK TECHNOLOGY CO., LTD is a person in  
20 the course of doing business within the meaning of Health & Safety Code §§25249.6 and  
21 25249.11.

22 12. BANGGOOD NETWORK TECHNOLOGY CO., LTD manufactures, imports,  
23 distributes, sells, and/or offers the PRODUCTS for sale or use in the State of California, or implies  
24 by its conduct that it manufactures, imports, distributes, sells, and/or offers the PRODUCTS for  
25 sale or use in the State of California.

26 13. BANGGOOD NETWORK TECHNOLOGY CO., LTD shall hereinafter, where  
27 appropriate, be referred to as the “DEFENDANT.”  
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1 **VENUE AND JURISDICTION**

2 14. 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 DEFENDANT, because one or more  
5 instances of wrongful conduct occurred, and continue to occur, in this county, and/or because  
6 DEFENDANT conducted, and continues to conduct, business in San Francisco with respect to the  
7 PRODUCTS.

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

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

18 **FIRST CAUSE OF ACTION**

19 **(Violation of Proposition 65)**

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

22 18. 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 19. 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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1 reproductive toxicity without first giving clear and reasonable warning to such individual . . .”  
2 Health & Safety Code §25249.6.

3 20. On February 14, 2022, plaintiff served two 60-Day Notices of Violation (the  
4 Notices), together with certificates of merit, on DEFENDANT, the California Attorney General’s  
5 Office, and the requisite public enforcement agencies alleging that, as a result of DEFENDANT’S  
6 sales of the PRODUCTS, consumers in the State of California are being exposed to lead resulting  
7 from their reasonably foreseeable use of the PRODUCTS, without the consumers first receiving a  
8 “clear and reasonable warning” regarding the harms associated with exposures to lead, as required  
9 by Proposition 65.

10 21. DEFENDANT manufactures, imports, distributes, sells, and offers the PRODUCTS  
11 for sale or use in violation of Health & Safety Code §25249.6, and DEFENDANT’S violations  
12 have continued beyond their receipt of plaintiff’s Notices. As such, DEFENDANT’S violations  
13 are ongoing and continuous in nature and, unless enjoined will continue in the future.

14 22. After receiving plaintiff’s Notices, no public enforcement agency has commenced  
15 and diligently prosecuted a cause of action against DEFENDANT under Proposition 65 to enforce  
16 the alleged violations that are the subject of plaintiff’s Notices.

17 23. The PRODUCTS that DEFENDANT manufactures, imports, distributes, sells, and  
18 offers for sale or use in California cause exposures to lead as a result of the reasonably foreseeable  
19 use of the PRODUCTS. Such exposures caused by DEFENDANT and endured by consumers and  
20 other individuals in California are not exempt from the “clear and reasonable” warning  
21 requirements of Proposition 65, yet DEFENDANT provides no warning.

22 24. DEFENDANT knew or should have known that the PRODUCTS it manufactures,  
23 imports, distributes, sells, and offers for sale in California contain lead.

24 25. Lead is present in or on the PRODUCTS in such a way as to expose consumers  
25 through dermal contact, ingestion and/or inhalation during reasonably foreseeable use.

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1           26.     The normal and reasonably foreseeable use of the PRODUCTS has caused, and  
2 continues to cause, consumer product exposures to lead, as defined by title 27 of the California  
3 Code of Regulations, §25600.1(e).

4           27.     DEFENDANT knows that the normal and reasonably foreseeable use of the  
5 PRODUCTS exposes individuals to lead through dermal contact, ingestion and/or inhalation.

6           28.     DEFENDANT intended that exposures to lead from the reasonably foreseeable use  
7 of the PRODUCTS will occur by its deliberate, non-accidental participation in the manufacture,  
8 importation, distribution, sale, and offering of the PRODUCTS for sale or use to consumers in  
9 California.

10          29.     DEFENDANT failed to provide a “clear and reasonable warning” to those  
11 consumers in California who have been, or who will be, exposed to lead through dermal contact,  
12 ingestion and/or inhalation resulting from their use of the PRODUCTS.

13          30.     Contrary to the express policy and statutory prohibition of Proposition 65 enacted  
14 directly by California voters, consumers exposed to lead through dermal contact, ingestion and/or  
15 inhalation as a result of their use of the PRODUCTS that DEFENDANT sold without a “clear and  
16 reasonable” health hazard warning, have suffered, and continue to suffer, irreparable harm for  
17 which they have no plain, speedy, or adequate remedy at law.

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

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

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**PRAYER FOR RELIEF**

Wherefore, plaintiff prays for judgment against DEFENDANT as follows:

1. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil penalties against DEFENDANT 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 DEFENDANT from manufacturing, distributing, or offering the PRODUCTS for sale or use in California without first providing a “clear and reasonable warning” in accordance with title 27 of the California Code of Regulations, §25600 *et seq.*, 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 DEFENDANT recall all PRODUCTS currently in the chain of commerce in California without a “clear and reasonable warning” as defined by California Code of Regulations title 27, §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: April 27, 2022

Respectfully submitted,  
CHANLER, LLC

By:  \_\_\_\_\_  
Clifford A. Chanler  
Attorneys for Plaintiff  
LAURENCE VINOCUR

# Exhibit A

## Solder Wire

<i>Products</i>	<i>ID</i>
1.5mm 63/37 Flux 2.0% Tin Lead Wire Melt Rosin Core Solder Soldering Welding Iron Wire Roll, <i>As Illustrated in Exhibit B</i>	1008696
Mechanic 183°C 40g 0.2/0.3/0.4/0.5/0.6/0.8mm 63/37 Rosin Core Tin-Lead Melting Solder Wire Welding Iron Cable Reel, <i>As Illustrated in Exhibit B</i>	1755995
Daniu 100g 63/37 Tin Lead Rosin Core 0.5-2mm 2% Flux Reel Welding Line Solder Wire, <i>As Illustrated in Exhibit B</i>	989139
WLXY 0.3mm Diam 63Sn 37Pb Tin Lead Melt Rosin Core Solder Wire Reel Flux 1.2%, <i>As Illustrated in Exhibit B</i>	1434621
2Pcs 0.8mm 50g Rosin Core 63/37 Tin Lead Flux Soldering Welder Iron Wire Reel, <i>As Illustrated in Exhibit B</i>	1587618
Aron Type-A3 100g 63/37 1.0mm Flux 1.8 Tin Lead Rosin Core Soldering Iron Wire Reel	1026762
63/37 0.5mm Tin Lead Rosin Core Soldering Iron Wire Reel	946006
KGX Tin Soldering Wire Rosin Core Flux Free Solder Wire 0.3/0.4/0.5/0.6/0.8/1.0mm	1815361
MECHANIC HX-100 55g Solder Wire 63%/37% Sn/Pb Rosin Core 183°C Melting Point 0.2mm To 1.2mm Solder Wire Welding Iron Cable Reel	1756064
0.3mm Rosin Core Solder Low Melting Point Solder Soldering Wire Roll	920040
Toolour 5Pcs 1mm Tin Lead Solder Wire Tube Flux 40/60 with Flux Rosin Core for Welding PCB Work Soldering Tools	1757221
Mechanic 60g Solder Wire 0.3/0.4/0.5/0.6/0.8/1.0/1.2mm 63/37 Rosin Core Tin Lead Welding Flux 1.0-3.0% Iron Cable Reel 183°C	1757047



## Fishing Sinkers

<b>Products</b>	<b>ID/Model#/Item#</b>
LEO 27884 50pcs Fishing Lead Sinker Sea Fishing Tackle Weight 4G Fishing Lead Sinker, <i>As Illustrated in <b>Exhibit B</b></i>	1342165; Model# 27884
50pcs Metal Olive Shape Leads Sinkers Fishing Sinker Pure Lead Making Sea Fishing Sinker Tackle, <i>As Illustrated in <b>Exhibit B</b></i>	1341166
ZANLURE 11cm 40g Fishing Lure Lead Jig Head Soft Lure T-Tail Swimbait Artificial Bait with 2 Pcs T-Tail, <i>As Illustrated in <b>Exhibit B</b></i>	1843913
SeaKnight SK02 10PCS 2.5g 5g 7g 10g Lead Sinker Fishing Lead Sinker Weight Connecting Ring Tackle, <i>As Illustrated in <b>Exhibit B</b></i>	1310496
ZANLURE Fishing Sinker Fishing Rolling Swivel Sea Fishing Lead Weights Sinkers with Snap Swivels, <i>As Illustrated in <b>Exhibit B</b></i>	1051160
ZANLURE 177pcs Fishing Accessories Kits Hooks Swivels Sinker Stoppers Sequins With Fishing Box	1289268
226Pcs Fishing Accessories Tackle Kits Jig Hooks Sinkers Swivels For Freshwater	1634819