

1 **ENTORNO LAW, LLP**
Noam Glick (SBN 251582)
2 Jake W. Schulte (SBN 293777)
Craig M. Nicholas (SBN 178444)
3 225 Broadway, Suite 1900
San Diego, California 92101
4 Tel: (619) 629-0527
Email: noam@entornolaw.com
5 Email: jake@entornolaw.com
Email: craig@entornolaw.com
6

7 Attorneys for Plaintiff
Environmental Health Advocates, Inc.
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9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

10 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

CGC-22-599492

11 ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

12 Plaintiff,

13 v.

14 SEPHORA USA, INC., a Michigan
corporation, and DOES 1 through 100,
inclusive,

15 Defendants.
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Case No.:

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

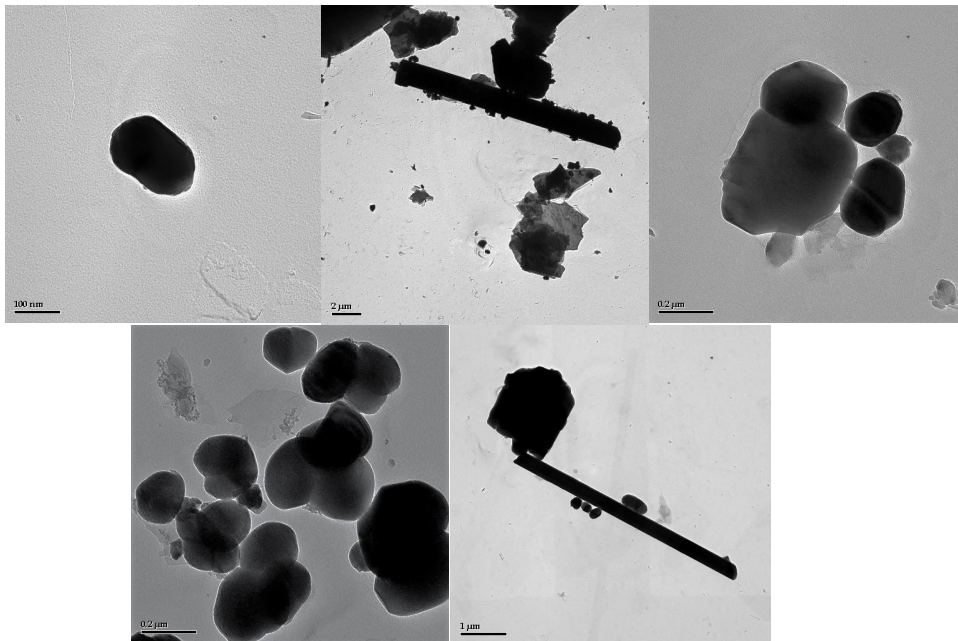
**ELECTRONICALLY
FILED**
*Superior Court of California,
County of San Francisco*

05/04/2022
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

I.

INTRODUCTION

1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff seeks to remedy Defendant’s failure to inform the People of exposure to Titanium Dioxide (airborne, unbound particles of respirable size) (“TiO2”), a known carcinogen. Defendant exposes consumers to TiO2 by manufacturing, importing, selling, and/or distributing makeup palettes including, but not limited to, the Sephora Pocket Palette (“Products”). Defendant knows and intends that customers will use Products containing TiO2. Below are pictures of TiO2 particles found in an exemplar of Defendant’s Products:



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

3. California identified and listed Titanium Dioxide (airborne, unbound particles of respirable size) (“TiO2”) as a chemical known to cause cancer as early as September 2, 2011.

4. Defendant failed to sufficiently warn consumers and individuals in California about

1 potential exposure to TiO₂ in connection with Defendant’s manufacture, import, sale, or distribution of
2 Products. This is a violation of Proposition 65.

3 5. Plaintiff seeks injunctive relief compelling Defendant to sufficiently warn consumers in
4 California before exposing them to TiO₂ in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
5 also seeks civil penalties against Defendant for its violations of Proposition 65 along with attorney’s
6 fees and costs. (Health & Safety Code, § 25249.7(b).)

7 **II.**

8 **PARTIES**

9 6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
10 corporation in the State of California dedicated to protecting the health of California citizens through
11 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public
12 interest pursuant to Health and Safety Code, section 25249.7.

13 7. Defendant SEPHORA USA, INC. (“SUI”) is a corporation organized and existing under
14 the laws of Michigan. SUI is registered to do business in California, and does business in the County of
15 San Francisco, within the meaning of Health and Safety Code, section 25249.11. SUI manufactures,
16 imports, sells, or distributes the Products in California and San Francisco County.

17 8. Plaintiff does not know the true names and/or capacities, whether individual, partners,
18 or corporate, of the defendant sued herein as DOES 1 through 100, inclusive, and for that reason sues
19 said defendant under fictitious names. Plaintiff will seek leave to amend this Complaint when the true
20 names and capacities of these defendant have been ascertained. Plaintiff is informed and believes and
21 thereon alleges that this defendant are responsible in whole or in part for the remedies and penalties
22 sought herein.

23 **III.**

24 **VENUE AND JURISDICTION**

25 9. California Constitution Article VI, Section 10 grants the Superior Court original
26 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code
27 statute upon which this action is based does not give jurisdiction to any other court. As such, this Court
28 has jurisdiction.

1 4. Such other and further relief as may be just and proper.

2 Respectfully submitted:

3 Dated: May 4, 2022

ENTORNO LAW, LLP

Noam Glick

By:

Noam Glick
Craig M. Nicholas
Jake W. Schulte

Attorneys for Plaintiff
Environmental Health Advocates, Inc.

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