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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

11/16/2022
Clerk of the Court
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Deputy Clerk

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7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF SAN FRANCISCO

9 UNLIMITED CIVIL JURISDICTION

CGC-22-602981

10
11 CENTER FOR ADVANCED PUBLIC
AWARENESS,

12 Plaintiff,

13 v.

14 PARK LIFE DESIGNS, LLC; RL
15 LIQUIDATORS, LLC; and DOES 1-30,
inclusive,

16 Defendants.

Case No.

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

Violation of Proposition 65, The Safe
Drinking Water and Toxic Enforcement Act
of 1986 (Health & Safety Code § 25249.5 *et*
seq.)

UNLIMITED CIVIL

1 Plaintiff CENTER FOR ADVANCED PUBLIC AWARENESS, acting in the public interest,
2 alleges a cause of action against Defendants PARK LIFE DESIGNS, LLC, RL LIQUIDATORS,
3 LLC and DOES 1-30.

4 **INTRODUCTION AND NATURE OF THE ACTION**

5 1. This Complaint is a representative action brought by plaintiff Center for Advanced
6 Public Awareness (“CAPA”) in the public interest of the citizens of the State of California to enforce
7 the People’s right to be informed of the health hazards caused by exposures to the heavy metal, Lead,
8 a toxic chemical found on the ceramic bowls with exterior decorations manufactured, imported,
9 distributed, sold or offered for sale by Defendants in the State of California.

10 2. By this Complaint, plaintiff seeks to remedy Defendants’ continuing failure to warn
11 individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.*
12 (“**consumers**”) that they are being exposed to Lead, a substance known to the State of California to
13 cause birth defects or other reproductive harm, present in the exterior decorations, when using or
14 handling Defendants’ ceramic bowls with exterior decorations.

15 3. Detectable levels of Lead are found on the ceramic bowls with exterior decorations
16 that Defendants manufacture, import, sell or distribute for sale to individuals throughout California.

17 4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
18 Health and Safety Code § 25249.6 *et seq.* (“**Proposition 65**”), it is unlawful for a person in the course
19 of doing business to knowingly and intentionally expose consumers in California to chemicals known
20 to the State to cause cancer, birth defects or other reproductive harm, without first providing a “clear
21 and reasonable” health hazard warning to such individuals prior to purchase or use.

22 5. CAPA contends and alleges Defendants manufacture, distribute, import, sell, and offer
23 for sale, in and into California ceramic bowls with exterior decorations (“**PRODUCTS**”) containing
24 Lead, without Proposition 65’s requisite health hazard warning regarding the harms associated with
25 exposures to the chemical, including, but not limited to, *Vienna Medium 6.25” Pet Bowl, UPC 6*
26 *96550 01495* 8. Defendants’ conduct subjects them to civil penalties for each violation, enjoinder
27 as well as preliminary and permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b).
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1 **PARTIES**

2 6. Plaintiff CAPA is a non-profit corporation organized under the laws of California and
3 acting in the interest of the general public, dedicated to protecting the health of California citizens and
4 the environment through the elimination and reduction of toxic chemicals used in manufacturing
5 consumer products and to increasing public awareness of those chemicals through the promotion of
6 sound environmental practices and corporate responsibility. CAPA brings this action in the public
7 interest, pursuant to Health and Safety Code § 25249.7(d).

8 7. Plaintiff is informed, believes, and thereon alleges, at all relevant times, Defendant
9 Park Life Designs, LLC (“**PARK LIFE**”) was and is a “person” “in the course of doing business”
10 within the meanings of Health and Safety Code §§ 25249.6 and 25249.11.

11 8. PARK LIFE manufactures, imports, distributes, sells, and/or offers the PRODUCTS
12 for sale or use in the State of California, or implies by its conduct that it manufactures, imports,
13 distributes, sells, and/or offers the PRODUCTS for sale or use in the State of California.

14 9. Plaintiff is informed, believes, and thereon alleges, at all relevant times, Defendant RL
15 Liquidators, LLC (“**RL LIQUIDATORS**”) was and is a “person” “in the course of doing business”
16 within the meanings of Health and Safety Code §§ 25249.6 and 25249.11.

17 10. RL LIQUIDATORS imports, distributes, sells, and/or offers the PRODUCTS for sale
18 or use in the State of California, or implies by its conduct that it imports, distributes, sells, and/or
19 offers the PRODUCTS for sale or use in the State of California.

20 11. Defendants DOES 1-10 (“**MANUFACTURER DEFENDANTS**”) are each a person
21 in the course of doing business within the meaning of Health and Safety Code §§ 25249.6 and
22 25249.11. MANUFACTURER DEFENDANTS, and each of them, assemble, fabricate, and
23 manufacture, or each implies by its conduct that it does such for one or more of the PRODUCTS
24 offered for sale or use in California.

25 12. Defendants DOES 11-20 (“**DISTRIBUTOR DEFENDANTS**”) are each a person in
26 the course of doing business within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.
27 DISTRIBUTOR DEFENDANTS, and each of them, distribute, transfer, and transport, or each
28

1 impliedly does so by its conduct, one or more of the PRODUCTS to individuals, businesses, or
2 retailers for sale or use in the State of California.

3 13. Defendants DOES 21-30 (“**RETAILER DEFENDANTS**”) are each a person in the
4 course of doing business within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.
5 **RETAILER DEFENDANTS**, and each of them, by and through their conduct, offer the PRODUCTS
6 for sale to individuals in the State of California.

7 14. At this time, the true names of Defendants DOES 1 through 30, inclusive, are
8 unknown to plaintiff, who, therefore, sues said DOES Defendants by their fictitious names, pursuant
9 to Code of Civil Procedure § 474. Plaintiff is informed and believes, and on that basis alleges, each
10 of the fictitiously named Defendants is responsible in some manner for the acts and occurrences
11 alleged herein and the damages caused thereby. When ascertained, their true names and capacities
12 shall be reflected in an amended complaint.

13 15. At all times mentioned herein, PARK LIFE, RL LIQUIDATORS,
14 MANUFACTURER DEFENDANTS, DISTRIBUTOR DEFENDANTS, and RETAILER
15 DEFENDANTS shall, hereinafter, where appropriate, be referred to collectively as the
16 “**DEFENDANTS.**”

17 **JURISDICTION AND VENUE**

18 16. This Court has jurisdiction over this action, pursuant to Cal. Health & Safety Code
19 § 25249.7, allowing enforcement by any court of competent jurisdiction. The California Superior
20 Court has jurisdiction over this action, pursuant to California Constitution Article VI, section 10,
21 which grants the Superior Court “original jurisdiction in all causes except those given by statute to
22 other trial courts.” The statute under which this action is brought does not specify any other basis of
23 subject matter jurisdiction.

24 17. The California Superior Court has jurisdiction over DEFENDANTS, based on
25 plaintiff’s information and good faith belief DEFENDANTS are each a person, firm, corporation or
26 association that is a citizen of the State of California, does sufficient business in California, has
27 sufficient minimum contacts in California, and/or otherwise purposefully and intentionally avail
28 themselves of the California market through their manufacture, importation, distribution, promotion,

1 marketing or sale of PRODUCTS within the State. DEFENDANTS’ purposeful avilment renders
2 the exercise of personal jurisdiction by California courts consistent with traditional notions of fair
3 play and substantial justice.

4 18. 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 DEFENDANTS, because one or more
7 instances of wrongful conduct occurred, and continue to occur, in this county, and/or because
8 DEFENDANTS conducted, and continue to conduct, business in the County of San Francisco with
9 respect to the PRODUCTS that are the subject of this action.

10 **REGULATORY BACKGROUND AND LAW**

11 19. In 1986, the people of the State of California approved an initiative addressing the
12 harms caused by hazardous chemicals and declared their right “[t]o be informed about exposures to
13 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp., Proposed
14 General Law, Gen. Elec. (Nov. 4, 1986) at p.3.

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

20 21. Under the Act, a “person in the course of doing business” is defined as a business with
21 ten (10) or more employees. Health & Safety Code § 25249.11(b). Businesses are prohibited from
22 exposing individuals to hazardous chemicals without first giving a “clear and reasonable” warning.
23 Health & Safety Code § 25249.6.

24 22. Exposing individuals to hazardous chemicals means to cause individuals to ingest,
25 inhale, contact via body surfaces or otherwise come into contact with a listed chemical. 27 CCR
26 § 25102(i). An exposure to a hazardous chemical is defined as one that “results from a person’s
27 acquisition, purchase, storage, consumption or other reasonably foreseeable use of a product...”
28 27 C.C.R. § 25600(h).

FIRST CAUSE OF ACTION
(Violation of Proposition 65 - Against All DEFENDANTS)

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2 30. CAPA realleges and incorporates by reference, as if fully stated herein, the allegations
3 set forth in Paragraphs 1 through 29, inclusive.

4 31. DEFENDANTS' PRODUCTS contain Lead in levels requiring a clear and reasonable
5 warning under Proposition 65.

6 32. DEFENDANTS know or should have known the PRODUCTS they manufacture,
7 import, distribute, sell, and offer for sale in California contain Lead. As a result of plaintiff's Notice,
8 DEFENDANTS also have actual knowledge of the presence of Lead in the PRODUCTS.

9 33. The PRODUCTS DEFENDANTS manufacture, import, distribute, sell, and offer for
10 sale in or into the State of California cause exposures to Lead, by dermal contact and ingestion via
11 hand to mouth contact, through the reasonably foreseeable use of the PRODUCTS.

12 34. The normal and reasonably foreseeable use of the PRODUCTS has caused, and
13 continues to cause, exposures to Lead.

14 35. DEFENDANTS know the normal and reasonably foreseeable use of the PRODUCTS
15 exposes individuals to Lead through dermal contact and ingestion.

16 36. DEFENDANTS intend exposures to Lead from the reasonably foreseeable use of the
17 PRODUCTS to occur by their deliberate, non-accidental participation in the California marketplace.

18 37. The exposures to Lead, caused by DEFENDANTS and endured by consumers and
19 other individuals in California, are not exempt from the "clear and reasonable" warning requirements
20 of Proposition 65.

21 38. DEFENDANTS failed to provide a "clear and reasonable warning" to those consumers
22 and other individuals in California who have been, or who will be, exposed to Lead through dermal
23 contact and ingestion resulting from the use of the PRODUCTS as intended.

24 39. Contrary to the express policy and statutory prohibition of Proposition 65, consumers
25 exposed to Lead through dermal contact and ingestion as a result of their use of the PRODUCTS that
26 DEFENDANTS sold without a "clear and reasonable" health hazard warning, have suffered, and
27 continue to suffer, irreparable harm for which they have no plain, speedy, or adequate remedy at law.
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