		ELECTRONICALLY FILED			
1	ENTORNO LAW, LLP	Superior Court of California,			
2	Noam Glick (SBN 251582) Jake W. Schulte (SBN 293777) Craig M. Nicholas (SBN 178444)	County of Alameda 03/15/2023 at 04:57:49 PM			
3	Janani Natarajan (SBN 346770)	By: Cheryl Clark,			
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7 8	Attorneys for Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC.				
9	SUPERIOR COURT OF THE STATE OF CALIFORNIA				
10	IN AND FOR THE COUNTY OF ALAMEDA				
11	ENVIRONMENTAL HEALTH ADVOCATES,	Case No.: 230V029336			
12	INC.,	COMPLAINT FOR CIVIL PENALTIES			
13	Plaintiff, v.	AND INJUNCTIVE RELIEF			
14	BLACK GIRL SUNSCREEN LLC, a Florida	(Health & Safety Code § 25249.6 et seq.)			
15	limited liability company; TARGET CORPORATION, a Minnesota corporation, and				
16	DOES 1 through 100, inclusive,				
17	Defendants.				
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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 Defendants' failure to inform the People of exposure to benzophenone, a known
 carcinogen. Defendants expose consumers to benzophenone by manufacturing, importing, selling,
 and/or distributing sunscreen products including, but not limited to, Black Girl Sunscreen, SPF 30
 ("Products"). Defendants know and intend that customers will use Products containing benzophenone.

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

13 3. California identified and listed benzophenone as a chemical known to cause cancer as
14 early as June 22, 2012.

4. Defendants failed to sufficiently warn consumers and individuals in California about
potential exposure to benzophenone in connection with Defendants' manufacture, import, sale, or
distribution of Products. This is a violation of Proposition 65.

5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
in California before exposing them to benzophenone in Products. (Health & Safety Code, §
25249.7(a).) Plaintiff also seeks civil penalties against Defendants for their violations of Proposition
65 along with attorneys' fees and costs. (Health & Safety Code, § 25249.7(b).)

II. <u>PARTIES</u>

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

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7. Defendant BLACK GIRL SUNSCREEN LLC ("BGS") is a limited liability company
 organized and existing under the laws of Florida. BGS is registered to do business in California, and
 does business in the County of Alameda, within the meaning of Health and Safety Code, section
 25249.11. BGS manufactures, imports, sells, or distributes the Products in California and Alameda
 County.

8. Defendant TARGET CORPORATION ("TC") is a corporation organized and existing
under the laws of Minnesota. TC is registered to do business in California, and does business in the
County of Alameda, within the meaning of Health and Safety Code, section 25249.11. TC manufactures,
imports, sells, or distributes the Products in California and Alameda County.

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

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III. VENUE AND JURISDICTION

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

21 11. Venue is proper in Alameda County Superior Court pursuant to Code of Civil
22 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this
23 County. Defendants conducted and continue to conduct business in this County as it relates to Products.

Defendants have sufficient minimum contacts in the State of California or otherwise
 purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would
 be consistent with traditional notions of fair play and substantial justice.

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1 **CAUSES OF ACTION** 2 FIRST CAUSE OF ACTION (Violation of Proposition 65 – Against all Defendants) 3 Plaintiff incorporates by reference each and every allegation contained above. 13. 4 14. Proposition 65 mandates that citizens be informed about exposures to chemicals that 5 cause cancer, birth defects, and other reproductive harm. 6 15. Defendants manufactured, imported, sold, and/or distributed Products containing 7 benzophenone in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and 8 believes such violations have continued after receipt of the Notice (defined *infra*) and will continue to 9 occur into the future. 10 16. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to 11 provide a clear and reasonable warning to consumers and individuals in California who may be exposed 12 to benzophenone through reasonably foreseeable use of the Products. 13 17. Products expose individuals to benzophenone through dermal absorption. This exposure 14 is a natural and foreseeable consequence of Defendants placing Products into the stream of commerce. 15 As such, Defendants intend that consumers will use Products, exposing them to benzophenone. 16 18. Defendants knew or should have known that the Products contained benzophenone and 17 exposed individuals to benzophenone in the ways provided above. The Notice informed Defendants of 18 the presence of benzophenone in the Products. Likewise, media coverage concerning benzophenone and 19 related chemicals in consumer products provided constructive notice to Defendants. 20 19. Defendants' actions in this regard were deliberate and not accidental. 21 20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a 22 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff 23 provided the Notice to the various required public enforcement agencies along with a certificate of merit. 24 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in 25 California of the health hazards associated with exposures to benzophenone contained in the Products. 26 21. The appropriate public enforcement agencies provided with the Notice failed to 27 commence and diligently prosecute a cause of action against Defendants. 28

IV.

1	22.	Individuals exposed to benzop	henon	e contained in Products through dermal absorption	
2	resulting from reasonably foreseeable use of the Products have suffered and continue to suffer				
3	irreparable harm. There is no other plain, speedy, or adequate remedy at law.				
4	23.	Defendants are liable for a max	ximun	n civil penalty of \$2,500 per day for each violation	
5	of Proposition	of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also			
6	appropriate pursuant to Health and Safety Code, section 25249.7(a).				
7	PRAYER FOR RELIEF				
8	Wherefore, Plaintiff prays for judgment against Defendants as follows:				
9	1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that				
10	damages total a minimum of \$1,000,000.00;				
11	2.	A preliminary and permanent	nt inju	nction against Defendants from manufacturing,	
12	importing, selling, and/or distributing Products in California without providing a clear and reasonable				
13	warning as required by Proposition 65 and related Regulations;				
14	3. Reasonable attorney's fees and costs of suit; and				
15	4.	Such other and further relief as	s may	be just and proper.	
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17	Respectfully submitted:				
18	Dated: March	15, 2023		ENTORNO LAW, LLP	
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20				Noon Slich	
21]	By:	Noam Glick	
22				Jake W. Schulte	
23				Craig M. Nicholas	
24				Janani Natarajan	
25				Attorneys for Plaintiff Environmental Health Advocates, Inc.	
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