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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

04/03/2023
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 UNLIMITED CIVIL JURISDICTION

CGC-23-605599

12 CENTER FOR ADVANCED PUBLIC
13 AWARENESS,

14 Plaintiff,

15 v.

16 MINERVA BEAUTY, INC.,

17 DEFENDANT.

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.)

Action is an Unlimited Civil Case

1 Plaintiff CENTER FOR ADVANCED PUBLIC AWARENESS, acting in the public interest,
2 alleges a cause of action against defendant MINERVA BEAUTY, INC.

3 **INTRODUCTION AND NATURE OF THE ACTION**

4 1. This Complaint is a representative action brought by plaintiff CAPA in the public
5 interest of the citizens of the State of California to enforce the People’s right to be informed of the
6 health hazards caused by exposures to di(2-ethylhexyl)phthalate (DEHP), a toxic chemical found in
7 and on the child’s booster seats with vinyl upholstery sold by Defendant in the State of California.

8 2. By this Complaint, plaintiff seeks to remedy Defendant’s continuing failure to warn
9 individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.*
10 (“consumers”) that they are being exposed to substances known to the State of California to cause
11 cancer, birth defects and other reproductive harm through exposures to DEHP, present in and on
12 seats with vinyl upholstery that are manufactured, distributed, imported, marketed, sold and
13 otherwise offered for sale or use throughout the State of California by Defendant and purchased,
14 used or handled by consumers and other individuals.

15 3. Detectable levels of DEHP are found in and on seats with vinyl upholstery that
16 Defendant manufactures, imports, sells or distributes 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
20 known to the State to cause cancer, birth defects or other reproductive harm, without first providing
21 a “clear and reasonable” health hazard warning to such individuals prior to purchase or use.

22 5. CAPA contends and alleges that Defendant manufactures, distributes, imports, sells,
23 and offers for sale, in or into California, products containing DEHP without Proposition 65’s
24 requisite health hazard warning regarding the harms associated with exposures to the chemical,
25 including, but not limited to, seats with vinyl upholstery, such as the *Child’s Salon Styling Chair*
26 *Booster Seat SKU:2232b* (hereinafter, the “PRODUCTS”). Defendant’s conduct subjects it to civil
27 penalties for each violation, as well as enjoinder and preliminary and permanent injunctive relief.
28 Health & Safety Code §§ 25249.7(a) and (b).

1 **PARTIES**

2 6. Plaintiff CAPA is a non-profit organization 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 or reduction of toxic chemicals utilized in manufacturing
5 consumer products and increasing public awareness of those chemicals through the promotion of
6 sound environmental practices and corporate responsibility. CAPA is a person, within the meaning
7 of Health & Safety Code § 25249.11(a), and CAPA brings this action in the public interest pursuant
8 to Health and Safety Code § 25249.7(d).

9 7. Plaintiff is informed, believes and thereon alleges that, at all relevant times, Defendant
10 MINERVA BEAUTY, INC., was and is a person in the course of doing business, with ten (10) or
11 more employees, within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.

12 8. MINERVA BEAUTY, INC., manufactures, imports, distributes, sells, and/or offers
13 the PRODUCTS for sale or use in the State of California, or implies by its conduct that it
14 manufactures, imports, distributes, sells, and/or offers the PRODUCTS for sale or use in the State of
15 California.

16 9. At all times mentioned herein, MINERVA BEAUTY, INC. shall, hereinafter, where
17 appropriate, be referred to collectively as the “DEFENDANT.”

18 **JURISDICTION AND VENUE**

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

25 11. The California Superior Court has jurisdiction over DEFENDANT based on plaintiff’s
26 information and good faith belief that DEFENDANT is a person, firm, corporation or association that
27 is a citizen of the State of California, does sufficient business in California, has sufficient minimum
28 contacts in California, and/or otherwise purposefully and intentionally avails itself of the California

1 market through its manufacture, importation, distribution, promotion, marketing or sale of
2 PRODUCTS within the State. DEFENDANT’S purposeful availment renders the exercise of
3 personal jurisdiction by California courts consistent with traditional notions of fair play and
4 substantial justice.

5 12. Venue is proper in the Superior Court for the County of Contra Costa pursuant to Code
6 of Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent jurisdiction,
7 because plaintiff seeks civil penalties against DEFENDANT, because one or more instances of
8 wrongful conduct occurred, and continue to occur, in this county, and/or because DEFENDANT
9 conducted, and continues to conduct, business in the County of Contra Costa with respect to the
10 PRODUCTS that are the subject of this action.

11 **REGULATORY BACKGROUND AND LAW**

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

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


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

25 16. An exposure to a hazardous chemical is defined as one that “results from a person’s
26 acquisition, purchase, storage, consumption or other reasonably foreseeable use of a product...” 27
27 C.C.R. § 25600(h).

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Dated: March 28, 2023

Respectfully submitted,
SEVEN HILLS LLP

By:  _____
Laralei Paras
Attorneys for Plaintiff
Center for Advanced Public Awareness