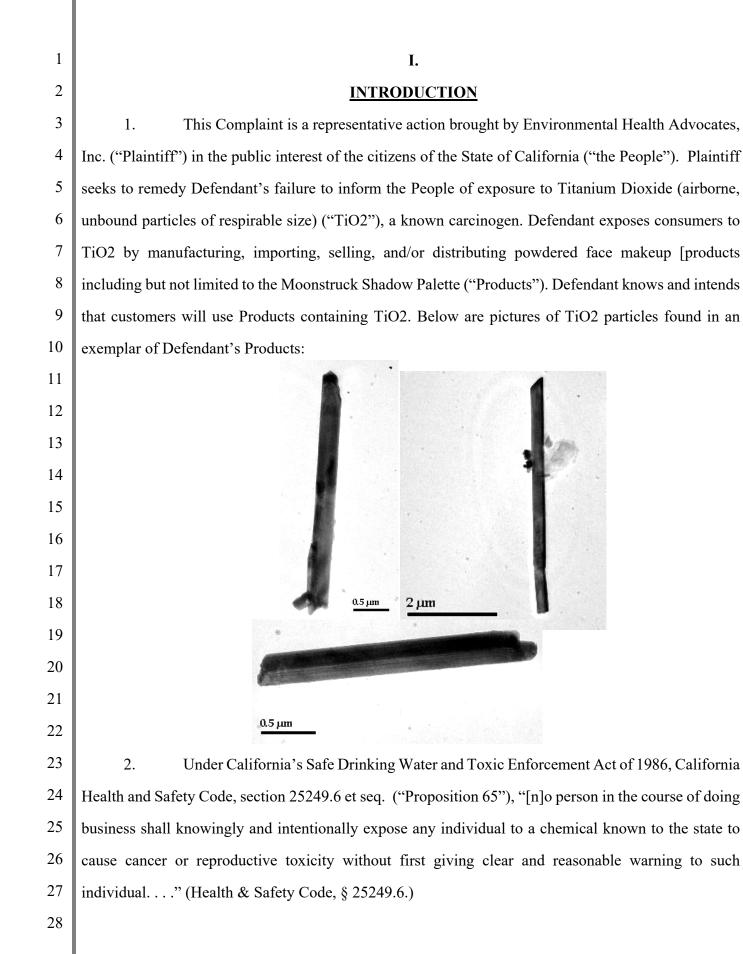
1 2 3 4 5 6 7 8	ENTORNO LAW, LLP Noam Glick (SBN 251582) Craig M. Nicholas (SBN 178444) Jake W. Schulte (SBN 293777) Janani Natarajan (SBN 346770) 225 Broadway, Suite 1900 San Diego, California 92101 Tel: (619) 629-0527 Email: noam@entornolaw.com Email: craig@entornolaw.com Email: jake@entornolaw.com Email: jake@entornolaw.com Email: janani@entornolaw.com	ELECTRONICALLY FILED Superior Court of California, County of Alameda 01/23/2023 at 12:53:58 PM By: Angela Linhares, Deputy Clerk	
9	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
10	IN AND FOR THE COUNTY OF ALAMEDA		
11	ENVIRONMENTAL HEALTH ADVOCATES, INC.,	Case No.: 230V026126	
12	Plaintiff,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF	
13	V.	(Health & Safety Code § 25249.6 et seq.)	
14 15	GLO SKIN BEAUTY, a Colorado foreign limited liability company; and DOES 1 through 100, inclusive,		
16	Defendants.		
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13.California identified and listed Titanium Dioxide (airborne, unbound particles of2respirable 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 potential exposure to TiO2 in connection with Defendant's manufacture, import, sale, or distribution of Products. This is a violation of Proposition 65.

Plaintiff seeks injunctive relief compelling Defendant to sufficiently warn consumers in

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also seeks civil penalties against Defendant for its violations of Proposition 65 along with attorney's fees and costs. (Health & Safety Code, § 25249.7(b).)

II.

California before exposing them to TiO2 in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff

PARTIES

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.

7. Defendant GLO SKIN BEAUTY ("GSB") is a foreign limited liability company
organized and existing under the laws of Colorado. GSB 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. GSB manufactures, imports, sells, or distributes the Products in California and Alameda
County.

8. 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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1	9. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,		
2	joint employers, or employees for each other. Defendants acted with the consent of the other Co-		
3	Defendants and acted within the course, purpose, and scope of their agency, service, or employment.		
4	All conduct was ratified by Defendants, and each of them.		
5	III.		
6	VENUE AND JURISDICTION		
7	10. California Constitution Article VI, Section 10 grants the Superior Court original		
8	jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code		
9	statute upon which this action is based does not give jurisdiction to any other court. As such, this Court		
10	has jurisdiction.		
11	11. Venue is proper in Alameda County Superior Court pursuant to Code of Civil		
12	Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this		
13	County. Defendant conducted and continues to conduct business in this County as it relates to Products.		
14	12. Defendant has sufficient minimum contacts in the State of California or otherwise		
15	purposefully avails itself of the California market. Exercising jurisdiction over Defendant would be		
16	consistent with traditional notions of fair play and substantial justice.		
17	IV.		
18	CAUSES OF ACTION		
19	FIRST CAUSE OF ACTION		
20	(Violation of Proposition 65 – Against all Defendants)		
21	13. Plaintiff incorporates by reference each and every allegation contained above.		
22	14. Proposition 65 mandates that citizens be informed about exposures to chemicals that		
23	cause cancer, birth defects, and other reproductive harm.		
24	15. Defendant manufactured, imported, sold, and/or distributed Products containing TiO2		
25	in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such		
26	violations have continued after receipt of the Notice (defined <i>infra</i>) and will continue to occur into the		
27	future.		
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1 16. In manufacturing, importing, selling, and/or distributing Products, Defendant failed to 2 provide a clear and reasonable warning to consumers and individuals in California who may be exposed 3 to TiO2 through reasonably foreseeable use of the Products.

17. Products expose individuals to TiO2 through direct inhalation. This exposure is a natural 5 and foreseeable consequence of Defendant placing Products into the stream of commerce. As such, 6 Defendant intends that consumers will use Products, exposing them to TiO2.

7 18. Defendant knew or should have known that the Products contained TiO2 and exposed 8 individuals to TiO2 in the way provided above. The Notice informed Defendant of the presence of TiO2 9 in the Products. Likewise, media coverage concerning TiO2 and related chemicals in consumer products 10 provided constructive notice to Defendant.

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Defendant's actions in this regard were deliberate and not accidental.

12 20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a 13 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff 14 provided the Notice to the various required public enforcement agencies along with a certificate of merit. 15 The Notice alleged that Defendant violated Proposition 65 by failing to sufficiently warn consumers in 16 California of the health hazards associated with exposures to TiO2 contained in the Products.

17 21. The appropriate public enforcement agencies provided with the Notice failed to 18 commence and diligently prosecute a cause of action against Defendant.

19 22. Individuals exposed to TiO2 contained in Products through inhalation resulting from 20 reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm. There 21 is no other plain, speedy, or adequate remedy at law.

22 23. Defendant is liable for a maximum civil penalty of \$2,500 per day for each violation of 23 Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also 24 appropriate pursuant to Health and Safety Code, section 25249.7(a).

25 [Rest of page intentionally left blank.]

1	PRAYER FOR RELIEF			
2	Wherefore, Plaintiff prays for judgment against Defendant as follows:			
3	1.	1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that		
4	damages total a minimum of \$1,000,000;			
5	2.	2. A preliminary and permanent injunction against Defendant from manufacturing,		
6	importing, selling, and/or distributing Products in California without providing a clear and reasonable			
7	warning as required by Proposition 65 and related Regulations;			
8	3.	3. Reasonable attorney's fees and costs of suit; and		
9	4. Such other and further relief as may be just and proper.			
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11	Respectfully submitted:			
12	Dated: January 23, 2023 ENTORNO LAW, LLP			
13				
14		By:	Noam Blick	
15			Noam Glick	
16			Craig M. Nicholas	
17			Jake W. Schulte Janani Natarajan	
18			Attorneys for Plaintiff	
19			Environmental Health Advocates, Inc.	
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