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KEEP AMERICA SAFE AND BEAUTIFUL

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
10/20/2023
Clerk of the Court
BY: DAEJA ROGERS
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO - UNLIMITED CIVIL JURISDICTION

KEEP AMERICA SAFE AND BEAUTIFUL,

Plaintiff,

v.

Innovapro Corporation dba Sandpiper of
California; and DOES 1-30, inclusive,

Defendants.

Case No. **CGC-23-609904**
**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.*)

1 Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL, acting in the public interest, alleges a
2 cause of action against Defendants INNOVAPRO CORPORATION DBA SANDPIPER OF
3 CALIFORNIA, and DOES 1-30.

4 INTRODUCTION AND NATURE OF THE ACTION

5 1. This Complaint is a representative action brought by plaintiff Keep America Safe and
6 Beautiful (“**KASB**”) in the public interest to enforce the People’s right to be informed of the health
7 hazards caused by exposures to diisononyl phthalate (“DINP”), a toxic chemical found in and on the
8 wallets with vinyl/PVC ID windows sold by defendants in the State of California.

9 2. By this Complaint, plaintiff seeks to remedy Defendants’ continuing failure to warn
10 individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.*
11 (“**consumers**”) they are being exposed to substances known to the State of California to cause birth
12 defects and other reproductive harm through exposures to DINP, present in and on wallets with
13 vinyl/PVC ID windows manufactured, distributed, imported, sold and otherwise offered for sale or use
14 throughout the State of California by defendants when they utilize, touch or otherwise handle
15 Defendants’ wallets with vinyl/PVC ID windows.

16 3. Detectable levels of DINP are found in and on certain wallets with vinyl/PVC ID
17 windows defendants manufacture, import, sell or distribute for sale to individuals throughout the State
18 of California.

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

24 5. KASB contends and alleges Defendants manufacture, distribute, import, sell, and
25 offer for sale, in and into California wallets with vinyl/PVC ID windows (“**PRODUCTS**”)
26 containing DINP, without Proposition 65’s requisite health hazard warning regarding the harms
27 associated with exposures to the chemical, including, but not limited to, the *Passport ID Wallet –*
28 *Black, SKU 571-O-BLK, UPC753042571020*. Defendants’ conduct subjects them to civil penalties

1 for each violation, enjoinder as well as preliminary and permanent injunctive relief. Health & Saf.
2 Code § 25249.7(a) and (b).

3 **PARTIES**

4 6. Plaintiff KASB is a non-profit corporation organized under the laws of California and
5 acting in the interest of the general public, dedicated to protecting the health of California citizens and
6 the environment through the elimination or reduction of toxic chemicals utilized in manufacturing
7 consumer products and to increasing public awareness of those chemicals through the promotion of
8 sound environmental practices and corporate responsibility. KASB is a person within the meaning of
9 Health & Safety Code § 25249.11(a), and it brings this action in the public interest, pursuant to Health
10 & Safety Code § 25249.7(d).

11 7. Plaintiff is informed, believes, and thereon alleges, at all relevant times, Defendant
12 INNOVAPRO CORPORATION DBA SANDPIPER OF CALIFORNIA (“**INNOVAPRO**”) was and
13 is a “person” “in the course of doing business” within the meanings of Health & Safety Code
14 §§ 25249.6 and 25249.11.

15 8. INNOVAPRO manufactures, imports, distributes, sells, and/or offers the PRODUCTS
16 for sale or use in the State of California, or implies by its conduct that it manufactures, imports,
17 distributes, sells, and/or offers the PRODUCTS for sale or use in the State of California.

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

23 10. Defendants DOES 11-20 (“**DISTRIBUTOR DEFENDANTS**”) are each a person in the
24 course of doing business within the meaning of Health & Safety Code §§ 25249.6 and 25249.11.
25 **DISTRIBUTOR DEFENDANTS**, and each of them, distribute, transfer, and transport, or each
26 impliedly does so by its conduct, one or more of the PRODUCTS to individuals, businesses, or
27 retailers for sale or use in the State of California

28 11. Defendants DOES 21-30 (“**RETAILER DEFENDANTS**”) are each a person in the

1 course of doing business within the meaning of Health & Safety Code §§ 25249.6 and 25249.11.
2 RETAILER DEFENDANTS, and each of them, by and through their conduct, offer the PRODUCTS
3 for sale to individuals in the State of California.

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

10 13. At all times mentioned herein, INNOVAPRO, MANUFACTURER DEFENDANTS,
11 DISTRIBUTOR DEFENDANTS, and RETAILER DEFENDANTS shall, hereinafter, where
12 appropriate, be referred to collectively as the “DEFENDANTS.”

13 **JURISDICTION AND VENUE**

14 14. This Court has jurisdiction over this action, pursuant to Health & Safety Code
15 § 25249.7, allowing enforcement by any court of competent jurisdiction. The California Superior
16 Court has jurisdiction over this action, pursuant to California Constitution Article VI, section 10,
17 which grants the Superior Court “original jurisdiction in all causes except those given by statute to
18 other trial courts.” The statute under which this action is brought does not specify any other basis of
19 subject matter jurisdiction.

20 15. The California Superior Court has jurisdiction over DEFENDANTS, based on plaintiff’s
21 information and good faith belief DEFENDANTS are each a person, firm, corporation or association
22 that is a citizen of the State of California, does sufficient business in California, has sufficient
23 minimum contacts in California, and/or otherwise purposefully and intentionally avail themselves of
24 the California market through their manufacture, farming, packaging, importation, distribution,
25 promotion, marketing or sale of PRODUCTS within the State. DEFENDANTS’ purposeful availment
26 renders the exercise of personal jurisdiction by California courts consistent with traditional notions of
27 fair play and substantial justice.

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1 **FIRST CAUSE OF ACTION**

2 **(Violation of Proposition 65 - Against All DEFENDANTS)**

3 28. KASB realleges and incorporates by reference, as if fully stated herein, the allegations
4 set forth in Paragraphs 1 through 27, inclusive.

5 29. DEFENDANTS' PRODUCTS contain DINP at levels requiring a clear and reasonable
6 warning under Proposition 65.

7 30. DEFENDANTS know or should have known the PRODUCTS they manufacture,
8 import, distribute, sell, and offer for sale in California contain DINP. As a result of plaintiff's Notice,
9 DEFENDANTS were also informed of the presence of DINP in the PRODUCTS through Plaintiff's
10 Notice.

11 31. The PRODUCTS DEFENDANTS manufacture, import, distribute, sell, and offer for
12 sale in or into the State of California cause exposures to DINP, as a result of the reasonably
13 foreseeable use of the PRODUCTS through dermal contact and ingestion.

14 32. The normal and reasonably foreseeable use of the PRODUCTS has caused, and
15 continues to cause, exposures to DINP.

16 33. DEFENDANTS know the normal and reasonably foreseeable use of the PRODUCTS
17 exposes individuals to DINP through dermal contact and ingestion.

18 34. DEFENDANTS intend exposures to DINP from the reasonably foreseeable use of the
19 PRODUCTS will occur by their deliberate, non-accidental participation in the California
20 marketplace.

21 35. The exposures to DINP, caused by DEFENDANTS and endured by consumers in
22 California, are not exempt from the "clear and reasonable" warning requirements of Proposition 65.

23 36. DEFENDANTS failed to provide a "clear and reasonable warning" to those consumers
24 in California who have been, or who will be, exposed to DINP through dermal contact and ingestion
25 resulting from the reasonably foreseeable and intended uses of the PRODUCTS.

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5. That the Court grant any further relief as it deems just and equitable.

Dated: October 20, 2023

Respectfully submitted,

SEVEN HILLS LLP

By: 

Laralei Paras, Esq.
Attorneys for Plaintiff
Keep America Safe and Beautiful