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ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**02/02/2024**  
Clerk of the Court

BY: AUSTIN LAM  
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN FRANCISCO

11 **CGC-24-612087**

12 PRECILA BALABBO, EMA BELL,

13 Plaintiffs,

14 v.

15 LANOCORP USA INC.,

16 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND  
INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et  
seq.)**

17 Plaintiffs Precila Balabbo and Ema Bell (collectively, “Plaintiffs” and each a “Plaintiff”),  
18 by and through their attorneys, allege the following cause of action in the public interest of the  
19 citizens of the State of California.

20 **BACKGROUND OF THE CASE**

21 1. Plaintiffs bring this representative action on behalf of all California citizens to  
22 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at  
23 the Health and Safety Code § 25249.5 et seq (“Proposition 65”), which reads, in relevant part,  
24 “[n]o person in the course of doing business shall knowingly and intentionally expose any  
25 individual to a chemical known to the state to cause cancer without first giving clear and reasonable  
26 warning to such individual ...”. Health & Safety Code § 25249.6.

27 2. This complaint is a representative action brought by Plaintiffs in the public interest  
28 of the citizens of the State of California to enforce the People’s right to be informed of the health  
hazards caused by exposure to diethanolamine (DEA), a toxic chemical found in (a) *By Nature*®  
sheet face masks, # 1288-084799696-000499-12-8, (b) *Rata & Co.*® brightening Vitamin C &

1 collagen sheet masks, # 1288-085294367-000499-12-8, and (c) *Rata & Co.*® quenching  
2 hyaluronic acid sheet masks, # 88-8153-183181-000499-13-6, sold and/or distributed by defendant  
3 Lanocorp USA Inc. (“Lanocorp” or “Defendant”) in California.

4 3. DEA is a harmful chemical known to the State of California to cause cancer. On  
5 June 22, 2012, the State of California listed DEA as a chemical known to the State to cause cancer  
6 and it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs.  
7 Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

8 4. Proposition 65 requires all businesses with ten (10) or more employees that operate  
9 within California or sell products therein to comply with Proposition 65 regulations. Included in  
10 such regulations is the requirement that businesses must label any product containing a Proposition  
11 65-listed chemical that will create an exposure above safe harbor levels with a “clear and  
12 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed  
13 chemical.

14 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation  
15 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be  
16 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code  
17 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the  
18 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §  
19 25249.7.

20 6. Plaintiffs allege that Defendant distributes and/or offers for sale in California,  
21 without a requisite exposure warning, (a) *By Nature*® sheet face masks, # 1288-084799696-  
22 000499-12-8, (b) *Rata & Co.*® brightening Vitamin C & collagen sheet masks, # 1288-  
23 085294367-000499-12-8, and (c) *Rata & Co.*® quenching hyaluronic acid sheet masks, # 88-  
24 8153-183181-000499-13-6, (the “Products”) that expose persons to DEA when used for their  
25 intended purpose.

26 7. Defendant’s failure to warn consumers and other individuals in California of the  
27 health hazards associated with exposure to DEA in conjunction with the sale and/or distribution  
28

1 of the Products is a violation of Proposition 65 and subjects Defendant to the enjoinder and civil  
2 penalties described herein.

3 8. Plaintiffs seek civil penalties against Defendant for its violations of Proposition 65  
4 in accordance with Health and Safety Code § 25249.7(b).

5 9. Plaintiffs also seek injunctive relief, preliminarily and permanently, requiring  
6 Defendant to provide purchasers or users of the Products with required warnings related to the  
7 dangers and health hazards associated with exposure to DEA pursuant to Health and Safety Code  
8 § 25249.7(a).

9 10. Plaintiffs further seek a reasonable award of attorney's fees and costs.

### 10 PARTIES

11 11. Plaintiff Precila Balabbo is a citizen of the State of California acting in the interest  
12 of the general public to promote awareness of exposures to toxic chemicals in products sold in  
13 California and to improve human health by reducing hazardous substances contained in such items.  
14 She brings this action in the public interest pursuant to Health and Safety Code § 25249.7(d).

15 12. Plaintiff Ema Bell is a citizen of the State of California acting in the interest of the  
16 general public to promote awareness of exposures to toxic chemicals in products sold in California  
17 and to improve human health by reducing hazardous substances contained in such items. She  
18 brings this action in the public interest pursuant to Health and Safety Code § 25249.7(d).

19 13. Defendant Lanocorp, through its business, effectively imports, distributes, sells,  
20 and/or offers the Products for sale or use in the State of California, or it implies by its conduct that  
21 it imports, distributes, sells, and/or offers the Products for sale or use in the State of California.  
22 Plaintiffs allege that defendant Lanocorp is a "person" in the course of doing business within the  
23 meaning of Health & Safety Code sections 25249.6 and 25249.11.

### 24 VENUE AND JURISDICTION

25 14. Venue is proper in the County of San Francisco because one or more of the  
26 instances of wrongful conduct occurred, and continue to occur in this county and/or because  
27 Defendant conducted, and continues to conduct, business in the County of San Francisco with  
28 respect to the Products.







1           29.     On February 6, 2023, the laboratory provided the results of its analysis. Results of  
2 these tests determined the Products expose users to DEA (collectively, the “Chemical Test  
3 Reports” and each a “Chemical Test Report”).

4           30.     Plaintiffs provided the Chemical Test Reports and Products to an analytical chemist  
5 to determine if, based on the findings of the Chemical Test Reports and the reasonable and  
6 foreseeable use of the Products, exposure to DEA will occur at levels that require Proposition 65  
7 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California  
8 Code of Regulations.

9           31.     On February 27, 2023, Plaintiff Precila Balabbo received from the analytical  
10 chemist an exposure assessment report which concluded that persons in California who use the *By*  
11 *Nature*® sheet face masks will be exposed to levels of DEA that require a Proposition 65 exposure  
12 warning. On March 22, 2023, Plaintiffs received from the analytical chemist an exposure  
13 assessment report which concluded that persons in California who use the *Rata & Co.*®  
14 brightening Vitamin C & collagen sheet masks and the *Rata & Co.*® quenching hyaluronic acid  
15 sheet masks will be exposed to levels of DEA that require a Proposition 65 exposure warning.

16           32.     On February 27, 2023, Plaintiff Precila Balabbo gave notice of alleged violation of  
17 Health and Safety Code § 25249.6 (the “February Notice”) to Defendant concerning the exposure  
18 of California citizens to DEA from use of the *By Nature*® sheet face masks without proper  
19 warning, subject to a private action to Defendant and to the California Attorney General’s office  
20 and the offices of the County District attorneys and City Attorneys for each city with a population  
21 greater than 750,000 persons wherein the herein violations allegedly occurred.

22           33.     On March 22, 2023, Plaintiff Precila Balabbo gave notice of alleged violation of  
23 Health and Safety Code § 25249.6 (the “Balabbo March Notice”) to Defendant concerning the  
24 exposure of California citizens to DEA from use of the *Rata & Co.*® brightening Vitamin C &  
25 collagen sheet masks without proper warning, subject to a private action to Defendant and to the  
26 California Attorney General’s office and the offices of the County District attorneys and City  
27 Attorneys for each city with a population greater than 750,000 persons wherein the herein  
28 violations allegedly occurred.





1           43.     Plaintiffs, based on their best information and belief, avers that at all relevant times  
2 herein, and since at least February 27, 2023 with respect to the *By Nature*® sheet face masks; since  
3 at least March 22, 2023 with respect to the *Rata & Co.*® brightening Vitamin C & collagen sheet  
4 masks and the *Rata & Co.*® quenching hyaluronic acid sheet masks, continuing until the present,  
5 that Defendant has continued to knowingly and intentionally expose California users and  
6 consumers of the Products to DEA without providing required warnings under Proposition 65.

7           44.     The exposures that are the subject of the Notices result from the purchase,  
8 acquisition, handling and recommended use of the Products. The primary route of exposure to  
9 DEA is through dermal exposure. Some amount of exposure through ingestion can occur by  
10 touching the Products with subsequent touching of the user's hand to mouth. No clear and  
11 reasonable warning is provided with the Products regarding the health hazards of exposure to DEA.

12           45.     Plaintiffs, based on their best information and belief, avers that such exposures will  
13 continue every day until clear and reasonable warnings are provided to purchasers and users or  
14 until this known toxic chemical is removed from the Products.

15           46.     Defendant has knowledge that the normal and reasonably foreseeable use of the  
16 Products exposes individuals to DEA, and Defendant intends that exposures to DEA will occur by  
17 its deliberate, non-accidental participation in the importation, distribution, sale and offering of the  
18 Products to consumers in California

19           47.     Plaintiffs have engaged in good faith efforts to resolve the herein claims prior to  
20 this Complaint.

21           48.     Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above  
22 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

23           49.     Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically  
24 authorized to grant injunctive relief in favor of Plaintiffs and against Defendant.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs demand judgment against Defendant and requests the following  
3 relief:

4 A. That the court assess civil penalties against Defendant in the amount of \$2,500 per  
5 day for each violation for up to 365 days (up to a maximum civil penalty amount per  
6 violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);

7 B. That the court preliminarily and permanently enjoin Defendant mandating  
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiffs reasonable attorney’s fees and costs of suit, in the  
10 amount of \$50,000.00.

11 D. That the court grant any further relief as may be just and proper.

12 Dated: February 2, 2024

BRODSKY SMITH

13 By: 

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