

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO

JUL 10 2024


BY: Gaspar Ambriz Medina, Deputy

1 JARRETT CHARO APC
Jarrett Charo, Esq. (SBN 224001)
2 4079 Governor Dr., No. 1018
San Diego, California 92122
3 P: (619) 350-3334
jcharo@charolaw.com

4 Joseph R. Manning, Jr., Esq. (State Bar No. 223381)
5 MANNING LAW, APC
26100 Towne Centre Drive
6 Foothill Ranch, CA 92610
(949) 200-8755 Phone
7 (866) 843-8308 Fax
GasVaporProp65@manninglawoffice.com

8 Attorneys for Plaintiff
9 RAMY KAUFLEDER EDEN

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11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF SAN BERNADINO**
13

14 RAMY KAUFLEDER EDEN

15 Plaintiff,

16 v.

17 PACIFIC GLOBE, INC., and DOES 1
18 through 50, inclusive,

19 Defendants.

Case No.: **CIVRS 2400404**

**COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES**

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

BY FAX

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1 Plaintiff Ramy Kaufler Eden (“Plaintiff”), by and through his attorneys, alleges the following
2 based on information and belief and investigation of counsel:

3 **INTRODUCTION**

4 1. California’s Proposition 65, codified in California Health & Safety Code section
5 25249.5, *et seq.*, makes it unlawful for businesses to knowingly and intentionally expose individuals
6 in California to chemicals known to the State to cause cancer, birth defects or other reproductive harm
7 without first providing clear and reasonable warnings to the exposed individuals.

8 2. Unleaded Gasoline (Wholly Vaporized) (herein, “Gasoline”) is known to the State of
9 California to cause cancer.

10 3. Defendant Pacific Globe, Inc., (“Defendant”) owns and operates a service station
11 located at 12340 Highland Avenue, Rancho Cucamonga, California 91739 (“Subject Service
12 Station”).

13 4. Defendant exposes individuals who come onto the Subject Service Station’s premises
14 to Gasoline without first warning of such exposure.

15 5. By exposing individuals to Gasoline at the Subject Service Station without providing
16 any warnings whatsoever about the carcinogenic hazards associated with Gasoline exposure,
17 Defendant violates the warning provision of Proposition 65. *See* Health & Saf. Code § 25249.6.

18 6. This Complaint (“Complaint”) seeks to remedy Defendant’s failure to warn of this
19 toxic exposure and hold Defendant accountable for violating California’s Proposition 65.


20 **PARTIES**

21 7. Plaintiff is a citizen of the State of California acting in the interest of the general public
22 to promote awareness of exposures to toxic chemicals in California. He brings this action in the public
23 interest pursuant to Health & Safety Code section 25249.7(d).

24 8. Defendant is incorporated or organized in the State of California, has its principal place
25 of business in California, and is a “person in the course of doing business” within the meaning of
26 Health & Safety Code section 25249.11. Defendant owns and operates the Subject Service Station and
27 exposes individuals there to Gasoline without first providing any warnings of the carcinogenic hazards
28 associated with such exposure.

1 chemical known to the state to cause cancer or reproductive toxicity without first giving clear and
2 reasonable warning to such individual” Health & Saf. Code § 25249.6

3 16. California Code of Regulations Title 27, sections 25607.26 and 25607.27 set forth
4 “clear and reasonable warnings” for environmental exposures from service stations. Such warnings
5 consist of the following content—printed in no smaller than 22-point type and enclosed in a box—
6 posted on a sign at each gas pump of the service station:

7  **WARNING:** Breathing the air in this area or skin contact with petroleum products
8 can expose you to chemicals including benzene, motor vehicle exhaust and carbon
9 monoxide, which are known to the State of California to cause cancer and birth
10 defects or other reproductive harm. Do not stay in this area longer than necessary.

11 For more information go to www.P65Warnings.ca.gov/service-station

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14 17. Additionally, if other signage at the service station is provided for the public in a
15 language other than English, the warning content set forth above must be provided in both English and
16 that other language.

17 18. Proposition 65 provides that any “person who violates or threatens to violate” the
18 statute may be enjoined in a court of competent jurisdiction. Health & Saf. Code § 25249.7. Violators
19 are liable for civil penalties of up to \$2,500 per day for each violation of the Act. *See id.* Any person
20 acting in the public interest has standing to enforce violations of Proposition 65 provided that such
21 person has supplied the requisite public enforcers with a valid 60-Day Notice of Violation and such
22 public enforcers are not diligently prosecuting the action within such time. *See* Health & Saf. Code §
23 25249.7(d).

24 19. On April 1, 1988, the State of California officially listed Gasoline as a chemical known
25 to cause cancer and one year later, Gasoline became subject to the clear and reasonable warning
26 requirement under Proposition 65. Health & Saf. Code § 25249.10(b).

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1 **FACTUAL BACKGROUND**

2 20. At all relevant times—including the period from at least one year preceding the filing
3 of this Complaint and continuing through the filing of this Complaint—Defendant knowingly and
4 intentionally exposed individuals who came onto the premises of the Subject Service Station to
5 Gasoline without first providing a “clear and reasonable” warning of such exposure. The primary route
6 of exposure to Gasoline at the Subject Service Station is through inhalation.

7 21. At all such times, Defendant was a “person in the course of doing business” within the
8 meaning of Health & Safety Code section 25249.11. During such times, as a proximate result of acts
9 by Defendant, individuals have been exposed to Gasoline on the premises of the Subject Service
10 Station without first being provided a clear and reasonable warning concerning such exposure.

11 **SATISFACTION OF NOTICE REQUIREMENTS**

12 22. More than sixty days prior to naming Defendant in this lawsuit, Plaintiff served a 60-
13 Day Notice of Violation of Proposition 65 (“Notice”) upon the named Defendant, the California
14 Attorney General, the San Bernadino County District Attorney.

15 23. The Notice complied with all procedural requirements of Proposition 65, including the
16 attachment of a Certificate of Merit.

17 24. After receiving the Notice, and to the best of Plaintiff’s information and belief, as of
18 the filing of this Complaint, none of the noticed public enforcement agencies have commenced and
19 diligently prosecuted a cause of action against Defendant under Proposition 65 to enforce the alleged
20 violations set forth in the Notice.

21 25. Plaintiff is commencing this action more than sixty days from the date of the Notice to
22 Defendant.

23 **FIRST CAUSE OF ACTION**

24 **(Against Defendant for Violations of Health & Safety Code Section 25249.6)**

25 26. Plaintiff hereby repeats and incorporates by reference the preceding paragraphs of this
26 Complaint as though fully set forth herein.

27 27. Defendant has, at all times mentioned herein, acted as a person in the course of doing
28 business within the meaning of Health & Safety Code section 25249.11.

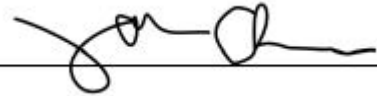
1 theory, grant Plaintiff his reasonable attorneys' fees and costs of suit; and

2 5. That the Court grant such other and further relief as may be just and proper.

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4 Dated: June 11, 2024

JARRETT CHARO APC

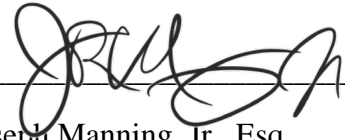
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6 By: _____



7 Jarrett S. Charo, Esq.
8 Attorneys for Plaintiff

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10 MANNING LAW APC

11
12 And By: _____



13 Joseph Manning, Jr., Esq.
14 Attorneys for Plaintiff