

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

AMAZON.COM, INC

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

PAUL WOZNIAK

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): **San Francisco County Superior Court**
400 McAllister Street,
San Francisco, CA 94102

CASE NUMBER:
(Número del Caso):

CGC-23-611125

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Clifford A. Chanler (SBN: 135534), 72 Huckleberry Hill Road, New Canaan, CT 06840, Tel: (475) 277-2932

DATE: 12/15/2023 Clerk, by AUSTIN LAM, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):

under: <input checked="" type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Clifford A. Chanler, State Bar No. 135534, c/o CHANLER, LLC
72 Huckleberry Hill Road
New Canaan, CT 06840
TELEPHONE NO.: (475) 277-2932 FAX NO.: (203) 702-5011
ATTORNEY FOR (Name): Plaintiff, Paul Wozniak

FOR COURT USE ONLY

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

12/15/2023
Clerk of the Court
BY: AUSTIN LAM
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME: Civic Center Courthouse

CASE NAME:
Wozniak v. Amazon.com, Inc

CASE NUMBER: **CGC-23-611125**

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

JUDGE:
DEPT:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): One (1)
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. *Woz may use form CM-015.*

Date: December 15, 2023
Clifford A. Chanler

Clifford A. Chanler

(TYPE OR PRINT NAME) (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

1 Clifford A. Chanler, State Bar No. 135534
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3 Telephone: (475) 277-2932
Facsimile: (203) 702-5011
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5 Steven Y. Chen, State Bar No. 243200
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6 2650 River Avenue, Unit A
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Facsimile: (626) 307-1657
8 Email: Schen@Schenlaw.com

9 Attorneys for Plaintiff
PAUL WOZNIAK

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco
12/15/2023
Clerk of the Court
BY: AUSTIN LAM
Deputy Clerk

CGC-23-611125

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO
14 UNLIMITED CIVIL JURISDICTION

16 PAUL WOZNIAK,
17 Plaintiff,
18 v.
19 AMAZON.COM, INC,
20 Defendant.

Case No.

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

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

1 **NATURE OF THE ACTION**

2 1. This Complaint is a representative action brought by plaintiff Paul Wozniak in the
3 public interest of California citizens to enforce the People’s right to be informed of certain health
4 hazards caused by exposures to di(2-ethylhexyl)phthalate (DEHP), diisononyl phthalate (DINP)
5 and/or lead (Listed Chemicals), toxic chemicals found in: (i) padded armrests and other vinyl
6 upholstered components used for wheelchairs, (ii) grips and other vinyl upholstered components
7 used for wheelchairs, (iii) wheelchairs with padded armrests and/or other accessible vinyl
8 components, and (iv) rollators with accessible vinyl upholstered components (Products). The
9 Products are repackaged, produced, stored, distributed, shipped and/or sold online (sold) to
10 California citizens by defendant Amazon.com, Inc. and Amazon sellers through, among other
11 programs, Amazon’s own business models such as logistical operations and third-party
12 marketplace.

13 2. By this Complaint, plaintiff seeks to remedy defendant’s continuing failure to warn
14 consumers and businesses not covered by California’s Occupational Safety Health Act, Labor
15 Code §§6300 *et seq.* about the risks of exposure to the Listed Chemicals in the Products offered
16 for sale or use throughout the State of California. Individuals, consumers and businesses not
17 covered by California’s Occupational Safety Health Act, Labor Code §§6300 *et seq.* who
18 purchase, use or handle the Products are referred to hereinafter as “consumers.”

19 3. Defendant has knowledge of the Listed Chemical contents of the Products which
20 were and continue to be offered for purchase and/or transacted through amazon.com.

21 4. Under the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
22 California Health & Safety Code §§25249.6 *et seq.* (Proposition 65), “[n]o person in the course of
23 doing business shall knowingly and intentionally expose any individual to a chemical known to
24 the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning
25 to such individual...” Health & Safety Code §25249.6.

26 5. Pursuant to Proposition 65, on October 1, 1988, California identified and listed
27 DEHP as a chemical known to cause cancer. DEHP became subject to the “clear and reasonable
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1 warning” requirements of the act one year later on October 1, 1989. On October 24, 2003,
2 California identified and listed DEHP as a chemical known to cause birth defects and other
3 reproductive harm. 27 Cal. Code Regs. §27001(b); Health & Safety Code §25249.8 and
4 §25249.10(b).

5 6. Pursuant to Proposition 65, on December 20, 2013, California identified and listed
6 DINP as a chemical known to cause cancer. DINP became subject to the “clear and reasonable
7 warning” requirements of the act one year later on December 20, 2014. 27 Cal. Code Regs.
8 §27001(b); Health & Safety Code §25249.8 and §25249.10(b).

9 7. Pursuant to Proposition 65, on February 27, 1987, California identified and listed
10 lead as a chemical known to cause birth defects and other reproductive harm. Lead became
11 subject to the “clear and reasonable warning” requirements of the act one year later on February
12 27, 1988. On October 1, 1992, California identified and listed lead as a chemical known to cause
13 cancer. 27 Cal. Code Regs. §27001(b); Health & Safety Code §25249.8 and §25249.10(b).

14 8. Defendant imports, distributes, facilitates and/or otherwise offers for sale the
15 Products without the mandated health hazard warning in California.

16 9. Defendant’s failure to warn consumers of the health hazards associated with
17 exposures to the Listed Chemicals in conjunction with defendant’s sales of the Products are
18 violations of Proposition 65 which subject defendant to enjoinder of such conduct as well as
19 civil penalties for each violation. Health & Safety Code §25249.7(a) and (b)(1).¹

20 10. For defendant’s violations and threatened violations of Proposition 65, plaintiff
21 seeks preliminary and permanent injunctive relief to compel it to provide purchasers and users of
22 the Products with the required warning regarding specific health hazards associated with
23 exposures to the Listed Chemicals. Health & Safety Code §25249.7(a).

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26 ¹ Claims released in one or more settlement agreements reached between plaintiff and upstream suppliers of the
27 Products, which were sold directly by the settling entity on amazon.com, are excluded from the cause of action alleged
28 herein. This exclusion, however, does not apply to the sale of Products by third-parties (i.e., non-settling entities) on
amazon.com. The claims set forth in the *Wozniak v. Amazon.com, Inc* action (SFSC Case No. CGC-22-602834) are
also expressly excluded from this complaint. At some point, the matter of this action may be consolidated for reasons
of, among other things, judicial economy.

1 jurisdiction in all causes except those given by statute to other trial courts.” The statute under
2 which this action is brought does not specify any other basis of subject matter jurisdiction.

3 17. The California Superior Court has jurisdiction over AMAZON based on plaintiff’s
4 information and good faith belief that AMAZON are each a person, firm, corporation has a
5 principal office or association that is a citizen of the State of California, has sufficient minimum
6 contacts in the State of California, and/or otherwise purposefully avails itself of the California
7 market. AMAZON’s purposeful availment renders the exercise of personal jurisdiction (specific,
8 limited or both) by California courts consistent with traditional notions of fair play and substantial
9 justice.

10 **FIRST CAUSE OF ACTION**

11 **(Violation of Proposition 65)**

12 18. Plaintiff realleges and incorporates by reference, as if fully set forth herein,
13 Paragraphs 1 through 17, inclusive.

14 19. In enacting Proposition 65, in the preamble to the Safe Drinking Water and Toxic
15 Enforcement Act of 1986, the People of California expressly declared their right “[t]o be informed
16 about exposures to chemicals that cause cancer, birth defects, or other reproductive harm.”

17 20. Proposition 65 states, “[n]o person in the course of doing business shall knowingly
18 and intentionally expose any individual to a chemical known to the state to cause cancer or
19 reproductive toxicity without first giving clear and reasonable warning to such individual...”
20 Health & Safety Code §25249.6.

21 21. On September 8, 2023, plaintiff served a Supplemental 60-Day Notice of Violation
22 (AG No. 2023-02760 the “September Notice”), together with the requisite certificate of merit, on
23 AMAZON, the California Attorney General’s Office, and the requisite public enforcement
24 agencies alleging that, as a result of AMAZON’s sales of the Products, consumers in California
25 are being exposed to DEHP and DINP resulting from their reasonably foreseeable use of the
26 Products, without them first receiving a “clear and reasonable warning” regarding the risk of
27 reproductive harm associated with such exposures, as required by Proposition 65.

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1 22. On October 6, 2023, plaintiff served a Second Supplemental 60-Day Notice of
2 Violation (AG No. 2023-03064 the “October Notice”), together with the requisite certificate of
3 merit, on AMAZON, the California Attorney General’s Office, and the requisite public
4 enforcement agencies alleging that, as a result of AMAZON’s sales of the Products, consumers in
5 California are being exposed to DEHP, DINP and/or lead resulting from their reasonably
6 foreseeable use of the Products, without them first receiving a “clear and reasonable warning”
7 regarding the risk of reproductive harm associated with such exposures, as required by Proposition
8 65.

9 23. The September Notice and the October Notice shall collectively be referred to as
10 the “Notices.”

11 24. AMAZON manufactures, imports, distributes, facilitates for sale, sells, and/or offers
12 the Products for sale or use in violation of Health & Safety Code §25249.6, and AMAZON’s
13 violations have continued well beyond their receipt of plaintiff’s Notices. As such, AMAZON’s
14 violations are ongoing and continuous in nature and, unless enjoined will continue in the future
15 without any information or written answers that they will cease and desist until compliance is
16 ensured.

17 25. After receiving plaintiff’s Notices, no public enforcement agency has commenced
18 and diligently prosecuted a cause of action against AMAZON under Proposition 65 to enforce the
19 alleged violations that are the subject of plaintiff’s Notices.

20 26. The Products that AMAZON manufactures, imports, distributes, or offers for sale
21 throughout the State of California cause exposures to the Listed Chemicals as a result of the
22 reasonably foreseeable use of the Products. Such exposures caused by AMAZON and endured by
23 consumers in California who purchase, use or handle the Products are not exempt from the “clear
24 and reasonable” warning requirements of Proposition 65, yet AMAZON does not provide
25 compliant warnings for the reproductive toxicity of DEHP and lead and carcinogenicity of DEHP,
26 DINP and lead.

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1 27. AMAZON has knowledge that the Products they or their sellers manufacture,
2 import, distribute, sell, facilitate for sale or offer for sale in California contain the Listed
3 Chemicals.

4 28. The Listed Chemicals are present in or on the Products in such a way as to expose
5 consumers through dermal contact and/or ingestion during reasonably foreseeable use.

6 29. The normal and reasonably foreseeable use of the Products has caused, and
7 continues to cause, consumer product exposures to the Listed Chemicals as defined by 27
8 California Code of Regulations §25600.1(e).

9 30. AMAZON knows that the normal and reasonably foreseeable use of the Products
10 exposes individuals to the Listed Chemicals through dermal contact and/or ingestion.

11 31. AMAZON intends that exposures to the Listed Chemicals from the reasonably
12 foreseeable use of the Products will occur by their deliberate, non-accidental participation in the
13 manufacture, importation, distribution, sale, and offering of the Products for sale or use to
14 consumers and others in California.

15 32. AMAZON failed to provide a “clear and reasonable warning” to those consumers in
16 California who have been, or who will be, exposed to DEHP, DINP and/or lead resulting from
17 their use of the Products.

18 33. Contrary to the express policy and statutory prohibition of Proposition 65 enacted
19 directly by California voters, consumers exposed to the Listed Chemicals as a result of their use of
20 the Products that AMAZON sold without a “clear and reasonable” health hazard warning, have
21 suffered, and continue to suffer, irreparable harm for which they have no plain, speedy, or
22 adequate remedy at law.

23 34. Pursuant to Health & Safety Code §25249.7(b), as a consequence of the above-
24 described acts, AMAZON, and each of them, are liable for a maximum civil penalty of \$2,500 per
25 day for each violation.

26 35. As a consequence of the above-described acts, Health & Safety Code §25249.7(a)
27 also specifically authorizes the Court to grant injunctive relief against AMAZON.

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PRAYER FOR RELIEF

Wherefore, plaintiff prays for judgment against AMAZON as follows:

1. That the Court, pursuant to Health & Safety Code §25249.7(b), assess civil penalties against AMAZON in the amount of \$2,500 per day for each violation;
2. That the Court, pursuant to Health & Safety Code §25249.7(a), preliminarily and permanently enjoin AMAZON from manufacturing, importing, distributing, or offering the Products for sale or use in California including at amazon.com without first providing a “clear and reasonable warning” regarding the harms associated with exposures to the Listed Chemicals;
3. That the Court, pursuant to Health & Safety Code §25249.7(a), issue preliminary and permanent injunctions mandating that AMAZON recall all Products currently in the chain of commerce in California without a “clear and reasonable warning” as defined by 27 California Code of Regulations §25600 *et seq.*;
4. That the Court grant plaintiff his reasonable attorneys’ fees and costs of suit; and
5. That the Court grant such other and further relief as may be just and proper.

Dated: December 15, 2023

Respectfully submitted,

CHANLER, LLC

By: 
Clifford A. Chanler