		ELECTRONICALLY FILED				
1	ENTORNO LAW, LLP	Superior Court of California,				
2	Noam Glick (SBN 251582) Craig M. Nicholas (SBN 178444)	County of Alameda 05/17/2024 at 03:22:58 PM By: Danielle Harbour,				
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10	SUPERIOR COURT OF THE STATE OF CALIFORNIA					
11	IN AND FOR THE COUNTY OF ALAMEDA					
12	ENVIRONMENTAL HEALTH ADVOCATES,	Case No.: 24CV076219				
13	INC., Plaintiff,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF				
14	v.					
15	BOX ACQUISITIONS, LLC, an Illinois limited liability company; TARGET CORPORATION,	(Health & Safety Code § 25249.6 et seq.)				
16	a Minnesota corporation; and DOES 1 through 100, inclusive,					
17						
18	Defendants.					
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I.
INTRODUCTION

2 1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. ("Plaintiff") in the public interest of the citizens of the State of California ("the People"). Plaintiff seeks to remedy Defendants' failure to inform the People of exposure to Di(2-ethylhexyl) phthalate ("DEHP"), a known carcinogen. Defendants expose consumers to DEHP by manufacturing, importing, selling, and/or distributing tapes including, but not limited to, Tape Logic Solid Vinyl Safety Tape 6.0 Mil 1" x 36 yds Black 3/Case T91363PKBL ("Products"). Defendants know and intend that customers 8 will dermally absorb and ingest Products containing DEHP.

9 2. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986, California 10 Health and Safety Code, section 25249.6 et seq. ("Proposition 65"), "[n]o person in the course of doing 11 business shall knowingly and intentionally expose any individual to a chemical known to the state to 12 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such 13 individual. . . ." (Health & Safety Code, § 25249.6.)

14 3. California identified and listed DEHP as a chemical known to cause cancer as early as 15 January 1, 1988, and as a chemical known to cause developmental/reproductive toxicity on October 24, 16 2003.

17 4. Defendants failed to sufficiently warn consumers and individuals in California about 18 potential exposure to DEHP in connection with Defendants' manufacture, import, sale, or distribution 19 of Products. This is a violation of Proposition 65.

20 5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers 21 in California before exposing them to DEHP in Products. (Health & Safety Code, § 25249.7(a).) 22 Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65 along with 23 attorney's fees and costs. (Health & Safety Code, § 25249.7(b).)

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PARTIES

25 6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. ("Plaintiff") is a 26 corporation in the State of California dedicated to protecting the health of California citizens through 27 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public 28 interest pursuant to Health and Safety Code, section 25249.7.

7. Defendant BOX ACQUISITIONS, LLC ("Box Acquisitions") is a limited liability
 company organized and existing under the laws of Illinois. Box Acquisitions 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. Box Acquisitions manufactures, imports, sells, or distributes the Products in
 California and Alameda County.

8. Defendant TARGET CORPORATION ("Target") is a corporation organized and
existing under the laws of Minnesota. Target 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. Target
manufactures, imports, sells, or distributes the Products in California and Alameda County.

9. 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.

16 10. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,
17 joint employers, or employees for each other. Defendants acted with the consent of the other Co18 Defendants and acted within the course, purpose, and scope of their agency, service, or employment.
19 All conduct was ratified by Defendants, and each of them.

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III. VENUE AND JURISDICTION

11. California Constitution Article VI, Section 10 grants the Superior Court original jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code statute upon which this action is based does not give jurisdiction to any other court. As such, this Court has jurisdiction.

12. Venue is proper in Alameda County Superior Court pursuant to Code of Civil Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this County. Defendants conducted and continue to conduct business in this County as it relates to Products.

1 13. Defendants have sufficient minimum contacts in the State of California or otherwise 2 purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would 3 be consistent with traditional notions of fair play and substantial justice. 4 IV. **CAUSES OF ACTION** 5 FIRST CAUSE OF ACTION 6 (Violation of Proposition 65 – Against all Defendants) 7 14. Plaintiff incorporates by reference each and every allegation contained above. 8 15. Proposition 65 mandates that citizens be informed about exposures to chemicals that 9 cause cancer, birth defects, and other reproductive harm. 10 16. Defendants manufactured, imported, sold, and/or distributed Products containing DEHP 11 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such 12 violations have continued after receipt of the Notice (defined infra) and will continue to occur into the 13 future. 14 17. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to 15 provide a clear and reasonable warning to consumers and individuals in California who may be exposed 16 to DEHP through reasonably foreseeable use of the Products. 17 18. Products expose individuals to DEHP through dermal absorption and ingestion. This 18 exposure is a natural and foreseeable consequence of Defendants placing Products into the stream of 19 commerce. As such, Defendants intend that consumers will use Products, exposing them to DEHP. 20 19. Defendants knew or should have known that the Products contained DEHP and exposed 21 individuals to DEHP in the ways provided above. The Notice informed Defendants of the presence of 22 DEHP in the Products. Likewise, media coverage concerning DEHP and related chemicals in consumer 23 products provided constructive notice to Defendants. 24 20. Defendants' actions in this regard were deliberate and not accidental. 25 /// 26 /// 27 /// 28

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

6 22. The appropriate public enforcement agencies provided with the Notice failed to
7 commence and diligently prosecute a cause of action against Defendants.

8 23. Individuals exposed to DEHP contained in Products through dermal absorption and
9 ingestion resulting from reasonably foreseeable use of the Products have suffered and continue to suffer
10 irreparable harm. There is no other plain, speedy, or adequate remedy at law.

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

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1	PRAYER FOR RELIEF			
2	Wherefore, Plaintiff prays for judgment against Defendants as follows:			
3	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 Defendants 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. 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: May 17, 2024 ENTORNO LAW, LLP			
13		By:	Noam Slick	
14		Dy:	Noam Glick	
15			Craig M. Nicholas	
16			Jake W. Schulte Janani Natarajan	
17			Attorneys for Plaintiff	
18			Environmental Health Advocates, Inc.	
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