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9 Attorneys for Plaintiff,  
10 **KEEP AMERICA SAFE AND BEAUTIFUL**

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF LOS ANGELES**

13 **KEEP AMERICA SAFE AND BEAUTIFUL**, in  
14 the public interest,

15 Plaintiff,

16 v.

17 **Amway Corp.**; and **DOES 1 through 100**,  
18 inclusive,

19 Defendants.

Civil Action No.: 24STCV29344

**COMPLAINT FOR INJUNCTIVE RELIEF AND  
CIVIL PENALTIES**

[Cal. Health and Safety Code Sec. 25249.6, et  
seq.]

**KJT** LAWGROUP LLP  
Jivalagian | Thomassian



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

8 5. Defendant AMWAY CORP. (“AMWAY”) is a person in the course of doing  
9 business within the meaning of Health & Safety Code § 25249.11 AMWAY manufactures,  
10 distributes and/or sells the Product for sale and use in California.

11 6. The true names of DOES 1 through 100 are unknown to Plaintiff at this time. When  
12 their identities are ascertained, the Complaint shall be amended to reflect their true names.

### 13 **JURISDICTION AND VENUE**

14 7. The Court has jurisdiction over this action pursuant to Health & Safety Code §  
15 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to  
16 California Constitution Article VI, Section 10, because this case is a cause not given by statute to  
17 other trial courts.

18 8. This Court has jurisdiction over Defendant as a business entity that does sufficient  
19 business, has sufficient minimum contacts in California or otherwise intentionally avails itself of the  
20 California market through the sale, marketing or use of the Product in California and/or by having  
21 such other contacts with California so as to render the exercise of jurisdiction over them by the  
22 California courts consistent with traditional notions of fair play and substantial justice.

23 9. Venue is proper in Los Angeles County Superior Court because one or more of the  
24 violations arise in the County of Los Angeles.

**BACKGROUND FACTS**

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2           10.     The People of the State of California have declared by initiative under Proposition  
3 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or  
4 other reproductive harm.” Proposition 65 § 1(b).

5           11.     To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed  
6 by the State of California as known to cause cancer, birth defects or other reproductive harm above  
7 certain levels without a “clear and reasonable warning” unless the business responsible for the  
8 exposure can prove that it fits within a statutory exemption. Health & Safety Code § 25249.6 states  
9 in pertinent part:

10           No person in the course of doing business shall knowingly and intentionally expose any  
11 individual to a chemical known to the state to cause cancer or reproductive toxicity without  
12 first giving clear and reasonable warning to such individual...

13           12.     The State of California has officially listed Lead as a chemical known to cause cancer  
14 and reproductive harm.

15           13.     The level of exposure to a chemical causing reproductive toxicity under Proposition  
16 65 is determined by multiplying the level in question times the reasonably anticipated rate of  
17 exposure for an individual to a given medium. 27 C.C.R. § 25821(b). for exposures to consumer  
18 products, the level of exposure is calculated using the reasonably anticipated rate of intake or  
19 exposure for average users of the consumer product. 27 C.C.R. § 25821(C)(2).

20           14.     Defendant’s Product contains sufficient quantities of Lead such that consumers,  
21 including pregnant women, who consume the Product are exposed to Lead. The primary route of  
22 exposure for the violations is direct ingestion when consumers orally ingest the Product. These  
23 exposures occur in homes, workplaces and everywhere in California where the Product is  
24 consumed.

25           15.     During the relevant one-year period herein, no clear and reasonable warning was  
26 provided with the Product regarding the reproductive hazards of Lead.

27           16.     Any person acting in the public interest has standing to enforce violations of  
28 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid

1 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action  
2 within such time. Health & Safety Code § 25249.7(d).

3 17. More than sixty days prior to naming Defendant in this lawsuit, Plaintiff provided a  
4 60-Day “Notice of Violation of Proposition 65” to the California Attorney General, the District  
5 Attorneys of every county in California, the City Attorneys of every California city with a population  
6 greater than 750,000 and to the named Defendant. The Notice of Violation of Proposition 65 was  
7 filed on or about November 10, 2023. In compliance with Health & Safety Code § 25249.7(d) and  
8 27 C.C.R. § 25903(b), the Notice included the following information: (1) the name and address of  
9 each violator; (2) the statute violated; (3) the time period during which violations occurred; (4)  
10 specific descriptions of the violations, including (a) the routes of exposure to Lead from the  
11 Product, and (b) the specific type of Product sold and used in violation of Proposition 65; and (5)  
12 the name of the specific Proposition 65-listed chemical that is the subject of the violations described  
13 in the Notice.

14 18. Plaintiff also sent a Certificate of Merit for the Notice to the California Attorney  
15 General, the District Attorneys of every county in California, the City Attorneys of every California  
16 city with a population greater than 750,000 and to the named Defendant. In compliance with  
17 Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3101, each Certificate certified that Plaintiff’s  
18 counsel: (1) has consulted with one or more persons with relevant and appropriate experience or  
19 expertise who reviewed facts, studies or other data regarding the exposures to Lead alleged in the  
20 Notice; and (2) based on the information obtained through such consultations, believes that there is  
21 a reasonable and meritorious case for an enforcement action based on the facts alleged in the  
22 Notice. In compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3102, each  
23 Certificate served on the Attorney General included factual information-provided on a confidential  
24 basis-sufficient to establish the basis for the Certificate, including the identity of the person(s)  
25 consulted by the Plaintiff’s counsel and the facts, studies or other data reviewed by such persons.

26 19. None of the public prosecutors with the authority to prosecute violations of  
27 Proposition 65 has commenced and/or is diligently prosecuting a cause of action against Defendant  
28

1 under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in the Plaintiff's  
2 Notice.

3 20. Defendant knows and intend that individuals will consume the Product, thus  
4 exposing them to Lead.

5 21. Under Proposition 65, an exposure is “knowing” where the party responsible for  
6 such exposure has:

7  
8 Knowledge of the fact that a[n]...exposure to a chemical listed pursuant to [Health & Safety  
9 Code § 25249.8(a)] is occurring. No knowledge that the... exposure is unlawful is required.  
10 27 C.C.R.§ 25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final  
11 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division  
12 2, § 12201).

12 22. Defendant has been informed of the Lead in their Products by the 60-Day Notice of  
13 Violation and accompanying Certificate of Merit served on them.

14 23. Defendant also has constructive knowledge that the Products contain Lead due to  
15 the widespread media coverage concerning the problem of Lead in consumer products.

16 24. As entities that manufacture, import, distribute and/or sell the Product for use in the  
17 California marketplace, Defendant knows or should know that the Product contains Lead and that  
18 individuals who consume the Product will be exposed to Lead. The Lead exposures to consumers  
19 who consume the Product are a natural and foreseeable consequence of Defendant placing the  
20 Product into the stream of commerce.

21 25. Nevertheless, Defendant continues to expose consumers to Lead without prior clear  
22 and reasonable warnings regarding the reproductive hazards of Lead.

23 26. Plaintiff has engaged in good-faith efforts to resolve the claims alleged herein prior to  
24 filing this Complaint.

25 27. Any person “violating or threatening to violate” Proposition 65 may be enjoined in  
26 any court of competent jurisdiction. Health & Safety Code § 25249.7. “Threaten to violate” is  
27 defined to mean “to create a condition in which there is a substantial probability that a violation will  
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1 occur.” Health & Safety Code § 25249.11(e). Proposition 65 provides for civil penalties not to  
2 exceed \$2,500 per day for each violation of Proposition 65.

3 **CAUSE OF ACTION**

4 (Violations of the Health & Safety Code 25249.6)

5 28. Plaintiff realleges and incorporates by reference as if specifically set forth herein  
6 Paragraphs 1 through 27, inclusive.

7 29. By placing the Product into the stream of commerce, each Defendant is a person in  
8 the course of doing business within the meaning of Health & Safety Code § 25249.11.

9 30. Lead is a chemical listed by the State of California as known to cause cancer and  
10 other reproductive harm.

11 31. Defendant knows that average use of the Product will expose users of the Product to  
12 Lead. Defendant intends that the Product be used in a manner that results in exposures to Lead  
13 from the Products.

14 32. Defendant has failed, and continue to fail, to provide clear and reasonable warnings  
15 regarding the reproductive toxicity of Lead to users of the Products.

16 33. By committing the acts alleged above, Defendant has at all times relevant to this  
17 Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to Lead  
18 without first giving clear and reasonable warnings to such individuals regarding the reproductive  
19 toxicity of Lead.

20 **PRAYER FOR RELIEF**

21 Wherefore, Plaintiff prays for judgment against Defendant as follows:

22 1. That the Court, pursuant to Health & Safety Code § 25249.7(b), assess civil penalties  
23 against the Defendant in the amount of \$2,500 per day for each violation of Proposition 65;

24 2. That the Court, pursuant to Health & Safety Code § 25249.7(a), preliminarily and  
25 permanently enjoin Defendant from offering the Product for sale in California without either  
26 reformulating the Products such that no Proposition 65 warnings are required or providing prior  
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clear and reasonable warnings, as Plaintiff shall specify in further application to the Court;

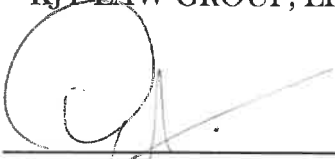
3. That the Court, pursuant to Health & Safety Code § 25249.7(a), order Defendant to take action to stop ongoing unwarranted exposures to Lead resulting from use of Product sold, as Plaintiff shall specify in further application to the Court;

4. That the Court, pursuant to Code of Civil Procedure § 1021.5 or any other applicable theory or doctrine, grant Plaintiff her 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: November 7, 2024

KJT LAW GROUP, LLP

By: 

Tro Krikorian, Esq.  
Attorneys for Plaintiff  
KEEP AMERICA SAFE AND BEAUTIFUL