		ELECTRONICALLY FILED		
1 2 3 4 5 6	ENTORNO LAW, LLP Noam Glick (SBN 251582) Craig M. Nicholas (SBN 178444) Jake W. Schulte (SBN 293777) Janani Natarajan (SBN 346770) 225 Broadway, Suite 1900 San Diego, California 92101 Tel: (619) 629-0527 Email: noam@entornolaw.com Email: craig@entornolaw.com Email: jake@entornolaw.com	Superior Court of California, County of Alameda 11/01/2024 at 09:39:49 AM By: Damaree Franklin, Deputy Clerk		
7 8 9	Email: janani@entornolaw.com Attorneys for Plaintiff Environmental Health Advocates, Inc.			
10	SUPERIOR COURT OF THE STATE OF CALIFORNIA			
11	IN AND FOR THE COUNTY OF ALAMEDA			
12	ENVIRONMENTAL HEALTH ADVOCATES,	Case No.: 240V098062		
13	INC., Plaintiff,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF		
14	V.	(Health & Safety Code § 25249.6 et seq.)		
15 16	LAURA BYRNES DESIGN, INC., a California corporation; PIN UP GIRL, a California corporation; and DOES 1 through 100, inclusive,	(froutin de Sufety Code y 252 15.6 et seq.)		
17	Defendants.			
18	Derendants.			
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I. INTRODUCTION

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, developmental toxin, and reproductive toxin. Defendants expose
 consumers to DEHP by manufacturing, importing, selling, and/or distributing belts including, but not
 limited to, 1 Inch 1960s Vintage Style Grommet Belt in Black Faux Leather ("Products"). Defendants
 know and intend that customers will use 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.)

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

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

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II. PARTIES

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

7. Defendant LAURA BYRNES DESIGN, INC. ("Laura") is a corporation organized and
 existing under the laws of California. Laura 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. Laura
 manufactures, imports, sells, or distributes the Products in California and Alameda County.

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8. Defendant PIN UP GIRL ("Pin Up") is a corporation organized and existing under the laws of California. Pin Up 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. Pin Up manufactures, imports, sells, or distributes the Products in California and Alameda County.

9 9. Plaintiff does not know the true names and/or capacities, whether individual, partners,
10 or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues
11 said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to
12 amend this Complaint when the true names and capacities of these Defendants have been ascertained.
13 Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or
14 in part for the remedies and penalties sought herein.

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

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III. <u>VENUE AND JURISDICTION</u>

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

25 12. Venue is proper in Alameda County Superior Court pursuant to Code of Civil
26 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this
27 County. Defendants conducted and continue to conduct business in this County as it relates to Products.
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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 indirect ingestion 18 through hand to mouth exposure. This exposure is a natural and foreseeable consequence of Defendants 19 placing Products into the stream of commerce. As such, Defendants intend that consumers will use 20 Products, exposing them to DEHP. 21 19. Defendants knew or should have known that the Products contained DEHP and exposed 22 individuals to DEHP in the ways provided above. The Notice informed Defendants of the presence of 23 DEHP in the Products. Likewise, media coverage concerning DEHP and related chemicals in consumer 24 products provided constructive notice to Defendants. 25 20. Defendants' actions in this regard were deliberate and not accidental. 26 /// 27 /// 28 3

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 indirect ingestion through hand to mouth exposure resulting from reasonably foreseeable use of the 10 Products have suffered and continue to suffer irreparable harm. There is no other plain, speedy, or 11 adequate remedy at law.

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

15 [Rest of page left intentionally blank.]

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. 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.	4. Such other and further relief as may be just and proper.			
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11	Respectfully	submitted:			
12	Dated: Nove	mber 1, 2024		ENTORNO LAW, LLP	
13		T		Noan Slich	
14		E	By:	Noam Slick	
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16				Craig M. Nicholas Jake W. Schulte	
17				Janani Natarajan	
18				Attorneys for Plaintiff	
19				Environmental Health Advocates, Inc.	
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