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County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

APS&EE, LLC, a limited liability company,)
Plaintiff,)
v.)
NATASHA ACCESSORIES LTD., a limited)
liability company, NORDSTROM, INC., a)
corporation, and DOES 1 through 100,)
inclusive,)
Defendants.)

CASE NO. 25STCV00855

**PLAINTIFF'S COMPLAINT FOR
CIVIL PENALTIES AND INJUNCTIVE
RELIEF**

(Health & Safety Code § 25249.6 et seq.)

Judge:
Dept.:
Compl. Filed:

Unlimited Jurisdiction

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INTRODUCTION

1. This Complaint is brought by Plaintiff, APS&EE, LLC (“Plaintiff”) in the public interest of the citizens of the State of California, a representative action to enforce the People’s right to be informed of the presence of cadmium (“Cadmium”), a chemical known to the State of California to cause cancer and birth defects or other reproductive harm, in earrings sold by Defendants.

2. The purpose of this Complaint is to remedy Defendants’ continuing failure to warn California residents about the risk of exposure to the Cadmium in the jewelry manufactured, distributed, sold, and/or offered for sale to consumers in California.

3. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell Natasha earrings, including but not limited to flower hoop earring #844043519880. The products described in this paragraph shall hereinafter be referred to as the “Products”.

4. Children and adults are exposed to the Cadmium when they use, touch, mouth, handle, play with, repair, maintain, clean, and/or install the Products.

5. Hazardous levels of the Cadmium are found in the accessible surface areas of the Products manufactured, distributed, sold, and/or offered for sale by Defendants to consumers in California.

6. California Health and Safety Code section 25249.6 et seq. (“Proposition 65”) provides in pertinent part: “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual...”

7. Studies repeatedly conclude that exposure to the Cadmium is hazardous to the health of children and adults. Children are especially vulnerable to the toxic effects of Cadmium. Accordingly, California has listed the Cadmium as a chemical known to the state to cause cancer and birth defects or other reproductive harm, and therefore subject to Proposition 65 warning requirements.

8. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell the Products without the required warnings. Defendants’ conduct violates the warning

requirements of Proposition 65.

PARTIES

9. Plaintiff is an organization based in California acting in the public interest. Plaintiff brings this action in the public interest pursuant to California Health and Safety Code section 25249.7(d).

10. Defendant, NATASHA ACCESSORIES LTD. is a person in the course of doing business within the meaning of California Health and Safety Code section 25249.11. NATASHA ACCESSORIES LTD. manufactures, distributes, and/or sells the Products for sale and use in California.

11. Defendant, NORDSTROM, INC. is a person in the course of doing business within the meaning of California Health and Safety Code section 25249.11. NORDSTROM, INC. manufactures, distributes, and/or sells the Products for sale and use in California.

12. DOES 1 through 100 are each a person in the course of doing business within the meaning of California Health and Safety Code section 25249.11. DOES 1 through 100 manufacture, distribute, and/or sell the Products for sale and use in California. The true names of DOES 1 through 100 are unknown to Plaintiff at this time. When their identities are discovered, Plaintiff's Complaint shall be amended to reflect their true names.

13. The defendants identified in paragraphs 10-12 shall collectively be referred to herein as "Defendants".

JURISDICTION AND VENUE

14. This Court has jurisdiction over this action pursuant to California Health and Safety Code section 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to California Constitution Article VI, Section 10, because this lawsuit is based on a cause not given by statute to other trial courts. Moreover, this action belongs in unlimited jurisdiction since the amount in controversy exceeds \$35,000 and Plaintiff seeks permanent injunctive relief.

15. This Court has jurisdiction over Defendants because each is a person, firm, corporation, or association with sufficient minimum contacts in the State of California, or

1 otherwise purposefully avails itself to the California market as to render jurisdiction by the
2 California courts consistent with traditional notions of fair play and substantial justice.

3 16. Venue is proper in Los Angeles County Superior Court because one or more
4 occurrences of the wrongful conduct occurred, and continues to occur, in Los Angeles County,
5 and/or because Defendants conducted, and continue to conduct, business in this County with
6 respect to the Products.

7 **FIRST CAUSE OF ACTION**

8 **(Violations of Health & Safety Code Section 25249.6 et seq.)**

9 17. Plaintiff re-alleges and incorporates by reference, as if fully set forth herein,
10 Paragraphs 1 through 16, inclusive.

11 18. On October 17, 2024, Plaintiff served a Sixty-Day Notice of Violation with a
12 Certificate of Merit (the "Notice"), to NATASHA ACCESSORIES LTD., NORDSTROM, INC.,
13 and the various public enforcement agencies with respect to the Proposition 65 violations related
14 to Cadmium in the Products. In addition, on said date, in compliance with Health & Safety Code
15 section 25249.7(d), Plaintiff provided confidential factual information sufficient to establish the
16 basis for the Certificate of Merit to the California Attorney General.

17 19. None of the public prosecutors with the authority to prosecute Proposition 65
18 violations has commenced and/or is diligently prosecuting the causes of action against
19 Defendants based on the claims asserted in Plaintiff's Notice.

20 20. By placing the Products into the stream of commerce, each Defendant is a person
21 in the course of doing business within the meaning of Health & Safety Code section 25249.11.

22 21. Defendants knew and intended that consumers, including children, will use,
23 touch, mouth, handle, play with, repair, maintain, clean, and/or install the Products.

24 22. Defendants knew that the Products contain Cadmium. Indeed, Defendants, who
25 are in the business of marketing jewelry, also should have known or have constructive
26 knowledge that the Products contain Cadmium from widespread media coverage and/or other
27 channels of information concerning the presence of Cadmium in similar products. For example,
28 California *Health and Safety Code* section 25214.2 provides specific limitations for the amount

1 of Cadmium that can be in children’s jewelry, i.e., no more than 0.03%. Here, at least some of
2 *the Products are made with 39% Cadmium!*

3 23. Cadmium is a chemical listed by the State of California as known to cause cancer
4 and birth defects or other reproductive harm.

5 24. Defendants’ Products contain sufficient quantities of the Cadmium such that
6 consumers, including children, who use, touch, mouth, handle, play with, repair, maintain, clean
7 and/or install the Products are exposed to unsafe levels of Cadmium. Cadmium is present in the
8 Products in such a way as to expose individuals to Cadmium, as exposure is defined by 27 CCR
9 section 25600.1(e): “...that results from a person’s acquisition, purchase, storage, consumption,
10 or any reasonably foreseeable use...” Direct and indirect exposure occurs through inhalation,
11 ingestion and/or dermal contact during the reasonably foreseeable use of the Products.

12 25. Defendants knew or should have known that the reasonably foreseeable use of the
13 Products exposes individuals to Cadmium through inhalation, ingestion and/or dermal contact.

14 26. Defendants failed to provide a “clear and reasonable warning” to individuals in
15 the State of California who were or could become exposed to Cadmium during the reasonably
16 foreseeable use of the Products.

17 27. By committing the acts alleged in this Complaint, Defendants have violated
18 California Health & Safety Code section 25249.6 et seq. by knowingly and intentionally
19 exposing individuals to Cadmium without first giving clear and reasonable warnings to such
20 individuals regarding the toxicity of Cadmium.

21 28. As a result of Defendants’ wrongful conduct, individuals in the State of California
22 have been exposed to Cadmium through the inhalation, ingestion and/or dermal contact during
23 the reasonably foreseeable use of the Products without a “clear and reasonable warning”, and
24 have suffered and continue to suffer harm, each and every day since at least October 17, 2023.

25 **PRAYER FOR RELIEF**

26 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

27 1. That the Court, pursuant to California Health & Safety Code section 25249.7(b),
28 assess civil penalties against Defendants in the amount of \$2,500 per day for each violation

1 alleged herein;


2 2. That the Court, pursuant to California Health & Safety Code section 25249.7(a),
3 preliminarily and permanently enjoin Defendants from manufacturing, distributing, or offering
4 the Products for sale in California without providing “clear and reasonable warnings” as defined
5 by 27 CCR section 25601;

6 3. That the Court, pursuant to California Health & Safety Code section 25249.7(a),
7 order Defendants to take action to stop ongoing unwarned exposures to Cadmium resulting from
8 use of Products sold by Defendants;

9 4. That the Court, pursuant to California Code of Civil Procedure section 1021.5, or
10 any other applicable theory, grant Plaintiff’s reasonable attorneys’ fees and costs of suit; and
11 Such other and further relief as may be just and proper.

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13 Dated: January 14, 2025

LAW OFFICES OF LUCAS T. NOVAK

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15 By: 
16 LUCAS T. NOVAK
Attorney for Plaintiff, APS&EE, LLC
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