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**ELECTRONICALLY FILED**

Superior Court of California,  
County of Alameda

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By: Andrel Gospel,  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF ALAMEDA  
UNLIMITED CIVIL JURISDICTION

MICHAEL DIPIRRO,

Plaintiff,

v.

ST. JUDE SHOP, INC.; and DOES 1-150,

Defendants.

Case No. **25CV135339**

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code. § 25249.6 *et seq.*)

1 **NATURE OF THE ACTION**

2 1. This Complaint is a representative action brought by plaintiff MICHAEL  
3 DIPIRRO in the public interest of the citizens of California to enforce the People's right to be  
4 informed of the presence of Lead, a toxic chemical, for exposures created by the use of the  
5 Lead Shot for Counterbalance.

6 2. Defendants are the manufacturers, distributors, and/or California retailers of the  
7 Lead Shot for Counterbalance.

8 3. The normal and foreseeable use of the above product manufactured, distributed,  
9 and/or sold in California results in high levels of exposure to Lead that require health hazard  
10 warnings under Proposition 65. All such products are referred to collectively hereinafter as the  
11 "PRODUCTS."

12 4. By this Complaint, plaintiff seeks to remedy defendants' continuing failure to  
13 warn California citizens about the risk of exposure to Lead from the use of the PRODUCTS that  
14 are manufactured, distributed, and/or offered for sale or use to consumers throughout the State  
15 of California without the requisite health hazard warnings.

16 5. Under the *Safe Drinking Water and Toxic Enforcement Act of 1986*, codified at  
17 *Health and Safety Code section 25249.6 et seq.* ("Proposition 65"), "[n]o person in the course of  
18 doing business shall knowingly and intentionally expose any individual to a chemical known to  
19 the state to cause cancer or reproductive toxicity without first giving clear and reasonable  
20 warning to such individual ..." *Health & Safety Code § 25249.6*.

21 6. Pursuant to Proposition 65, on February 27, 1987, California identified and listed  
22 Lead as a chemical known to cause reproductive toxicity. Lead became subject to the "clear and  
23 reasonable warning" requirements of the act one year later on February 27, 1988, for  
24 reproductive toxicity. On October 1, 1992, California identified and listed lead as a chemical  
25 known to cause cancer. Lead became subject to the "clear and reasonable warning"  
26 requirements of the act one year later on October 1, 1993, for cancer. Cal. Code Regs. tit. 27, "

1 27001(c); Health & Safety Code "" 25249.8 & 25249.10(b). Lead is referred to hereinafter as the  
2 "LISTED CHEMICAL."

3 7. Defendants' failure to warn consumers and other individuals in the State of  
4 California about their exposure to the LISTED CHEMICAL in conjunction with defendants'  
5 sales of the PRODUCTS is a violation of Proposition 65, and subjects defendants to enjoinder  
6 of such conduct as well as civil penalties for each violation. *Health & Safety Code § 25249.7(a)*  
7 & (b)(1).

8 8. For defendants' violations of Proposition 65, plaintiff seeks preliminary and  
9 permanent injunctive relief to compel defendants to provide purchasers or users of the  
10 PRODUCTS with the required warning regarding the health hazards of the LISTED  
11 CHEMICAL. *Health & Safety Code § 25249.7(a)*.

12 9. Pursuant to *Health and Safety Code section 25249.7(b)*, plaintiff also seeks civil  
13 penalties against defendants for their violations of Proposition 65.

14 **PARTIES**

15 10. Plaintiff MICHAEL DIPIRRO is a citizen of the State of California who is  
16 dedicated to protecting the health of California citizens through the elimination or reduction of  
17 toxic exposures from consumer products; and he brings this action in the public interest  
18 pursuant to *Health and Safety Code section 25249.7(d)*.

19 11. Named defendant herein is a person in the course of doing business within the  
20 meaning of *Health and Safety Code section 25249.11*. In this case, the named defendant is  
21 St. Jude Shop, Inc. (St. Jude).

22 12. ST. JUDE manufactures (or otherwise processes for sale),  
23 distributes, and/or offers the PRODUCTS for sale or use in the State of California, or implies by  
24 its conduct that it manufactures, distributes, and/or offers the PRODUCTS for sale or use in the  
25 State of California.

13. Defendants DOES 1-50 (“MANUFACTURER DEFENDANTS”) are each a person in the course of doing business within the meaning of Health and Safety Code section 25249.11.

14. MANUFACTURER DEFENDANTS research, test, design, assemble, fabricate, cultivate, harvest and/or manufacture, or imply by their conduct that they research, test, design, assemble, fabricate, cultivate, harvest and/or manufacture one or more of the PRODUCTS offered for sale or use in the State of California.

15. Defendants DOES 51-100 (“DISTRIBUTOR DEFENDANTS”) are each a person in the course of doing business within the meaning of *Health and Safety Code section 25249.11*.

16. DISTRIBUTOR DEFENDANTS distribute, exchange, transfer, process, and/or transport one or more of the PRODUCTS to individuals, businesses, or retailers for sale or use in the State of California.

17. Defendants DOES 101-150 (“RETAILER DEFENDANTS”) are each a person in the course of doing business within the meaning of *Health and Safety Code section 25249.11*.

18. RETAILER DEFENDANTS offer the PRODUCTS for sale to individuals in the State of California.

19. At this time, the true names of defendants DOES 1 through 150, inclusive, are unknown to plaintiff, who, therefore, sues said defendants by their fictitious names pursuant to Code of Civil Procedure section 474. Plaintiff is informed and believes, and on that basis alleges, that each of the fictitiously named defendants is responsible for the acts and occurrences alleged herein. When ascertained, their true names shall be reflected in an amended complaint. Specifically named defendants and all “Doe” Defendants are hereinafter collectively referred to as “DEFENDANTS”.

## VENUE AND JURISDICTION

20. Venue is proper in the Alameda County Superior Court, pursuant to Code of Civil Procedure sections 393, 395, and 395.5, because this Court is a court of competent jurisdiction,

1 because one or more instances of wrongful conduct occurred, and continue to occur, in Alameda  
2 County, and/or because DEFENDANTS conducted, and continue to conduct, business in this  
3 county with respect to the PRODUCTS.

4 21. The California Superior Court has jurisdiction over this action pursuant to  
5 *California Constitution Article VI, section 10*, which grants the Superior Court “original  
6 jurisdiction in all causes except those given by statute to other trial courts.” The statute under  
7 which this action is brought does not specify any other basis of subject matter jurisdiction.

8 22. The California Superior Court has jurisdiction over DEFENDANTS based on  
9 plaintiff’s information and good faith belief that each defendant is a person, firm, corporation or  
10 association that is a citizen of the State of California, has sufficient minimum contacts in the  
11 State of California, and/or otherwise purposefully avails itself of the California market.  
12 DEFENDANTS’ purposeful availment renders the exercise of personal jurisdiction by  
13 California courts consistent with traditional notions of fair play and substantial justice.

14 **FIRST CAUSE OF ACTION**

15 **(Violation of Proposition 65 - Against All Defendants)**

16 23. Plaintiff realleges and incorporates by reference, as if fully set forth herein,  
17 Paragraphs 1 through 22, inclusive.

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

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

26 26. On October 30, 2024, plaintiff’s 60-Day Notice of Violation, together with the  
27 requisite certificate of merit, was provided to ST. JUDE and certain  
28

1 public enforcement agencies stating that, as a result of DEFENDANTS' sales of the  
2 PRODUCTS containing the LISTED CHEMICAL, purchasers and users in the State of  
3 California were being exposed to the LISTED CHEMICAL resulting from the reasonably  
4 foreseeable uses of the PRODUCTS, without the individual purchasers and users first having  
5 been provided with a "clear and reasonable warning" regarding such toxic exposures, as  
6 required by Proposition 65.

7 27. DEFENDANTS have engaged in the manufacture, distribution, and/or offering of  
8 the PRODUCTS for sale or use in violation of Health and Safety Code section 25249.6, and  
9 such violations have continued to occur beyond DEFENDANTS' receipt of plaintiff's 60-Day  
10 Notices of Violation. As such, DEFENDANTS' violations are ongoing and continuous in  
11 nature, and will continue to occur in the future.

12 28. After receiving the claims asserted in the 60-day Notices of Violation, the  
13 appropriate public enforcement agencies have failed to commence and diligently prosecute a  
14 cause of action against DEFENDANTS under Proposition 65.

15 29. The PRODUCTS manufactured, distributed, and offered for sale or use in  
16 California by DEFENDANTS contain the LISTED CHEMICAL in amounts above the  
17 allowable state limits, such that they require a "clear and reasonable" warning under Proposition  
18 65.

19 30. DEFENDANTS knew or should have known that the PRODUCTS they  
20 manufacture, distribute, and offer for sale or use in California contain the LISTED  
21 CHEMICAL.

22 31. The exposures to the LISTED CHEMICAL result from the normal use of the  
23 PRODUCTS in such a way as to expose individuals through dermal contact during reasonably  
24 foreseeable use.

25 32. The normal and reasonably foreseeable uses of the PRODUCTS have caused, and  
26 continue to cause, consumer exposures to the LISTED CHEMICAL, as such exposures are  
27 defined by California Code of Regulations title 27, section 25602(b).  
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1           2.     That the Court, pursuant to *Health and Safety Code section 25249.7(a)*,  
2     preliminarily and permanently enjoin DEFENDANTS from manufacturing, distributing, or  
3     offering the PRODUCTS for sale or use in California without first providing a “clear and  
4     reasonable warning” as defined by *California Code of Regulations title 27, section 25601 et*  
5     *seq.*, as to the harms associated with exposures to the LISTED CHEMICAL;

6           3.     That the Court grant plaintiff his reasonable attorneys’ fees and costs of suit; and

7           4.     That the Court grant such other and further relief as may be just and proper.  
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9     Dated: July 24, 2025

Respectfully Submitted,

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11     By: \_\_\_\_\_

12     David Bush  
13     Jeremy Fietz  
14     Attorneys for Plaintiff  
15     MICHAEL DIPIRRO  
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