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KEEP AMERICA SAFE AND BEAUTIFUL

ELECTRONICALLY FILED

Superior Court of California

County of Marin

06/10/2025

James M. Kim, Clerk of the Court

By: J. Chen, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF MARIN - UNLIMITED CIVIL JURISDICTION

KEEP AMERICA SAFE AND BEAUTIFUL,

Plaintiff,

v.

DESIGNWORKS INVESTMENTS, LLC; and
DOES 1-30, inclusive,

Defendants.

Case No. CV0006555

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

Violations of Health & Safety Code
§ 25249.5, *et seq.* (Proposition 65)

Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB” or “Plaintiff”), acting in the public interest, alleges a cause of action against defendants DESIGNWORKS INVESTMENTS, LLC, and DOES 1-30 (“Defendants”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

INTRODUCTION AND NATURE OF THE ACTION

1. KASB brings this representative action in the public interest on behalf of the citizens of the State of California. By this action, KASB seeks to enforce the People’s right to be informed of the health hazards caused by exposures to Lead, a heavy metal found in and on brass candle accessories manufactured, imported, distributed, sold and offered for sale by Defendants in the State of California.

2. By this Complaint, plaintiff seeks to remedy Defendants’ failure to warn individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“consumers”)

1 exposed to substances known to cause birth defects or other reproductive harm through exposures to
2 Lead when they purchase, use and handle Defendants' brass candle accessories.

3 3. Detectable levels of Lead are found in and on the brass candle accessories Defendants
4 manufacture, import, sell and distribute for sale in California.

5 4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
6 Health and Safety Code § 25249.6 *et seq.* ("Proposition 65"), it is unlawful for a person in the course
7 of doing business to knowingly and intentionally expose consumers and end-users in California to
8 chemicals known to the State to cause cancer, birth defects or other reproductive harm, without first
9 providing a "clear and reasonable warning" regarding the presence of these chemicals in Defendants'
10 products and the harms associated with exposures to such chemicals.

11 5. Defendants manufacture, distribute, import, sell, and offer for sale, in and into
12 California brass candle accessories ("PRODUCTS") containing Lead, without providing a warning
13 regarding the presence of and the harms associated with exposures to Lead in Defendants'
14 PRODUCTS. Such PRODUCTS include, without limitation, the *Paddywax Wick Trimmer SKU:*
15 *WIC01*. Defendants' violations subject them to civil penalties, enjoinder, preliminary and
16 permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b).

17 **PARTIES**

18 6. KASB is a non-profit corporation organized under the laws of California and acting in
19 the public interest to reduce the presence of toxic chemicals found in consumer products and to
20 enforce California citizens' right to be informed about the presence of toxic chemicals in the products
21 they purchase and use and the harms associated with exposures to such chemicals. KASB is a
22 "person" within the meaning of Health & Safety Code § 25249.11(a). It brings this action in the
23 public interest, pursuant to Health and Safety Code § 25249.7(d).

24 7. At all relevant times, defendant DESIGNWORKS INVESTMENTS, LLC
25 ("DESIGNWORKS") operates as a "person in the course of doing business" with ten (10) or more
26 employees within the meaning of and as defined by Health and Safety Code §§ 25249.6 and
27 25249.11.
28

1 8. DESIGNWORKS manufactures, imports, distributes, sells, and offers the PRODUCTS
2 for sale or use in California, or implies by its conduct that it manufactures, imports, distributes, sells,
3 and/or offers the PRODUCTS for sale or use to consumers and other individuals in California.

4 9. Doe Defendants 1-10 (“MANUFACTURER DEFENDANTS”) are each a “person in the
5 course of doing business” within the meaning of and as defined by Health and Safety Code
6 §§ 25249.6 and 25249.11. MANUFACTURER DEFENDANTS, and each of them, assemble,
7 fabricate, and manufacture, or they each imply by their conduct they do so for one or more of the
8 PRODUCTS sold and/or offered for sale or use to consumers and other individuals in California.

9 10. Doe Defendants 11-20 (“DISTRIBUTOR DEFENDANTS”) are each a person in the
10 course of doing business within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.
11 DISTRIBUTOR DEFENDANTS, and each of them, distribute, transfer, and transport the
12 PRODUCTS sold and offered for sale to consumers and other individuals in California, or they each
13 imply by their conduct they distribute, transfer, and transport one or more of the PRODUCTS to
14 individuals, businesses, and retailers for sale or use in California.

15 11. Doe Defendants 21-30 (“RETAILER DEFENDANTS”) are each a person in the course
16 of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6 and
17 25249.11. RETAILER DEFENDANTS, and each of them, offer the PRODUCTS for sale to
18 consumers and other individuals in California.

19 12. At this time, the true names of Defendants DOES 1 through 30, inclusive, are unknown
20 to KASB, who therefore, sues these Doe Defendants by their fictitious names, pursuant to Code of
21 Civil Procedure § 474. Each of the fictitiously named Defendants is responsible in some manner for
22 the acts and occurrences alleged herein and the violations and harms caused thereby. When
23 ascertained, KASB will identify these Doe Defendants by their true names in an amendment to this
24 Complaint.

25 13. DESIGNWORKS, MANUFACTURER DEFENDANTS, DISTRIBUTOR
26 DEFENDANTS, and RETAILER DEFENDANTS shall be referred to collectively herein as the
27 “DEFENDANTS.”
28

1 **JURISDICTION AND VENUE**

2 14. This Court has jurisdiction pursuant to Health & Safety Code § 25249.7, which allows
3 enforcement by any court of competent jurisdiction. The Superior Courts of the State of California
4 have jurisdiction pursuant to California Constitution Article VI, section 10, which grants the Superior
5 Courts “original jurisdiction in all causes except those given by statute to other trial courts.” The
6 statute under which this action is brought does not specify any other basis of subject matter
7 jurisdiction.

8 15. This Court has jurisdiction over DEFENDANTS because DEFENDANTS, and each of
9 them are a person, firm, corporation or association that is a citizen of the State of California, does
10 sufficient business in California, has sufficient minimum contacts in California, and/or otherwise
11 purposefully and intentionally avail themselves of the California market through their manufacture,
12 importation, distribution, promotion, marketing and sale of PRODUCTS in California.
13 DEFENDANTS’ purposeful availment renders the exercise of personal jurisdiction by this Court
14 consistent with traditional notions of fair play and substantial justice.

15 16. Venue is proper in the Superior Court for the County of Marin, pursuant to Code of
16 Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent jurisdiction,
17 because KASB seeks civil penalties against DEFENDANTS, because one or more instances of
18 wrongful conduct occurred, and continue to occur, in this county, and/or because DEFENDANTS
19 conducted, and continue to conduct, business in the County of Marin with respect to the
20 PRODUCTS.

21 **REGULATORY BACKGROUND AND LAW**

22 17. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and
23 codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part, “[n]o
24 person in the course of doing business shall knowingly and intentionally expose any individual to a
25 chemical known to cause cancer or reproductive toxicity without first giving a clear and reasonable
26 warning to such individual . . .”

27 18. Under the Act, a “person in the course of doing business” is defined as a business with
28 ten (10) or more employees. Health & Safety Code § 25249.11(b). The Act prohibits businesses from

1 exposing consumers to hazardous chemicals without first giving a “clear and reasonable warning.”
2 Health & Safety Code § 25249.6.

3 19. Exposing consumers to hazardous chemicals means to cause consumers to ingest, inhale,
4 contact via body surfaces or otherwise come into contact with a listed chemical. California Code of
5 Regulations (“Cal. Code Regs.”) Title 27, § 25102(i). An exposure to a hazardous chemical is
6 defined as one that “results from a person’s acquisition, purchase, storage, consumption or other
7 reasonably foreseeable use of a product...” Cal. Code Regs. Tit. 27, § 25600(h).

8 20. Under Proposition 65, persons violating the statute may be enjoined in any court of
9 competent jurisdiction and may be subject to civil penalties of up to \$2,500 per day, per violation.
10 Health & Safety Code § 25249.7.

11 21. On February 27, 1987, pursuant to Proposition 65 implementing regulations, California
12 listed Lead as a chemical known to cause birth defects or other reproductive harm. Lead became
13 subject to the “clear and reasonable warning” requirements one year later, on February 27, 1988. Cal.
14 Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

15 22. On October 1, 1992, pursuant to Proposition 65 implementing regulations, California
16 listed Lead as a chemical known to cause cancer. Lead became subject to the “clear and reasonable
17 warning” requirements one year later, on October 1, 1993. Cal. Code Regs. tit. 27, § 27001(c);
18 Health & Safety Code §§ 25249.8, 25249.10(b).

19 **STATEMENT OF FACTS**

20 23. DEFENDANTS sell and offer their PRODUCTS for sale in California without a clear
21 and reasonable warning in violation of Cal. Code Regs. Tit. 27, § 25600, *et seq.*

22 24. DEFENDANTS’ PRODUCTS expose consumers and end-users in California to Lead at
23 levels requiring a warning under Proposition 65 when they touch, handle or otherwise contact the
24 PRODUCTS during reasonably foreseeable and intended use.

25 25. On November 15, 2024, KASB served a 60-Day Notice of Violation (“Notice”),
26 together with the required certificate of merit, on DESIGNWORKS, the Office of the Attorney
27 General, and all requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales
28

1 of the PRODUCTS, consumers and end-users in California were, and are, exposed to Lead without
2 first receiving the “clear and reasonable warning” required by Proposition 65.

3 26. After receiving plaintiff’s Notice, no public enforcement agency has commenced or is
4 diligently prosecuting a cause of action against DEFENDANTS to enforce the alleged violations of
5 Proposition 65 that are the subject of the Notice.

6 **FIRST CAUSE OF ACTION**

7 **(Violation of Proposition 65 - Against All DEFENDANTS)**

8 27. KASB realleges and incorporates by reference, as if fully stated herein, the allegations
9 set forth in Paragraphs 1 through 26, inclusive.

10 28. DEFENDANTS’ PRODUCTS contain Lead in levels requiring a clear and reasonable
11 warning under Proposition 65.

12 29. DEFENDANTS know or should have known their PRODUCTS contain Lead. As a
13 result of plaintiff’s Notice, DEFENDANTS now possess actual knowledge of the presence of Lead in
14 their PRODUCTS.

15 30. DEFENDANTS’ PRODUCTS expose consumers, end-users, and other individuals in
16 California to Lead through dermal contact and ingestion during the reasonably foreseeable and
17 intended use of the PRODUCTS.

18 31. The normal and reasonably foreseeable use of the PRODUCTS causes exposures to
19 Lead.

20 32. DEFENDANTS know the normal and reasonably foreseeable use of the PRODUCTS
21 exposes consumers, end-users, and other individuals to Lead through dermal contact and/or ingestion.

22 33. DEFENDANTS intend to expose consumers, end-users, and other individuals in
23 California to Lead during their reasonably foreseeable and intended use of the PRODUCTS. Such
24 exposures to Lead occur through DEFENDANTS deliberate and non-accidental participation in the
25 California market.

26 34. The exposures to Lead caused by DEFENDANTS and endured by consumers and other
27 individuals in California are not exempt from the “clear and reasonable warning” requirements of
28 Proposition 65.

35. DEFENDANTS failed to provide a “clear and reasonable warning” to consumers and other individuals in California exposed to Lead through dermal contact and/or ingestion during their reasonably foreseeable and intended use of the PRODUCTS. Defendants continue to fail to provide such warning.

36. Contrary to the express policy and statutory prohibition of Proposition 65, consumers are exposed to Lead through dermal contact and ingestion during their use of PRODUCTS DEFENDANTS sold, sell and offer for sale without a “clear and reasonable warning.” Such consumers and other individuals in California suffer irreparable harms for which they have no plain, speedy, or adequate remedy at law.

37. DEFENDANTS manufacture, import, distribute, sell, and offer the PRODUCTS for sale or use in violation of Health and Safety Code § 25249.6. DEFENDANTS' violations continue beyond their receipt of KASB's Notice. As such, DEFENDANTS' violations are ongoing and continuous in nature and, unless enjoined, will continue in the future.

38. Pursuant to Health and Safety Code § 25249.7(b), and as a consequence their acts and omissions, DEFENDANTS, and each of them, are liable for a maximum civil penalty of \$2,500 per violation.

39. As a consequence of DEFENDANTS' acts and omissions, Health and Safety Code § 25249.7(a) specifically authorizes the Court to grant the relief prayed for herein.

PRAYER FOR RELIEF

Wherefore, KASB prays for relief and judgment against DEFENDANTS, and each of them,
as follows:

1. That the Court, pursuant to Health and Safety Code § 25249.7(a), preliminarily and permanently enjoin DEFENDANTS from manufacturing, distributing, importing, marketing or otherwise offering the PRODUCTS for sale or use in California without first providing a “clear and reasonable warning” to consumers regarding the presence of, and the harms associated with, exposures to Lead;

1 2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary and
2 permanent injunctions mandating DEFENDANTS recall PRODUCTS intended for sale in or into
3 California that do not bear a clear and reasonable warning;

4 3. That the Court assess civil penalties against DEFENDANTS, and each of them, in the
5 amount of \$2,500 per violation, according to proof at trial;

6 4. That the Court award plaintiff its reasonable attorneys' fees and costs of suit; and

7 5. That the Court grant such further relief as it deems just and equitable.

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9 Dated: June 10, 2025

Respectfully submitted,

SEVEN HILLS LLP

10
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12 By: 

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Attorneys for Plaintiff
KEEP AMERICA SAFE AND
BEAUTIFUL