

1 Laralei Paras, SBN 203319  
2 Brian Johnson, SBN 235965  
3 SEVEN HILLS LLP  
4 1 Embarcadero Center, Suite 1200  
5 San Francisco, CA 94111  
6 Telephone: (415) 926-7247  
7 laralei@sevenhillslp.com  
8 brian@sevenhillslp.com

9 Attorneys for Plaintiff  
10 BLUE SKY FOREVER

11  
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 COUNTY OF MARIN - UNLIMITED CIVIL JURISDICTION  
14

15 BLUE SKY FOREVER,

16 Plaintiff,

17 v.

18 FARIA BEEDE INSTRUMENTS, INC.; and  
19 DOES 1-30, inclusive,

20 Defendants.

Case No. CV0008485

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

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

21 Plaintiff BLUE SKY FOREVER (“BSF” or “Plaintiff”), acting in the public interest,  
22 alleges a cause of action against defendants FARIA BEEDE INSTRUMENTS, INC. and DOES 1-30  
23 (“Defendants”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

**INTRODUCTION AND NATURE OF THE ACTION**

24 1. BSF brings this representative action in the public interest on behalf of the citizens of  
25 the State of California. By this action, BSF seeks to enforce the People’s right to be informed of the  
26 health hazards caused by exposures to Lead, a heavy metal found in and on brass temperature senders  
27 manufactured, imported, distributed, sold and offered for sale by Defendants in the State of  
28 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”) exposed to substances known to cause birth defects or other reproductive harm through exposures to Lead when they purchase, use and handle Defendants’ brass temperature senders.



1           9. Doe Defendants 1-10 (“MANUFACTURER DEFENDANTS”) are each a “person in the  
2 course of doing business” within the meaning of and as defined by Health and Safety Code  
3 §§ 25249.6 and 25249.11. MANUFACTURER DEFENDANTS, and each of them, assemble,  
4 fabricate, and manufacture, or each imply by their conduct that they do so, for one or more of the  
5 PRODUCTS sold and/or offered for sale or use to consumers in California.

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

12           11. Doe Defendants 21-30 (“RETAILER DEFENDANTS”) are each a person in the course  
13 of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6 and  
14 25249.11. RETAILER DEFENDANTS, and each of them, offer the PRODUCTS for sale to  
15 consumers in California.

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

22           13. FARIA BEEDE, MANUFACTURER DEFENDANTS, DISTRIBUTOR  
23 DEFENDANTS, and RETAILER DEFENDANTS shall be referred to collectively herein as the  
24 “DEFENDANTS.”

### **JURISDICTION AND VENUE**

25  
26           14. This Court has jurisdiction pursuant to Health & Safety Code § 25249.7, which allows  
27 enforcement by any court of competent jurisdiction. The Superior Courts of the State of California  
28 have jurisdiction pursuant to California Constitution Article VI, section 10, which grants the Superior

1 Courts “original jurisdiction in all causes except those given by statute to other trial courts.” The  
2 statute under which this action is brought does not specify any other basis of subject matter  
3 jurisdiction.

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

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

17 **REGULATORY BACKGROUND AND LAW**

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

23 18. Under the Act, a “person in the course of doing business” is defined as a business with  
24 ten (10) or more employees. Health & Safety Code § 25249.11(b). The Act prohibits businesses from  
25 exposing consumers to listed chemicals without first giving a “clear and reasonable warning.” Health  
26 & Safety Code § 25249.6.

27 19. Exposing consumers to listed chemicals means to cause consumers to ingest, inhale,  
28 contact via body surfaces or otherwise come into contact with a listed chemical. California Code of

1 Regulations (“Cal. Code Regs.”) Title 27, § 25102(i). An exposure to a hazardous chemical is defined  
2 as one that “results from a person’s acquisition, purchase, storage, consumption or other reasonably  
3 foreseeable use of a product...” Cal. Code Regs. Tit. 27, § 25600(h).

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

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

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

15 **STATEMENT OF FACTS**

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

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

21 25. On January 6, 2025, BSF served a 60-Day Notice of Violation (“Notice”), together with  
22 the required certificate of merit, on FARIA BEEDE, the Office of the Attorney General, and all  
23 requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of the  
24 PRODUCTS, consumers in California were, and are, exposed to Lead without first receiving the  
25 “clear and reasonable warning” required by Proposition 65.

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

1 **FIRST CAUSE OF ACTION**

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

3 27. BSF realleges and incorporates by reference, as if fully stated herein, the allegations set  
4 forth in Paragraphs 1 through 26, inclusive.

5 28. DEFENDANTS' PRODUCTS contain Lead in levels requiring a clear and reasonable  
6 warning under Proposition 65.

7 29. DEFENDANTS know or should have known their PRODUCTS contain Lead. As a  
8 result of plaintiff's Notice, DEFENDANTS now possess actual knowledge of the presence of Lead in  
9 their PRODUCTS.

10 30. DEFENDANTS' PRODUCTS expose consumers, end-users, and other individuals in  
11 California to Lead through dermal contact and ingestion during the reasonably foreseeable of the  
12 PRODUCTS.

13 31. The reasonably foreseeable use of the PRODUCTS causes exposures to Lead.

14 32. DEFENDANTS know the reasonably foreseeable use of the PRODUCTS exposes  
15 consumers to Lead through dermal contact and/or ingestion.

16 33. DEFENDANTS intend to expose consumers in California to Lead during their  
17 reasonably foreseeable use of the PRODUCTS. Such exposures to Lead occur through  
18 DEFENDANTS deliberate and non-accidental participation in the California market.

19 34. The exposures to Lead caused by DEFENDANTS and endured by consumers in  
20 California are not exempt from the "clear and reasonable warning" requirements of Proposition 65.

21 35. DEFENDANTS failed to provide a "clear and reasonable warning" to consumers in  
22 California exposed to Lead through dermal contact and/or ingestion during their reasonably  
23 foreseeable use of the PRODUCTS. Defendants continue to fail to provide such warning.

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



1 Dated: December 10, 2025

Respectfully submitted,  
SEVEN HILLS LLP

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4 By:   
5 Laralei Paras  
6 Attorneys for Plaintiff  
7 BLUE SKY FOREVER  
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