

1 Gregory M. Sheffer, State Bar No. 173124  
SHEFFER LAW FIRM  
2 232 E. Blithedale Ave., Suite 210  
Mill Valley, CA 94941  
3 Telephone: 415.388.0911  
gregs@sheffer-law.net

4 Attorneys for Plaintiff  
5 SUSAN DAVIA

**ELECTRONICALLY FILED**  
Superior Court of California  
County of Marin  
**09/09/2025**

James M. Kim, Clerk of the Court  
By: J. Valencia, Deputy

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF MARIN  
10 UNLIMITED CIVIL JURISDICTION

11  
12 SUSAN DAVIA,

13 Plaintiff,

14 v.

15 MAJIC PRODUCTS, INC., GUZMAN  
16 ENTERPRISES, INC., CONCEPT  
COMMUNICATIONS COMPANY, R.R.  
17 LALENA CORPORATION and DOES 1-150,

18 Defendants.

Case No. **CV0007463**

**COMPLAINT FOR CIVIL PENALTIES AND  
INJUNCTIVE RELIEF**

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

1 NATURE OF THE ACTION

2 1. This Complaint is a representative action brought by plaintiff Susan Davia, in the  
3 public interest of the citizens of the State of California, to enforce the People’s right to be informed of  
4 the presence of di(2-ethylhexyl)phthalate (“DEHP”), a toxic chemical found in certain Majic Booster  
5 Cable products manufactured, distributed and/or sold by defendants in California.

6 2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986,  
7 California Health & Safety Code Section 25249.6 *et seq.* (“Proposition 65”), “No person in the course  
8 of doing business shall knowingly and intentionally expose any individual to a chemical known to  
9 the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning  
10 to such individual. . . .” (*Cal. Health & Safety Code § 25249.6.*)

11 3. On October 24, 2003, the State listed di(2-ethylhexyl)phthalate as a chemical known to  
12 cause birth defects and other reproductive harm. DEHP became subject to the “clear and reasonable  
13 warning” requirements of Proposition 65, one year later, beginning on October 24, 2004. (*27 CCR §*  
14 *27001(c); Cal. Health & Safety Code § 25249.8.*)

15 4. DEHP shall hereinafter be referred to as “LISTED CHEMICAL.”

16 5. Significant levels of the LISTED CHEMICAL have been discovered in or on the Majic  
17 Booster Cable products with vinyl components that defendants design, manufacture, distribute,  
18 and/or offer for sale to consumers throughout the State of California including, as example, but not  
19 limited to, Majic Boost Booster Cables, 6 Gauge, 400 AMP, 12 ft. booster cables with bonus pair of  
20 gloves in vinyl case. All such Majic Booster Cable products containing any LISTED CHEMICAL  
21 shall hereinafter be referred to as the “PRODUCTS.”

22 6. Defendants’ failure to warn consumers and/or other individuals in the State of  
23 California about their exposures to the LISTED CHEMICAL in conjunction with defendants’ sale of  
24 the PRODUCTS is a violation of Proposition 65.

25 7. For defendants’ violations of Proposition 65, plaintiff seeks preliminary and  
26 permanent injunctive relief to compel defendants to provide employees handling the PRODUCTS  
27 and purchasers or users of the PRODUCTS with the required warning regarding the health hazards  
28 of the LISTED CHEMICAL. (*Cal. Health & Safety Code § 25249.7(a).*)





1 DEFENDANTS' purposeful availment renders the exercise of personal jurisdiction by California  
2 courts consistent with traditional notions of fair play and substantial justice.

3 **FIRST CAUSE OF ACTION**  
4 **(Violation of Proposition 65 - Against All Defendants)**

5 23. Plaintiff re-alleges and incorporates by reference, as if fully set forth herein,  
6 Paragraphs 1 through 22, inclusive.

7 24. In passing Proposition 65, the citizens of the State of California expressed their intent  
8 through the preamble to the Safe Drinking Water and Toxic Enforcement Act of 1986 that they must  
9 be "informed about exposures to chemicals that cause cancer, birth defects, or other reproductive  
10 harm."

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

15 26. On January 17, 2025, Davia served a valid and compliant Proposition 65 60-Day  
16 Notice of Violation ("60-Day Notice"), together with a valid, requisite Certificate of Merit, on  
17 MAJIC PRODUCTS, INC., GUZMAN ENTERPRISES, INC. and various public enforcement  
18 agencies stating that as a result of these DEFENDANTS' manufacture, distribution and sales of the  
19 PRODUCTS, purchasers and users in the State of California are being exposed to the Listed  
20 Chemical resulting from the reasonably foreseeable uses of PRODUCTS, without the individual  
21 purchasers and users first having been provided with a "clear and reasonable warning" regarding  
22 such toxic exposures.

23 27. On April 17, 2025, Davia served a valid and compliant Proposition 65 60-Day Notice  
24 of Violation ("60-Day Notice"), together with a valid, requisite Certificate of Merit, on CONCEPT  
25 COMMUNICATIONS COMPANY and various public enforcement agencies stating that as a result  
26 of these DEFENDANTS' manufacture, distribution and sales of the PRODUCTS, purchasers and  
27 users in the State of California are being exposed to the Listed Chemical resulting from the  
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1 reasonably foreseeable uses of PRODUCTS, without the individual purchasers and users first having  
2 been provided with a “clear and reasonable warning” regarding such toxic exposures.

3 28. On May 1, 2025, Davia served a valid and compliant Proposition 65 60-Day Notice of  
4 Violation (“60-Day Notice”), together with a valid, requisite Certificate of Merit, on R. R. LALENA  
5 CORPORATION and various public enforcement agencies stating that as a result of these  
6 DEFENDANTS’ manufacture, distribution and sales of the PRODUCTS, purchasers and users in the  
7 State of California are being exposed to the Listed Chemical resulting from the reasonably  
8 foreseeable uses of PRODUCTS, without the individual purchasers and users first having been  
9 provided with a “clear and reasonable warning” regarding such toxic exposures.

10 29. DEFENDANTS have engaged in the manufacture, distribution, and/or offering of the  
11 PRODUCTS for sale or use in violation of California Health & Safety Code Section 25249.6 and  
12 plaintiff is informed and believes that DEFENDANTS’ manufacture, distribution, and/or offering of  
13 the PRODUCTS for sale or use in violation of California Health & Safety Code Section 25249.6 has  
14 continued to occur beyond DEFENDANTS’ receipt of plaintiff’s 60-Day Notice. Plaintiff further  
15 alleges and believes that such violations will continue to occur into the future.

16 30. After receipt of the claims asserted in the 60-Day Notice, the appropriate public  
17 enforcement agencies have failed to commence and diligently prosecute a cause of action against  
18 DEFENDANTS under Proposition 65.

19 31. The PRODUCTS manufactured, distributed, and/or offered for sale or use in  
20 California by DEFENDANTS, contain one or more LISTED CHEMICAL.

21 32. DEFENDANTS knew or should have known that the PRODUCTS contained such  
22 LISTED CHEMICAL.

23 33. A LISTED CHEMICAL is present in or on the PRODUCTS in such a way as to expose  
24 individuals to the LISTED CHEMICAL, as such exposure is defined by 27 CCR Section 25602(b),  
25 through dermal contact and/or ingestion and/or inhalation during or as a consequence of the  
26 packing, shipping, unpacking, display and daily organization and movement of PRODUCTS as well  
27 as the reasonably foreseeable use of the PRODUCTS.

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1           34.     DEFENDANTS knew or should have known that the packing, shipping, unpacking,  
2 display and daily organization and movement of PRODUCTS as well as the reasonably foreseeable  
3 use of the PRODUCTS exposes individuals to a LISTED CHEMICAL through dermal contact and/or  
4 ingestion and/or inhalation.

5           35.     Each of the RETAIL DEFENDANTS, MAJIC PRODUCTS, INC., GUZMAN  
6 ENTERPRISES, INC. has actual knowledge of the potential consumer product exposures to the  
7 LISTED CHEMICAL both pursuant to information obtained by them from reliable sources in the  
8 course of doing business and pursuant to the 60-Day Notice. RETAIL DEFENDANTS have not  
9 designated an agent for service of process in California or has a primary place of business in  
10 California.

11          36.     DEFENDANTS' participation in the manufacture, distribution and/or offer for sale or  
12 use of PRODUCTS to individuals in the State of California was deliberate and non-accidental.

13          37.     DEFENDANTS failed to provide a "clear and reasonable warning" to those  
14 consumers and/or other individuals in the State of California who were or who could become  
15 exposed to a LISTED CHEMICAL during the reasonably foreseeable retail receipt, display and  
16 organization of PRODUCTS as well as the reasonably foreseeable use of the PRODUCTS.

17          38.     Contrary to the express policy and statutory prohibition of Proposition 65, employees  
18 and individuals exposed to a LISTED CHEMICAL through dermal contact and/or ingestion and/or  
19 inhalation resulting from the reasonably foreseeable use of the PRODUCTS, sold by DEFENDANTS  
20 without a "clear and reasonable warning", have suffered, and continue to suffer, irreparable harm,  
21 for which harm they have no other plain, speedy or adequate remedy at law.

22          39.     As a consequence of the above-described acts, DEFENDANTS are liable for a  
23 maximum civil penalty of \$2,500 per day for each violation of Proposition 65 pursuant to California  
24 Health & Safety Code Section 25249.7(b).

25          40.     As a consequence of the above-described acts, California Health & Safety Code  
26 Section 25249.7(a) also specifically authorizes the Court to grant injunctive relief against  
27 DEFENDANTS.

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4. That the Court grant such other and further relief as may be just and proper.

Dated: September 9, 2025

SHEFFER LAW FIRM



Gregory M. Sheffer  
Attorneys for Plaintiff