

1 **GREENBAUM LAW FIRM**

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Superior Court of California,
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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

7 Attorneys for Plaintiff
8 MOTHERS OVERSIGHT NETWORK
9 FOR ACTIONABLE RESPONSE
10 TO CONTAMINANT HARM,
11 [MONARCH], LLC

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES – CENTRAL**

13 MOTHERS OVERSIGHT NETWORK FOR) Unlimited Jurisdiction
14 ACTIONABLE RESPONSE TO)
15 CONTAMINANT HARM,) CASE NO. **25STCV15019**
16 [MONARCH], LLC)
17 Plaintiff,) **VERIFIED COMPLAINT FOR CIVIL**
18 vs.) **PENALTY AND INJUNCTIVE RELIEF**
19) (Health & Safety Code § 25249.5 et seq.)
20)
21 INTORA, INC. dba SPORTSHEETS, and)
22 DOES 1 through 100, Inclusive,)
23 Defendants.)

1 Plaintiff MOTHERS OVERSIGHT NETWORK FOR ACTIONABLE RESPONSE TO
2 CONTAMINANT HARM [MONARCH], LLC, hereby alleges:

3 **I. PRELIMINARY STATEMENT**

4 1. This complaint seeks to remedy the failure of Defendants to warn persons of exposure
5 to Di-isodecyl Phthalate (“DIDP”), a chemical known to the State of California to cause
6 Reproductive Harm.

7 2. Under the Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety
8 Code § 25249.6 (also known as “Proposition 65”) businesses must provide persons with a “clear and
9 reasonable warning” before exposing individuals to chemicals known to the state to cause cancer,
10 birth defects, other reproductive harm.

11 3. Plaintiff alleges a violation of Proposition 65 in products sold by Defendant without
12 first giving clear and reasonable warning.

13 **II. PARTIES**

14 4. Plaintiff, Mothers Oversight Network for Actionable Response to Contaminant Harm,
15 [MONARCH], LLC, is a limited liability company formed pursuant to the laws of the State of
16 California, made up of a California citizen, represented by and through its counsel of record, the
17 Greenbaum Law Firm.

18 5. Plaintiff may be referred to in this matter as MONARCH; Mothers Oversight Network
19 for Actionable Response to Contaminant Harm [MONARCH]; MONARCH, LLC; Mothers
20 Oversight Network for Actionable Response to Contaminant Harm, [MONARCH], LLC; or Plaintiff.

21 6. Health & Safety Code § 25249.7(d) provides that actions to enforce Proposition 65
22 may be brought by “any person in the public interest.”

23 7. Defendant Intora, Inc., doing business as Sportsheets, is a business entity employing
24 ten or more persons.

25 8. At all times relevant to this Complaint, Defendant has sold, or has authorized the
26 manufacture, importation, distribution, or sale of adult novelty ball gag products, including but not
27 limited to the “Sincerely, Sportsheets Amber” Ball Gag (collectively, the “PRODUCTS”).
28

1 27. In addition, violators are liable for civil penalties of up to \$2,500.00 per day for each
2 violation, recoverable in a civil action. (Health & Safety Code § 25249.7 (b).)

3 28. Actions to enforce the law “may be brought by the Attorney General in the name of
4 the People of the State of California [or] by any district attorney [or] by any City Attorney of a City
5 having a population in excess of 750,000 . . .” (Health & Safety Code § 25249.7(c).)

6 29. Private parties are given authority to enforce Proposition 65 “in the public interest,”
7 but only if the private party first provides written notice of a violation to the alleged violator, the
8 Attorney General, and every District Attorney in whose jurisdiction the alleged violation occurs.

9 30. If no public prosecutors commence enforcement within sixty days, then the private
10 party may sue. (Health & Safety Code § 25249.7(d).)

11
12 **VI. EXPOSURE TO THE LISTED CHEMICAL REPRESENTS A THREAT TO PUBLIC**
13 **HEALTH AND PROPOSITION 65’s RIGHT TO KNOW FRAMEWORK HAS BEEN**
14 **PROVEN TO REDUCE SAID HARM**

15 31. There is a growing pile of evidence that phthalates and plasticizers, such as DIDP,
16 represent an active, continuous, and ongoing threat to public health.

17 32. First, DEHP was linked to more than 356,000 cardiovascular deaths in adults aged 55
18 to 64 years worldwide in 2018. *Exposure to Chemical Found in Plastics Tied to More than 350,000*
19 *CV Deaths in 2018.* ([https://www.thelancet.com/journals/ebiom/article/PIIS2352-3964\(25\)00174-](https://www.thelancet.com/journals/ebiom/article/PIIS2352-3964(25)00174-4/fulltext)
20 [4/fulltext](https://www.thelancet.com/journals/ebiom/article/PIIS2352-3964(25)00174-4/fulltext))

21 33. While this represents a minuscule fraction of the global human population
22 (0.0000445%), this study focuses on only the deaths directly linked to phthalates.

23 34. This study does not make any claims about the deaths linked to the longer-term issues
24 caused by exposure to phthalates.

25 35. Shockingly, this has been downplayed by the petroleum and plastics industry at large
26 because it would hurt their collective bottom line.

27 36. Additionally, the evidence is stark and clear that when consumers are provided
28 warnings, like those mandated by Proposition 65, human health is improved.

1 49. On July 3, 2024, Plaintiff’s expert confirmed the presence of DIDP in the PRODUCT
2 upon review of the testing.

3 50. On July 12, 2024, Plaintiff’s expert prepared a report summarizing the results of
4 analysis on the PRODUCT, including the amount of DIDP to which a typical user of the PRODUCT
5 would be exposed.

6 51. Based on the levels, Plaintiff’s expert opined that use of the PRODUCT would lead to
7 exposure to DIDP above the safe harbor levels set by the Office of Environment Health Hazard
8 Assessment (OEHHA).

9 52. Based on that report and opinion, and lack of warnings, Plaintiff and its counsel
10 prepared a Sixty Notice of Violation.

11 53. On February 6, 2025, pursuant to the statute and regulations referenced above,
12 Plaintiff served a Notice of Violation on the Office of the Attorney General, Defendant, The Pleasure
13 Chest, and all required public agencies.

14 54. Plaintiff is unaware of any governmental prosecution against Defendant.

15 55. At least sixty (60) days have elapsed since service of all Notices of Violation.

16 56. Based upon consultation with experts, Plaintiff alleges that individuals who purchase,
17 handle, or use the PRODUCT are exposed to DIDP chiefly through:

18 a. contact between the item and the skin;

19 b. transfer of DIDP from the skin to the mouth, both by transfer of DIDP directly
20 from the hand to mouth, and indirectly by transfer of DIDP from the skin to objects that are placed in
21 the mouth, such as food; and

22 c. through absorption of DIDP through the skin.

23 57. Such individuals are thereby exposed to the DIDP that is present on or in the
24 PRODUCT during the intended and reasonably foreseeable use of the PRODUCT.

25 58. PRODUCT is intended to be used in sexually intimate situations in the mouth for
26 extended periods, the length of which will vary by users.

27

28

1 State of California to cause cancer or reproductive toxicity without first giving clear and reasonable
2 warning to such individuals, within the meaning of Health & Safety Code § 25249.6.

3 68. Said violations render Defendants liable to Plaintiffs for civil penalties not exceeding
4 \$2,500.00 per day for each violation and other remedies.

5
6 **PRAYER FOR RELIEF**

7 WHEREFORE, Plaintiff prays that the Court:

8 1. Pursuant to the First Cause of Action, grant civil penalties of \$2,500.00 per violation
9 per day, going back one year from the date of filing, which at the time of filing is at least \$5,000.00,
10 based only on sales to Plaintiff;

11 2. Pursuant to Health & Safety Code § 25249.7 and the facts about the harm to human
12 health DIDP poses, enter such temporary restraining orders, preliminary injunctions, permanent
13 injunctions, or other orders prohibiting Defendant from exposing persons within the State of
14 California to Listed Chemicals caused by the use of their products without providing clear and
15 reasonable warnings, as Plaintiff shall specify in further application to the court;

16 3. Award Plaintiff the costs of suit;

17 4. Pursuant to Code of Civil Procedure § 1021.5, award Plaintiff their reasonable
18 attorneys' fees and costs; and

19 5. Grant such other and further relief as the court deems just and proper.
20

21
22 Respectfully submitted,

23 DATED: May 22, 2025

24 GREENBAUM LAW FIRM

25 

26 By: DANIEL N. GREENBAUM
27 Attorneys for Plaintiff
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VERIFICATION OF PLEADING
(Code Civ. Proc., § 446)

I, Sayward Halling, hereby declare:

I am the principal of Mother's Oversight Network for Actionable Response to Contaminant Harm [MONARCH] LLC, a California company organized to promote awareness of exposures to toxic chemicals and dedicated the enforcement of Proposition 65.

I have read the foregoing VERIFIED COMPLAINT in the matter Mothers Oversight Network for Actionable Response to Contaminant Harm [MONARCH], LLC v Evolved Novelty, Inc. and know the contents thereof. I am informed, and do believe, that the matters herein are true. On that ground, I allege that the matters stated herein are true.

Executed on: 05/22/2025

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct.

Sayward Halling
Sayward Halling (May 22, 2025 14:41 PDT)

Sayward Halling