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KEEP AMERICA SAFE AND BEAUTIFUL

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA - UNLIMITED CIVIL JURISDICTION

KEEP AMERICA SAFE AND BEAUTIFUL,

Plaintiff,

v.

TRADEMARK GLOBAL, LLC; and DOES 1-
30, inclusive,

Defendants.

Case No. 25CV472932

**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 TRADEMARK GLOBAL, 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 lamps 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 lamps.

3 3. Detectable levels of Lead are found in and on the brass lamps Defendants manufacture,
4 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 lamps ("PRODUCTS") containing Lead, without providing a warning regarding the
13 presence of and the harms associated with exposures to Lead in Defendants' PRODUCTS. Such
14 PRODUCTS include, without limitation, the *Small Extra-Bright Lamp SKU: 78A05.01*. Defendants'
15 violations subject them to civil penalties, enjoinder, preliminary and permanent injunctive relief.
16 Health & Safety Code § 25249.7(a) and (b).

17 **PARTIES**

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

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

1 8. TRADEMARK manufactures, imports, distributes, sells, and offers the PRODUCTS for
2 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 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 each imply by their conduct that they do so, for one or more of the
8 PRODUCTS sold and/or offered for sale or use to consumers 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 in California, or each imply by their conduct that
13 they do so, one or more PRODUCTS to individuals, businesses, and retailers for sale or use in
14 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 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 amended Complaint.

25 13. TRADEMARK, MANUFACTURER DEFENDANTS, DISTRIBUTOR
26 DEFENDANTS, and RETAILER DEFENDANTS shall be referred to collectively herein as the
27 “DEFENDANTS.”
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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 Santa Clara, 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 Santa Clara 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 listed chemicals without first giving a “clear and reasonable warning.” Health
2 & Safety Code § 25249.6.

3 19. Exposing consumers to listed 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 defined
6 as one that “results from a person’s acquisition, purchase, storage, consumption or other reasonably
7 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 use.

25 25. On March 10, 2025, KASB served a Supplemental 60-Day Notice of Violation
26 (“Notice”), together with the required certificate of merit, on TRADEMARK, the Office of the
27 Attorney General, and all requisite public enforcement agencies, alleging, as a result of
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1 DEFENDANTS' sales of the PRODUCTS, consumers in California were, and are, exposed to Lead
2 without 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 of the
17 PRODUCTS.

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

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

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

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

26 35. DEFENDANTS failed to provide a "clear and reasonable warning" to consumers in
27 California exposed to Lead through dermal contact and/or ingestion during their reasonably
28 foreseeable 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 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;

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

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

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

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

Dated: August 18, 2025

Respectfully submitted,
SEVEN HILLS LLP

By: 
Laralei Paras
Attorneys for Plaintiff
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BEAUTIFUL