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8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

03/17/2026
Clerk of the Court
BY: MARIVIC VIRAY
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 GABRIEL ESPINOZA,

12 Plaintiff,

13 vs.

14 JOHN WATSON LTD.,
15 DECKSDIRECT, INC., LUMBER CITY
16 CORP. DBA DIY HOME CENTER,

17 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et
seq.)**

CGC-26-635013

18 Plaintiff Gabriel Espinoza (“Plaintiff”), by and through his attorneys, alleges the following
19 cause of action in the public interest of the citizens of the State of California.

20 **BACKGROUND OF THE CASE**

21 1. Plaintiff brings this representative action on behalf of all California citizens to
22 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
23 the Health and Safety Code § 25249.5 et seq (“Proposition 65”), which reads, in relevant part,
24 “[n]o person in the course of doing business shall knowingly and intentionally expose any
25 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
26 giving clear and reasonable warning to such individual ...”. Health & Safety Code § 25249.6.

27 2. This complaint is a representative action brought by Plaintiff in the public interest
28 of the citizens of the State of California to enforce the People’s right to be informed of the health
hazards caused by exposure to chromium (hexavalent compounds) (“chromium (VI)”), a toxic

1 chemical found in leather gloves and gloves with leather components, including but not limited to
2 (a) *Watson Gloves*® longhorn gloves, UPC # 065537818146, and (b) *Watson Gloves*® Van Goat
3 gloves, UPC # 065537845029, sold and/or distributed by defendant John Watson Ltd., defendant
4 DecksDirect, Inc., and/or defendant Lumber City Corp. dba DIY Home Center (collectively,
5 “Defendants” and each a “Defendant”) in California.

6 3. Chromium (VI) is a harmful chemical known to the State of California to cause
7 cancer and birth defects or other reproductive harm. On February 27, 1987, the State of California
8 listed chromium (VI) as a chemical known to the State to cause cancer and it has come under the
9 purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health
10 & Safety Code §§ 25249.8 & 25249.10(b). On December 19, 2008, the State of California listed
11 chromium (VI) as a chemical known to cause adverse birth defects or other reproductive harm.

12 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
13 within California or sell products therein to comply with Proposition 65 regulations. Included in
14 such regulations is the requirement that businesses must label any product containing a Proposition
15 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
16 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
17 chemical.

18 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
19 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
20 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
21 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
22 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
23 25249.7.

24 6. Plaintiff alleges that Defendants distribute and/or offer for sale in California,
25 without a requisite exposure warning, leather gloves and gloves with leather components,
26 including but not limited to (a) *Watson Gloves*® longhorn gloves, UPC # 065537818146, and (b)
27 *Watson Gloves*® Van Goat gloves, UPC # 065537845029 (collectively, the “Products” and each
28 a “Product”) that expose persons to chromium (VI) when used for their intended purpose.

1 California, or it implies by its conduct that it imports, distributes, sells, and/or offers the Products
2 for sale or use in the State of California. Plaintiff alleges that defendant Lumber City Corp. dba
3 DIY Home Center is a “person” in the course of doing business within the meaning of Health &
4 Safety Code sections 25249.6 and 25249.11.

5 **VENUE AND JURISDICTION**

6 15. Venue is proper in the County of San Francisco because one or more of the
7 instances of wrongful conduct occurred and continue to occur in this county and/or because
8 Defendants conducted, and continue to conduct, business in the County of San Francisco with
9 respect to the Products.

10 16. This Court has jurisdiction over this action pursuant to California Constitution
11 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
12 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
13 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
14 jurisdiction over this lawsuit.

15 17. This Court has jurisdiction over Defendants because each Defendant is either a
16 citizen of the State of California, has sufficient minimum contacts with the State of California, is
17 registered with the California Secretary of State as foreign corporations authorized to do business
18 in the State of California, and/or has otherwise purposefully availed itself of the California market.
19 Such purposeful availment has rendered the exercise of jurisdiction by California courts consistent
20 and permissible with traditional notions of fair play and substantial justice.

21 **STATUTORY BACKGROUND**

22 18. The people of the State of California declared in Proposition 65 their right “[t]o be
23 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
24 harm.” (Section 1(b) of Initiative Measure, Proposition 65.)

25
26 19. To effect this goal, Proposition 65 requires that individuals be provided with a
27 “clear and reasonable warning” before being exposed to substances listed by the State of California
28

1 as causing cancer and birth defects or other reproductive harm. H&S Code § 25249.6 states, in
2 pertinent part:

3 No person in the course of doing business shall knowingly and intentionally expose any
4 individual to a chemical known to the state to cause cancer or reproductive toxicity without
5 first giving clear and reasonable warning to such individual...

6 20. An exposure to a chemical in a consumer product is one “which results from a
7 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
8 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
9 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
10 shall provide a warning to any person to whom the product is sold or transferred unless the product
11 is packaged or labeled with a clear and reasonable warning.”

12 21. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
13 more of the following methods individually or in combination:¹

14 a. A warning that appears on a product’s label or other labeling.

15 b. Identification of the product at the retail outlet in a manner which provides
16 a warning. Identification may be through shelf labeling, signs, menus, or a combination
17 thereof.

18 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
19 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
20 with such conspicuousness, as compared with other words, statements, designs, or devices
21 in the label, labeling or display as to render it likely to be read and understood by an
22 ordinary individual under customary conditions of purchase or use.

23 d. A system of signs, public advertising identifying the system and toll-free
24 information services, or any other system that provides clear and reasonable warnings.

25
26
27 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.* as amended on August 30,
2016, and operative on August 30, 2018.

1 greater than 750,000 persons wherein the herein violations allegedly occurred. Attached at
2 Exhibits A – B is a true and correct copy of each Notice.

3 34. The Notices complied with all procedural requirements of Proposition 65 including
4 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
5 least one person with relevant and appropriate expertise who reviewed relevant data regarding
6 chromium (VI) exposure, and that counsel believed there was meritorious and reasonable cause
7 for a private action.

8 35. After receiving the Notices, and to Plaintiff’s best information and belief, none of
9 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
10 cause of action against Defendants under Proposition 65 to enforce the alleged violations which
11 are the subject of the Notices.

12 36. Plaintiff is commencing this action more than sixty (60) days from the date of the
13 Notices to Defendants, as required by law.

14 **FIRST CAUSE OF ACTION**

15 **(By Plaintiff against Defendants for the Violation of Proposition 65)**

16 37. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 36 of
17 this Complaint as though fully set forth herein.

18 38. Defendants have, at all times mentioned herein, acted as distributor, and/or retailer
19 of the Products.

20 39. Use of the Products will expose users and consumers thereof to chromium (VI), a
21 hazardous chemical found on the Proposition 65 list of chemicals known to be hazardous to human
22 health.

23 40. The Products do not comply with the Proposition 65 warning requirements.

24 41. Plaintiff, based on his best information and belief, avers that at all relevant times
25 herein, and at least since March 25, 2025, continuing until the present, that Defendants have
26 continued to knowingly and intentionally expose California users and consumers of the Products
27 to chromium (VI) without providing required warnings under Proposition 65.

1 42. The exposures that are the subject of the Notices result from the purchase,
2 acquisition, handling and recommended use of the Products. Consequently, the primary route of
3 exposure to these chemicals is through dermal exposure. Increased duration of contact with the
4 Products, natural aging of the Products, temperature, light exposure, and contact of the Products
5 with oxidizing agents and alkaline solutions will result in increased conversion of chromium (III)
6 to chromium (VI) in the Products and thus increased dermal exposure to chromium (VI). Direct
7 mouthing of the Products and indirect hand to mouth exposure to chromium (VI) will occur by
8 touching the Products with subsequent touching of the user's hand to mouth.

9 43. Plaintiff, based on his best information and belief, avers that such exposures will
10 continue every day until clear and reasonable warnings are provided to purchasers and users or
11 until this known toxic chemical is removed from the Products.

12 44. Defendants have knowledge that the normal and reasonably foreseeable use of the
13 Product exposes individuals to chromium (VI), and Defendants intend those exposures to
14 chromium (VI) will occur by its deliberate, non-accidental participation in the importation,
15 distribution, sale and offering of the Products to consumers in California

16 45. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
17 Complaint.

18 46. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
19 described acts, each Defendant is liable for a maximum civil penalty of \$2,500 per day per
20 violation.

21 47. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
22 authorized to grant injunctive relief in favor of Plaintiff and against Defendants.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands judgment against Defendants and requests the following
3 relief:

4 A. That the court assess civil penalties against each Defendant in the amount of \$2,500
5 per day for each violation for up to 365 days (up to a maximum civil penalty amount per
6 violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);

7 B. That the court preliminarily and permanently enjoin Defendants mandating
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiff reasonable attorney's fees and costs of suit, in the
10 amount of \$50,000.00.

11 D. That the court grant any further relief as may be just and proper.

12 Dated: March 17, 2026

BRODSKY SMITH

13 By:  _____

14 Evan J. Smith (SBN242352)

15 Ryan P. Cardona (SBN302113)

9465 Wilshire Boulevard, Suite 300

Beverly Hills, CA 90212

16 Telephone: (877) 534-2590

17 Facsimile: (310) 247-0160

18 *Attorneys for Plaintiff*

EXHIBIT “A”

LAW OFFICES
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CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

March 25, 2025

President/CEO John Watson Limited (DBA Watson Gloves) 7955 North Fraser Way Burnaby, BC V5J 0A4 CANADA	President/CEO John Watson Ltd. 102 Bullington Road Athens AL 35611-231
President/CEO Lumber City Corp. c/o Del Africa 20525 Nordhoff Street #210 Chatsworth, CA 91311	President/CEO DecksDirect, Inc. c/o Registered Agents Inc. 1401 21 st Street, Suite R Sacramento, CA 95811
Member/Manager DecksDirect LLC c/o Corporation Service Company 2780 Snelling Avenue N, Suite 101 Roseville, MN 55113	President/CEO DecksDirect, Inc. 5400 Nathan Lane N., Suite 100 Plymouth, MN 55442
President/CEO Lumber City Corp. dba DIY Home Center c/o Del Africa 20525 Nordhoff Street #210 Chatsworth, CA 91311	

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Espinoza has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety

¹ The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) (424)285-4896
2. **Alleged Violator(s):** John Watson Limited (DBA Watson Gloves); John Watson Ltd.; Lumber City Corp.; Lumber City Corp. dba DIY Home Center; DecksDirect, Inc.; DecksDirect LLC;
3. **Time Period of Exposure:** Violations have been occurring since at least March 25, 2025 and are continuing to this day.
4. **Listed Chemical:** Chromium (VI). Chromium (VI) is listed under Proposition 65 as a chemical known to the State of California to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Gloves	Watson Gloves Longhorn UPC# 0 6553781814 6

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user’s hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “B”

LAW OFFICES
BRODSKY SMITH

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BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
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CHERRY HILL, NJ 08034
856.795.7250

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240 MINEOLA BOULEVARD
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