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14 Environmental Health Advocates, Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

17 ENVIRONMENTAL HEALTH ADVOCATES,  
18 INC.,

19 Plaintiff,

20 v.

21 ECCOTEMP SYSTEMS, LLC, a South  
22 Carolina limited liability company; and DOES 1  
23 through 100, inclusive,

24 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**04/03/2026**  
Clerk of the Court

BY: MARIVIC VIRAY  
Deputy Clerk

**CGC-26-635578**

**I.**  
**INTRODUCTION**

1  
2           1.       This Complaint is a representative action brought by Environmental Health Advocates,  
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff  
4 seeks to remedy Defendants’ failure to inform the People of exposure to Di-n-butyl Phthalate (“DBP”),  
5 a known reproductive/developmental toxin. Defendants expose consumers to DBP by manufacturing,  
6 importing, selling, and/or distributing PVC hoses including, but not limited to, EZ Flush PVC Hose  
7 (“Products”). Defendants know and intend that customers will use Products containing DBP.

8           2.       Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California  
9 Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing  
10 business shall knowingly and intentionally expose any individual to a chemical known to the state to  
11 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such  
12 individual. . . .” (Health & Safety Code, § 25249.6.)

13           3.       California identified and listed DBP as a chemical known to cause  
14 developmental/reproductive toxicity on December 2, 2005.

15           4.       Defendants failed to sufficiently warn consumers and individuals in California about  
16 potential exposure to DBP in connection with Defendants’ manufacture, import, sale, or distribution of  
17 Products. This is a violation of Proposition 65.

18           5.       Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers  
19 in California before exposing them to DBP in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff  
20 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney’s fees  
21 and costs. (Health & Safety Code, § 25249.7(b).)

**II.**  
**PARTIES**

22  
23           6.       Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a  
24 corporation in the State of California dedicated to protecting the health of California citizens through  
25 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public  
26 interest pursuant to Health and Safety Code, section 25249.7.

27           7.       Defendant ECCOTEMP SYSTEMS, LLC (“Eccotemp”) is a limited liability company  
28 organized and existing under the laws of South Carolina. Eccotemp is registered to do business in

1 California, and does business in the County of San Francisco, within the meaning of Health and Safety  
2 Code, section 25249.11. Eccotemp manufactures, imports, sells, or distributes the Products in California  
3 and San Francisco County.

4 8. Plaintiff does not know the true names and/or capacities, whether individual, partners,  
5 or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues  
6 said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to  
7 amend this Complaint when the true names and capacities of these Defendants have been ascertained.  
8 Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or  
9 in part for the remedies and penalties sought herein.

10 9. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,  
11 joint employers, or employees for each other. Defendants acted with the consent of the other Co-  
12 Defendants and acted within the course, purpose, and scope of their agency, service, or employment.  
13 All conduct was ratified by Defendants, and each of them.

14 **III.**  
15 **VENUE AND JURISDICTION**

16 10. California Constitution Article VI, Section 10 grants the Superior Court original  
17 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code  
18 statute upon which this action is based does not give jurisdiction to any other court. As such, this Court  
19 has jurisdiction.

20 11. Venue is proper in San Francisco County Superior Court pursuant to Code of Civil  
21 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this  
22 County. Defendants conducted and continue to conduct business in this County as it relates to Products.

23 12. Defendants have sufficient minimum contacts in the State of California or otherwise  
24 purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would  
25 be consistent with traditional notions of fair play and substantial justice.

26 *[Rest of page left intentionally blank.]*  
27  
28

1 **IV.**  
2 **CAUSES OF ACTION**

3 **FIRST CAUSE OF ACTION**

4 **(Violation of Proposition 65 – Against all Defendants)**

5 13. Plaintiff incorporates by reference each and every allegation contained above.

6 14. Proposition 65 mandates that citizens be informed about exposures to chemicals that  
7 cause cancer, birth defects, and other reproductive harm.

8 15. Defendants manufactured, imported, sold, and/or distributed Products containing DBP  
9 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such  
10 violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the  
11 future.

12 16. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to  
13 provide a clear and reasonable warning to consumers and individuals in California who may be exposed  
14 to DEHP through reasonably foreseeable use of the Products.

15 17. Products expose individuals to DBP through dermal absorption, inhalation and  
16 incidental ingestion via the hand-to-mouth pathway. This exposure is a natural and foreseeable  
17 consequence of Defendants placing Products into the stream of commerce. As such, Defendants intend  
18 that consumers will use Products, exposing them to DBP.

19 18. Defendants knew or should have known that the Products contained DBP and exposed  
20 individuals to DBP in the ways provided above. The Notice informed Defendants of the presence of  
21 DBP in the Products. Likewise, media coverage concerning DBP and related chemicals in consumer  
22 products provided constructive notice to Defendants.

23 19. Defendants' actions in this regard were deliberate and not accidental.

24 20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a  
25 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff  
26 provided the Notice to the various required public enforcement agencies along with a certificate of merit.  
27 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in  
28 California of the health hazards associated with exposures to DBP contained in the Products.

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1 **PRAYER FOR RELIEF**

2 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 3 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that  
4 damages total a minimum of \$1,000,000;
- 5 2. A preliminary and permanent injunction against Defendants from manufacturing,  
6 importing, selling, and/or distributing Products in California without providing a clear and reasonable  
7 warning as required by Proposition 65 and related Regulations;
- 8 3. Reasonable attorney’s fees and costs of suit; and
- 9 4. Such other and further relief as may be just and proper.
- 10
- 11

12 Respectfully submitted:

13 Dated: April 3, 2026

**ENTORNO LAW, LLP**

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