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Attorneys for Plaintiff,

CONSUMER ADVOCACY GROUP, INC.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CONSUMER ADVOCACY GROUP, INC.,
in the public interest,

Plaintiff,

v.

HAROLD IMPORT COMPANY, INC., a
New Jersey Corporation;
LUMBER CITY CORP. DBA DIY HOME
CENTER, a California Corporation ;
and DOES 1-40,

Defendants.

CASE NO. **25STCV36060**

COMPLAINT FOR PENALTY AND
INJUNCTION

Violation of Proposition 65, the Safe
Drinking Water and Toxic Enforcement
Act of 1986 (*Health & Safety Code*, §
25249.5, *et seq.*)

ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$35,000)

Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges four causes of action
against defendants HAROLD IMPORT COMPANY, INC.; LUMBER CITY CORP. DBA DIY
HOME CENTER; and DOES 1-40 as follows:

THE PARTIES

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code Section 25249.7, subdivision (d).
2. Defendant HAROLD IMPORT COMPANY, INC. (“HAROLD IMPORT”) is a New Jersey Corporation doing business in the State of California at all relevant times herein.
3. Defendant LUMBER CITY CORP. DBA DIY HOME CENTER (“LUMBER CITY”) is a California Corporation, qualified to do business and doing business in the State of California at all relevant times herein.
4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-40, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
5. At all times mentioned herein, the term “Defendants” includes HAROLD IMPORT, LUMBER CITY, and DOES 1-40.
6. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.
7. Upon information and belief, at all times relevant to this action, each of the Defendants, including DOES 1-40, was an agent, servant, or employee of each of the other Defendants. In conducting the activities alleged in this Complaint, each of the Defendants was acting within the course and scope of this agency, service, or employment, and was acting with the consent, permission, and authorization of each of the other Defendants. All actions of each of the Defendants alleged in this Complaint

1 were ratified and approved by every other Defendant or their officers or managing
2 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
3 alleged wrongful conduct of each of the other Defendants.

- 4 8. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
5 Defendants was a person doing business within the meaning of Health and Safety Code
6 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
7 employees at all relevant times.

8 **JURISDICTION**

- 9 9. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
10 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
11 those given by statute to other trial courts. This Court has jurisdiction over this action
12 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
13 violations of Proposition 65 in any Court of competent jurisdiction.
- 14 10. This Court has jurisdiction over Defendants named herein because Defendants either
15 reside or are located in this State or are foreign corporations authorized to do business in
16 California, are registered with the California Secretary of State, or who do sufficient
17 business in California, have sufficient minimum contacts with California, or otherwise
18 intentionally avail themselves of the markets within California through their
19 manufacture, distribution, promotion, marketing, or sale of their products within
20 California to render the exercise of jurisdiction by the California courts permissible
21 under traditional notions of fair play and substantial justice.
- 22 11. Venue is proper in the County of Los Angeles because one or more of the instances of
23 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or
24 because Defendants conducted, and continue to conduct, business in the County of Los
25 Angeles with respect to the consumer product that is the subject of this action.

26 **BACKGROUND AND PRELIMINARY FACTS**

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- 1 12. In 1986, California voters approved an initiative to address growing concerns about
2 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
3 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
4 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
5 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
6 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
7 from contamination, to allow consumers to make informed choices about the products
8 they buy, and to enable persons to protect themselves from toxic chemicals as they see
9 fit.
- 10 13. Proposition 65 requires the Governor of California to publish a list of chemicals known
11 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
12 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
13 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
14 other controls that apply to Proposition 65-listed chemicals.
- 15 14. All businesses with ten (10) or more employees that operate or sell products in California
16 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
17 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
18 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
19 reasonable” warnings before exposing a person, knowingly and intentionally, to a
20 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).
- 21 15. Proposition 65 provides that any person "violating or threatening to violate" the statute
22 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
23 25249.7. "Threaten to violate" means "to create a condition in which there is a
24 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
25 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
26 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).
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1 16. Plaintiff identified certain practices of manufacturers and distributors of Stainless Steel
2 Universal Scissors of exposing, knowingly and intentionally, persons in California to
3 Diethyl Hexyl Phthalate and Di (2-ethylhexyl) phthalate, of such products without first
4 providing clear and reasonable warnings of such to the exposed persons prior to the time
5 of exposure. Plaintiff later discerned that Defendants engaged in such practice.

6 17. On January 1, 1988, the Governor of California added Diethyl Hexyl Phthalate and Di
7 (2-ethylhexyl) phthalate (“DEHP”) to the list of chemicals known to the State to cause
8 cancer, (*Cal. Code Regs.* tit. 27, § 27001(b)) and on October 24, 2003, the Governor
9 added DEHP to the list of chemicals known to the State to cause developmental male
10 reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)). Pursuant to Health and
11 Safety Code sections 25249.9 and 25249.10, twenty (20) months after addition of DEHP
12 to the list of chemicals known to the State to cause reproductive toxicity, DEHP became
13 fully subject to Proposition 65 warning requirements and discharge prohibitions.

14 **SATISFACTION OF PRIOR NOTICE**

15 18. Plaintiff served the following notices for alleged violations of Health and Safety Code
16 Section 25249.6, concerning consumer products exposures:

- 17 a. On or about May 12, 2025, Plaintiff gave notice of alleged violations of Health
18 and Safety Code Section 25249.6, concerning consumer products exposures
19 subject to a private action to HAROLD IMPORT, and to the California Attorney
20 General, County District Attorneys, and City Attorneys for each city containing
21 a population of at least 750,000 people in whose jurisdictions the violations
22 allegedly occurred, concerning the Stainless Steel Universal Scissors.
- 23 b. On or about May 19, 2025, Plaintiff gave notice of alleged violations of Health
24 and Safety Code Section 25249.6, concerning consumer products exposures
25 subject to a private action to HAROLD IMPORT, and to the California Attorney
26 General, County District Attorneys, and City Attorneys for each city containing
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1 a population of at least 750,000 people in whose jurisdictions the violations
2 allegedly occurred, concerning the Stainless Steel Universal Scissors.

3 c. On or about September 5, 2025, Plaintiff gave notice of alleged violations of
4 Health and Safety Code Section 25249.6, concerning consumer products
5 exposures subject to a private action to LUMBER CITY, and to the California
6 Attorney General, County District Attorneys, and City Attorneys for each city
7 containing a population of at least 750,000 people in whose jurisdictions the
8 violations allegedly occurred, concerning the Stainless Steel Universal Scissors.

9 d. On or about September 12, 2025, Plaintiff gave notice of alleged violations of
10 Health and Safety Code Section 25249.6, concerning consumer products
11 exposures subject to a private action to LUMBER CITY, and to the California
12 Attorney General, County District Attorneys, and City Attorneys for each city
13 containing a population of at least 750,000 people in whose jurisdictions the
14 violations allegedly occurred, concerning the Stainless Steel Universal Scissors.

15 19. Before sending the notice of alleged violations, Plaintiff investigated the consumer
16 products involved, the likelihood that such products would cause users to suffer
17 significant exposures to DEHP, and the corporate structure of each of the Defendants.

18 20. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
19 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
20 Plaintiff who executed the certificate had consulted with at least one person with relevant
21 and appropriate expertise who reviewed data regarding the exposures to DEHP, the
22 subject Proposition 65-listed chemical of this action. Based on that information, the
23 attorney for Plaintiff who executed the Certificate of Merit believed there was a
24 reasonable and meritorious case for this private action. The attorney for Plaintiff
25 attached to the Certificate of Merit served on the Attorney General the confidential
26 factual information sufficient to establish the basis of the Certificate of Merit.

1 21. Plaintiff's notice of alleged violations also included a Certificate of Service and a
2 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
3 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

4 22. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
5 gave notice of the alleged violations to HAROLD IMPORT, LUMBER CITY, and the
6 public prosecutors referenced in Paragraph 18.

7 23. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
8 any applicable district attorney or city attorney has commenced and is diligently
9 prosecuting an action against the Defendants.

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11 **FIRST CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against HAROLD IMPORT,**
13 **and DOES 1-10 for Violations of Proposition 65, The Safe Drinking Water and**
14 **Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

15 **Kitchen Accessories I**

16 24. Plaintiff repeats and incorporates by reference paragraphs 1 through 23 of this complaint
17 as though fully set forth herein.

18 25. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Stainless Steel Universal Scissors ("Scissors I").

20 26. Scissors I contains DEHP.

21 27. Defendants knew or should have known that DEHP has been identified by the State of
22 California as a chemical known to cause cancer, developmental toxicity and reproductive
23 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
24 were also informed of the presence of DEHP in Scissors I within Plaintiff's notice of
25 alleged violations further discussed above at Paragraphs 18b.

26 28. Plaintiff's allegations regarding Scissors I concerns "[c]onsumer products exposure[s],"
27 which "is an exposure that results from a person's acquisition, purchase, storage,
28 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, § 25602(b).

Scissors I are consumer products, and, as mentioned herein, exposures to DEHP took place as a result of such normal and foreseeable consumption and use.

29. Plaintiff is informed, believes, and thereon alleges that between May 19, 2022 and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of Scissors I, which Defendants manufactured, distributed, or sold as mentioned above, to DEHP, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure. Defendants have distributed and sold Scissors I in California. Defendants know and intend that California consumers will use and consume Scissors I, thereby exposing them to DEHP. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling Scissors I under a brand or trademark that is owned or licensed by the Defendants or an entity affiliated thereto; have knowingly introduced DEHP into Scissors I or knowingly caused DEHP to be created in Scissors I; have covered, obscured or altered a warning label that has been affixed to Scissors I by the manufacturer, producer, packager, importer, supplier or distributor of Scissors I; have received a notice and warning materials for exposure from Scissors I without conspicuously posting or displaying the warning materials; and/or have actual knowledge of potential exposure to DEHP from Scissors I. Defendants thereby violated Proposition 65.

30. The principal routes of exposure are through dermal contact, ingestion and inhalation. Persons sustain exposures by handling Scissors I without wearing gloves or any other personal protective equipment, or by touching bare skin or mucous membranes with gloves after handling Scissors I, as well as through direct and indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed from Scissors I.

31. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of Proposition 65 as to Scissors I have been ongoing and continuous, as Defendants engaged and continue to engage in conduct which violates Health and Safety Code

1 Section 25249.6, including the manufacture, distribution, promotion, and sale of Scissors
2 I, so that a separate and distinct violation of Proposition 65 occurred each and every time
3 a person was exposed to DEHP by Scissors I as mentioned herein.

4 32. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
5 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
6 violations alleged herein will continue to occur into the future.

7 33. Based on the allegations herein, Defendants are liable for civil penalties of up to
8 \$2,500.00 per day per individual exposure to DEHP from Scissors I, pursuant to Health
9 and Safety Code Section 25249.7(b).

10 34. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
11 filing this Complaint.

12 **SECOND CAUSE OF ACTION**

13 **(By CONSUMER ADVOCACY GROUP, INC. and against HAROLD IMPORT,**
14 **and DOES 11-20 for Violations of Proposition 65, The Safe Drinking Water and**
15 **Toxic Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

16 **Kitchen Accessories II**

17 35. Plaintiff repeats and incorporates by reference paragraphs 1 through 23 of this complaint
18 as though fully set forth herein.

19 36. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
20 distributor, promoter, or retailer of Stainless Steel Universal Scissors ("Scissors II"),
21 identified as "Helen's Asian Kitchen"; "Stainless Steel Universal Scissors"; "Item No.
22 97153"; "UPC 781723971531".

23 37. Product contains DEHP.

24 38. Defendants knew or should have known that DEHP has been identified by the State of
25 California as a chemical known to cause cancer, developmental toxicity and reproductive
26 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
27 were also informed of the presence of DEHP in Scissors II within Plaintiff's notice of
28 alleged violations further discussed above at 18a.

1 39. Plaintiff's allegations regarding Scissors II concerns "[c]onsumer products exposure[s],"
2 which "is an exposure that results from a person's acquisition, purchase, storage,
3 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
4 that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, § 25602(b).
5 Scissors II are consumer products, and, as mentioned herein, exposures to DEHP took
6 place as a result of such normal and foreseeable consumption and use.

7 40. Plaintiff is informed, believes, and thereon alleges that between May 12, 2022 and the
8 present, each of the Defendants knowingly and intentionally exposed California
9 consumers and users of Scissors II, which Defendants manufactured, distributed, or sold
10 as mentioned above, to DEHP, without first providing any type of clear and reasonable
11 warning of such to the exposed persons before the time of exposure. Defendants have
12 distributed and sold Scissors II in California. Defendants know and intend that
13 California consumers will use and consume Scissors II, thereby exposing them to DEHP.
14 Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling
15 Scissors II under a brand or trademark that is owned or licensed by the Defendants or an
16 entity affiliated thereto; have knowingly introduced DEHP into Scissors II or knowingly
17 caused DEHP to be created in Scissors II; have covered, obscured or altered a warning
18 label that has been affixed to Scissors II by the manufacturer, producer, packager,
19 importer, supplier or distributor of Scissors II; have received a notice and warning
20 materials for exposure from Scissors II without conspicuously posting or displaying the
21 warning materials; and/or have actual knowledge of potential exposure to DEHP from
22 Scissors II. Defendants thereby violated Proposition 65.

23 41. The principal routes of exposure are through dermal contact, ingestion and inhalation.
24 Persons sustain exposures by handling Scissors II without wearing gloves or any other
25 personal protective equipment, or by touching bare skin or mucous membranes with
26 gloves after handling Scissors II, as well as through direct and indirect hand to mouth
27 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
28 Scissors II.

1 42. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
2 Proposition 65 as to Scissors II have been ongoing and continuous, as Defendants
3 engaged and continue to engage in conduct which violates Health and Safety Code
4 Section 25249.6, including the manufacture, distribution, promotion, and sale of Scissors
5 II, so that a separate and distinct violation of Proposition 65 occurred each and every
6 time a person was exposed to DEHP by Scissors II as mentioned herein.

7 43. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
8 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
9 violations alleged herein will continue to occur into the future.

10 44. Based on the allegations herein, Defendants are liable for civil penalties of up to
11 \$2,500.00 per day per individual exposure to DEHP from Scissors II, pursuant to Health
12 and Safety Code Section 25249.7(b).

13 45. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
14 filing this Complaint.

15 **THIRD CAUSE OF ACTION**

16 **(By CONSUMER ADVOCACY GROUP, INC. and against LUMBER CITY, and**
17 **DOES 21-30 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
18 **Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*))**

19 **Kitchen Accessories III**

20 46. Plaintiff repeats and incorporates by reference paragraphs 1 through 23 of this complaint
21 as though fully set forth herein.

22 47. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
23 distributor, promoter, or retailer of Stainless Steel Universal Scissors ("Scissors III").

24 48. Scissors III contains DEHP.

25 49. Defendants knew or should have known that DEHP has been identified by the State of
26 California as a chemical known to cause cancer, developmental toxicity and reproductive
27 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
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1 were also informed of the presence of DEHP in Scissors III within Plaintiff's notice of
2 alleged violations further discussed above at Paragraphs 18d.

3 50. Plaintiff's allegations regarding Scissors III concerns "[c]onsumer products
4 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
5 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
6 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §
7 25602(b). Scissors III are consumer products, and, as mentioned herein, exposures to
8 DEHP took place as a result of such normal and foreseeable consumption and use.

9 51. Plaintiff is informed, believes, and thereon alleges that between September 12, 2022 and
10 the present, each of the Defendants knowingly and intentionally exposed California
11 consumers and users of Scissors III, which Defendants manufactured, distributed, or sold
12 as mentioned above, to DEHP, without first providing any type of clear and reasonable
13 warning of such to the exposed persons before the time of exposure. Defendants have
14 distributed and sold Scissors III in California. Defendants know and intend that
15 California consumers will use and consume Scissors III, thereby exposing them to
16 DEHP. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are
17 selling Scissors III under a brand or trademark that is owned or licensed by the
18 Defendants or an entity affiliated thereto; have knowingly introduced DEHP into
19 Scissors III or knowingly caused DEHP to be created in Scissors III; have covered,
20 obscured or altered a warning label that has been affixed to Scissors III by the
21 manufacturer, producer, packager, importer, supplier or distributor of Scissors III; have
22 received a notice and warning materials for exposure from Scissors III without
23 conspicuously posting or displaying the warning materials; and/or have actual
24 knowledge of potential exposure to DEHP from Scissors III. Defendants thereby
25 violated Proposition 65.

26 52. The principal routes of exposure are through dermal contact, ingestion and inhalation.
27 Persons sustain exposures by handling Scissors III without wearing gloves or any other
28 personal protective equipment, or by touching bare skin or mucous membranes with

1 gloves after handling Scissors III, as well as through direct and indirect hand to mouth
2 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
3 Scissors III.

4 53. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
5 Proposition 65 as to Scissors III have been ongoing and continuous, as Defendants
6 engaged and continue to engage in conduct which violates Health and Safety Code
7 Section 25249.6, including the manufacture, distribution, promotion, and sale of Scissors
8 III, so that a separate and distinct violation of Proposition 65 occurred each and every
9 time a person was exposed to DEHP by Scissors III as mentioned herein.

10 54. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
11 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
12 violations alleged herein will continue to occur into the future.

13 55. Based on the allegations herein, Defendants are liable for civil penalties of up to
14 \$2,500.00 per day per individual exposure to DEHP from Scissors III, pursuant to Health
15 and Safety Code Section 25249.7(b).

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

18 **FOURTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against LUMBER CITY, and**
20 **DOES 31-40 for Violations of Proposition 65, The Safe Drinking Water and Toxic**
21 **Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

22 **Kitchen Accessories IV**

23 57. Plaintiff repeats and incorporates by reference paragraphs 1 through 23 of this complaint
24 as though fully set forth herein.

25 58. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
26 distributor, promoter, or retailer of Stainless Steel Universal Scissors ("Scissors IV"),
27 identified as "Helen's Asian Kitchen"; "Stainless Steel Universal Scissors"; "Item No.
28 97153"; "UPC 781723971531".

1 59. Scissors IV contains DEHP.

2 60. Defendants knew or should have known that DEHP has been identified by the State of
3 California as a chemical known to cause cancer, developmental toxicity and reproductive
4 toxicity and therefore was subject to Proposition 65 warning requirements. Defendants
5 were also informed of the presence of DEHP in Scissors IV within Plaintiff's notice of
6 alleged violations further discussed above at 18c.

7 61. Plaintiff's allegations regarding Scissors IV concerns "[c]onsumer products
8 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
9 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
10 exposure that results from receiving a consumer service." *Cal. Code Regs.* tit. 27, §
11 25602(b). Scissors IV are consumer products, and, as mentioned herein, exposures to
12 DEHP took place as a result of such normal and foreseeable consumption and use.

13 62. Plaintiff is informed, believes, and thereon alleges that between September 5, 2022 and
14 the present, each of the Defendants knowingly and intentionally exposed California
15 consumers and users of Scissors IV, which Defendants manufactured, distributed, or sold
16 as mentioned above, to DEHP, without first providing any type of clear and reasonable
17 warning of such to the exposed persons before the time of exposure. Defendants have
18 distributed and sold Scissors IV in California. Defendants know and intend that
19 California consumers will use and consume Scissors IV, thereby exposing them to
20 DEHP. Further, Plaintiff is informed, believes, and thereon alleges that Defendants are
21 selling Scissors IV under a brand or trademark that is owned or licensed by the
22 Defendants or an entity affiliated thereto; have knowingly introduced DEHP into
23 Scissors IV or knowingly caused DEHP to be created in Scissors IV; have covered,
24 obscured or altered a warning label that has been affixed to Scissors IV by the
25 manufacturer, producer, packager, importer, supplier or distributor of Scissors IV; have
26 received a notice and warning materials for exposure from Scissors IV without
27 conspicuously posting or displaying the warning materials; and/or have actual
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1 knowledge of potential exposure to DEHP from Scissors IV. Defendants thereby
2 violated Proposition 65.

3 63. The principal routes of exposure are through dermal contact, ingestion and inhalation.

4 Persons sustain exposures by handling Scissors IV without wearing gloves or any other
5 personal protective equipment, or by touching bare skin or mucous membranes with
6 gloves after handling Scissors IV, as well as through direct and indirect hand to mouth
7 contact, hand to mucous membrane, or breathing in particulate matter dispersed from
8 Scissors IV.

9 64. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
10 Proposition 65 as to Scissors IV have been ongoing and continuous, as Defendants
11 engaged and continue to engage in conduct which violates Health and Safety Code
12 Section 25249.6, including the manufacture, distribution, promotion, and sale of Scissors
13 IV, so that a separate and distinct violation of Proposition 65 occurred each and every
14 time a person was exposed to DEHP by Scissors IV as mentioned herein.

15 65. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
16 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
17 violations alleged herein will continue to occur into the future.

18 66. Based on the allegations herein, Defendants are liable for civil penalties of up to
19 \$2,500.00 per day per individual exposure to DEHP from Scissors IV, pursuant to Health
20 and Safety Code Section 25249.7(b).

21 67. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
22 filing this Complaint.

23 **PRAYER FOR RELIEF**

24 Plaintiff demands against each of the Defendants as follows:

- 25
- 26 1. A permanent injunction mandating Proposition 65-compliant warnings;
 - 27 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
 - 28 3. Costs of suit;

- 1 4. Reasonable attorney fees and costs; and
2 5. Any further relief that the court may deem just and equitable.
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4 Dated: December 10, 2025

YEROUSHALMI & YEROUSHALMI*

5
6 /s/ Reuben Yeroushalmi

7 Reuben Yeroushalmi

8 Attorneys for Plaintiff,

9 CONSUMER ADVOCACY GROUP, INC.
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