

1 Kimberly Gates Johnson, State Bar No. 282369
2 Laralei Paras, State Bar No 203319
3 SEVEN HILLS LLP
4 1 Embarcadero Center, Suite 1200
5 San Francisco, CA 94111
6 Telephone: (415) 926-7247
kimberly@sevenhillsllp.com
laralei@sevenhillsllp.com

5
6 Attorneys for Plaintiff
7 BLUE SKY FOREVER

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

11/24/2025
Clerk of the Court
BY: DAEJA ROGERS
Deputy Clerk

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA

8 COUNTY OF SAN FRANCISCO – UNLIMITED CIVIL JURISDICTION

9 **CGC-25-631473**

10 BLUE SKY FOREVER,

Case No.

11 Plaintiff,

12 v.
13 **COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

14 YAHEE TECHNOLOGIES CORP.; and DOES
1-30, inclusive,

15 Defendants.

Violations of Health & Safety Code
§ 25249.5, *et seq.* (Proposition 65)

16 Plaintiff BLUE SKY FOREVER (“BSF” or “Plaintiff”), acting in the public interest, alleges a
17 cause of action against defendants YAHEE TECHNOLOGIES CORP., and DOES 1-30
18 (“Defendants”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

19 **INTRODUCTION AND NATURE OF THE ACTION**

20 1. This Complaint is a representative action brought by plaintiff Blue Sky Forever
21 (“BSF”) in the public interest of the citizens of the State of California to enforce the People’s right to
22 be informed of the health hazards caused by exposures to diisononyl phthalate (“DINP”), a toxic
23 chemical found in and on the Massage Beds with Vinyl Upholstery manufactured, imported,
24 distributed, sold or offered for sale by Defendants in the State of California.

25 2. By this Complaint, plaintiff seeks to remedy Defendants’ continuing failure to warn
26 individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.*
27 (“consumers”) they are being exposed to substances known to the State of California to cause cancer

through exposures to DINP, when they purchase, use or handle Defendants' Massage Beds with Vinyl Upholstery according to their reasonably foreseeable use. Detectable levels of DINP are found in and on the Massage Beds with Vinyl Upholstery that Defendants manufacture, import, sell or distribute for sale to consumers throughout California.

3. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code § 25249.6 *et seq.* (“**Proposition 65**”), it is unlawful for a person in the course of doing business to knowingly and intentionally expose consumers in California to chemicals known to the State to cause cancer without first providing a “clear and reasonable” health hazard warning to such consumers prior to purchase or use.

10 4. BSF contends and alleges Defendants manufacture, distribute, import, sell, and offer
11 for sale, in and into California, Massage Beds with Vinyl Upholstery (“**PRODUCTS**”) containing
12 DINP, without Proposition 65’s requisite health hazard warning regarding the harms associated with
13 exposures to the chemical, including, but not limited to, the *Yaheetech 84 Inch Adjustable 2-Fold*
14 *Salon Bed Black Item No.: 610888*. Defendants’ conduct subjects them to civil penalties for each
15 violation, injunction as well as preliminary and permanent injunctive relief. Health & Saf. Code
16 § 25249.7(a) and (b).

PARTIES

5. Plaintiff BSF is a non-profit corporation organized under the laws of California and acting in the public interest to protect the health of California citizens through the reduction of toxic chemicals in consumer products and by increasing public awareness of those chemicals. BSF is a person within the meaning of Health & Safety Code § 25249.11(a), and it brings this action in the public interest, pursuant to Health and Safety Code § 25249.7(d).

6. Plaintiff is informed, believes, and thereon alleges, at all relevant times, Defendant YAHEE TECHNOLOGIES CORP. (“YAHEE”) was and is a “person” “in the course of doing business” with ten (10) or more employees, within the meanings of Health and Safety Code §§ 25249.6 and 25249.11.

1 7. YAHEE manufactures, imports, distributes, sells, and/or offers the PRODUCTS for
2 sale or use in the State of California, or implies by its conduct that it manufactures, imports,
3 distributes, sells, and/or offers the PRODUCTS for sale or use in the State of California.

4 8. Defendants DOES 1-10 (“**MANUFACTURER DEFENDANTS**”) are each a person in
5 the course of doing business within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.
6 **MANUFACTURER DEFENDANTS**, and each of them, assemble, fabricate, and manufacture, or
7 each implies by its conduct that it does so for one or more of the PRODUCTS offered for sale or use
8 in California.

9 9. Defendants DOES 11-20 (“**DISTRIBUTOR DEFENDANTS**”) are each a person in
10 the 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, or each
12 impliedly does so by its conduct, one or more of the PRODUCTS to individuals, businesses, or
13 retailers for sale or use in the State of California

14 10. Defendants DOES 21-30 (“**RETAILER DEFENDANTS**”) are each a person in the
15 course of doing business within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.
16 **RETAILER DEFENDANTS**, and each of them, by and through their conduct, offer the PRODUCTS
17 for sale to consumers in the State of California.

18 11. At this time, the true names of Defendants DOES 1 through 30, inclusive, are
19 unknown to plaintiff, who, therefore, sues said DOES Defendants by their fictitious names, pursuant
20 to Code of Civil Procedure § 474. Plaintiff is informed and believes, and on that basis alleges, each of
21 the fictitiously named Defendants is responsible in some manner for the acts and occurrences alleged
22 herein and the damages caused thereby. When ascertained, their true names and capacities shall be
23 reflected in an amended complaint.

24 12. At all times mentioned herein, YAHEE, **MANUFACTURER DEFENDANTS**,
25 **DISTRIBUTOR DEFENDANTS**, and **RETAILER DEFENDANTS** shall, hereinafter, where
26 appropriate, be referred to collectively as the “**DEFENDANTS**.”

JURISDICTION AND VENUE

13. This Court has jurisdiction over this action, pursuant to Health & Safety Code § 25249.7, allowing enforcement by any court of competent jurisdiction. The California Superior Court has jurisdiction over this action, pursuant to California Constitution Article VI, section 10, which grants the Superior Court “original jurisdiction in all causes except those given by statute to other trial courts.” The statute under which this action is brought does not specify any other basis of subject matter jurisdiction.

14. The California Superior Court has jurisdiction over DEFENDANTS, based on plaintiff's information and good faith belief DEFENDANTS are each a person, firm, corporation or association that is a citizen of the State of California, does sufficient business in California, has sufficient minimum contacts in California, and/or otherwise purposefully and intentionally avail themselves of the California market through their manufacture, importation, distribution, promotion, marketing or sale of PRODUCTS within the State. DEFENDANTS' purposeful availment renders the exercise of personal jurisdiction by California courts consistent with traditional notions of fair play and substantial justice.

15. Venue is proper in the Superior Court for the County of San Francisco, pursuant to Code of Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent jurisdiction, because plaintiff seeks civil penalties against DEFENDANTS, because one or more instances of wrongful conduct occurred, and continue to occur, in this county, and/or because DEFENDANTS conducted, and continue to conduct, business in the County of San Francisco with respect to the PRODUCTS that are the subject of this action.

REGULATORY BACKGROUND AND LAW

16. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part, “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to cause cancer or reproductive toxicity without first giving a clear and reasonable warning to such individual...”

17. Under the Act, a “person in the course of doing business” is defined as a business with ten (10) or more employees. Health & Saf. Code § 25249.11(b). Businesses are prohibited from exposing consumers to hazardous chemicals without first giving a “clear and reasonable” warning. Health & Saf. Code § 25249.6.

18. Exposing consumers to hazardous chemicals means to cause consumers to ingest, inhale, contact via body surfaces or otherwise come into contact with a listed chemical. Cal. Code Regs. (“CCR”), tit. 27, § 25102(i). An exposure to a hazardous chemical is defined as one that “results from a person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a product...” 27 CCR § 25600(h).

19. Under Proposition 65, persons violating the statute may be enjoined in any court of competent jurisdiction and may be subject to civil penalties of up to \$2,500 per day, per violation. Health & Saf. Code § 25249.7.

20. On December 20, 2013, pursuant to Proposition 65's implementing regulations, California identified and listed DINP as a chemical known to the State to cause cancer. DINP became subject to the "clear and reasonable warning" requirements one year later, on December 20, 2014. 27 CCR § 27001(c); Health & Saf. Code §§ 25249.8, 25249.10(b).

STATEMENT OF FACTS

21. DEFENDANTS' PRODUCTS were sold in California without a clear and reasonable warning in violation of title 27, California Code of Regulations, section 25600, et seq.

22. DEFENDANTS' PRODUCTS subject consumers in California to exposure to the listed chemical at levels requiring a warning under the statute, based on touching, handling, or otherwise utilizing PRODUCTS in accordance with their reasonably foreseeable use.

23. On May 30, 2025, plaintiff served a 60-Day Notice of Violation (“**Notice**”), together with the certificate of merit, on YAHEE, the California Attorney General’s Office, and the requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of the PRODUCTS, consumers in the State of California were, and are, being exposed to DINP through their reasonably foreseeable use of the PRODUCTS as intended without first receiving a “clear and reasonable warning,” as required by Proposition 65.

24. After receiving plaintiff's Notice, no public enforcement agency has commenced and is diligently prosecuting a cause of action against DEFENDANTS under Proposition 65 to enforce the alleged violations that are the subject of the Notice.

FIRST CAUSE OF ACTION

(Violation of Proposition 65 - Against All DEFENDANTS)

25. BSF realleges and incorporates by reference, as if fully stated herein, the allegations set forth in Paragraphs 1 through 24, inclusive.

26. DEFENDANTS' PRODUCTS contain DINP in levels requiring a clear and reasonable warning under Proposition 65.

27. DEFENDANTS know or should have known the PRODUCTS they manufacture, import, distribute, sell, and offer for sale in California contain DINP. As a result of plaintiff's Notice, DEFENDANTS also have actual knowledge of the presence of DINP in the PRODUCTS.

28. The PRODUCTS DEFENDANTS manufacture, import, distribute, sell, and offer for sale in or into the State of California cause exposures to DINP, both direct and/or indirect dermal contact and ingestion, through the reasonably foreseeable use of the PRODUCTS.

29. The normal and reasonably foreseeable use of the PRODUCTS has caused, and continues to cause, exposures to DINP.

30. DEFENDANTS know the normal and reasonably foreseeable use of the PRODUCTS exposes consumers to DINP through direct and indirect dermal contact and/or ingestion.

31. DEFENDANTS intend that exposures to DINP from the reasonably foreseeable use of the PRODUCTS will occur by their deliberate, non-accidental participation in the California marketplace.

32. The exposures to DINP, caused by DEFENDANTS and endured by consumers in California, are not exempt from the “clear and reasonable” warning requirements of Proposition 65.

33. DEFENDANTS failed to provide a “clear and reasonable warning” to those consumers in California who have been, or who will be, exposed to DINP through direct and indirect dermal contact and/or ingestion resulting from the use of the PRODUCTS as intended.

34. Contrary to the express policy and statutory prohibition of Proposition 65, consumers, exposed to DINP through dermal contact and ingestion as a result of their use of the PRODUCTS that DEFENDANTS sold without a “clear and reasonable” health hazard warning, have suffered, and continue to suffer, irreparable harm for which they have no plain, speedy, or adequate remedy at law.

35. DEFENDANTS manufacture, import, distribute, sell, and offer the PRODUCTS for sale or use in violation of Health and Safety Code § 25249.6, and DEFENDANTS' violations have continued beyond their receipt of plaintiff's Notice. As such, DEFENDANTS' violations are ongoing and continuous in nature and, unless enjoined, will continue in the future.

36. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above-described acts, DEFENDANTS, and each of them, are liable for a maximum civil penalty of \$2,500 per day for each violation.

PRAYER FOR RELIEF

Wherefore, BSF 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 addressing the harms associated with exposures to DINP;

2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary and permanent injunctions mandating DEFENDANTS recall all PRODUCTS currently in the chain of commerce in California that do not bear a clear and reasonable health hazard warning;

3. That the Court assess civil penalties against DEFENDANTS, and each of them, in the amount of \$2,500 per day for each violation of Proposition 65, in an amount to be determined at trial;

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

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

1 Dated: November 24, 2025

Respectfully submitted,

2 SEVEN HILLS LLP

3
4 By: 

5 Kimberly Gates Johnson

6 Attorneys for Plaintiff

7 *Blue Sky Forever*

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28