ENTORNO LAW, LLP
Noam Glick (SBN 251582)
Craig M. Nicholas (SBN 178444)
Jake W. Schulte (SBN 293777)
Janani Natarajan (SBN 346770)
Gianna E. Tirrell (SBN 358788)
225 Broadway, Suite 1900
San Diego, California 92101
Tel: (619) 629-0527
Email: noam@entornolaw.com
Email: craig@entornolaw.com
Email: jake@entornolaw.com
Email: janani@entornolaw.com
Email: gianna@entornolaw.com

Attorneys for Plaintiff
Environmental Health Advocates, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

ENVIRONMENTAL HEALTH ADVOCATES, INC., Plaintiff, v. ALDI INC., an Illinois corporation; CALVIN KLEIN, INC., a New York corporation; SBARRO FRANCHISE CO. LLC, a Delaware limited liability company; COLOR IMAGE APPAREL, INC., a California corporation; ABERCROMBIE & FITCH TRADING CO., an Ohio corporation; JAMBA JUICE LLC, a California limited liability company; HOT TOPIC, INC., a California corporation; MACY'S IP HOLDINGS, LLC, an Ohio limited liability company; VINEYARD VINES, LLC, a Connecticut limited liability company; DESIGNER BRANDS INC., an Ohio corporation; OXFORD INDUSTRIES, INC., a Georgia corporation; INSOMNIA COOKIES, LLC, a Delaware limited liability company; LUCKY OPCO LLC, a Delaware limited liability company; UNIQLO USA LLC, a Delaware limited liability company; LA-Z-BOY INCORPORATED, a Michigan corporation; AUNTIE ANNE'S FRANCHISOR SPV LLC, a Delaware limited liability company; TKS RESTAURANTS, LLC, a	Case No.: CGC-25-627429 **FIRST AMENDED COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF** (Health & Safety Code § 25249.6 et seq.)

California limited liability company; 5.11, INC., a California corporation; FOX RESTAURANT CONCEPTS, LLC, an Arizona limited liability company; BLUEMERCURY, INC., a Delaware corporation; and DOES 1 through 100, inclusive,

Defendants.

I.
INTRODUCTION

1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. ("Plaintiff") in the public interest of the citizens of the State of California ("the People"). Plaintiff seeks to remedy Defendants' failure to inform the People of exposure to Bisphenol S ("BPS"), a known reproductive/developmental toxin. Defendants expose consumers to BPS by manufacturing, importing, selling, and/or distributing Receipts. These Receipts[1] include: (1) Aldi Receipt, (2) Calvin Klein Receipt, (3) Sbarro Receipt, (4) Alo Yoga Receipt, (5) Hollister & Abercrombie Receipt, (6) Jamba Juice Receipt, (7) Hot Topic Receipt, (8) Macy's Receipt, (9) Vineyard Vines Receipt, (10) DSW Receipt, (11) Johnny Was Receipt, (12) Insomnia Cookies Receipt, (13) Lucky Brand Receipt, (14) Uniqlo Receipt, (15) Box Lunch Receipt, (16) La-Z-Boy Furniture Receipt, (17) Auntie Anne's Receipt, (18) The Kebab Shop Receipt, (19) 5.11 Receipt, (20) Blanco Receipt, and (21) Bluemercury Receipt (collectively, the "Receipts"). Defendants know and intend that customers will use Receipts containing BPS.

2. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 25249.6 et seq. ("Proposition 65"), "[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 giving clear and reasonable warning to such individual. . . ." (Health & Safety Code, § 25249.6.)

3. California identified and listed BPS as a chemical known to cause reproductive/developmental toxicity as early as December 29, 2023.

4. Defendants failed to sufficiently warn consumers and individuals in California about potential exposure to BPS in connection with Defendants' manufacture, import, sale, or distribution of Receipts. This is a violation of Proposition 65.

[1] *See* 60-Day Notices of Violation Attorney General Nos. (1) 2025-01504, (2) 2025-01861, (3) 2025-01890, (4) 2025-01893, (5) 2025-01941, (6) 2025-01960, (7) 2025-01974, (8) 2025-02046, (9) 2025-02057, (10) 2025-02060, (11) 2025-02062, (12) 2025-02080, (13) 2025-02082, (14) 2025-02093, (15) 2025-02176, (16) 2025-02300, (17) 2025-02515, (18) 2025-02536, (19) 2025-02659, (20) 2025-02686, and (21) 2025-02688. A document containing the links to the Notices of Violation on the publicly available Attorney General Website is attached hereto as **Exhibit 1.**

5. Had Defendants wished to avoid liability under Proposition 65, they could have easily used commercially available BPS-free receipt paper at each of their locations. They did not. Nor did Defendants warn consumers that the receipt paper contained BPS – despite having exclusive control over the decision whether to add warnings next to their cash registers.

6. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers in California before exposing them to BPS in Receipts. (Health & Safety Code, § 25249.7(a).) Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney's fees and costs. (Health & Safety Code, § 25249.7(b).)

II.
PARTIES

7. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. ("Plaintiff") is a corporation in the State of California dedicated to protecting the health of California citizens through the elimination or reduction of toxic exposures. It brings this action in the public interest pursuant to Health and Safety Code, section 25249.7.

8. Defendant ALDI INC. ("Aldi") is a corporation organized and existing under the laws of Illinois. Aldi is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Aldi manufactures, imports, sells, or distributes Receipt 1 in California and San Francisco County.

9. Defendant CALVIN KLEIN, INC. ("Calvin Klein") is a corporation organized and existing under the laws of New York. Calvin Klein is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Calvin Klein manufactures, imports, sells, or distributes Receipt 2 in California and San Francisco County.

10. Defendant SBARRO FRANCHISE CO. LLC ("Sbarro") is a limited liability company organized and existing under the laws of Delaware. Sbarro is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Sbarro manufactures, imports, sells, or distributes Receipt 3 in California and San Francisco County.

11. Defendant COLOR IMAGE APPAREL, INC. ("Color Image") is a corporation organized and existing under the laws of California. Color Image is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Color Image manufactures, imports, sells, or distributes Receipt 4 in California and San Francisco County.

12. Defendant ABERCROMBIE & FITCH TRADING CO. ("Abercrombie") is a corporation organized and existing under the laws of Ohio. Abercrombie is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Abercrombie manufactures, imports, sells, or distributes Receipt 5 in California and San Francisco County.

13. Defendant JAMBA JUICE LLC ("Jamba Juice") is a limited liability company organized and existing under the laws of California. Jamba Juice is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Jamba Juice manufactures, imports, sells, or distributes Receipt 6 in California and San Francisco County.

14. Defendant HOT TOPIC, INC. ("Hot Topic") is a corporation organized and existing under the laws of California. Hot Topic is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Hot Topic manufactures, imports, sells, or distributes Receipts 7 and 14 in California and San Francisco County.

15. Defendant MACY'S IP HOLDINGS, LLC ("Macy's") is a limited liability company organized and existing under the laws of Ohio. Macy's is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Macy's manufactures, imports, sells, or distributes Receipt 8 in California and San Francisco County.

16. Defendant VINEYARD VINES, LLC ("Vineyard Vines") is a limited liability company organized and existing under the laws of Connecticut. Vineyard Vines is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety

Code, section 25249.11. Vineyard Vines manufactures, imports, sells, or distributes Receipt 9 in California and San Francisco County.

17. Defendant DESIGNER BRANDS INC. ("Designer Brands") is a corporation organized and existing under the laws of Ohio. Designer Brands is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Designer Brands manufactures, imports, sells, or distributes Receipt 10 in California and San Francisco County.

18. Defendant OXFORD INDUSTRIES, INC. ("Oxford Industries") is a corporation organized and existing under the laws of Georgia. Oxford Industries is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Oxford Industries manufactures, imports, sells, or distributes Receipt 11 in California and San Francisco County.

19. Defendant INSOMNIA COOKIES, LLC ("Insomnia") is a limited liability company organized and existing under the laws of Delaware. Insomnia is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Insomnia manufactures, imports, sells, or distributes Receipt 12 in California and San Francisco County.

20. Defendant LUCKY OPCO LLC ("Lucky") is a limited liability company organized and existing under the laws of Delaware. Lucky is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Lucky manufactures, imports, sells, or distributes Receipt 13 in California and San Francisco County.

21. Defendant UNIQLO USA LLC ("Uniqlo") is a limited liability company organized and existing under the laws of Delaware. Uniqlo is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Uniqlo manufactures, imports, sells, or distributes Receipt 15 in California and San Francisco County.

22. Defendant LA-Z-BOY INCORPORATED ("La-Z-Boy") is a corporation organized and existing under the laws of Michigan. La-Z-Boy is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section

25249.11. La-Z-Boy manufactures, imports, sells, or distributes Receipt 16 in California and San Francisco County.

23. Defendant AUNTIE ANNE'S FRANCHISOR SPV LLC ("Auntie Anne's") is a limited liability company organized and existing under the laws of Delaware. Auntie Anne's is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Auntie Anne's manufactures, imports, sells, or distributes Receipt 17 in California and San Francisco County.

24. Defendant TKS RESTAURANTS, LLC ("TKS") is a limited liability company organized and existing under the laws of California. TKS is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. TKS manufactures, imports, sells, or distributes Receipt 18 in California and San Francisco County.

25. Defendant 5.11, INC. ("5.11") is a corporation organized and existing under the laws of California. 5.11 is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. 5.11 manufactures, imports, sells, or distributes Receipt 19 in California and San Francisco County.

26. Defendant FOX RESTAURANT CONCEPTS, LLC. ("Fox") is a limited liability company organized and existing under the laws of Arizona. Fox is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Fox manufactures, imports, sells, or distributes Receipt 20 in California and San Francisco County.

27. Defendant BLUEMERCURY, INC. ("Bluemercury") is a corporation organized and existing under the laws of Delaware. Bluemercury is registered to do business in California, and does business in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. Bluemercury manufactures, imports, sells, or distributes Receipt 21 in California and San Francisco County.

28. Plaintiff does not know the true names and/or capacities, whether individual, partners, or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues

said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to amend this Complaint when the true names and capacities of these Defendants have been ascertained. Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or in part for the remedies and penalties sought herein.

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

III.
VENUE AND JURISDICTION

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

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

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

IV.
CAUSES OF ACTION

FIRST CAUSE OF ACTION
(Violation of Proposition 65 – Against all Defendants)

33. Plaintiff incorporates by reference each and every allegation contained above.

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

35. Defendants manufactured, imported, sold, and/or distributed Receipts containing BPS in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such

violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the future.

36. In manufacturing, importing, selling, and/or distributing Receipts, Defendants failed to provide a clear and reasonable warning to consumers and individuals in California who may be exposed to BPS through reasonably foreseeable use of the Receipts.

37. Receipts expose individuals to BPS through dermal absorption and incidental ingestion via the hand-to-mouth pathways. This exposure is a natural and foreseeable consequence of Defendants placing Receipts into the stream of commerce. As such, Defendants intend that consumers will use Receipts, exposing them to BPS.

38. Defendants knew or should have known that the Receipts contained BPS and exposed individuals to BPS in the ways provided above. The Notice informed Defendants of the presence of BPS in the Receipts. Likewise, media coverage concerning BPS and related chemicals in consumer products provided constructive notice to Defendants.

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

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

41. The appropriate public enforcement agencies provided with the Notice failed to commence and diligently prosecute a cause of action against Defendants.

42. Individuals exposed to BPS contained in Receipts through dermal absorption and incidental ingestion via the hand-to-mouth pathways resulting from reasonably foreseeable use of the Receipts have suffered and continue to suffer irreparable harm. There is no other plain, speedy, or adequate remedy at law.

43. Defendants are liable for a maximum civil penalty of $2,500 per day for each violation of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also appropriate pursuant to Health and Safety Code, section 25249.7(a).

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. Civil penalties in the amount of $2,500 per day for each violation. Plaintiff alleges that damages total a minimum of $1,000,000;

2. A preliminary and permanent injunction against Defendants from manufacturing, importing, selling, and/or distributing Receipts in California without providing a clear and reasonable warning as required by Proposition 65 and related Regulations;

3. Reasonable attorney's fees and costs of suit; and

4. Such other and further relief as may be just and proper.

Respectfully submitted:

Dated: October 6, 2025

ENTORNO LAW, LLP

By: 

Noam Glick

Craig M. Nicholas
Jake W. Schulte
Janani Natarajan
Gianna E. Tirrell

Attorneys for Plaintiff
Environmental Health Advocates, Inc.

EXHIBIT 1

Attorney General Links

(1) https://oag.ca.gov/prop65/60-Day-Notice-2025-01504

(2) https://oag.ca.gov/prop65/60-Day-Notice-2025-01861

(3) https://oag.ca.gov/prop65/60-Day-Notice-2025-01890

(4) https://oag.ca.gov/prop65/60-Day-Notice-2025-01893

(5) https://oag.ca.gov/prop65/60-Day-Notice-2025-01941

(6) https://oag.ca.gov/prop65/60-Day-Notice-2025-01960

(7) https://oag.ca.gov/prop65/60-Day-Notice-2025-01974

(8) https://oag.ca.gov/prop65/60-Day-Notice-2025-02046

(9) https://oag.ca.gov/prop65/60-Day-Notice-2025-02057

(10) https://oag.ca.gov/prop65/60-Day-Notice-2025-02060

(11) https://oag.ca.gov/prop65/60-Day-Notice-2025-02062

(12) https://oag.ca.gov/prop65/60-Day-Notice-2025-02080

(13) https://oag.ca.gov/prop65/60-Day-Notice-2025-02082

(14) https://oag.ca.gov/prop65/60-Day-Notice-2025-02093

(15) https://oag.ca.gov/prop65/60-Day-Notice-2025-02176

(16) https://oag.ca.gov/prop65/60-Day-Notice-2025-02300

(17) https://oag.ca.gov/prop65/60-Day-Notice-2025-02515

(18) https://oag.ca.gov/prop65/60-Day-Notice-2025-02536

(19) https://oag.ca.gov/prop65/60-Day-Notice-2025-02659

(20) https://oag.ca.gov/prop65/60-Day-Notice-2025-02686

(21) https://oag.ca.gov/prop65/60-Day-Notice-2025-02688