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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

11/21/2025
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO – UNLIMITED CIVIL JURISDICTION

BLUE SKY FOREVER,

Plaintiff,

v.

COULTER VENTURES, LLC; and DOES 1-30,
inclusive,

Defendants.

Case No.

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

CGC-25-631423
Violation of Proposition 65, The Safe
Drinking Water and Toxic Enforcement Act of
1986 (Health & Safety Code § 25249.5 *et*
seq.)

UNLIMITED CIVIL

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

INTRODUCTION AND NATURE OF THE ACTION

1. BSF brings this representative action in the public interest on behalf of the citizens of the State of California. By this action, BSF seeks to enforce the People’s right to be informed of the health hazards caused by exposures to diisononyl phthalate (“DINP”), a carcinogenic chemical found in and on the Vinyl-Coated Bags manufactured, imported, distributed, sold and offered for sale by Defendants in the State of California.

2. By this Complaint, plaintiff seeks to remedy Defendants’ continuing failure to warn individuals not covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.*

1 (“consumers”) they are being exposed to substances known to the State of California to cause cancer
2 through exposures to DINP, when they purchase, use or handle Defendants’ vinyl-coated bags.

3 3. Detectable levels of DINP are found in and on the vinyl-coated bags Defendants
4 manufacture, import, sell or distribute for sale to consumers throughout California.

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

10 5. BSF contends and alleges Defendants manufacture, distribute, import, sell, and offer
11 for sale, in and into California vinyl-coated bags (“PRODUCTS”) containing DINP, without
12 Proposition 65’s requisite health hazard warning regarding the harms associated with exposures to
13 the chemical, including, but not limited to, the *Rogue Chalk Bag, Model # RA2497*. Defendants’
14 conduct subjects them to civil penalties for each violation, enjoinder as well as preliminary and
15 permanent injunctive relief. Health & Saf. Code § 25249.7(a) and (b).

16 **PARTIES**

17 6. BSF is a non-profit corporation organized under the laws of California and acting in
18 the public interest to reduce the presence of toxic chemicals found in consumer products and to
19 enforce California citizens’ right to be informed about the presence of toxic chemicals in the products
20 they purchase and use and the harms associated with exposures to such chemicals. BSF is a “person”
21 within the meaning of Health & Safety Code § 25249.11(a). It brings this action in the public interest,
22 pursuant to Health and Safety Code § 25249.7(d).

23 7. Plaintiff is informed, believes, and thereon alleges, at all relevant times, Defendant
24 COULTER VENTURES, LLC (“COULTER”) was and is a “person” “in the course of doing
25 business” with ten (10) or more employees, within the meanings of Health and Safety Code
26 §§ 25249.6 and 25249.11.

1 8. COULTER 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 9. 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 10. 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 11. 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 12. 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 13. At all times mentioned herein, COULTER, MANUFACTURER DEFENDANTS,
25 DISTRIBUTOR DEFENDANTS, and RETAILER DEFENDANTS shall, hereinafter, where
26 appropriate, be referred to collectively as the “DEFENDANTS.”
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1 **JURISDICTION AND VENUE**

2 14. This Court has jurisdiction over this action pursuant to Health & Safety Code
3 § 25249.7, allowing enforcement by any court of competent jurisdiction. The California Superior
4 Court has jurisdiction over this action, pursuant to California Constitution Article VI, section 10,
5 which grants the Superior Court “original jurisdiction in all causes except those given by statute to
6 other trial courts.” The statute under which this action is brought does not specify any other basis of
7 subject matter jurisdiction.

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

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

22 **REGULATORY BACKGROUND AND LAW**

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

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Dated: November 21, 2025

Respectfully submitted,
SEVEN HILLS LLP

By: 

Kimberly Gates Johnson
Attorneys for Plaintiff
Blue Sky Forever