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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 FOR THE COUNTY OF LOS ANGELES

10 APS&EE, LLC, a limited liability company,)
11)
12 Plaintiff,)
13 v.)
14 MICHAELS STORES, INC., a corporation,)
15 MICHAELS STORES PROCUREMENT CO.,)
16 INC., a corporation, and DOES 1 through 100,)
17 inclusive,)
18 Defendants.)

CASE NO. 26STCV20710

**PLAINTIFF'S COMPLAINT FOR
CIVIL PENALTIES AND INJUNCTIVE
RELIEF**

(Health & Safety Code § 25249.6 et seq.)

Judge:
Dept.:
Compl. Filed:

Unlimited Jurisdiction

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1 **INTRODUCTION**

2 1. This Complaint is brought by Plaintiff, APS&EE, LLC (“Plaintiff”) in the public
3 interest of the citizens of the State of California, a representative action to enforce the People’s
4 right to be informed of the presence of lead (“Lead”), a chemical known to the State of
5 California to cause cancer and birth defects or other reproductive harm, in Ashland Chicken
6 Wire sold by Defendants.

7 2. The purpose of this Complaint is to remedy Defendants’ continuing failure to
8 warn California residents about the risk of exposure to the Lead in the Ashland Chicken Wire
9 manufactured, distributed, sold, and/or offered for sale to consumers in California.

10 3. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell
11 Ashland Chicken Wire, including but not limited to 12 in x 50 in, 1-91518-66449-2. The
12 products described in this paragraph shall hereinafter be referred to as the “Products”.

13 4. Children and adults are exposed to the Lead when they use, touch, mouth, handle,
14 play with, repair, maintain, clean, and/or install the Products.

15 5. Hazardous levels of the Lead are found in the accessible surface areas of the
16 Products manufactured, distributed, sold, and/or offered for sale by Defendants to consumers in
17 California.

18 6. California Health and Safety Code section 25249.6 et seq. (“Proposition 65”)
19 provides in pertinent part: “[n]o person in the course of doing business shall knowingly and
20 intentionally expose any individual to a chemical known to the state to cause cancer or
21 reproductive toxicity without first giving clear and reasonable warning to such individual...”

22 7. Studies repeatedly conclude that exposure to the Lead is hazardous to the health
23 of children and adults. Children are especially vulnerable to the toxic effects of Lead.
24 Accordingly, California has listed the Lead as a chemical known to the state to cause cancer and
25 birth defects or other reproductive harm, and therefore subject to Proposition 65 warning
26 requirements.

27 8. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell
28 the Products without the required warnings. Defendants’ conduct violates the warning

1 requirements of Proposition 65.

2 **PARTIES**

3 9. Plaintiff is an organization based in California acting in the public interest.
4 Plaintiff brings this action in the public interest pursuant to California Health and Safety Code
5 section 25249.7(d).

6 10. Defendant, MICHAELS STORES, INC. is a person in the course of doing
7 business within the meaning of California Health and Safety Code section 25249.11.
8 MICHAELS STORES, INC. manufactures, distributes, and/or sells the Products for sale and use
9 in California.

10 11. Defendant, MICHAELS STORES PROCUREMENT COMPANY, INC. is a
11 person in the course of doing business within the meaning of California Health and Safety Code
12 section 25249.11. MICHAELS STORES PROCUREMENT COMPANY, INC. manufactures,
13 distributes, and/or sells the Products for sale and use in California.

14 12. DOES 1 through 100 are each a person in the course of doing business within the
15 meaning of California Health and Safety Code section 25249.11. DOES 1 through 100
16 manufacture, distribute, and/or sell the Products for sale and use in California. The true names of
17 DOES 1 through 100 are unknown to Plaintiff at this time. When their identities are discovered,
18 Plaintiff's Complaint shall be amended to reflect their true names.

19 13. The defendants identified in paragraphs 10-12 shall collectively be referred to
20 herein as "Defendants".

21 **JURISDICTION AND VENUE**

22 14. This Court has jurisdiction over this action pursuant to California Health and
23 Safety Code section 25249.7, which allows enforcement in any court of competent jurisdiction,
24 and pursuant to California Constitution Article VI, Section 10, because this lawsuit is based on a
25 cause not given by statute to other trial courts. Moreover, this action belongs in unlimited
26 jurisdiction since the amount in controversy exceeds \$35,000 and Plaintiff seeks permanent
27 injunctive relief.

28 15. This Court has jurisdiction over Defendants because each is a person, firm,

1 corporation, or association with sufficient minimum contacts in the State of California, or
2 otherwise purposefully avails itself to the California market as to render jurisdiction by the
3 California courts consistent with traditional notions of fair play and substantial justice.

4 16. Venue is proper in Los Angeles County Superior Court because one or more
5 occurrences of the wrongful conduct occurred, and continues to occur, in Los Angeles County,
6 and/or because Defendants conducted, and continue to conduct, business in this County with
7 respect to the Products.

8 **FIRST CAUSE OF ACTION**

9 **(Violations of Health & Safety Code Section 25249.6 et seq.)**

10 17. Plaintiff re-alleges and incorporates by reference, as if fully set forth herein,
11 Paragraphs 1 through 16, inclusive.

12 18. On November 10, 2025, Plaintiff served a Sixty-Day Notice of Violation with a
13 Certificate of Merit (the “Notice”), to MICHAELS STORES, INC., MICHAELS STORES
14 PROCUREMENT COMPANY, INC., and the various public enforcement agencies with respect
15 to the Proposition 65 violations related to Lead in the Products. In addition, on said date, in
16 compliance with Health & Safety Code section 25249.7(d), Plaintiff provided confidential
17 factual information sufficient to establish the basis for the Certificate of Merit to the California
18 Attorney General. On December 15, 2025, Plaintiff served a Supplemental Sixty-Day Notice of
19 Violation with a Certificate of Merit (the “Supplemental Notice”), to MICHAELS STORES,
20 INC., MICHAELS STORES PROCUREMENT COMPANY, INC., and the various public
21 enforcement agencies with respect to the Proposition 65 violations related to Lead in the
22 Products. In addition, on said date, in compliance with Health & Safety Code section 25249.7(d),
23 Plaintiff provided confidential factual information sufficient to establish the basis for the
24 Certificate of Merit to the California Attorney General. The Notice and Supplemental Notice
25 shall hereinafter be referred to as the “Notices”.

26 19. None of the public prosecutors with the authority to prosecute Proposition 65
27 violations has commenced and/or is diligently prosecuting the causes of action against
28 Defendants based on the claims asserted in Plaintiff’s Notices.

1 20. By placing the Products into the stream of commerce, each Defendant is a person
2 in the course of doing business within the meaning of Health & Safety Code section 25249.11.

3 21. Defendants knew and intended that consumers, including children, will use,
4 touch, mouth, handle, play with, repair, maintain, clean, and/or install the Products.

5 22. Defendants knew that the Products contain Lead. Additionally, Defendants, who
6 are in the business of consumer goods related to crafts, also should have known or have
7 constructive knowledge that the Products contain Lead from widespread media coverage and/or
8 other channels of information concerning the presence of Lead in similar products.

9 23. Lead is a chemical listed by the State of California as known to cause cancer and
10 birth defects or other reproductive harm.

11 24. Defendants' Products contain sufficient quantities of the Lead such that
12 consumers, including children, who use, touch, mouth, handle, play with, repair, maintain, clean
13 and/or install the Products are exposed to unsafe levels of Lead. Lead is present in the Products
14 in such a way as to expose individuals to Lead, as exposure is defined by 27 CCR section
15 25600.1(e): "...that results from a person's acquisition, purchase, storage, consumption, or any
16 reasonably foreseeable use..." Defendants market the Products to have numerous applications,
17 expressly stating on the Product display page online: "This chicken wire by Ashland is perfect to
18 secure in a wooden window, door or cupboard frame. You can also use this handy wire to make
19 crates or baskets for storage." Such applications include making baskets to hold fruit. Direct and
20 indirect exposure occurs through inhalation, ingestion and/or dermal contact during the
21 reasonably foreseeable use of the Products. Additionally, exposure can occur through the routine
22 touching and ingesting of other materials (e.g., fruit) that are contaminated with the listed
23 chemical from the Products. People likely to be exposed include both children and adults.

24 25. Defendants knew or should have known that the reasonably foreseeable use of the
25 Products exposes individuals to Lead through inhalation, ingestion and/or dermal contact.

26 26. Defendants failed to provide a "clear and reasonable warning" to individuals in
27 the State of California who were or could become exposed to Lead during the reasonably
28 foreseeable use of the Products.

1 Dated: June 30, 2026

LAW OFFICES OF LUCAS T. NOVAK

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3 By: 
4 LUCAS T. NOVAK
Attorney for Plaintiff, APS&EE, LLC

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