

1 Laralei Paras, SBN 203319  
2 Brian C. Johnson, SBN 235965  
3 SEVEN HILLS LLP  
4 1 Embarcadero Center, Suite 1200  
5 San Francisco, CA 94111  
6 Telephone: (415) 926-7247  
7 laralei@sevenhillslp.com  
8 brian@sevenhillslp.com

9 Attorneys for Plaintiff  
10 KEEP AMERICA SAFE AND BEAUTIFUL

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13  
14 COUNTY OF MARIN - UNLIMITED CIVIL JURISDICTION  
15

16 KEEP AMERICA SAFE AND BEAUTIFUL,  
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18 Plaintiff,  
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20 v.  
21  
22 TITAN MOTORSPORTS INC.; and DOES 1-  
23 30, inclusive,  
24  
25 Defendants.

Case No. CV0009264

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

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

16 Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB” or “Plaintiff”), acting in the  
17 public interest, alleges a cause of action against defendant TITAN MOTORSPORTS INC., and  
18 DOES 1-30 (“Defendant”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as  
19 follows:

20 **INTRODUCTION AND NATURE OF THE ACTION**

21 1. KASB brings this representative action in the public interest on behalf of the citizens of  
22 the State of California. By this action, KASB seeks to enforce the People’s right to be informed of the  
23 health hazards caused by exposures to (a) Lead, a heavy metal found in and on Sensors with Brass  
24 Components manufactured, imported, distributed, sold and offered for sale by Defendants in the State  
25 of California and (b) di(2ethylhexyl) phthalate (“DEHP”) found in and on Vinyl Banners  
26 manufactured, imported, distributed, sold and offered for sale by Defendant in the State of California.

27 2. By this Complaint, plaintiff seeks to remedy Defendants’ failure to warn individuals not  
28 covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“consumers”)

1 exposed to substances known to cause birth defects or other reproductive harm through exposures to  
2 Lead when they purchase, use and handle Defendants’ Sensors with Brass Components and to DEHP  
3 when they purchase, use and handle Defendants’ Vinyl Banners.

4 3. Detectable levels of Lead are found in and on the Sensors with Brass Components  
5 Defendants manufacture, import, sell and distribute for sale in California.

6 4. Detectable levels of DEHP are found in and on the Vinyl Banners Defendants  
7 manufacture, import, sell and distribute for sale in California.

8 5. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at  
9 Health and Safety Code § 25249.6 *et seq.* (“Proposition 65”), it is unlawful for a person in the course  
10 of doing business to knowingly and intentionally expose consumers and end-users in California to  
11 chemicals known to the State to cause cancer, birth defects or other reproductive harm, without first  
12 providing a “clear and reasonable warning” regarding the presence of these chemicals in Defendants’  
13 products and the harms associated with exposures to such chemicals.

14 6. Defendants manufacture, distribute, import, sell, and offer for sale, in and into  
15 California (a) Sensors with Brass Components (“SENSORS”) containing Lead, without providing a  
16 warning regarding the presence of and the harms associated with exposures to Lead, including, but  
17 not limited to, the *Titan Motorsports 0- 150 PSiG Brass Pressure Sensor*, and (b) Vinyl Banners  
18 (“BANNERS”) containing DEHP, without providing a warning regarding the presence of and the  
19 harms associated with exposures to DEHP, including, but not limited to, the *Titan Motorsports Vinyl*  
20 *Banner SKU: TMS ACC-112*. SENSORS and BANNERS are collectively referred to herein as  
21 “PRODUCTS.” Defendants’ violations subject them to civil penalties, enjoinder, preliminary and  
22 permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b).

23 **PARTIES**

24 7. KASB is a non-profit corporation organized under the laws of California and acting in  
25 the public interest to reduce the presence of toxic chemicals found in consumer products and to  
26 enforce California citizens’ right to be informed about the presence of toxic chemicals in the products  
27 they purchase and use and the harms associated with exposures to such chemicals. KASB is a  
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1 “person” within the meaning of Health & Safety Code § 25249.11(a). It brings this action in the  
2 public interest, pursuant to Health and Safety Code § 25249.7(d).

3 8. At all relevant times, defendant TITAN MOTORSPORTS INC. (“TITAN”) operates as  
4 a “person in the course of doing business” with ten (10) or more employees within the meaning of  
5 and as defined by Health and Safety Code §§ 25249.6 and 25249.11.

6 9. TITAN manufactures, imports, distributes, sells, and offers the PRODUCTS for sale or  
7 use in California, or implies by its conduct that it manufactures, imports, distributes, sells, and/or  
8 offers the PRODUCTS for sale or use to consumers and other individuals in California.

9 10. Doe Defendants 1-10 (“MANUFACTURER DEFENDANTS”) are each a “person in the  
10 course of doing business” within the meaning of and as defined by Health and Safety Code  
11 §§ 25249.6 and 25249.11. MANUFACTURER DEFENDANTS, and each of them, assemble,  
12 fabricate, and manufacture, or they each imply by their conduct they do so for one or more of the  
13 PRODUCTS sold and/or offered for sale or use to consumers and other individuals in California.

14 11. Doe Defendants 11-20 (“DISTRIBUTOR 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 DISTRIBUTOR DEFENDANTS, and each of them, distribute, transfer, and transport the  
17 PRODUCTS sold and offered for sale to consumers and other individuals in California, or they each  
18 imply by their conduct they distribute, transfer, and transport one or more of the PRODUCTS to  
19 individuals, businesses, and retailers for sale or use in California.

20 12. Doe Defendants 21-30 (“RETAILER DEFENDANTS”) are each a “person in the course  
21 of doing business” as that phrase is defined by Health and Safety Code §§ 25249.6 and 25249.11(b).  
22 RETAILER DEFENDANTS, and each of them, offer the PRODUCTS for sale to consumers and  
23 other individuals in California.

24 13. At this time, the true names of Defendants DOES 1 through 30, inclusive, are unknown  
25 to KASB, who therefore, sues these Doe Defendants by their fictitious names, pursuant to Code of  
26 Civil Procedure § 474. Each of the fictitiously named Defendants is responsible in some manner for  
27 the acts and occurrences alleged herein and the violations and harms caused thereby. When  
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1 ascertained, KASB will identify these Doe Defendants by their true names in an amendment to this  
2 Complaint.

3 14. TITAN, MANUFACTURER DEFENDANTS, DISTRIBUTOR DEFENDANTS, and  
4 RETAILER DEFENDANTS shall be referred to collectively herein as the “DEFENDANTS.”

### 5 **JURISDICTION AND VENUE**

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

12 16. This Court has jurisdiction over DEFENDANTS because DEFENDANTS, and each of  
13 them are a person, firm, corporation or association that is a citizen of the State of California, does  
14 sufficient business in California, has sufficient minimum contacts in California, and/or otherwise  
15 purposefully and intentionally avail themselves of the California market through their manufacture,  
16 importation, distribution, promotion, marketing and sale of PRODUCTS in California.  
17 DEFENDANTS’ purposeful availment renders the exercise of personal jurisdiction by this Court  
18 consistent with traditional notions of fair play and substantial justice.

19 17. Venue is proper in the Superior Court for the County of Marin, pursuant to Code of  
20 Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent jurisdiction,  
21 because KASB seeks civil penalties against DEFENDANTS, because one or more instances of  
22 wrongful conduct occurred, and continue to occur, in this county, and/or because DEFENDANTS  
23 conducted, and continue to conduct, business in the County of Marin with respect to the  
24 PRODUCTS.

### 25 **REGULATORY BACKGROUND AND LAW**

26 18. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and  
27 codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part, “[n]o  
28 person in the course of doing business shall knowingly and intentionally expose any individual to a

1 chemical known to cause cancer or reproductive toxicity without first giving a clear and reasonable  
2 warning to such individual . . .”

3 19. Under the Act, a “person in the course of doing business” is defined as a business with  
4 ten (10) or more employees. Health & Safety Code § 25249.11(b). The Act prohibits businesses from  
5 exposing consumers to hazardous chemicals without first giving a “clear and reasonable warning.”  
6 Health & Safety Code § 25249.6.

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

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

15 22. On February 27, 1987, pursuant to Proposition 65 implementing regulations, California  
16 listed Lead as a chemical known to cause birth defects or other reproductive harm. Lead became  
17 subject to the “clear and reasonable warning” requirements one year later, on February 27, 1988. Cal.  
18 Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

19 23. On October 1, 1992, pursuant to Proposition 65 implementing regulations, California  
20 listed Lead as a chemical known to cause cancer. Lead became subject to the “clear and reasonable  
21 warning” requirements one year later, on October 1, 1993. Cal. Code Regs. tit. 27, § 27001(c);  
22 Health & Safety Code §§ 25249.8, 25249.10(b).

23 24. On October 24, 2003, pursuant to Proposition 65 implementing regulations, the State  
24 of California listed DEHP as a chemical known to cause birth defects or other reproductive harm.  
25 DEHP became subject to the “clear and reasonable warning” requirements one year later, on October  
26 24, 2004. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

1 **STATEMENT OF FACTS**

2 25. DEFENDANTS sell and offer their PRODUCTS for sale in California without a clear  
3 and reasonable warning in violation of Cal. Code Regs. Tit. 27, § 25600, *et seq.*

4 26. DEFENDANTS' PRODUCTS expose consumers and end-users in California to Lead  
5 and/or DEHP at levels requiring a warning under Proposition 65 when they touch, handle or  
6 otherwise contact the PRODUCTS during reasonably foreseeable and intended use.

7 27. On November 18, 2025, KASB served a 60-Day Notice of Violation ("Notice"),  
8 together with the required certificate of merit, on TITAN, the Office of the Attorney General, and all  
9 requisite public enforcement agencies, alleging, as a result of DEFENDANTS' sales of the  
10 PRODUCTS, consumers and end-users in California were, and are, exposed to Lead and/or DEHP  
11 without first receiving the "clear and reasonable warning" required by Proposition 65.

12 28. After receiving plaintiff's Notice, no public enforcement agency has commenced or is  
13 diligently prosecuting a cause of action against DEFENDANTS to enforce the alleged violations of  
14 Proposition 65 that are the subject of the Notices.

15 **FIRST CAUSE OF ACTION**

16 **(Violation of Proposition 65 - Against All DEFENDANTS)**

17 29. KASB realleges and incorporates by reference, as if fully stated herein, the allegations  
18 set forth in Paragraphs 1 through 28, inclusive.

19 30. DEFENDANTS' PRODUCTS contain Lead and/or DEHP in levels requiring a clear and  
20 reasonable warning under Proposition 65.

21 31. DEFENDANTS know or should have known their PRODUCTS contain Lead and/or  
22 DEHP. As a result of plaintiff's Notices, DEFENDANTS now possess actual knowledge of the  
23 presence of Lead and/or DEHP in their PRODUCTS.

24 32. DEFENDANTS' PRODUCTS expose consumers, end-users, and other individuals in  
25 California to Lead and/or DEHP through dermal contact and ingestion during the reasonably  
26 foreseeable and intended use of the PRODUCTS.

27 33. The normal and reasonably foreseeable use of the PRODUCTS causes exposures to  
28 Lead and/or DEHP.

1           34. DEFENDANTS know the normal and reasonably foreseeable use of the PRODUCTS  
2 exposes consumers, end-users, and other individuals to Lead and/or DEHP through dermal contact  
3 and/or ingestion.

4           35. DEFENDANTS intend to expose consumers, end-users, and other individuals in  
5 California to Lead and/or DEHP during their reasonably foreseeable and intended use of the  
6 PRODUCTS. Such exposures to Lead and/or DEHP occur through DEFENDANTS deliberate and  
7 non-accidental participation in the California market.

8           36. The exposures to Lead and/or DEHP caused by DEFENDANTS and endured by  
9 consumers and other individuals in California are not exempt from the “clear and reasonable  
10 warning” requirements of Proposition 65.

11           37. DEFENDANTS failed to provide a “clear and reasonable warning” to consumers and  
12 other individuals in California exposed to Lead and/or DEHP through dermal contact and/or ingestion  
13 during their reasonably foreseeable and intended use of the PRODUCTS. Defendants continue to fail  
14 to provide such warning.

15           38. Contrary to the express policy and statutory prohibition of Proposition 65, consumers  
16 are exposed to Lead and/or DEHP through dermal contact and ingestion during their use of  
17 PRODUCTS DEFENDANTS sold, sell and offer for sale without a “clear and reasonable warning.”  
18 Such consumers and other individuals in California suffer irreparable harms for which they have no  
19 plain, speedy, or adequate remedy at law.

20           39. DEFENDANTS manufacture, import, distribute, sell, and offer the PRODUCTS for sale  
21 or use in violation of Health and Safety Code § 25249.6. DEFENDANTS’ violations continue beyond  
22 their receipt of KASB’s Notices. As such, DEFENDANTS’ violations are ongoing and continuous in  
23 nature and, unless enjoined, will continue in the future.

24           40. Pursuant to Health and Safety Code § 25249.7(b), and as a consequence their acts and  
25 omissions, DEFENDANTS, and each of them, are liable for a maximum civil penalty of \$2,500 per  
26 violation.

27           41. As a consequence of DEFENDANTS’ acts and omissions, Health and Safety Code  
28 § 25249.7(a) specifically authorizes the Court to grant the relief prayed for herein.

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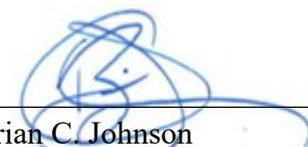
**PRAYER FOR RELIEF**

Wherefore, KASB 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 regarding the presence of, and the harms associated with, exposures to Lead and/or DEHP;
2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary and permanent injunctions mandating DEFENDANTS recall PRODUCTS intended for sale in or into California that do not bear a clear and reasonable warning;
3. That the Court assess civil penalties against DEFENDANTS, and each of them, in the amount of \$2,500 per violation, according to proof at trial;
4. That the Court award plaintiff its reasonable attorneys’ fees and costs of suit; and
5. That the Court grant such further relief as it deems just and equitable.

Dated: February 26, 2026

Respectfully submitted,  
SEVEN HILLS LLP

By:   
Brian C. Johnson  
Attorneys for Plaintiff  
KEEP AMERICA SAFE AND  
BEAUTIFUL