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ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

03/19/2026
Clerk of the Court
BY: SHENEQUA GLADNEY
Deputy Clerk

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN FRANCISCO - UNLIMITED CIVIL JURISDICTION

13 **CGC-26-635024**

14 KEEP AMERICA SAFE AND BEAUTIFUL,

15 Plaintiff,

16 v.

17 RÖSLE USA CORP.; and DOES 1-30,
18 inclusive,

19 Defendants.

Case No.

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

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

20 Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB” or “Plaintiff”), acting in the
21 public interest, alleges a cause of action against defendant RÖSLE USA CORP., and DOES 1-30
22 (“Defendant”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

23 **INTRODUCTION AND NATURE OF THE ACTION**

24 1. KASB brings this representative action in the public interest on behalf of the citizens of
25 the State of California. By this action, KASB seeks to enforce the People’s right to be informed of the
26 health hazards caused by exposures to Lead, a heavy metal found in and on Barbeque Scrapers with
27 Brass Components manufactured, imported, distributed, sold and offered for sale by Defendant in the
28 State of California.

2. By this Complaint, plaintiff seeks to remedy Defendants’ failure to warn individuals not
covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“consumers”)
exposed to substances known to cause birth defects or other reproductive harm through exposures to
Lead when they purchase, use and handle Defendants’ Barbeque Scrapers with Brass Components.

1 statute under which this action is brought does not specify any other basis of subject matter
2 jurisdiction.

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

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

16 **REGULATORY BACKGROUND AND LAW**

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

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

26 19. Exposing consumers to hazardous chemicals means to cause consumers to ingest, inhale,
27 contact via body surfaces or otherwise come into contact with a listed chemical. California Code of
28 Regulations (“Cal. Code Regs.”) Title 27, § 25102(i). An exposure to a hazardous chemical is

1 defined as one that “results from a person’s acquisition, purchase, storage, consumption or other
2 reasonably foreseeable use of a product...” Cal. Code Regs. Tit. 27, § 25600(h).

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

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

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

14 **STATEMENT OF FACTS**

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

17 24. DEFENDANTS’ PRODUCTS expose consumers and end-users in California to Lead at
18 levels requiring a warning under Proposition 65 when they touch, handle or otherwise contact the
19 PRODUCTS during reasonably foreseeable and intended use.

20 25. On January 7, 2026, KASB served a 60-Day Notice of Violation (“Notice”), together
21 with the required certificate of merit, on RÖSLE, the Office of the Attorney General, and all requisite
22 public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of the PRODUCTS,
23 consumers and end-users in California were, and are, exposed to Lead without first receiving the
24 “clear and reasonable warning” required by Proposition 65.

25 26. After receiving plaintiff’s Notice, no public enforcement agency has commenced or is
26 diligently prosecuting a cause of action against DEFENDANTS to enforce the alleged violations of
27 Proposition 65 that are the subject of the Notices.

28

1 **FIRST CAUSE OF ACTION**

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

3 27. KASB realleges and incorporates by reference, as if fully stated herein, the allegations
4 set forth in Paragraphs 1 through 26, inclusive.

5 28. DEFENDANTS' PRODUCTS contain Lead in levels requiring a clear and reasonable
6 warning under Proposition 65.

7 29. DEFENDANTS know or should have known their PRODUCTS contain Lead. As a
8 result of plaintiff's Notices, DEFENDANTS now possess actual knowledge of the presence of Lead
9 in their PRODUCTS.

10 30. DEFENDANTS' PRODUCTS expose consumers, end-users, and other individuals in
11 California to Lead through dermal contact and ingestion during the reasonably foreseeable and
12 intended use of the PRODUCTS.

13 31. The normal and reasonably foreseeable use of the PRODUCTS causes exposures to
14 Lead.

15 32. DEFENDANTS know the normal and reasonably foreseeable use of the PRODUCTS
16 exposes consumers, end-users, and other individuals to Lead through dermal contact and/or ingestion.

17 33. DEFENDANTS intend to expose consumers, end-users, and other individuals in
18 California to Lead during their reasonably foreseeable and intended use of the PRODUCTS. Such
19 exposures to Lead occur through DEFENDANTS deliberate and non-accidental participation in the
20 California market.

21 34. The exposures to Lead caused by DEFENDANTS and endured by consumers and other
22 individuals in California are not exempt from the "clear and reasonable warning" requirements of
23 Proposition 65.

24 35. DEFENDANTS failed to provide a "clear and reasonable warning" to consumers and
25 other individuals in California exposed to Lead through dermal contact and/or ingestion during their
26 reasonably foreseeable and intended use of the PRODUCTS. Defendants continue to fail to provide
27 such warning.

28 36. Contrary to the express policy and statutory prohibition of Proposition 65, consumers

1 are exposed to Lead through dermal contact and ingestion during their use of PRODUCTS
2 DEFENDANTS sold, sell and offer for sale without a “clear and reasonable warning.” Such
3 consumers and other individuals in California suffer irreparable harms for which they have no plain,
4 speedy, or adequate remedy at law.

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

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

12 39. As a consequence of DEFENDANTS’ acts and omissions, Health and Safety Code
13 § 25249.7(a) specifically authorizes the Court to grant the relief prayed for herein.

14 **PRAYER FOR RELIEF**

15 Wherefore, KASB prays for relief and judgment against DEFENDANTS, and each of them,
16 as follows:

- 17 1. That the Court, pursuant to Health and Safety Code § 25249.7(a), preliminarily and
18 permanently enjoin DEFENDANTS from manufacturing, distributing, importing, marketing or
19 otherwise offering the PRODUCTS for sale or use in California without first providing a “clear and
20 reasonable warning” to consumers regarding the presence of, and the harms associated with,
21 exposures to Lead;
- 22 2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary and
23 permanent injunctions mandating DEFENDANTS recall PRODUCTS intended for sale in or into
24 California that do not bear a clear and reasonable warning;
- 25 3. That the Court assess civil penalties against DEFENDANTS, and each of them, in the
26 amount of \$2,500 per violation, according to proof at trial;
- 27 4. That the Court award plaintiff its reasonable attorneys’ fees and costs of suit; and
- 28 5. That the Court grant such further relief as it deems just and equitable.

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Dated: March 19, 2026

Respectfully submitted,
SEVEN HILLS LLP

By: 
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Attorneys for Plaintiff
KEEP AMERICA SAFE AND
BEAUTIFUL