

1 Brian C. Johnson, SBN 235965
2 Rebecca M. Jackson, SBN 221583
3 SEVEN HILLS LLP
4 1 Embarcadero Center, Suite 1200
5 San Francisco, CA 94111
6 Telephone: (415) 926-7247
7 brian@sevenhillslp.com
8 rebecca@sevenhillslp.com

9 Attorneys for Plaintiff
10 BLUE SKY FOREVER

ELECTRONICALLY FILED
Superior Court of California
County of Marin
04/24/2026

James M. Kim, Clerk of the Court
By: C. St. Clair, Deputy

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

13 BLUE SKY FOREVER,

14 Plaintiff,

15 v.

16 SPECIALTY AUTO PARTS U.S.A., INC.;

17 and DOES 1-30, inclusive,

18 Defendants.

Case No. CV0009898

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

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

19 Plaintiff BLUE SKY FOREVER (“BSF” or “Plaintiff”), acting in the public interest, alleges a
20 cause of action against defendants SPECIALTY AUTO PARTS U.S.A., INC. and DOES 1-30
21 (“Defendants”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

INTRODUCTION AND NATURE OF THE ACTION

22 1. BSF brings this representative action in the public interest on behalf of the citizens of
23 the State of California. By this action, BSF seeks to enforce the People’s right to be informed of the
24 health hazards caused by exposures to Lead, a heavy metal found in and on the oil pressure testers
25 with brass components manufactured, imported, distributed, sold and offered for sale by Defendants
26 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' oil pressure testers with brass components.

3 3. Detectable levels of Lead are found in and on the oil pressure testers with brass
4 components Defendants manufacture, import, sell and distribute for sale in 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 and end-users in California to
8 chemicals known to the State to cause cancer, birth defects or other reproductive harm, without first
9 providing a "clear and reasonable warning" regarding the presence of these chemicals in Defendants'
10 products and the harms associated with exposures to such chemicals.

11 5. Defendants manufacture, distribute, import, sell, and offer for sale, in and into
12 California oil pressure testers with brass components ("PRODUCTS") containing Lead, without
13 providing a warning regarding the presence of and the harms associated with exposures to Lead in
14 Defendants' PRODUCTS. Such PRODUCTS include, without limitation, the *Proform Oil Pressure*
15 *Tester, Part No. 67405, UPC 0 37995 51405 2*. Defendants' violations subject them to civil
16 penalties, enjoinder, preliminary and permanent injunctive relief. Health & Safety Code
17 § 25249.7(a) and (b).

18 **PARTIES**

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

25 7. At all relevant times, defendant SPECIALTY AUTO PARTS U.S.A., INC.
26 ("SPECIALTY AUTO") operates as a "person in the course of doing business" with ten (10) or more
27
28

1 employees within the meaning of and as defined by Health and Safety Code §§ 25249.6 and
2 25249.11.

3 8. SPECIALTY AUTO manufactures, imports, distributes, sells, and offers the
4 PRODUCTS for sale or use in California, or implies by its conduct that it manufactures, imports,
5 distributes, sells, and/or offers the PRODUCTS for sale or use to consumers and other individuals in
6 California.

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

12 10. Doe Defendants 11-20 (“DISTRIBUTOR DEFENDANTS”) are each a person in the
13 course of doing business within the meaning of Health and Safety Code §§ 25249.6 and 25249.11.
14 DISTRIBUTOR DEFENDANTS, and each of them, distribute, transfer, and transport the
15 PRODUCTS sold and offered for sale to consumers and other individuals in California, or they each
16 imply by their conduct they distribute, transfer, and transport one or more of the PRODUCTS to
17 individuals, businesses, and retailers for sale or use in California.

18 11. Doe Defendants 21-30 (“RETAILER DEFENDANTS”) are each a person in the course
19 of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6 and
20 25249.11. RETAILER DEFENDANTS, and each of them, offer the PRODUCTS for sale to
21 consumers and other individuals in California.

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

27

28

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

3 18. 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 19. 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 20. 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 21. 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 22. 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 **STATEMENT OF FACTS**

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

1 1. That the Court, pursuant to Health and Safety Code § 25249.7(a), preliminarily and
2 permanently enjoin DEFENDANTS from manufacturing, distributing, importing, marketing or
3 otherwise offering the PRODUCTS for sale or use in California without first providing a “clear and
4 reasonable warning” to consumers regarding the presence of, and the harms associated with,
5 exposures to Lead;

6 2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary and
7 permanent injunctions mandating DEFENDANTS recall PRODUCTS intended for sale in or into
8 California that do not bear a clear and reasonable warning;

9 3. That the Court assess civil penalties against DEFENDANTS, and each of them, in the
10 amount of \$2,500 per violation, according to proof at trial;

11 4. That the Court award plaintiff its reasonable attorneys’ fees and costs of suit; and

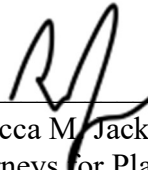
12 5. That the Court grant such further relief as it deems just and equitable.

13
14 Dated: April 24, 2026

Respectfully submitted,

SEVEN HILLS LLP

15
16
17 By: _____


Rebecca M. Jackson
Attorneys for Plaintiff
BLUE SKY FOREVER