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Clerk of Court
Superior Court of CA,
County of Santa Clara
26CV491236
Reviewed By: T. Flores

6 Attorneys for Plaintiff
7 KEEP AMERICA SAFE AND BEAUTIFUL

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9
10 COUNTY OF SANTA CLARA - UNLIMITED CIVIL JURISDICTION

11 KEEP AMERICA SAFE AND BEAUTIFUL,

12 Plaintiff,

13 v.

14 CACTUS MAT MFG. CO.; and DOES 1-30,
15 inclusive,

16 Defendants.
17

Case No. 26CV491236

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

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

18
19 Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB” or “Plaintiff”), acting in the
20 public interest, alleges a cause of action against defendants CACTUS MAT MFG. CO. and DOES 1-
21 30 (“Defendants”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

22 **INTRODUCTION AND NATURE OF THE ACTION**

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

1 7. At all relevant times, defendant CACTUS MAT MFG. CO. (“CACTUS”) operates as a
2 “person in the course of doing business” with ten (10) or more employees within the meaning of and
3 as defined by Health and Safety Code §§ 25249.6 and 25249.11(b).

4 8. CACTUS manufactures, imports, distributes, sells, and offers the PRODUCTS for sale
5 or use in California, or implies by its conduct that it manufactures, imports, distributes, sells, and/or
6 offers the PRODUCTS for sale or use to consumers in 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 each imply by their conduct that they do so, for one or more of the
11 PRODUCTS sold and/or offered for sale or use to consumers 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 in California, or each imply by their conduct that
16 they do so, one or more PRODUCTS to individuals, businesses, and retailers for sale or use in
17 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 in California.

22 12. At this time, the true names of Defendants DOES 1 through 30, inclusive, are unknown
23 to KASB, who therefore, sues these Doe Defendants by their fictitious names, pursuant to Code of
24 Civil Procedure § 474. Each of the fictitiously named Defendants is responsible in some manner for
25 the acts and occurrences alleged herein and the violations and harms caused thereby. When
26 ascertained, KASB will identify these Doe Defendants by their true names in an amendment to this
27 amended Complaint.
28

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

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

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

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

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

21 **STATEMENT OF FACTS**

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

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

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

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

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

5
6 Dated: April 7, 2026

Respectfully submitted,

7 SEVEN HILLS LLP

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9 By: _____


Brian C. Johnson

Attorneys for Plaintiff

KEEP AMERICA SAFE AND BEAUTIFUL