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ELECTRONICALLY FILED
Superior Court of California
County of Marin
05/18/2026

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 KEEP AMERICA SAFE AND BEAUTIFUL,
14 Plaintiff,
15 v.
16 FERREE'S TOOLS, INC.; and DOES 1-30,
17 inclusive,
18 Defendants.

Case No. CV0010135

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

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

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

INTRODUCTION AND NATURE OF THE ACTION

22 1. KASB brings this representative action in the public interest on behalf of the citizens of
23 the State of California. By this action, KASB 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 Brass Solder Rods
25 manufactured, imported, distributed, sold and offered for sale by Defendant in the State of California.

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

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 Marin, pursuant to Code of
11 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 Marin County, and/or because DEFENDANTS
14 conducted, and continue to conduct, business in the County of Marin 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 14, 2026, KASB served a 60-Day Notice of Violation (“Notice”), together
21 with the required certificate of merit, on FERREE'S, the Office of the Attorney General, and all
22 requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of the
23 PRODUCTS, consumers and end-users in California were, and are, exposed to Lead without first
24 receiving the “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.

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

Dated: May 18, 2026

Respectfully submitted,
SEVEN HILLS LLP

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