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CGC-26-638755

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

9 EMA BELL, PRECILA BALABBO,

10 Plaintiffs,

11 vs.

12 URBAN OUTFITTERS, INC.,

13 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et
seq.)**

14 Plaintiffs Ema Bell (“Bell”) and Precila Balabbo (“Balabbo”) (collectively, “Plaintiffs” and
15 each a “Plaintiff”), by and through their attorneys, allege the following cause of action in the public
16 interest of the citizens of the State of California.

17 **BACKGROUND OF THE CASE**

18 1. Plaintiffs bring this representative action on behalf of all California citizens to
19 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
20 the Health and Safety Code § 25249.5 et seq (“Proposition 65”), which reads, in relevant part,
21 “[n]o person in the course of doing business shall knowingly and intentionally expose any
22 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
23 giving clear and reasonable warning to such individual ...”. Health & Safety Code § 25249.6.

24 2. This complaint is a representative action brought by Plaintiffs in the public interest
25 of the citizens of the State of California to enforce the People’s right to be informed of the health
26 hazards caused by exposure to lead, a toxic chemical found in exterior decorated ceramics,
27 including but not limited to (a) River Reflection knobs and (b) “All Spruced Up” mugs, distributed
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1 to defendant Urban Outfitters, Inc. (“Urban Outfitters” or “Defendant”) by Chaozhou Jiade
2 Industrial Co., Ltd. in California.

3 3. Lead is a harmful chemical known to the State of California to cause cancer and
4 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
5 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
6 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
7 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
8 cause birth defects or other reproductive harm.

9 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
10 within California or sell products therein to comply with Proposition 65 regulations. Included in
11 such regulations is the requirement that businesses must label any product containing a Proposition
12 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
13 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
14 chemical.

15 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
16 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
17 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
18 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
19 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
20 25249.7.

21 6. Plaintiffs allege that Defendant distributes and/or offers for sale in California,
22 without a requisite exposure warning, exterior decorated ceramics, including but not limited to (a)
23 River Reflection knobs and (b) “All Spruced Up” mugs, distributed to Defendant by Chaozhou
24 Jiade Industrial Co., Ltd. in California (collectively, the “Products” and each a “Product”) that
25 expose persons to lead when used for their intended purpose.

26 7. Defendant’s failure to warn consumers and other individuals in California of the
27 health hazards associated with exposure to lead in conjunction with the sale and/or distribution of
28

1 the Products is a violation of Proposition 65 and subjects Defendant to the enjoinder and civil
2 penalties described herein.

3 8. Plaintiffs seek civil penalties against Defendant for its violations of Proposition 65
4 in accordance with Health and Safety Code § 25249.7(b).

5 9. Plaintiffs also seek injunctive relief, preliminarily and permanently, requiring
6 Defendant to provide purchasers or users of the Products with required warnings related to the
7 dangers and health hazards associated with exposure to lead pursuant to Health and Safety Code §
8 25249.7(a).

9 10. Plaintiffs further seek a reasonable award of attorney's fees and costs.

10 **PARTIES**

11 11. Plaintiff Ema Bell is a citizen of the State of California acting in the interest of the
12 general public to promote awareness of exposures to toxic chemicals in products sold in California
13 and to improve human health by reducing hazardous substances contained in such items. She
14 brings this action in the public interest pursuant to Health and Safety Code § 25249.7(d).

15 12. Plaintiff Precila Balabbo is a citizen of the State of California acting in the interest
16 of the general public to promote awareness of exposures to toxic chemicals in products sold in
17 California and to improve human health by reducing hazardous substances contained in such items.
18 She brings this action in the public interest pursuant to Health and Safety Code § 25249.7(d).

19 13. Defendant Urban Outfitters, Inc., through its business, effectively imports,
20 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
21 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
22 State of California. Plaintiffs allege that defendant Urban Outfitters, Inc. is a "person" in the
23 course of doing business within the meaning of Health & Safety Code sections 25249.6 and
24 25249.11.

25 **VENUE AND JURISDICTION**

26 14. Venue is proper in the County of San Francisco because one or more of the
27 instances of wrongful conduct occurred, and continues to occur in this county and/or because
28 Defendant conducted, and continues to conduct, business in the County of San Francisco with

1 respect to the Products. Because the Products are distributed, marketed, and sold to consumers
2 throughout San Francisco County, the alleged Proposition 65 violations necessarily occurred here.
3 Upon information and belief, the Products are consistently in the stream of commerce and available
4 to consumers for purchase in the City and County of San Francisco.

5 15. This Court has jurisdiction over this action pursuant to California Constitution
6 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
7 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
8 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
9 jurisdiction over this lawsuit.

10 16. This Court has jurisdiction over Defendant because Defendant is either a citizen of
11 the State of California, has sufficient minimum contacts with the State of California, is registered
12 with the California Secretary of State as foreign corporations authorized to do business in the State
13 of California, and/or has otherwise purposefully availed itself of the California market. Such
14 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
15 permissible with traditional notions of fair play and substantial justice. Public policy further
16 supports this conclusion.

17 **STATUTORY BACKGROUND**

18 17. The people of the State of California declared in Proposition 65 their right “[t]o be
19 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
20 harm.” (Section 1(b) of Initiative Measure, Proposition 65.)

21 18. To effect this goal, Proposition 65 requires that individuals be provided with a
22 “clear and reasonable warning” before being exposed to substances listed by the State of California
23 as causing cancer and/or birth defects or other reproductive harm. H&S Code § 25249.6 states, in
24 pertinent part:

25 No person in the course of doing business shall knowingly and intentionally expose any
26 individual to a chemical known to the state to cause cancer or reproductive toxicity without
27 first giving clear and reasonable warning to such individual...

1 19. An exposure to a chemical in a consumer product is one “which results from a
2 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
3 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
4 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
5 shall provide a warning to any person to whom the product is sold or transferred unless the product
6 is packaged or labeled with a clear and reasonable warning.”

7 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
8 more of the following methods individually or in combination:¹

9 a. A warning that appears on a product’s label or other labeling.

10 b. Identification of the product at the retail outlet in a manner which provides
11 a warning. Identification may be through shelf labeling, signs, menus, or a combination
12 thereof.

13 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
14 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
15 with such conspicuousness, as compared with other words, statements, designs, or devices
16 in the label, labeling or display as to render it likely to be read and understood by an
17 ordinary individual under customary conditions of purchase or use.

18 d. A system of signs, public advertising identifying the system and toll-free
19 information services, or any other system that provides clear and reasonable warnings.

20 21. Proposition 65 provides that any “person who violates or threatens to violate” the
21 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
22 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
23 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
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25

26
27 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.* as amended on August 30,
2016, and operative on August 30, 2018.

1 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
2 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

3 **FACTUAL BACKGROUND**

4 22. On October 1, 1992, the state of California listed lead as a chemical known to cause
5 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
6 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
7 1987, the State of California listed lead as a chemical known to cause birth defects or other
8 reproductive harm. In summary, lead was listed under Proposition 65 as a chemical known to the
9 State to cause cancer and birth defects or other reproductive harm.

10 23. The exposures that are the subject of the Notices result from the purchase,
11 acquisition, handling and recommended use of the Products. The primary route of exposure to the
12 is through dermal absorption directly through the skin when consumers use, touch, or handle the
13 Products. Exposure through ingestion will occur by touching the Products with subsequent
14 touching of the user's hand to mouth. No clear and reasonable warning is provided with the
15 Products regarding the health hazards of exposure.

16 24. Defendant has manufactured, processed, marketed, distributed, offered to sell
17 and/or sold the Products in California since at least July 11, 2025 with respect to the River
18 Reflection knobs and since at least January 15, 2026 with respect to the "All Spruced Up" mugs.
19 Upon information and belief, the Products are consistently in the stream of commerce and available
20 to consumers for purchase in the City and County of San Francisco and the alleged Proposition 65
21 violations necessarily occurred here. The Products continue to be distributed, offered for sale
22 and/or sold in California without the requisite warning information.

23 25. At all times relevant to this action, Defendant has knowingly and intentionally
24 exposed users and/or consumers of the Products to lead without first giving a clear and reasonable
25 exposure warning to such individuals.

26 26. As a proximate result of acts by Defendant, as a person in the course of doing
27 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
28 California, including in San Francisco County, have been exposed to lead without a clear and

1 reasonable warning on the Products. The individuals subject to the violative exposures include
2 normal and foreseeable users and consumers that use the Products, as well as all others exposed to
3 the Products.

4 **SATISFACTION OF NOTICE REQUIREMENTS**

5 27. Plaintiffs purchased the Products from Defendant in California. At the time of
6 purchase, Defendant did not provide a Proposition 65 exposure warning for lead or any other
7 Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described
8 *supra*.

9 28. The Products were sent to a testing laboratory to determine if, and what amount of,
10 lead would migrate and/or leach from the Products.

11 29. The laboratory provided the results of its analysis. Results of these tests determined
12 the Products expose users to lead (collectively, the “Chemical Test Reports” and each a “Chemical
13 Test Report”).

14 30. Plaintiffs provided the Chemical Test Reports and Products to an analytical chemist
15 to determine if, based on the findings of the Chemical Test Reports and the reasonable and
16 foreseeable use of the Products, exposure to lead will occur at levels that require Proposition 65
17 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
18 Code of Regulations.

19 31. On July 11, 2025 (River Reflection knobs) and January 15, 2026 (“All Spruced Up”
20 mugs), Plaintiffs received from the analytical chemist exposure assessment reports which
21 concluded that persons in California who use the Products will be exposed to levels of lead that
22 require a Proposition 65 exposure warning.

23 32. On July 11, 2025, Bell gave notice of alleged violation of Health and Safety Code
24 § 25249.6 (the “First Notice”) to Defendant concerning the exposure of California citizens to lead
25 contained in the River Reflection knobs without proper warning, subject to a private action to
26 Defendant and to the California Attorney General’s office and the offices of the County District
27 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
28 the herein violations allegedly occurred.

1 33. On August 21, 2025, Bell gave additional notice of alleged violation of Health and
2 Safety Code § 25249.6 (the “Second Notice”) to Defendant concerning the exposure of California
3 citizens to lead contained in exterior decorated ceramics, including but not limited to River
4 Reflection knobs without proper warning, subject to a private action to Defendant and to the
5 California Attorney General’s office and the offices of the County District attorneys and City
6 Attorneys for each city with a population greater than 750,000 persons wherein the herein
7 violations allegedly occurred.

8 34. On January 15, 2026, Balabbo gave notice of alleged violation of Health and Safety
9 Code § 25249.6 (the “Third Notice”) to Defendant concerning the exposure of California citizens
10 to lead contained in the “All Spruced Up” mugs without proper warning, subject to a private action
11 to Defendant and to the California Attorney General’s office and the offices of the County District
12 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
13 the herein violations allegedly occurred.

14 35. Plaintiffs, based on their best information and belief, aver that at all relevant times
15 herein, and since at least July 11, 2025, continuing until the present, that Defendant has continued
16 to knowingly and intentionally expose California users and consumers of the Products to lead
17 without providing required warnings under Proposition 65.

18 36. On February 10, 2026, Balabbo gave additional notice of alleged violation of
19 Health and Safety Code § 25249.6 (the “Fourth Notice”) to Defendant concerning the exposure of
20 California citizens to lead contained in exterior decorated ceramics, including but not limited to
21 “All Spruced Up” mugs without proper warning, subject to a private action to Defendant and to
22 the California Attorney General’s office and the offices of the County District attorneys and City
23 Attorneys for each city with a population greater than 750,000 persons wherein the herein
24 violations allegedly occurred².

25
26
27 ² The First Notice, Second Notice, Third Notice and Fourth Notice are collectively referred to
28 herein as, the “Notices.”

1 37. The Notices complied with all procedural requirements of Proposition 65 including
2 the attachment of a Certificate of Merit affirming that Plaintiffs’ counsel had consulted with at
3 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead
4 exposure, and that counsel believed there was meritorious and reasonable cause for a private
5 action.

6 38. After receiving the Notices, and to Plaintiffs’ best information and belief, none of
7 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
8 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
9 the subject of the Notices.

10 39. Plaintiffs are commencing this action more than sixty (60) days from the date of
11 each Notice to Defendant, as required by law.

12 **FIRST CAUSE OF ACTION**

13 **(By Plaintiffs against Defendant for the Violation of Proposition 65)**

14 40. Plaintiffs hereby repeat and incorporate by reference paragraphs 1 through 39 of
15 this Complaint as though fully set forth herein.

16 41. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of
17 the Products.

18 42. Use of the Products will expose users to lead, a hazardous chemical found on the
19 Proposition 65 list of chemicals known to be hazardous to human health.

20 43. The Products do not comply with the Proposition 65 warning requirements.

21 44. Plaintiffs, based on their best information and belief, avers that at all relevant times
22 herein, and since at least July 11, 2025 with respect to the River Reflection knobs and since at least
23 January 15, 2026 with respect to the “All Spruced Up” mugs, continuing until the present, that
24 Defendant has continued to knowingly and intentionally expose California users and consumers
25 of the Products to lead without providing required warnings under Proposition 65.

26 45. The exposures that are the subject of the Notices result from the purchase,
27 acquisition, handling and recommended use of the Products. The primary route of exposure to the
28 is through dermal absorption directly through the skin when consumers use, touch, or handle the

1 Products. Exposure through ingestion will occur by touching the Products with subsequent
2 touching of the user's hand to mouth. No clear and reasonable warning is provided with the
3 Products regarding the health hazards of exposure.

4 46. Plaintiffs, based on their best information and belief, aver that such exposures will
5 continue every day until clear and reasonable warnings are provided to purchasers and users or
6 until this known toxic chemical is removed from the Products.

7 47. Defendant has knowledge that the normal and reasonably foreseeable use of the
8 Products exposes individuals to lead, and Defendant intends that exposures to lead will occur by
9 its deliberate, non-accidental participation in the importation, distribution, sale and offering of the
10 Products to consumers in California

11 48. Plaintiffs have engaged in good faith efforts to resolve the herein claims prior to
12 this Complaint.

13 49. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
14 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

15 50. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
16 authorized to grant injunctive relief in favor of Plaintiffs and against Defendant.

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiffs demand judgment against Defendant and requests the following
3 relief:

4 A. That the court assess civil penalties against Defendant in the amount of \$2,500 per
5 day for each violation for up to 365 days (up to a maximum civil penalty amount per
6 violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);

7 B. That the court preliminarily and permanently enjoin Defendant mandating
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiffs reasonable attorney's fees and costs of suit, in the
10 amount of \$50,000.00.

11 D. That the court grant any further relief as may be just and proper.

12 Dated: July 6, 2026

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