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ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**04/23/2026**  
Clerk of the Court  
BY: AUSTIN LAM  
Deputy Clerk

**CGC-26-636251**

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN FRANCISCO

11 GABRIEL ESPINOZA,

12 Plaintiff,

13 vs.

14 TRACTOR SUPPLY COMPANY,

15 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND  
INJUNCTIVE RELIEF**

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

16 Plaintiff Gabriel Espinoza (“Plaintiff”), by and through his attorneys, alleges the following  
17 cause of action in the public interest of the citizens of the State of California.

18 **BACKGROUND OF THE CASE**

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

25 2. This complaint is a representative action brought by Plaintiff in the public interest  
26 of the citizens of the State of California to enforce the People’s right to be informed of the health  
27 hazards caused by exposure to chromium (hexavalent compounds) (“chromium (VI)” or “CrVI”),  
28 a toxic chemical found in Yes Welder leather gloves and gloves with leather components sold

1 and/or distributed by defendant Tractor Supply Company (“Tractor Supply” or “Defendant”) in  
2 California.

3 3. Chromium (VI) is a harmful chemical known to the State of California to cause  
4 cancer and birth defects or other reproductive harm. On February 27, 1987, the State of California  
5 listed chromium (VI) as a chemical known to the State to cause cancer and it has come under the  
6 purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health  
7 & Safety Code §§ 25249.8 & 25249.10(b). On December 19, 2008, the State of California listed  
8 chromium (VI) as a chemical known to 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. Plaintiff alleges that Defendant distributes and/or offers for sale in California,  
22 without a requisite exposure warning, Yes Welder leather gloves and gloves with leather  
23 components (the “Products”) that expose persons to chromium (VI) when used for their intended  
24 purpose.

25 7. Defendant’s failure to warn consumers and other individuals in California of the  
26 health hazards associated with exposure to chromium (VI) in conjunction with the sale and/or  
27 distribution of the Products is a violation of Proposition 65 and subjects Defendant to the  
28 enjoinder and civil penalties described herein.

1 8. Plaintiff seeks civil penalties against Defendant for its violations of Proposition 65  
2 in accordance with Health and Safety Code § 25249.7(b).

3 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring  
4 Defendant to provide purchasers or users of the Products with required warnings related to the  
5 dangers and health hazards associated with exposure to chromium (VI) pursuant to Health and  
6 Safety Code § 25249.7(a).

7 10. Plaintiff further seeks a reasonable award of attorney's fees and costs.

8 **PARTIES**

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

13 12. Defendant Tractor Supply Company, through its business, effectively imports,  
14 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies  
15 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the  
16 State of California.

17 13. Plaintiff alleges that defendant Tractor Supply Company is a "person" in the course  
18 of doing business within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

19 **VENUE AND JURISDICTION**

20 14. Venue is proper in the County of San Francisco because one or more of the  
21 instances of wrongful conduct occurred and continue to occur in this county and/or because  
22 Defendant conducted, and continues to conduct, business in the County of San Francisco with  
23 respect to the Products. The Products are distributed, marketed, and sold to consumers throughout  
24 San Francisco County, and the alleged Proposition 65 violations necessarily occurred here. Upon  
25 information and belief, the Products are consistently in the stream of commerce and available to  
26 consumers for purchase in the City and County of San Francisco.

27 15. This Court has jurisdiction over this action pursuant to California Constitution  
28 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those

1 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement  
2 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has  
3 jurisdiction over this lawsuit.

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

#### 11 STATUTORY BACKGROUND

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

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

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

22 19. An exposure to a chemical in a consumer product is one “which results from a  
23 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a  
24 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §  
25 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...  
26 shall provide a warning to any person to whom the product is sold or transferred unless the product  
27 is packaged or labeled with a clear and reasonable warning.”  
28

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

3           a. A warning that appears on a product's label or other labeling.

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

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

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

14           21. Proposition 65 provides that any "person who violates or threatens to violate" the  
15 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase  
16 "threaten to violate" is defined to mean creating "a condition in which there is a substantial  
17 probability that a violation will occur." (H&S Code § 25249.11(e).) Violators are liable for civil  
18 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to  
19 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

20           22. Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(e), a retail seller is responsible for  
21 providing the warning required by § 25249.6 of the Act for a consumer product exposure when  
22 one or more of the following circumstances exist: (a) the retailer seller is selling the product under  
23 a brand or trademark that is owned or licensed by the retail seller or an affiliated entity; (b) the  
24 retailer seller has knowingly introduced a listed chemical into the product, or knowingly caused  
25

26 \_\_\_\_\_  
27 <sup>1</sup> 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 the listed chemical to be created in the product; (c) the retail seller has covered, obscured or altered  
2 a warning label that has been affixed to the product pursuant to § 25600.2(b); (d) the retail seller  
3 has received a notice and warning materials for the exposure pursuant to § 25600.2(b)-(c) and the  
4 retail seller has sold the product without conspicuously posting or displaying the warning; or (e)  
5 the retailer seller has actual knowledge of the potential consumer product exposure requiring the  
6 warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the  
7 product who: (i) is a “person in the course of doing business under § 25249.11(b) of the Act, and  
8 (ii) has designated an agent for service of process in California, or has a place of business in  
9 California.

### 10 **FACTUAL BACKGROUND**

11 23. On February 27, 1987, the State of California listed chromium (VI) as a chemical  
12 known to the State to cause cancer and it has come under the purview of Proposition 65 regulations  
13 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &  
14 25249.10(b). On December 19, 2008, the State of California listed chromium (VI) as a chemical  
15 known to cause birth defects or other reproductive harm. In summary, chromium (VI) was listed  
16 under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other  
17 reproductive harm.

18 24. On October 8, 2025, Plaintiff purchased the Product from Defendant. At the time  
19 of the purchase, Defendant did not provide a clear and reasonable exposure warning pursuant to  
20 Cal. Code Regs. Tit. 27, § 25602.

21 25. On January 23, 2026, Plaintiff served notice of alleged violation of Health and  
22 Safety Code § 25249.6 (the “Notice”) to Defendant concerning the exposure of California citizens  
23 to CrVI from use of the Products without proper warning, subject to a private action to Defendant  
24 and to the California Attorney General’s office and the offices of the County District attorneys and  
25 City Attorneys for each city with a population greater than 750,000 persons wherein the herein  
26 violations allegedly occurred. The exposures that are the subject of the Notice result from the  
27 purchase, acquisition, handling and recommended use of the Products. Increased duration of  
28 contact with the Products, natural aging of the Products, temperature, light exposure, and contact

1 of the Products with oxidizing agents and alkaline solutions will result in increased conversion of  
2 chromium (III) to chromium (VI) in the Products and thus increased dermal exposure to chromium  
3 (VI). Direct mouthing of the Products and indirect hand to mouth exposure to chromium (VI) will  
4 occur by touching the Products with subsequent touching of the user's hand to mouth.

5 26. Defendant has actual knowledge that sales of the Product in California will result  
6 in an actionable consumer product exposure pursuant to Cal. Health & Safety Code § 25249.5 et  
7 seq.

8 27. Defendant has sold the Product under a brand or trademark that is owned or licensed  
9 by Defendant or an affiliated entity; and/or Defendant has knowingly introduced CrVI into the  
10 Product, or knowingly caused CrVI to be created in the Product; and/or Defendant has covered,  
11 obscured or altered a warning label that has been affixed to the Product pursuant to § 25600.2(b);  
12 and/or Defendant has received a notice and warning materials for the exposure pursuant to §  
13 25600.2(b)-(c) and Defendant has sold the product without conspicuously posting or displaying  
14 the warning; and/or Defendant has actual knowledge of the potential consumer product exposure  
15 requiring the warning, and there is no manufacturer, producer, packager, importer, supplier, or  
16 distributor of the Product who: (i) is a "person in the course of doing business under § 25249.11(b)  
17 of the Act, and (ii) has designated an agent for service of process in California, or has a place of  
18 business in California.

19 28. At all times relevant to this action, Defendant has knowingly and intentionally  
20 exposed users of the Products to CrVI without first giving a clear and reasonable exposure warning  
21 to such individuals. More than five business days after receipt of the Notice of Violation,  
22 Defendant continued to distribute, sell, and/or offer to and sell in California without the requisite  
23 warning information.

24 29. On February 10, 2026, Plaintiff purchased the Product a second time from  
25 Defendant. At the time of the purchase, Defendant did not provide a clear and reasonable exposure  
26 warning pursuant to Cal. Code Regs. Tit. 27, § 25602.

27 30. As a proximate result of acts by Defendant, as a person in the course of doing  
28 business within the meaning of H&S Code § 25249.11, individuals throughout the State of

1 California, including in San Francisco County, have been exposed to chromium (VI) without a  
2 clear and reasonable warning on the Products. The individuals subject to the violative exposures  
3 include normal and foreseeable users, consumers and patients that use the Products, as well as all  
4 others exposed to the Products.

5 **SATISFACTION OF NOTICE REQUIREMENTS**

6 31. On October 8, 2025, Plaintiff purchased the Product from Defendant. At the time  
7 of purchase, Defendant did not provide a Proposition 65 exposure warning for chromium (VI) or  
8 any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as  
9 described *supra*.

10 32. On December 19, 2025, the Product was sent to a testing laboratory to determine  
11 the chromium (VI) content of the Products.

12 33. On January 6, 2026, the laboratory provided the results of its analysis. Results of  
13 this test determined the Product exposes users to chromium (VI) (the “Chemical Test Report”).

14 34. Plaintiff provided the Chemical Test Report and Product to an analytical chemist  
15 to determine if, based on the findings of the Chemical Test Report and the reasonable and  
16 foreseeable use of the Product, exposure to chromium (VI) will occur at levels that require  
17 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of  
18 the California Code of Regulations.

19 35. On January 23, 2026, Plaintiff received from the analytical chemist an exposure  
20 assessment report which concluded that persons in California who use the Products will be exposed  
21 to levels of chromium (VI) that require a Proposition 65 exposure warning.

22 36. On January 23, 2026, Plaintiff gave notice of alleged violation of Health and Safety  
23 Code § 25249.6 (the “Notice”) to Defendant concerning the exposure of California citizens to  
24 chromium (VI) contained in the Products without proper warning, subject to a private action to  
25 Defendant and to the California Attorney General’s office and the offices of the County District  
26 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein  
27 the herein violations allegedly occurred.



1           45. Plaintiff, based on his best information and belief, avers that at all relevant times  
2 herein, and at least since January 23, 2026, continuing until the present, that Defendant has  
3 continued to knowingly and intentionally expose California users and consumers of the Products  
4 to chromium (VI) without providing required warnings under Proposition 65.

5           46. Defendant continues to sell the Product under a brand or trademark that is owned  
6 or licensed by Defendant or an affiliated entity; and/or Defendant has knowingly introduced CrVI  
7 into the Product, or knowingly caused CrVI to be created in the Product; and/or Defendant has  
8 covered, obscured or altered a warning label that has been affixed to the Product pursuant to §  
9 25600.2(b); and/or Defendant has received a notice and warning materials for the exposure  
10 pursuant to § 25600.2(b)-(c) and Defendant has sold the product without conspicuously posting or  
11 displaying the warning; and/or Defendant has actual knowledge of the potential consumer product  
12 exposure requiring the warning, and there is no manufacturer, producer, packager, importer,  
13 supplier, or distributor of the Product who: (i) is a “person in the course of doing business under §  
14 25249.11(b) of the Act, and (ii) has designated an agent for service of process in California, or has  
15 a place of business in California.

16           47. On February 10, 2026, more than five business days after Defendant received the  
17 Notice, Plaintiff purchased the Product from Defendant. At the time of purchase, Defendant did  
18 not provide a Proposition 65 compliant exposure warning.

19           48. The exposures that are the subject of the Notice result from the purchase,  
20 acquisition, handling and recommended use of the Products. Consequently, the primary route of  
21 exposure to these chemicals is through dermal exposure. Increased duration of contact with the  
22 Products, natural aging of the Products, temperature, light exposure, and contact of the Products  
23 with oxidizing agents and alkaline solutions will result in increased conversion of chromium (III)  
24 to chromium (VI) in the Products and thus increased dermal exposure to chromium (VI). Direct  
25 mouthing of the Products and indirect hand to mouth exposure to chromium (VI) will occur by  
26 touching the Products with subsequent touching of the user’s hand to mouth.

1           49. Plaintiff, based on his best information and belief, avers that such exposures will  
2 continue every day until clear and reasonable warnings are provided to purchasers and users or  
3 until this known toxic chemical is removed from the Products.

4           50. Defendant has knowledge that the normal and reasonably foreseeable use of the  
5 Product exposes individuals to chromium (VI), and Defendant intends those exposures to  
6 chromium (VI) will occur by its deliberate, non-accidental participation in the importation,  
7 distribution, sale and offering of the Products to consumers in California

8           51. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this  
9 Complaint.

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

12           53. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically  
13 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.

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1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands 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 Plaintiff 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: April 23, 2026

BRODSKY SMITH

13 By: \_\_\_\_\_

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