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KEEP AMERICA SAFE AND BEAUTIFUL

ELECTRONICALLY
FILED

Superior Court of California,
County of San Francisco

07/17/2026
Clerk of the Court
BY: JAMES FORONDA
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO - UNLIMITED CIVIL JURISDICTION

KEEP AMERICA SAFE AND BEAUTIFUL,

Plaintiff,

v.

AXALTA COATING SYSTEMS, LLC; and
DOES 1-30, inclusive,

Defendants.

Case No. **CGC-26-638983**

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

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

Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB” or “Plaintiff”), acting in the public interest, alleges a cause of action against defendants AXALTA COATING SYSTEMS, LLC; and DOES 1-30 (“Defendants”) for their alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

INTRODUCTION AND NATURE OF THE ACTION

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

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

3. Detectable levels of Lead are found in and on the spray guns with brass components Defendants manufacture, import, sell and distribute for sale in California.

4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code § 25249.6 *et seq.* (“Proposition 65”), it is unlawful for a person in the course of doing business to knowingly and intentionally expose consumers and end-users in California to chemicals known to the State to cause cancer, birth defects or other reproductive harm, without first providing a “clear and reasonable warning” regarding the presence of these chemicals in Defendants’ products and the harms associated with exposures to such chemicals.

5. Defendants manufacture, distribute, import, sell, and offer for sale, in and into California, spray guns with brass components containing Lead, including, but not limited to, the *Undercoat Spray Gun Deluxe Item No: MD-5050MPN UPC: 728044195482* (“PRODUCTS”), and Defendants do so without providing a warning regarding the presence of and the harms associated with exposures to Lead. Defendants’ violations subject them to civil penalties, enjoinder, preliminary and permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b).

PARTIES

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

7. At all relevant times, defendant AXALTA COATING SYSTEMS, LLC

1 (“AXALTA”) operates as a “person in the course of doing business” with ten (10) or more
2 employees within the meaning of and as defined by Health and Safety Code §§ 25249.6 and
3 25249.11.

4 8. AXALTA manufactures, imports, distributes, sells, and offers the PRODUCTS for
5 sale or use, in and into California, or implies by its conduct that it manufactures, imports,
6 distributes, sells, and/or offers the PRODUCTS for sale or use to consumers in and into
7 California.

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

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

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

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

1 13. AXALTA, MANUFACTURER DEFENDANTS, DISTRIBUTOR
2 DEFENDANTS, and RETAILER DEFENDANTS shall be referred to collectively herein as the
3 “DEFENDANTS.”

4 **JURISDICTION AND VENUE**

5 14. This Court has jurisdiction pursuant to Health & Safety Code § 25249.7, which
6 allows enforcement by any court of competent jurisdiction. The Superior Courts of the State of
7 California have jurisdiction pursuant to California Constitution Article VI, section 10, which
8 grants the Superior Courts “original jurisdiction in all causes except those given by statute to
9 other trial courts.” The statute under which this action is brought does not specify any other basis
10 of subject matter jurisdiction.

11 15. This Court has jurisdiction over DEFENDANTS because DEFENDANTS, and
12 each of them are a person, firm, corporation or association that is a citizen of the State of
13 California, does sufficient business in California, has sufficient minimum contacts in California,
14 and/or otherwise purposefully and intentionally avail themselves of the California market
15 through their manufacture, importation, distribution, promotion, marketing and sale of
16 PRODUCTS in California. DEFENDANTS’ purposeful availment renders the exercise of
17 personal jurisdiction by this Court consistent with traditional notions of fair play and substantial
18 justice.

19 16. Venue is proper in the Superior Court for the County of San Francisco pursuant to
20 Code of Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent
21 jurisdiction, because KASB seeks civil penalties against DEFENDANTS, because one or more
22 instances of wrongful conduct occurred, and continue to occur, in this county, and/or because
23 DEFENDANTS conducted, and continue to conduct, business in the County of San Francisco
24 with respect to the PRODUCTS.

25 **REGULATORY BACKGROUND AND LAW**

26 17. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986
27 and codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part,
28 “[n]o person in the course of doing business shall knowingly and intentionally expose any

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

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

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

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

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

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

STATEMENT OF FACTS

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

24. DEFENDANTS’ PRODUCTS expose consumers and end-users in California to Lead at levels requiring a warning under Proposition 65 when they touch, handle or otherwise

1 contact the PRODUCTS during reasonably foreseeable use.

2 25. On January 23, 2026, KASB served a 60-Day Notice of Violation (“Notice”),
3 together with the required certificate of merit, on AXALTA, the Office of the Attorney General,
4 and all requisite public enforcement agencies, alleging, as a result of DEFENDANTS’ sales of
5 the PRODUCTS, consumers in California were, and are, exposed to Lead without first receiving
6 the “clear and reasonable warning” required by Proposition 65.

7 26. After receiving plaintiff’s Notice, no public enforcement agency has commenced or
8 is diligently prosecuting a cause of action against DEFENDANTS to enforce the alleged
9 violations of Proposition 65 that are the subject of the Notice.

10 **FIRST CAUSE OF ACTION**

11 **(Violation of Proposition 65 - Against All DEFENDANTS)**

12 27. KASB realleges and incorporates by reference, as if fully stated herein, the
13 allegations set forth in Paragraphs 1 through 28, inclusive.

14 28. DEFENDANTS’ PRODUCTS contain Lead in levels requiring a clear and
15 reasonable warning under Proposition 65.

16 29. DEFENDANTS know or should have known their PRODUCTS contain Lead. As a
17 result of plaintiff’s Notice, DEFENDANTS now possess actual knowledge of the presence of
18 Lead in their PRODUCTS.

19 30. DEFENDANTS’ PRODUCTS expose consumers, end-users, and other individuals
20 in California to Lead through dermal contact and ingestion during the reasonably foreseeable of
21 the PRODUCTS.

22 31. The reasonably foreseeable use of the PRODUCTS causes exposures to Lead.

23 32. DEFENDANTS know the reasonably foreseeable use of the PRODUCTS exposes
24 consumers to Lead through dermal contact and/or ingestion.

25 33. DEFENDANTS intend to expose consumers in California to Lead during their
26 reasonably foreseeable use of the PRODUCTS, because such exposures to Lead occur through
27 DEFENDANTS’ deliberate and non-accidental participation in the California market.
28

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

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

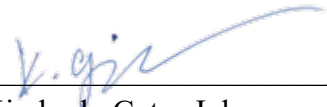
6 4. That the Court award plaintiff its reasonable attorneys' fees and costs of suit; and

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

8 Dated: July 17, 2026

Respectfully submitted,

SEVEN HILLS LLP

11 By: _____

12 Kimberly Gates Johnson

13 Attorneys for Plaintiff

14 KEEP AMERICA SAFE AND BEAUTIFUL