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**ELECTRONICALLY FILED**  
Superior Court of California  
County of Marin  
**06/05/2026**

James M. Kim, Clerk of the Court  
By: C. St. Clair, Deputy

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 FOR THE COUNTY OF MARIN – UNLIMITED CIVIL JURISDICTION

13 KEEP AMERICA SAFE AND BEAUTIFUL,  
14 Plaintiff,  
15 v.  
16 VISION WHEEL, INC.; and DOES 1-30,  
17 inclusive,  
18 Defendants.

Case No. CV0010308

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

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

19 Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“KASB”), acting in the public  
20 interest, alleges a cause of action against defendants VISION WHEEL, INC., and Doe Defendants  
21 Nos. 1-30 (“Defendants”) for their violations of Health & Safety Code § 25249.5, *et seq.*, as follows:

**INTRODUCTION AND NATURE OF THE ACTION**

22 1. KASB brings representative action in the public interest on behalf of the citizens of the  
23 State of California. By this action, KASB seeks to enforce the People’s right to be informed of the  
24 harms caused by exposures to di(2-ethylhexyl) phthalate (“DEHP”), a toxic chemical found in and on  
25 vinyl banners manufactured, imported, distributed, sold, and offered for sale by Defendants in the  
26 State of California.

27 2. By this Complaint, plaintiff seeks to remedy Defendants’ failure to warn individuals  
28 not covered by California’s Occupational Safety Health Act, Labor Code § 6300, *et seq.*  
 (“consumers”) exposed to substances known to the State of California to cause birth defects or other

1 reproductive harm through exposures to DEHP, when they purchase, use and handle Defendant’ vinyl  
2 banners.

3 3. Detectable levels of DEHP are found in and on the vinyl banners Defendants  
4 manufacture, import, sell and distribute for sale in California.

5 4. Pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at  
6 Health and Safety Code § 25249.5 *et seq.* (“Proposition 65”), it is unlawful for a person in the course  
7 of doing business to knowingly and intentionally expose consumers and end-users in California to  
8 chemicals known to cause cancer, birth defects or other reproductive harm, without first providing a  
9 “clear and reasonable warning” regarding the presence of these chemicals in Defendants’ products  
10 and the harms associated with exposures to such chemicals.

11 5. Defendants manufacture, distribute, import, sell, and offer for sale, in and into  
12 California vinyl banners (“PRODUCTS”) containing DEHP, without providing a clear and reasonable  
13 warning regarding the presence of and the harms associated with exposures to DEHP in Defendants’  
14 PRODUCTS. Such PRODUCTS include, without limitation the *Vision Wheel Banner 2X4*.  
15 Defendants’ violations subject them to civil penalties, enjoinder, preliminary and permanent  
16 injunctive relief. Health & Safety Code § 25249.7(a) and (b).

### 17 PARTIES

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

24 7. At all relevant times defendant, VISION WHEEL, INC. (“VISION WHEEL”),  
25 operates as a “person in the course of doing business” with ten (10) or more employees, within the  
26 meaning of and as defined by Health and Safety Code §§ 25249.6 and 25249.11.

27 8. VISION WHEEL manufactures, imports, distributes, sells, and/or offers the  
28 PRODUCTS for sale or use in California, or implies by its conduct that it manufactures, imports,

1 distributes, sells, and/or offers the PRODUCTS for sale or use to consumers in California.

2 9. Doe Defendants 1-10 (“MANUFACTURER DEFENDANTS”) are each a “person in  
3 the course of doing business” within the meaning of and as defined by Health and Safety Code  
4 §§ 25249.6 and 25249.11. MANUFACTURER DEFENDANTS, and each of them, assemble,  
5 fabricate, and manufacture, or they each imply by their conduct they do so for one or more of the  
6 PRODUCTS sold and/or offered for sale or use to consumers in California.

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

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

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

23 13. VISION WHEEL, MANUFACTURER DEFENDANTS, DISTRIBUTOR  
24 DEFENDANTS, and RETAILER DEFENDANTS shall be referred to collectively herein as  
25 “DEFENDANTS.”

26 **JURISDICTION AND VENUE**

27 14. This Court has jurisdiction pursuant to Health & Safety Code § 25249.7, which allows  
28 enforcement by any court of competent jurisdiction. The Superior Courts of the State of California

1 have jurisdiction pursuant to California Constitution Article VI, section 10, which grants the Superior  
2 Courts “original jurisdiction in all causes except those given by statute to other trial courts.” The  
3 statute under which this action is brought does not specify any other basis of subject matter  
4 jurisdiction.

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

12 16. Venue is proper in the Superior Court for the County of Marin, pursuant to Code of  
13 Civil Procedure §§ 393, 395, and 395.5, because this Court is a court of competent jurisdiction,  
14 because KASB seeks civil penalties against DEFENDANTS, because one or more instances of  
15 wrongful conduct occurred, and continue to occur, in this county, and/or because DEFENDANTS  
16 conducted, and continue to conduct, business in the County of Marin with respect to the  
17 PRODUCTS.

18 **REGULATORY BACKGROUND AND LAW**

19 17. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and  
20 codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part, “[n]o  
21 person in the course of doing business shall knowingly and intentionally expose any individual to a  
22 chemical known to cause cancer or reproductive toxicity without first giving a clear and reasonable  
23 warning to such individual . . .”

24 18. Under the Act, a “person in the course of doing business” is defined as a business with  
25 ten (10) or more employees. Health & Safety Code § 25249.11(b). Businesses are prohibited from  
26 exposing consumers to hazardous chemicals without first giving a “clear and reasonable” warning.  
27 Health & Saf. Code § 25249.6.

28



1 **FIRST CAUSE OF ACTION**

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

3 26. KASB realleges and incorporates by reference, as if fully stated herein, the allegations  
4 set forth in Paragraphs 1 through 25, inclusive.

5 27. DEFENDANTS' PRODUCTS contain DEHP in levels requiring a clear and  
6 reasonable warning under Proposition 65.

7 28. DEFENDANTS know or should have known their PRODUCTS contain DEHP. As a  
8 result of KASB's Notice, DEFENDANTS now possess actual knowledge of the presence of DEHP in  
9 their PRODUCTS.

10 29. DEFENDANTS' PRODUCTS expose consumers in California to DEHP through  
11 dermal contact and ingestion during the reasonably foreseeable use of the PRODUCTS.

12 30. The normal and reasonably foreseeable use of the PRODUCTS causes exposures to  
13 DEHP.

14 31. DEFENDANTS know the normal and reasonably foreseeable use of the PRODUCTS  
15 exposes consumers to DEHP through dermal contact and/or ingestion.

16 32. DEFENDANTS intend to expose consumers in California to DEHP during their  
17 reasonably foreseeable use of the PRODUCTS. Such exposures to DEHP occur through  
18 DEFENDANTS' deliberate and non-accidental participation in the California market.

19 33. The exposures to DEHP caused by DEFENDANTS and endured by consumers in  
20 California are not exempt from the "clear and reasonable warning" requirements of Proposition 65.

21 34. DEFENDANTS failed to provide a "clear and reasonable warning" to those consumers  
22 in California exposed to DEHP through dermal contact and/or ingestion during their reasonably  
23 foreseeable use of the PRODUCTS. DEFENDANTS continue to fail to provide such warning.

24 35. Contrary to the express policy and statutory prohibition of Proposition 65, consumers  
25 are exposed to DEHP through dermal contact and ingestion during their use of PRODUCTS  
26 DEFENDANTS sold, sell and offer for sale without a "clear and reasonable warning." Such  
27 consumers in California suffer irreparable harms for which they have no plain, speedy, or adequate  
28 remedy at law.

1 36. DEFENDANTS manufacture, import, distribute, sell, and offer the PRODUCTS for  
2 sale or use in violation of Health and Safety Code § 25249.6. DEFENDANTS' violations continue  
3 beyond their receipt of KASB's Notice. As such, DEFENDANTS' violations are ongoing and  
4 continuous in nature and, unless enjoined, will continue in the future.

5 37. Pursuant to Health and Safety Code § 25249.7(b), and as a consequence of their acts  
6 and omissions, DEFENDANTS, and each of them, are liable for a maximum civil penalty of \$2,500  
7 per violation.

8 38. As a consequence of DEFENDANTS' acts and omissions, Health and Safety Code  
9 § 25249.7(a) specifically authorizes this Court to grant the injunctive relief prayed for herein.

10 **PRAYER FOR RELIEF**

11 Wherefore, KASB prays for judgment against DEFENDANTS, and each of them, as follows:

- 12 1. That the Court, pursuant to Health and Safety Code § 25249.7(a), preliminarily and  
13 permanently enjoin DEFENDANTS from manufacturing, distributing, importing, marketing or  
14 otherwise offering the PRODUCTS for sale or use in California without first providing a "clear and  
15 reasonable warning" to consumers regarding the presence of, and the harms associated with,  
16 exposures to DEHP;
- 17 2. That the Court, pursuant to Health and Safety Code § 25249.7(a), issue preliminary  
18 and permanent injunctions mandating DEFENDANTS recall PRODUCTS intended for sale in or into  
19 California that do not bear a clear and reasonable warning;
- 20 3. That the Court assess civil penalties against DEFENDANTS, and each of them, in the  
21 amount of \$2,500 per violation, according to proof at trial;
- 22 4. That the Court award KASB its reasonable attorneys' fees and costs of suit; and
- 23 5. That the Court grant such further relief as it deems just and equitable.

24 Dated: June 5, 2026

SEVEN HILLS LLP

25  
26 By: 

Brian C. Johnson  
Attorneys for Plaintiff

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