

1 Laralei Paras, State Bar No. 203319
2 Brian C. Johnson, State Bar No. 235965
3 SEVEN HILLS LLP
4 1 Embarcadero Center, Suite 1200
5 San Francisco, CA 94111
6 Telephone: (415) 926-7247
7 laralei@sevenhillsllp.com
8 brian@sevenhillsllp.com

9 Attorneys for Plaintiff
10 KEEP AMERICA SAFE AND BEAUTIFUL

11
12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF MARIN – UNLIMITED CIVIL JURISDICTION
14

15 KEEP AMERICA SAFE AND BEAUTIFUL,
16 Plaintiff,

17 v.

18 TIRE SERVICE INTERNATIONAL LLC; TIRE
19 SERVICE EQUIPMENT MFG. CO., INC.; and
20 DOES 1-30, inclusive,
21 Defendants.

Case No. CV0009827

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

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

22 Plaintiff KEEP AMERICA SAFE AND BEAUTIFUL (“Plaintiff”), acting in the public
23 interest, alleges a cause of action against defendants TIRE SERVICE INTERNATIONAL LLC;
24 TIRE SERVICE EQUIPMENT MFG. CO., INC., and Doe Defendants Nos. 1-30 (“Defendants”) for
25 violations of Health & Safety Code § 25249.5, *et seq.*, as follows:

INTRODUCTION AND NATURE OF THE ACTION

26 1. Plaintiff brings representative action in the public interest on behalf of the citizens of
27 the State of California. By this action, Plaintiff seeks to enforce the People’s right to be informed of
28 the harms caused by exposures the heavy metal, Lead, and to di(2-ethylhexyl) phthalate (“DEHP”), a
toxic chemical plasticizer found in and on valves with vinyl handles 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 provide individuals
not covered by California’s Occupational Safety Health Act, Labor Code § 6300, *et seq.*

1 (“consumers”) with a clear and reasonable warning prior to their becoming exposed to Lead and
2 DEHP. Lead is a heavy metal and DEHP is a plasticizer used to soften polyvinyl chloride (“PVC”),
3 and both are known to the State of California to cause birth defects or other reproductive harm, when
4 they examine, purchase, use and handle Defendants’ valves with vinyl handles.

5 3. Detectable levels of Lead and DEHP are found in and on the valves with vinyl handles
6 Defendants manufacture, import, sell and distribute for sale in California.

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

13 5. Defendants manufacture, distribute, import, sell, and offer for sale, in and into
14 California valves with vinyl handles (“PRODUCTS”) containing Lead DEHP, without providing a
15 clear and reasonable warning regarding the presence of and the harms associated with exposures to
16 Lead and DEHP in and on Defendants’ PRODUCTS. Such PRODUCTS valves with vinyl handles
17 include, without limitation the *Cheetah Bead Seater Discharge Valve Yellow Handle SKU:*
18 *TSI02.102*. Defendants’ violations subject them to civil penalties, enjoinder, preliminary and
19 permanent injunctive relief. Health & Safety Code § 25249.7(a) and (b).

20 **PARTIES**

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

27 7. At all relevant times TIRE SERVICE INTERNATIONAL LLC; TIRE SERVICE
28 EQUIPMENT MFG. CO., INC. (collectively “TIRE SERVICE”), operates as a “person in the course

1 of doing business” with ten (10) or more employees, within the meaning of and as defined by Health
2 and Safety Code § 25249.6 and 25249.11.

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

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

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

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

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

27

28

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

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

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

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

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

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

23 23. On October 24, 2003, pursuant to Proposition 65 implementing regulations, the State
24 of California listed DEHP as a chemical known to cause birth defects or other reproductive harm.
25 DEHP became subject to the “clear and reasonable warning” requirements one year later, on October
26 24, 2004. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8, 25249.10(b).

1 **STATEMENT OF FACTS**

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

4 25. DEFENDANTS' PRODUCTS expose consumers and end-users in California to Lead and
5 DEHP at levels requiring a warning under Proposition 65 when they touch, handle or otherwise
6 contact the PRODUCTS during reasonably foreseeable use.

7 26. On February 3, 2026, Plaintiff served a 60-Day Notice of Violation ("Notice"),
8 together with the required certificate of merit, on TIRE SERVICE, the Office of the California
9 Attorney General, and all requisite public enforcement agencies, alleging, as a result of
10 DEFENDANTS' sales of the PRODUCTS, consumers in California were, and are, exposed to Lead
11 and DEHP without first receiving the "clear and reasonable warning" required by Proposition 65.

12 27. After receiving Plaintiff's Notice, no public enforcement agency commenced and is
13 diligently prosecuting a cause of action against DEFENDANTS to enforce the violations of
14 Proposition 65 alleged in the Notice.

15 **FIRST CAUSE OF ACTION**

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

17 28. Plaintiff realleges and incorporates by reference, as if fully stated herein, the
18 allegations set forth in Paragraphs 1 through 27, inclusive.

19 29. DEFENDANTS' PRODUCTS contain Lead and DEHP in levels requiring a clear and
20 reasonable warning under Proposition 65.

21 30. DEFENDANTS know or should have known their PRODUCTS contain Lead and
22 DEHP. Due to receipt of Plaintiff's Notice, DEFENDANTS possess actual knowledge of the
23 presence of DEHP in their PRODUCTS.

24 31. DEFENDANTS' PRODUCTS expose consumers in California to Lead and DEHP
25 through dermal contact and ingestion during the reasonably foreseeable use of the PRODUCTS.

26 32. The reasonably foreseeable use of the PRODUCTS causes exposures to Lead and
27 DEHP.

1 33. DEFENDANTS know the reasonably foreseeable use of the PRODUCTS exposes
2 consumers to Lead and DEHP through dermal contact and/or ingestion.

3 34. DEFENDANTS intend to expose consumers in California to Lead and DEHP during
4 their reasonably foreseeable use of the PRODUCTS. Such exposures to Lead and DEHP occur
5 through DEFENDANTS' deliberate and non-accidental participation in the California market.

6 35. The exposures to Lead and DEHP caused by DEFENDANTS and endured by
7 consumers in California are not exempt from the "clear and reasonable warning" requirements of
8 Proposition 65.

9 36. DEFENDANTS failed to provide a "clear and reasonable warning" to those consumers
10 in California exposed to Lead and DEHP through dermal contact and/or ingestion during their
11 reasonably foreseeable use of the PRODUCTS. DEFENDANTS continue to fail to provide such
12 warning.

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

18 38. DEFENDANTS manufacture, import, distribute, sell, and offer the PRODUCTS for
19 sale or use in violation of Health and Safety Code § 25249.6. DEFENDANTS' violations continue
20 beyond their receipt of Plaintiff's Notice. As such, DEFENDANTS' violations are ongoing and
21 continuous in nature and, unless enjoined, will continue in the future.

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

25 40. As a consequence of DEFENDANTS' acts and omissions, Health and Safety Code
26 § 25249.7(a) specifically authorizes this Court to grant the injunctive relief prayed for herein.
27
28

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

PRAYER FOR RELIEF

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

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

Dated: April 20, 2026

Respectfully submitted,
SEVEN HILLS LLP

By: 
Laralei Paras
Attorneys for Plaintiff
KEEP AMERICA SAFE AND BEAUTIFUL