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KEEP AMERICA SAFE AND BEAUTIFUL

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Case #26CV497840**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SANTA CLARA - UNLIMITED CIVIL JURISDICTION

KEEP AMERICA SAFE AND BEAUTIFUL,

Plaintiff,

v.

TRUE FABRICATIONS, INC.;
NORDSTROM, INC.; and DOES 1-30,
inclusive,

Defendants.

Case No. 26CV497840

**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 TRUE FABRICATIONS, INC.; NORDSTROM, INC.; 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 diisononyl phthalate (“DINP”), a toxic chemical found in and on the vinyl wine tote bags that were 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 they may be exposed to substances known to the State of California to cause cancer through exposures to DINP, when they purchase, use and/or handle Defendants’ vinyl wine tote bags.

3. Detectable levels of DINP are found in and on the vinyl wine tote bags 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, 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, vinyl wine totes bags containing DINP, including without limitation, the *Viski Brown Double-Bottle Wine Tote in Faux Leather Item: 10582267 Mfg. SKU: 5220 UPC: 842094152209* (hereinafter, the “PRODUCTS”), without providing a warning regarding the presence of and the harms associated with exposures to DINP in and on the vinyl wine tote bags. 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 and acting in the public interest 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, including 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 TRUE FABRICATIONS, INC. (“TRUE FABRICATIONS”) operates as a “person in the course of doing business” with ten (10) or more employees within the meaning of and as defined by Health and Safety Code §§ 25249.6 and 25249.11.

8. TRUE FABRICATIONS manufactures, imports, distributes, sells, and offers the 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 and other
2 individuals in California.

3 9. At all relevant times, defendant NORDSTROM, INC. (“NORDSTROM”) operates
4 as a “person in the course of doing business” with ten (10) or more employees within the
5 meaning of and as defined by Health and Safety Code §§ 25249.6 and 25249.11.

6 10. NORDSTROM imports, distributes, sells, and offer for sale the PRODUCTS for
7 sale or use in California, or implies by its conduct that it imports, distributes, sells, and/or offers
8 the PRODUCTS for sale or use to consumers and other individuals in California.

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

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

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

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

1 amendment to this Complaint.

2 15. TRUE FABRICATIONS, NORDSTROM, MANUFACTURER DEFENDANTS,
3 DISTRIBUTOR DEFENDANTS, and RETAILER DEFENDANTS shall be referred to
4 collectively hereinafter as the “DEFENDANTS.”

5 **JURISDICTION AND VENUE**

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

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

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

26 **REGULATORY BACKGROUND AND LAW**

27 19. Formally known as the Safe Drinking Water and Toxic Enforcement Act of 1986
28 and codified at Health & Safety Code § 25249.6 *et seq.*, Proposition 65 states, in relevant part,

1 “[n]o person in the course of doing business shall knowingly and intentionally expose any
2 individual to a chemical known to cause cancer or reproductive toxicity without first giving a
3 clear and reasonable warning to such individual . . .”

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

8 21. Exposing consumers to hazardous chemicals means to cause consumers to ingest,
9 inhale, contact via body surfaces or otherwise come into contact with a listed chemical.
10 California Code of Regulations (“Cal. Code Regs.”) Title 27, § 25102(i). An exposure to a
11 hazardous chemical is defined as one that “results from a person’s acquisition, purchase, storage,
12 consumption or other reasonably foreseeable use of a product...” Cal. Code Regs. Tit. 27, §
13 25600(h).

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

17 23. On December 20, 2013, pursuant to Proposition 65’s implementing regulations,
18 California identified and listed DINP as a chemical known to the State to cause cancer. DINP
19 became subject to the “clear and reasonable warning” requirements one year later, on December
20 20, 2014. 27 CCR § 27001(c); Health & Saf. Code §§ 25249.8, 25249.10(b).

21 22 **STATEMENT OF FACTS**

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

25 25. DEFENDANTS’ PRODUCTS expose consumers and end-users in California to
26 DINP at levels requiring a warning under Proposition 65 when they touch, handle or otherwise
27 contact the PRODUCTS during reasonably foreseeable use.

28 26. On February 24, 2026, KASB served a 60-Day Notice of Violation (“Notice”),

1 together with the required certificate of merit, on TRUE FABRICATIONS, NORDSTROM, the
2 Office of the Attorney General, and all requisite public enforcement agencies, alleging, as a
3 result of DEFENDANTS' sales of the PRODUCTS, consumers and end-users in California were,
4 and are, exposed to DINP without first receiving the "clear and reasonable warning" required by
5 Proposition 65.

6 27. After receiving KASB's Notice, no public enforcement agency has commenced or
7 is diligently prosecuting a cause of action against DEFENDANTS to enforce the alleged
8 violations of Proposition 65 that are the subject of the Notices.

9 **FIRST CAUSE OF ACTION**

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

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

13 29. DEFENDANTS' PRODUCTS contain DINP in levels requiring a clear and
14 reasonable warning under Proposition 65.

15 30. DEFENDANTS know or should have known their PRODUCTS contain DINP, and,
16 as a result of plaintiff's Notices, DEFENDANTS now possess actual knowledge of the presence
17 of DINP in their PRODUCTS.

18 31. DEFENDANTS' PRODUCTS expose consumers, end-users, and other individuals
19 in California to DINP through dermal contact and ingestion during the reasonably foreseeable
20 use of the PRODUCTS.

21 32. The normal and reasonably foreseeable use of the PRODUCTS causes exposures to
22 DINP.

23 33. DEFENDANTS know the normal and reasonably foreseeable use of the
24 PRODUCTS exposes consumers, end-users, and other individuals to DINP through dermal
25 contact and/or ingestion.

26 34. DEFENDANTS intend to expose consumers, end-users, and other individuals in
27 California to DINP during their reasonably foreseeable use of the PRODUCTS. Such exposures
28 to DINP occur through DEFENDANTS deliberate and non-accidental participation in the

1 California market.

2 35. The exposures to DINP caused by DEFENDANTS and endured by consumers and
3 other individuals in California are not exempt from the “clear and reasonable warning”
4 requirements of Proposition 65.

5 36. DEFENDANTS failed to provide a “clear and reasonable warning” to consumers
6 and other individuals in California who are exposed to DINP through dermal contact and/or
7 ingestion during their reasonably foreseeable use of the PRODUCTS. Defendants continue to fail
8 to provide such warning.

9 37. Contrary to the express policy and statutory prohibition of Proposition 65,
10 consumers are exposed to DINP through dermal contact and ingestion during their use of the
11 PRODUCTS DEFENDANTS sold, sell and offer for sale without a “clear and reasonable
12 warning.” Such consumers and other individuals in California suffer irreparable harms for which
13 they have no plain, speedy, or adequate remedy at law.

14 38. DEFENDANTS manufacture, import, distribute, sell, and offer the PRODUCTS for
15 sale or use in violation of Health and Safety Code § 25249.6. DEFENDANTS’ violations
16 continue beyond their receipt of KASB’s Notices. As such, DEFENDANTS’ violations are
17 ongoing and continuous in nature and, unless enjoined, will continue in the future.

18 39. Pursuant to Health and Safety Code § 25249.7(b), and as a consequence their acts
19 and omissions, DEFENDANTS, and each of them, are liable for a maximum civil penalty of
20 \$2,500 per violation.

21 40. As a consequence of DEFENDANTS’ acts and omissions, Health and Safety Code
22 § 25249.7(a) specifically authorizes the Court to grant the relief prayed for herein.

23 **PRAYER FOR RELIEF**

24 Wherefore, KASB prays for relief and judgment against DEFENDANTS, and each of
25 them, as follows:

26 1. That the Court, pursuant to Health and Safety Code § 25249.7(a), preliminarily and
27 permanently enjoin DEFENDANTS from manufacturing, distributing, importing, marketing or
28 otherwise offering the PRODUCTS for sale or use in California without first providing a “clear

1 and reasonable warning” to consumers regarding the presence of, and the harms associated with,
2 exposures to DINP;

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

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

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

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

10 Dated: July 13, 2026

SEVEN HILLS LLP

11
12
13 By: 

Kimberly Gates Johnson

Attorneys for Plaintiff

KEEP AMERICA SAFE AND BEAUTIFUL