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5 Attorneys for Plaintiff  
ECOLOGICAL ALLIANCE, LLC

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
7 COUNTY OF LOS ANGELES  
8 UNLIMITED CIVIL JURISDICTION  
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10 ECOLOGICAL ALLIANCE, LLC, a  
California limited liability company,

11 Plaintiffs,

12 vs.

13 EDGEWELL PERSONAL CARE BRANDS,  
14 LLC, a Delaware corporation and DOES 1  
through 10, inclusive,

15 Defendants.  
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CASE NO.:

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code. § 25249.6 *et seq.*)

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**NATURE OF THE ACTION**

1. This Complaint is brought by plaintiff Ecological Alliance, LLC (“Plaintiff”) in the public interest of the People of the State of California to enforce their right to be informed of the presence of chemicals listed by the State of California, pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code section 25249.6 *et seq.* (“Proposition 65”), including Perfluorooctanoic Acid (“PFOA”).

2. Plaintiffs seek to remedy Defendant’s failure to warn citizens of the State of California, in violation of Proposition 65, about the presence of PFOA (“Listed Chemical”) in the Defendant’s Carefree panty liners, offered for sale throughout the State of California (“Products”). Defendant’s Carefree panty liners are made to be used for hours at a time, with a soft, flexible design that molds to a woman’s body for daily odor and dryness protection. As such, the Products are used by women for up to 8-10 hours at a time, in direct contact with a woman’s vaginal area, which is more vulnerable to exposure than via transdermal methods on the skin, and potentially leads to direct exposure into the bloodstream through vaginal tissue.

3. PFOA is part of a group of synthetic, man-made chemicals known to be harmful to humans and the environment. Because PFOA persists and accumulates over time, they are harmful even at very low levels. According to the EPA, PFOA exposure may lead to:

- Reproductive effects such as decreased fertility or increased high blood pressure in pregnant women;
- Development effects or delays in children, including low birth weight, accelerated puberty, bone variations, or behavioral changes;
- Increased risks of some cancers, including prostate, kidney, and testicular cancers;
- Reduced ability of the body’s immune system to fight infections;
- Interference with the body’s natural hormones;

4. The proliferation of PFOA and similar chemicals and their potential to cause environmental harm is also well documented and was addressed in “The Madrid Statement,”

1 issued by the Green Science Policy Institute. In this statement, more than 250 scientists from 38  
2 countries, recommended the discontinuation of PFOA and similar chemicals.

3 5. Because PFOA accumulates in body tissue over time, there is no treatment to  
4 remove it from the body, the most obvious way to avoid exposure is for consumers to avoid  
5 products which they know contain it.

6 6. On November 10, 2017 PFOA was added to the list of chemicals known to the  
7 State of California to cause reproductive toxicity.

8 7. On February 5, 2022, PFOA was added to the list of chemicals known to the state  
9 of California to cause cancer.

10 8. Defendant's Products contain PFOA and consumers of Products in the State of  
11 California are exposed to the PFOA through usage of the Products.

12 9. Defendants know and intend that their Products expose consumers in the State of  
13 California to PFOA.

14 10. On February 6, 2024, Plaintiff sent a 60 Day Notice of Violation to Defendant,  
15 California's Attorney General, and to every District Attorney in the state, to the City Attorneys  
16 of every California city with a population greater than 750,000. Attached to the 60-Day Notices  
17 were Certificates of Merit attesting to the reasonable and meritorious basis for this action,  
18 Certificates of Service attesting to service of the letters on each entity described above, and a  
19 description of Proposition 65 prepared by the California Office of Environmental Health Hazard  
20 Assessment. Furthermore, factual information sufficient to establish the basis of the  
21 Certificates of Merit was enclosed with the 60-Day Notice sent to California's Attorney  
22 General.

23 11. After receiving the claims asserted in the 60-Day Notice, the public enforcement  
24 agencies identified in Paragraph 5 have failed to commence and diligently prosecute a cause of  
25 action against Defendants under Proposition 65.

26 12. Plaintiff seeks preliminary and permanent injunctive relief to compel Defendant  
27 to provide the warning required under Proposition 65 regarding the Products.  
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1 13. Pursuant to Health and Safety Code section 25249.7(b), Plaintiff also seeks civil  
2 penalties against Defendant for violations of Proposition 65.

3 **PARTIES**

4 14. Plaintiff is a California limited liability company. It brings this action in the  
5 public interest pursuant to Health and Safety Code section 25249.7(d).

6 15. Defendant is a “Person” in the course of doing business within the meaning of  
7 Health and Safety Code section 25249.11(a) – “Person” means an individual, trust, firm, joint  
8 stock company, corporation, company, partnership, limited liability company, and association.”

9 16. Defendant Edgewell Personal Care Brands, LLC is a Delaware corporation that  
10 manufactures, distributes, and/or offers for sale in the State of California, Products that contain  
11 the Listed Chemical.

12 17. Defendants DOES 1-10, which manufacture, distribute, and/or offers for sale in  
13 the State of California Products that contain the Listed Chemical, are each persons in the course  
14 of doing business within the meaning of Health and Safety Code section 25249.11. At this  
15 time, the true names and capacities of defendants DOES 1 through 10, inclusive, are unknown  
16 to Plaintiff, who, therefore, sues said defendants by their fictitious names pursuant to Code of  
17 Civil Procedure section 474. Plaintiff is informed and believes, and on that basis alleges, that  
18 each of the fictitiously named defendants is responsible for the acts and occurrences alleged  
19 herein. When ascertained, their true names and capacities shall be reflected in an amended  
20 complaint.

21 **VENUE AND JURISDICTION**

22 18. The Court has jurisdiction over this action pursuant to Health and Safety Code  
23 section 25249.7. Pursuant to California Constitution Article VI, section 10, the California  
24 Superior Court has “original jurisdiction in all causes except those given by statute to other trial  
25 courts.” The statute under which this action is brought does not specify any other trial courts  
26 that should have jurisdiction.

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19. The Court has jurisdiction over Defendants based on Plaintiff's information and good faith belief that each Defendant is a person, firm, corporation, or association that is a citizen of the State of California, has sufficient minimum contacts in the State of California, and/or otherwise purposefully avails itself of the California market. Defendants' purposeful availment renders the exercise of personal jurisdiction by the Court consistent with traditional notions of fair play and substantial justice.

20. Venue is proper in this Court because Defendants manufacture, distribute, offer for sale, sell, and/or serve Products that contain the Listed Chemical. Liability for Plaintiff's causes of action, or some parts thereof, has accordingly arisen during the times relevant to this Complaint and Plaintiff accordingly seeks civil penalties and forfeitures imposed by statutes.

**FIRST CAUSE OF ACTION**

**(Violation of Proposition 65 - Against All Defendants)**

21. Plaintiff realleges and incorporates by reference, as if fully set forth herein, Paragraphs 1 through 15, inclusive.

22. Pursuant to Health and Safety Code section 25249.7(b), as a consequence of the above-described acts, Defendants are liable for a violation of Proposition 65.

**PRAYER FOR RELIEF**

Wherefore, Plaintiff prays for judgment against Defendants as follows:

1. That the Court, pursuant to Health and Safety Code section 25249.7(a), preliminarily and permanently enjoin Defendants from manufacturing, distributing, offering for sale, selling, and/or serving in the State of California Products that contain the Listed Chemical without first providing a "clear and reasonable warning" under Proposition 65;

2. That the Court grant Plaintiff's reasonable attorneys' fees and costs of suit;

3. That the Court, pursuant to Health and Safety Code section 25249.7(b), assess civil penalties against Defendants in such amount as the Court deems appropriate; and

4. That the Court grant such other and further relief as may be just and proper.

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Dated: September 30, 2024

Respectfully Submitted,  
CUSTODIO & DUBEY LLP

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

Vineet Dubey  
Custodio & Dubey LLP  
Attorneys for Plaintiff  
ECOLOGICAL ALLIANCE, LLC