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13 Attorneys for Plaintiff THE PERSONAL CARE PRODUCTS COUNCIL

14  
15 **UNITED STATES DISTRICT COURT**  
16 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

17  
18 **THE PERSONAL CARE PRODUCTS COUNCIL,**

19 Plaintiff,

20 v.

21 **ROB BONTA, IN HIS OFFICIAL CAPACITY AS**  
22 **ATTORNEY GENERAL OF THE STATE OF**  
23 **CALIFORNIA,**

24 Defendant.

Case No. 2:26-cv-00682-DJC-CKD

**[PROPOSED] ORDER GRANTING PLAINTIFF THE  
PERSONAL CARE PRODUCTS COUNCIL'S MOTION  
FOR SUMMARY JUDGMENT**

Complaint Filed: March 2, 2026  
Trial Date: None Set

**ORDER**

1  
2 Plaintiff the Personal Care Products Council’s Motion for Summary Judgment having come  
3 before the Court for consideration; the Court having considered the memoranda of the parties, the  
4 supporting materials submitted by each party, the oral arguments of counsel, and otherwise being duly  
5 advised, it is hereby:

6 **ORDERED** that Plaintiff’s Motion for Summary Judgment is **GRANTED**, as follows:

7 1. Personal Care Products Council is entitled to summary judgment on its claim for a  
8 permanent injunction against enforcement of Proposition 65’s cancer warning requirement as to  
9 diethanolamine (“DEA”) in cosmetics and personal care products. No genuine issue of material fact  
10 exists with respect to whether the California Proposition 65 warning requirement for DEA violates the  
11 rights of the Personal Care Products Council and its members under the First Amendment to the United  
12 States Constitution, because, *inter alia* (1) the State of California has not determined that DEA causes  
13 cancer in humans; (2) no regulatory agency or scientific body has determined that DEA causes cancer  
14 in humans; (3) the International Agency for Research on Cancer (“IARC”), the foreign entity whose  
15 decision triggered the listing of this substance under Proposition 65, found “inadequate evidence” that  
16 DEA causes cancer in humans; and (4) the U.S. Food & Drug Administration has continuously approved  
17 the use of DEA in cosmetics, foods, and drugs. As such, the Proposition 65 cancer warning requirement  
18 for DEA is misleading, controversial, unjustified, and unduly burdensome, and therefore violates the  
19 First Amendment rights of the Personal Care Products Council and its members. The Court finds that  
20 no genuine issue of material fact exists as to whether the Personal Care Products Council and its  
21 members would suffer irreparable injury if such warnings were compelled, whether a remedy at law  
22 such as monetary damages would be inadequate to compensate for that injury, whether the balance  
23 of hardships between Personal Care Products Council and Defendant warrants a remedy in equity, and  
24 whether the public interest will be served by a permanent injunction.

25 For these reasons, it is hereby **ORDERED** that Defendant, his officers, employees, and agents,  
26 and all those acting in privity or concert with those individuals, including private citizen enforcers under  
27 California Health & Safety Code § 25249.7(d), are hereby **ENJOINED** from filing or prosecuting new  
28

1 lawsuits to enforce, or otherwise seeking to enforce, Proposition 65's warning requirement, California  
2 Health & Safety Code § 25249.6, for cancer as applied to DEA in cosmetic and personal care products.

3 2. Plaintiff The Personal Care Products Council is entitled to summary judgment on its  
4 claim for a declaration, pursuant to 28 U.S.C. § 2201, that the Proposition 65 warning requirement for  
5 cancer as applied to DEA in cosmetic and personal care products violates the First Amendment to the  
6 United States Constitution. The Court finds that no genuine issue of material fact exists with respect  
7 to whether there is an actual case or controversy. Furthermore, the Court finds that declaratory relief  
8 will provide needed clarity as to the constitutionality of this misleading, controversial, unjustified, and  
9 unduly burdensome warning requirement by delineating the important constitutional rights of the  
10 Personal Care Products Council and its members and by placing on notice all those who might  
11 otherwise seek to enforce Proposition 65's cancer warning requirement for DEA in cosmetics and  
12 personal care products.

13 Accordingly, the Court hereby **DECLARES** that the Proposition 65 cancer warning requirement  
14 for DEA violates the First Amendment to the United States Constitution and may not lawfully be  
15 enforced.

16  
17 **IT IS SO ORDERED.**

18  
19 DATED: \_\_\_\_\_

\_\_\_\_\_  
The Honorable Daniel J. Calabretta  
United States District Court Judge