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8  
 9 IN THE UNITED STATES DISTRICT COURT  
 10 FOR THE EASTERN DISTRICT OF CALIFORNIA  
 11 SACRAMENTO DIVISION

12  
 13 **THE PERSONAL CARE PRODUCTS  
 COUNCIL,**

14 Plaintiff,

15 v.

16  
 17 **ROB BONTA, IN HIS OFFICIAL CAPACITY AS  
 ATTORNEY GENERAL OF THE STATE OF  
 18 CALIFORNIA,**

19 Defendant.

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

**STIPULATION REGARDING FINAL  
 JUDGMENT AND PERMANENT  
 INJUNCTION**

Judge: Honorable Daniel J.  
 Calabretta  
 Trial Date: None set  
 Action Filed: March 3, 2026

1 Plaintiff The Personal Care Products Council and Defendant Attorney General Rob  
2 Bonta, in his official capacity (collectively, the “Parties”), by and through their respective  
3 counsel, agree and stipulate as follows:

4 1. On March 2, 2026, The Personal Care Products Council (“PCPC”) filed a  
5 complaint in the U.S. District Court for the Eastern District of California against Rob  
6 Bonta, in his official capacity as Attorney General of the State of California (“Attorney  
7 General”), for declaratory and injunctive relief captioned *The Personal Care Products*  
8 *Council v. Bonta*, No. 2:26-CV-00682-DJC-CKD (E.D. Cal.);

9 2. Plaintiff PCPC brought a claim under 42 U.S.C section 1983 seeking a  
10 permanent injunction of enforcement of the warning requirement for diethanolamine in  
11 cosmetic and personal care products under California Health & Safety Code section  
12 25249.6 (“Proposition 65”) and a declaration that this warning requirement is  
13 unconstitutional, on the ground that it violates the First Amendment rights of PCPC’s  
14 members;

15 3. On June 22, 2012, diethanolamine was listed as a carcinogen under  
16 Proposition 65 pursuant to California Health and Safety Code section 25249.8(a);

17 4. Decisions in three recent federal court lawsuits, *National Association of*  
18 *Wheat Growers v. Bonta*, 85 F.4th 1263 (9th Cir. 2023), *California Chamber of*  
19 *Commerce v. Bonta*, 781 F. Supp. 3d 1071 (E.D. Cal. 2025), and *The Personal Care*  
20 *Products Council v. Bonta*, 799 F. Supp. 3d 1075 (E.D. Cal. 2025), held that the  
21 Proposition 65 warning requirements for the chemicals at issue in those cases violated  
22 the First Amendment;

23 5. In the third of the recent federal court decisions, *The Personal Care Products*  
24 *Council v. Bonta*, No. 2:23-cv-01006-TLN-JDP (E.D. Cal. filed May 26, 2023), the Parties  
25 engaged in motion practice, including a motion for summary judgment brought by PCPC.  
26 In that case, the Court granted PCPC’s motion for summary judgment and entered  
27 judgment declaring unconstitutional Proposition 65’s requirement to warn of exposure to  
28 titanium dioxide (airborne, unbound particles of respirable size) in cosmetic and personal

1 care products and enjoining the Attorney General and all those in privity with him from  
2 filing or prosecuting new Proposition 65 actions to enforce that warning requirement.  
3 *Pers. Care Prods. Council v. Bonta*, 799 F. Supp. 3d 1075 (E.D. Cal. 2025) (order  
4 granting summary judgment and injunction);

5 6. The Parties have had a full and fair opportunity to litigate all issues and  
6 questions of fact or law asserted, raised, or addressed in this action and stipulated or  
7 otherwise addressed in this Stipulation and [Proposed] Order Regarding Final Judgment  
8 and Permanent Injunction;

9 7. The Attorney General disputes PCPC's contention that the Proposition 65  
10 warning requirement for diethanolamine in cosmetic and personal care products violates  
11 the First Amendment. However, the Parties have met and conferred and agree that, in  
12 light of the current state of the relevant science, the standards articulated in the  
13 decisions referenced above, binding precedent, and their review, analysis, and  
14 application of the facts and the law, a stipulated judgment and permanent injunction  
15 resolving all claims in this action, binding the Parties and all those in privity with them,  
16 and ordering the Parties to bear their own costs and attorneys' fees, is in the interests of  
17 each Party;

18 8. Thus, intending to be collaterally bound, the Parties hereby stipulate to and  
19 consent to entry of a judgment in favor of PCPC and entry of the [Proposed] Order  
20 Regarding Final Judgment and Permanent Injunction submitted herewith;

21 9. Entry of the stipulated judgment will fully resolve this civil action;

22 10. The stipulated judgment will be entered under Federal Rule of Civil Procedure  
23 65 and will constitute the final judgment in this matter;

24 11. Nothing in this stipulation is intended to interfere with the Attorney General's  
25 right to move the court to dissolve the injunction described herein pursuant to Federal  
26 Rule of Civil Procedure 60(b)(5) or (6) in the event he believes a change in the facts or  
27 law renders its application inequitable or unnecessary;

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