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ELECTRONICALLY FILED
Superior Court of California,
County of Orange
06/17/2014 at 03:43:29 PM
Clerk of the Superior Court
By Debbie Lechmann, Deputy Clerk

5 Attorney for Plaintiffs,
ERIC CHASE and ELMER ZELAYA
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8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ORANGE**
10 **CENTRAL JUSTICE CENTER**

11 30-2014-00728860-CU-NP-CJC

12 ERIC CHASE and ELMER ZELAYA,)
13 Plaintiffs,)

Case No.: Judge Peter Wilson

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

14 v.)

15 GOYA FOODS, INC., a corporation; and)
16 DOES 1-10, inclusive,)

Health and Safety Code §25248.5, *et seq.*

17 Defendants.)
18)
19)
20)

1 Plaintiffs allege on information and belief as follows:

2 **NATURE OF THE ACTION**

3 1. This Complaint is a representative action brought by plaintiffs ERIC CHASE
4 and ELMER ZELAYA (“PLAINTIFFS”), on behalf of the citizens of the State of California,
5 to enforce the People’s right to be informed of the presence of 4-Methylimidazole in
6 products sold and/or consumed in California. 4-Methylimidazole is a carcinogen frequently
7 formed during the production of certain caramel coloring agents used in carbonated
8 beverages.

9 2. Under Proposition 65, enacted as the Safe Drinking Water and Toxic
10 Enforcement Act of 1986 and codified as Health and Safety (“H&S”) Code section 25249.5
11 *et seq.*, businesses must provide California consumers with a “clear and reasonable
12 warning” prior to exposing such consumers to a chemical known to the State to cause
13 cancer. 4-Methylimidazole is a chemical known to the State of California to cause cancer.

14 3. By this Complaint, PLAINTIFFS seek to remedy Defendants’ continuing
15 failure to warn California consumers of their exposure to excessive levels of 4-
16 Methylimidazole in beverages manufactured, distributed, sold, and/or offered for sale or
17 use by Defendants throughout the State of California, including but not limited to GOYA
18 Sangria (UPC #041331040327), GOYA Ginger Beer (UPC #041331040020), and Malta
19 GOYA (UPC #041331040068). All such beverages shall hereinafter be referred to as the
20 “PRODUCTS.”

21 **PARTIES**

22 4. PLAINTIFFS are California citizens and persons within the meaning of H&S
23 Code section 25249.11(a). PLAINTIFFS bring this action in the public interest pursuant to
24 H&S Code section 25249.7(d) and seek to increase public awareness and safety regarding
25 products sold for consumption in California that expose California citizens to unsafe levels
26 of carcinogens.

27 5. Defendant GOYA FOODS, INC. (“GOYA”), doing business in California as
28 Goya Foods of California, Inc., is a person in the course of doing business within the

1 meaning of H&S Code section 25249.11(b). GOYA has ten (10) or more employees and
2 manufactures, distributes, sells and/or offers the PRODUCTS for sale or use in the State
3 of California.

4 6. Defendants DOES 1-10 are each persons in the course of doing business
5 within the meaning of H&S Code section 25249.11(b). Defendants DOES 1-10
6 manufacture, distribute, sell and/or offer the PRODUCTS for sale or use in California. The
7 true names and capacities of Defendants DOES 1-10 are unknown to PLAINTIFFS, who
8 therefore sues such Defendants by fictitious names, pursuant to California Code of Civil
9 Procedure section 474. PLAINTIFFS will amend this complaint when the true names and
10 capacities of such Defendants are ascertained.

11 7. GOYA and Defendants DOES 1-10 are collectively referred to herein as
12 “DEFENDANTS.”

13 **JURISDICTION AND VENUE**

14 8. This Court has jurisdiction over this action pursuant to the California
15 Constitution, Article VI, section 10, which grants the Superior Court “original jurisdiction in
16 all causes except those given by statute to other trial courts.” This Court has jurisdiction
17 over this action pursuant to H&S Code section 25249.7, which allows enforcement of
18 Proposition 65 violations in any Court of competent jurisdiction.

19 9. This Court has jurisdiction over DEFENDANTS because DEFENDANTS do
20 sufficient business, have sufficient minimum contacts, and/or otherwise intentionally avail
21 themselves of the California market through the manufacture, distribution, and/or sale of
22 the PRODUCTS in California, such to render the exercise of jurisdiction by California
23 courts over DEFENDANTS consistent with traditional notions of fair play and substantial
24 justice.

25 10. Venue is proper in Orange County Superior Court, pursuant to California
26 Code of Civil Procedure section 395.5, because the cause, or some part of the cause,
27 arose in Orange County, because DEFENDANTS manufacture, distribute, sell, and/or offer
28 the PRODUCTS for sale or use in Orange County.

1 **STATUTORY BACKGROUND**

2 11. The People of the State of California declared in Proposition 65 their right to
3 be informed of products containing chemicals known to the State to cause cancer, birth
4 defects, or other reproductive harm.

5 12. Proposition 65 states, in pertinent part that, “[n]o person in the course of
6 doing business shall knowingly and intentionally expose any individual to a chemical
7 known to the state to cause cancer or reproductive toxicity without first giving clear and
8 reasonable warning to such individual...”

9 13. An exposure to a chemical in a consumer product “results from a person’s
10 acquisition, purchase, storage or other foreseeable use of a consumer good...” (California
11 Code of Regulations (“CCR”) Title 22 § 12601(b).) Under Proposition 65, a foreseeable
12 use of a consumer good is consumption.

13 **FACTUAL BACKGROUND**

14 14. On January 7, 2011, the Office of Environmental Health Hazard Assessment
15 (“OEHHA”) officially listed 4-Methylimidazole as a chemical known to the State of
16 California to cause cancer under Proposition 65.

17 15. On January 7, 2012, pursuant to H&S Code section 25249.10(b), 4-
18 Methylimidazole became subject to the “clear and reasonable” warning requirements of
19 H&S Code section 25249.6.

20 16. The OEHHA, under H&S Code section 25249.10(c), provides that no warning
21 is required if the level of exposure would not result in more than one excess case of cancer
22 in 100,000 individuals exposed to the chemical over a 70-year lifetime, also known as the
23 “No Significant Risk Level” (“NSRL”). Products that expose the public to levels of 4-
24 Methylimidazole that are less than the NSRL do not require warnings. The NSRL for 4-
25 Methylimidazole is 29 µg/day (micrograms per day). (CCR Title 27, § 25705(b).)

26 17. 4-Methylimidazole shall hereinafter be referred to as the “LISTED
27 CHEMICAL.”

28 //

1 **FIRST CAUSE OF ACTION**

2 **(Against All Defendants for Violations of H&S Code §25249.5 et. seq.)**

3 18. PLAINTIFFS re-allege and incorporate by reference as if fully set forth herein
4 each paragraph listed above.

5 19. DEFENDANTS, at all times relevant to this action, have violated H&S Code
6 section 25249.6 by knowingly and intentionally exposing individuals to the LISTED
7 CHEMICAL in the course of doing business without first providing a “clear and reasonable
8 warning” of the LISTED CHEMICAL’s presence in the PRODUCTS.

9 20. On January 29, 2014, PLAINTIFFS sent a 60-Day Notice of the Proposition
10 65 violation, together with the requisite certificate of merit, to GOYA and certain public
11 enforcement agencies pursuant to H&S Code section 24249.7(d)(1), and attached hereto
12 as Exhibit A. The Notice stated that as a result of DEFENDANTS’ sale of the PRODUCTS
13 containing the LISTED CHEMICAL, users and purchasers of the PRODUCTS in California
14 were exposed to the LISTED CHEMICAL through the reasonably foreseeable use of the
15 PRODUCTS, and that DEFENDANTS are in violation of Proposition 65 for continued
16 failure to provide a “clear and reasonable warning” of such toxic exposure.

17 21. DEFENDANTS have engaged in the manufacture, importation, distribution,
18 sale and/or offering for sale or use of the PRODUCTS in California. Following
19 DEFENDANTS receipt of PLAINTIFFS’ 60-Day Notice of Violation, DEFENDANTS
20 continue to engage in the manufacture, distribution, sale and/or offering the PRODUCTS
21 for sale or use in California. As such, DEFENDANTS’ violations are ongoing and
22 continuous in nature, and will continue to occur in the future.

23 22. Following the PLAINTIFFS’ 60-Day Notice of Violation, the appropriate public
24 enforcement agencies have failed to commence and diligently prosecute an action against
25 DEFENDANTS for violation of Proposition 65.

26 23. California consumers have been exposed and continue to be exposed to the
27 LISTED CHEMICAL through the normal and reasonably foreseeable use of the
28 PRODUCTS, *i.e.*, consumption of beverages. (CCR Title 27 § 25602(b).)

1 24. DEFENDANTS knowingly intended and continue to intend such exposure of
2 the LISTED CHEMICAL from DEFENDANTS' deliberate and non-accidental participation
3 in the manufacture, distribution, sale and/or offering of the PRODUCTS for sale or use to
4 individuals in California with knowledge that the normal and reasonably foreseeable use of
5 the products results in exposure of the LISTED CHEMICAL.

6 25. The LISTED CHEMICAL is present in the PRODUCTS in an amount far
7 exceeding the NSRL, such that DEFENDANTS are not exempt from the "clear and
8 reasonable warning" requirement of H&S Code section 25249.6.

9 26. DEFENDANTS have failed and continue to fail to provide a "clear and
10 reasonable warning" to California consumers who are exposed to the LISTED CHEMICAL
11 through consumption of the PRODUCTS.

12 27. California consumers are exposed to the LISTED CHEMICAL through
13 consumption of the PRODUCTS sold by DEFENDANTS without a "clear and reasonable
14 warning," and thereby have suffered and continue to suffer irreparable harm for which they
15 have no plain, speedy, or adequate remedy at law.

16 **PRAYER FOR RELIEF**

17 Wherefore, PLAINTIFFS accordingly prays for judgment against DEFENDANTS as
18 follows:

19 1. An assessment of civil penalties in the amount of \$2,500 per day for each
20 violation of Proposition 65 pursuant to H&S Code section 25249.7(b);

21 2. A preliminary and permanent injunction enjoining DEFENDANTS from
22 manufacturing, distributing, selling, and/or offering the PRODUCTS for sale or use in
23 California without first providing a "clear and reasonable warning," as defined by CCR Title
24 27 section 25601 et seq., of the harm associated with exposure to the LISTED
25 CHEMICAL, pursuant to H&S Code section 25249.7(a);

26 3. A preliminary and permanent injunction mandating that DEFENDANTS recall
27 all PRODUCTS currently in California's chain of commerce that provide no "clear and
28 reasonable warning," as defined by CCR Title 27 section 25601 et seq., pursuant to H&S

1 Code section 25249.7(a);

2 4. An award of PLAINTIFFS' reasonable attorney's fees and costs of bringing
3 suit in an amount the Court determines to be reasonable, pursuant to the provisions of
4 California Code of Civil Procedure section 1021.5, CCR Title 11 section 3201, and any
5 other applicable provisions of law; and,

6 5. For further relief as the Court may deem just and proper.
7

8 Dated: June 17, 2014

WADE MILLER LAW

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By: /s/ Wade Miller
Wade A. Miller
Attorney for Plaintiffs,
ERIC CHASE and ELMER ZELAYA

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EXHIBIT A

(60-DAY NOTICE AND CERTIFICATE OF MERIT)

60-DAY NOTICE OF VIOLATION

(Pursuant to California Health & Safety Code, § 2549.7(d))
Re: 4-methylimidazole (4-MEI) Found in Carbonated Drinks with Caramel Coloring

Date: January 29, 2014

To: Robert Unanue, President of Goya Foods, Inc.
California Attorney General's Office;
Each California District Attorney's Office (see service list below)
Los Angeles, San Diego, San Jose, and San Francisco City Attorneys' Offices

From: Elmer Zelaya

I, Elmer Zelaya, provide this Notice of Violation to you pursuant to and in compliance with California Health and Safety Code section 25249.7, subsection d. I am a citizen of the State of California acting in the interest of the general public. I seek to increase the public's awareness and the safety regarding products sold for consumption in California that expose the public to unsafe levels of carcinogens. I can be reached at 232 West 42 Place, Los Angeles, CA 90037, 323-458-4261. The violations covered by this Notice consist of the products' exposures, routes of exposure, and type of harm potentially resulting from exposure to the toxic chemical identified below, as follows:

Description of Violation:

- Violators: Goya Foods, Inc., doing business in California as Goya Foods of California, Inc.
- Time Period of Exposure: The violations have been occurring since at least September 30, 2013, and are ongoing.
- Proposition 65 Provision Violated: This Notice of Violation involves violation of California Health and Safety Code section 25249.6 for failure to provide a "warning provision" required by Proposition 65.
- Listed Chemical Involved: 4-methylimidazol ("4-MEI"), a carcinogen.
- Description of Exposure: Consumers ingest the products identified by this Notice, which contain 4-MEI. No clear and reasonable warning is provided with these products identified by this Notice regarding carcinogen hazards associated with 4-MEI exposure.
- Type of Product: Carbonated beverages containing caramel coloring. Non-exclusive examples are: (1) Malta GOYA; (2) GOYA Sangria; (3) GOYA Ginger Beer.

Resolution of Notice Claims:

Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged violator 60 days after effective service unless such alleged violator enters into a binding written agreement to remedy the violations alleged herein by:

- (1) Recalling products already sold;
- (2) Reformulating such products to eliminate the 4-MEI exposure or taking appropriate measures to otherwise comply with Proposition 65; and
- (3) Paying an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b).

If any of the alleged violators is interested in resolving this dispute without resort to litigation, please feel free to contact me through my counsel identified below. It should be noted that I and my counsel may not: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received my 60-day Notice. Therefore, while reaching an agreement with myself will resolve my claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to my counsel: Wade Miller at 235 E. Broadway, Ste. 424, Long Beach, CA 90802, (562) 437-6300, wmler@wademillerlaw.com.

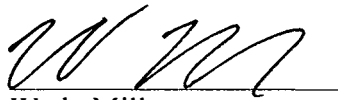
CERTIFICATE OF MERIT

Health & Safety Code § 25249.7(d)

I, Wade Miller, hereby declare:

- (1) This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
- (2) I am the attorney for the noticing party.
- (3) I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.
- (4) Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
- (5) The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 30, 2014


Wade Miller

**OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY**

**THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65): A SUMMARY**

The following summary has been prepared by the Office of Environmental Health Hazard Assessment, the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and its implementing regulations (see citations below) for further information. Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 22 of the California Code of Regulations, Sections 12000 through 14000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 550 chemicals have been listed as of May 1, 1996. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release or otherwise engage in activities involving those chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

Governmental agencies and public water utilities. All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "no significant risk" levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharges that do not result in a "significant amount" of the listed chemical entering into any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 22, California Code of Regulations, Section 12903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in Long Beach, California; my business address is 235 E. Broadway, Ste. 424, Long Beach, CA 90802. I am over the age of 18 years and not a party to the within cause and my electronic notification address is anichter@wademillerlaw.com.

On January 30, 2014, I served true copies of the following documents:

60-DAY NOTICE OF VIOLATION PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 2549.7(d);

CERTIFICATE OF MERIT;

CERTIFICATE OF MERIT SUPPORTING DOCUMENTS (only served on Attorney General)

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only served on Goya Foods, Inc.).

On this date, I transmitted the above documents via electronic mail to the electronic mail addresses set forth below at 4:32 pm PT on January 30, 2014:

Lon Wixson, Deputy District Attorney
Contra Costa County
lwixson@contracostada.org

Dije Ndreu, Deputy District Attorney
Monterey County
Prop65DA@co.monterey.ca.us

Gary Lieberstein, District Attorney
Napa County
CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney
Riverside County
Prop65@rivcoda.org

Karyn Sinunu-Towery, Assistant District Attorney
Santa Clara County
epu@da.sccgov.org

Stephan R. Passalacqua, District Attorney
Sonoma County
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
daspecialops@ventura.org

The transmission was reported as complete and without error.

On January 30, 2014, I deposited fully prepaid and sealed envelopes containing the above mentioned documents with the United States Postal Service, addressed to the individuals in the attached service list.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 28, 2014, at San Francisco, California.

Dated: January 30, 2014


Austin Nichter

SERVICE LIST

District Attorney of Alameda County
1 225 Fallon Street, Rm. 900
Oakland, CA 9461 2

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 961 20

District Attorney of Amador County
708 Court Street, Ste. 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street, Ste. 1 02
Colusa, CA 95932

District Attorney of Del Norte County
450 H Street, Ste. 1 71
Crescent City, CA 95531

District Attorney of El Dorado County
5 1 5 Main Street
Placerville, CA 95667

District Attorney of Fresno County
2220 Tulare Street, Ste. 1 000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street, Ste. 1 02
El Centro, CA 92243

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Kern County
1 21 5 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
1 400 West Lacey Blvd.
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Lassen County
220 S. Lassen Street, Ste. 8
Susanville, CA 961 30

District Attorney of Los Angeles County
21 0 W. Temple Street, Ste. 1 800
Los Angeles, CA 9001 2-321 0

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Marin County
3501 Civic Center Drive, Rm. 1 30
San Rafael, CA 94903

District Attorney of Mariposa County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Mendocino County
P.O. Box 1 000
Ukiah, CA 95482

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Modoc County
204 S. Court Street, Rm. 202
Alturas, CA 961 01 -4020

District Attorney of Mono County
P.O. Box 61 7
Bridgeport, CA 93546

District Attorney of Nevada County
1 1 0 Union Street
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney of Placer County
1 0810 Justice Center Drive, Ste. 240.
Roseville, CA 95678

District Attorney of Plumas County
520 Main Street, Rm. 404
Quincy, CA 95971

District Attorney of Sacramento County
901 "G" Street
Sacramento, CA 958 1 4

District Attorney of San Benito County
41 9 Fourth Street, 2nd Fl.
Hollister, CA 95023

District Attorney of San Bernardino County
31 6 N. Mountain View Avenue
San Bernardino, CA 924 1 5

District Attorney of San Diego County
330 West Broadway, Ste. 1 300
San Diego, CA 921 01

District Attorney of San Francisco County
850 Bryant Street, Rm. 325
San Francisco, CA 941 03

District Attorney of San Joaquin County
P.O. Box 990
Stockton, CA 95202

District Attorney of San Luis Obispo County
1 050 Monterey Street, Rm. 450
San Luis Obispo, CA 93408

District Attorney of San Mateo County
400 County Center, 3'd Fl.
Redwood City, CA 94063

District Attorney of Santa Cruz County
701 Ocean Street, Rm. 200
Santa Cruz, CA 95060

District Attorney of Santa Barbara County
Attn: Jerry Lule-Jian
3 1 2-D E. Cook Street
Santa Maria, CA 93454

District Attorney of Shasta County
1 525 Court Street, 3'd Fl.
Redding, CA 9600 1 - 1 632

District Attorney of Sierra County Courthouse
1 00 Courthouse Sq., 2nd Fl.
Downieville, CA 95936

District Attorney of Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney of Solano County
675 Texas Street, Ste. 4500
Fairfield, CA 94533

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney of Tehama County
P.O. Box 519
Red Bluff, CA 96080

District Attorney of Trinity County
P.O. Box 310, 11 Court Street
Weaverville, CA 96093

District Attorney of Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney of Yolo County
301 Second Street
Woodland, CA 95695

District Attorney of Yuba County
21 5 Fifth Street
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Rm. 800
Los Angeles, CA 9001 2

San Diego City Attorney's Office
1 200 Third Avenue, Ste. 1 620
San Diego, CA 921 01

San Francisco City Attorney's Office
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 941 02

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 951 1 3

Robert Unanue, CEO*
Goya Foods, Inc.
dba Goya Foods of California, Inc.
100 Seaview Dr., Secaucus, NJ 07096
2170 Gateway Oaks Dr., Ste. 150N, Sacramento,
CA 95833

District Attorney of Stanislaus
832 12th Street, Suite 300
Modesto, California 95354

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in Long Beach, California; my business address is 235 E. Broadway, Ste. 424, Long Beach, CA 90802. I am over the age of 18 years and not a party to the within cause and my electronic notification address is anichter@wademillerlaw.com.

On January 30, 2014, I served true copies of the following documents:

60-DAY NOTICE OF VIOLATION PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 2549.7(d);

CERTIFICATE OF MERIT;

CERTIFICATE OF MERIT SUPPORTING DOCUMENTS (only served on Attorney General)

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only served on Goya Foods, Inc.).

On this date, I transmitted the above documents via electronic submission through the California Attorney General website submission page: <https://oag.ca.gov/prop65/add-60-day-notice>, at 3:33 p.m. PST, on January 30, 2014.

The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on January 30, 2014, at San Francisco, California.

Dated: January 30, 2014


Austin Nichter