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**CONFORMED COPY**  
OF ORIGINAL FILED  
Los Angeles Superior Court

SEP 03 2014

Sherri R. Carter, Executive Officer/Clerk  
By: Moses Soto, Deputy

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF LOS ANGELES**

14 CONSUMER ADVOCACY GROUP, INC.,  
15 in the public interest,

16 Plaintiff,

17 v.

18 MATCO RICE PROCESSING (PVT.) LTD.,  
19 a Pakistan Corporation; SOOFER CO. INC.,  
20 a California Corporation; CO.R.E.X. SPA, an  
21 Italy Corporation; VALLEY PRODUCE  
22 MARKET, a California Corporation; SAN  
23 FERNANDO VALLEY PRODUCE &  
24 DELI, INC., a California Corporation and  
25 DOES 1-20;

26 Defendants.

CASE NO. **BC 5 5 6 5 9 4**

COMPLAINT FOR PENALTY AND  
INJUNCTION

Violation of Proposition 65, the Safe  
Drinking Water and Toxic Enforcement  
Act of 1986 (*Health & Safety Code*, §  
25249.5, *et seq.*)

ACTION IS AN UNLIMITED CIVIL  
CASE (exceeds \$25,000)

27 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges a cause of action against  
28 defendants MATCO RICE PROCESSING (PVT.) LTD., SOOFER CO. INC., CO.R.E.X. SPA,  
VALLEY PRODUCE MARKET, SAN FERNANDO VALLEY PRODUCE & DELI, INC. and  
DOES 1-20 as follows:

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**COPY**

THE PARTIES

1. Plaintiff CONSUMER ADVOCACY GROUP, INC. ("Plaintiff" or "CAG") is an organization qualified to do business in the State of California. CAG is a person within the meaning of Health and Safety Code section 25249.11, subdivision (a). CAG, acting as a private attorney general, brings this action in the public interest as defined under Health and Safety Code section 25249.7, subdivision (d).
2. Defendant MATCO RICE PROCESSING (PVT.) LTD. ("MATCO") is a Pakistan Corporation, doing business in the State of California at all relevant times herein.
3. Defendant SOOFER CO. INC. ("SOOFER") is a California Corporation, doing business in the State of California at all relevant times herein.
4. Defendant CO.R.E.X. SPA ("COREX") is an Italy Corporation, doing business in the State of California at all relevant times herein.
5. Defendant VALLEY PRODUCE MARKET ("VALLEY PRODUCE") is a California Corporation, doing business in the State of California at all relevant times herein.
6. Defendant SAN FERNANDO VALLEY PRODUCE & DELI, INC. ("SAN FERNANDO") is a California Corporation, doing business in the State of California at all relevant times herein.
7. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-20, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.
8. At all times mentioned herein, the term "Defendants" includes MATCO, SOOFER, COREX, VALLEY PRODUCE, SAN FERNANDO and DOES 1-20.
9. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all times mentioned herein have conducted business within the State of California.

1 10. Upon information and belief, at all times relevant to this action, each of the Defendants,  
2 including DOES 1-20, was an agent, servant, or employee of each of the other  
3 Defendants. In conducting the activities alleged in this Complaint, each of the  
4 Defendants was acting within the course and scope of this agency, service, or  
5 employment, and was acting with the consent, permission, and authorization of each of  
6 the other Defendants. All actions of each of the Defendants alleged in this Complaint  
7 were ratified and approved by every other Defendant or their officers or managing agents.  
8 Alternatively, each of the Defendants aided, conspired with and/or facilitated the alleged  
9 wrongful conduct of each of the other Defendants.

10 11. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the  
11 Defendants was a person doing business within the meaning of Health and Safety Code  
12 section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more  
13 employees at all relevant times.

14 **JURISDICTION**

15 12. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article  
16 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except  
17 those given by statute to other trial courts. This Court has jurisdiction over this action  
18 pursuant to Health and Safety Code section 25249.7, which allows enforcement of  
19 violations of Proposition 65 in any Court of competent jurisdiction.

20 13. This Court has jurisdiction over Defendants named herein because Defendants either  
21 reside or are located in this State or are foreign corporations authorized to do business in  
22 California, are registered with the California Secretary of State, or who do sufficient  
23 business in California, have sufficient minimum contacts with California, or otherwise  
24 intentionally avail themselves of the markets within California through their manufacture,  
25 distribution, promotion, marketing, or sale of their products within California to render  
26 the exercise of jurisdiction by the California courts permissible under traditional notions  
27 of fair play and substantial justice.

1 14. Venue is proper in the County of Los Angeles because one or more of the instances of  
2 wrongful conduct occurred, and continues to occur, in the County of Los Angeles and/or  
3 because Defendants conducted, and continue to conduct, business in the County of Los  
4 Angeles with respect to the consumer product that is the subject of this action.

5 **BACKGROUND AND PRELIMINARY FACTS**

6 15. In 1986, California voters approved an initiative to address growing concerns about  
7 exposure to toxic chemicals and declared their right "[t]o be informed about exposures to  
8 chemicals that cause cancer, birth defects, or other reproductive harm." Ballot Pamp.,  
9 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking  
10 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code sections  
11 25249.5, *et seq.* ("Proposition 65"), helps to protect California's drinking water sources  
12 from contamination, to allow consumers to make informed choices about the products  
13 they buy, and to enable persons to protect themselves from toxic chemicals as they see  
14 fit.

15 16. Proposition 65 requires the Governor of California to publish a list of chemicals known to  
16 the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*  
17 § 25249.8. The list, which the Governor updates at least once a year, contains over 700  
18 chemicals and chemical families. Proposition 65 imposes warning requirements and  
19 other controls that apply to Proposition 65-listed chemicals.

20 17. All businesses with ten (10) or more employees that operate or sell products in California  
21 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited  
22 from knowingly discharging Proposition 65-listed chemicals into sources of drinking  
23 water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and  
24 reasonable" warnings before exposing a person, knowingly and intentionally, to a  
25 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

26 18. Proposition 65 provides that any person "violating or threatening to violate" the statute  
27 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.

28 "Threaten to violate" means "to create a condition in which there is a substantial

1 probability that a violation will occur." *Health & Safety Code* § 25249.11(e).

2 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,  
3 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

4 19. Plaintiff identified certain practices of manufacturers and distributors of cadmium and  
5 lead-bearing products of exposing, knowingly and intentionally, persons in California to  
6 the Proposition 65-listed chemicals of such products without first providing clear and  
7 reasonable warnings of such to the exposed persons prior to the time of exposure.

8 Plaintiff later discerned that Defendants engaged in such practice.

9 20. On February 27, 1987, the Governor of California added lead to the list of chemicals  
10 known to the State to cause reproductive toxicity (*Cal. Code Regs.* tit. 27, § 27001(c)).  
11 lead is known to the State to cause developmental, female, and male reproductive  
12 toxicity. Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20)  
13 months after addition of lead to the list of chemicals known to the State to cause  
14 reproductive toxicity, lead became fully subject to Proposition 65 warning requirements  
15 and discharge prohibitions.

16 21. On October 1, 1992, the Governor of California added lead and lead compounds to the  
17 list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, § 27001(b)).  
18 Pursuant to Health and Safety Code sections 25249.9 and 25249.10, twenty (20) months  
19 after addition of lead and lead compounds to the list of chemicals known to the State to  
20 cause cancer, lead and lead compounds became fully subject to Proposition 65 warning  
21 requirements and discharge prohibitions.

22 22. On October 1, 1987, the Governor added Cadmium and Cadmium Compounds to the list  
23 of chemicals known to the State to cause cancer, and on May 1, 1997, the Governor  
24 added Cadmium to the list of chemicals known to the State to cause reproductive toxicity,  
25 developmental, male. Both additions took place more than twenty (20) months before  
26 CAG served this Notice.

27 ///

28 ///



1 27. Plaintiff's notices of alleged violations also included a Certificate of Service and a  
2 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986  
3 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

4 28. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff  
5 gave notices of the alleged violations to MATCO, SOOFER, COREX, VALLEY  
6 PRODUCE, SAN FERNANDO, and the public prosecutors referenced in Paragraphs 23  
7 through 24.

8 29. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor  
9 any applicable district attorney or city attorney has commenced and is diligently  
10 prosecuting an action against the Defendants.

11 **FIRST CAUSE OF ACTION**

12 (By CONSUMER ADVOCACY GROUP, INC. and against SOOFER, COREX  
13 VALLEY PRODUCE, SAN FERNANDO; and DOES 1-20 for Violations of  
14 Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986  
(*Health & Safety Code*, §§ 25249.5, et seq.))

15 **Rice**

16 30. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
17 reference paragraphs 1 through 29 of this complaint as though fully set forth herein.  
18 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 distributor, promoter, or retailer of Rice, which includes but is not limited to: (1) "Sadaf®  
20 "BASMATI RICE" "GOLDEN WHITE" "ALL NATURAL" "VEGETARIAN" "NET  
21 WT. 16 OZ. 453.7g" UPC: 0 52851 14170 8. and (2) MEDITERRANEAN CLASSICS  
22 CAMPAGNA "SUPERFINEO ARBORIO RICE", "1 kg NET 35 oz," UPC: 8 005391  
23 003564. ("RICE").

24 31. RICE contains lead.

25 32. Defendants knew or should have known that lead has been identified by the State of  
26 California as chemicals known to cause cancer and reproductive toxicity and therefore  
27 was subject to Proposition 65 warning requirements. Defendants were also informed of  
28

1 the presence of lead in RICE within Plaintiff's notice of alleged violations further  
2 discussed above at Paragraph 23.

3 33. Plaintiff's allegations regarding RICE concern "[c]onsumer products exposure[s]," which  
4 "is an exposure that results from a person's acquisition, purchase, storage, consumption,  
5 or other reasonably foreseeable use of a consumer good, or any exposure that results from  
6 receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*. RICE are consumer  
7 products, and, as mentioned herein, exposures to lead took place as a result of such  
8 normal and foreseeable consumption and use.

9 34. Plaintiff is informed, believes, and thereon alleges that between April 24, 2011 and the  
10 present, each of the Defendants knowingly and intentionally exposed California  
11 consumers and users of RICE, which Defendants manufactured, distributed, or sold as  
12 mentioned above, to lead without first providing any type of clear and reasonable  
13 warning of such to the exposed persons before the time of exposure. Defendants have  
14 distributed and sold RICE in California. Defendants know and intend that California  
15 consumers will use and consume RICE, thereby exposing them to lead. Defendants  
16 thereby violated Proposition 65.

17 35. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
18 Persons sustain exposures by eating and consuming RICE, handling RICE without  
19 wearing gloves or any other personal protective equipment, or by touching bare skin or  
20 mucous membranes with gloves after handling RICE, as well as through direct and  
21 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate  
22 matter dispersed from RICE.

23 36. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
24 Proposition 65 as to RICE have been ongoing and continuous to the date of the signing of  
25 this complaint, as Defendants engaged and continue to engage in conduct which violates  
26 Health and Safety Code section 25249.6, including the manufacture, distribution,  
27 promotion, and sale of RICE, so that a separate and distinct violation of Proposition 65  
28 occurred each and every time a person was exposed to lead by RICE as mentioned herein.

1 37. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
3 violations alleged herein will continue to occur into the future.

4 38. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to lead from RICE, pursuant to Health and  
6 Safety Code section 25249.7(b).

7 39. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
8 filing this Complaint.

9  
10 **SECOND CAUSE OF ACTION**

11 (By CONSUMER ADVOCACY GROUP, INC. and against SOOFER, COREX  
12 VALLEY PRODUCE, SAN FERNANDO; and DOES 1-20 for Violations of  
13 Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986  
(Health & Safety Code, §§ 25249.5, et seq.))

14 **Rice**

15 40. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
16 reference paragraphs 1 through 39 of this complaint as though fully set forth herein.  
17 Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
18 distributor, promoter, or retailer of Rice, which includes but is not limited to: (1) "Sadaf®  
19 "BASMATI RICE" "GOLDEN WHITE" "ALL NATURAL" "VEGETARIAN" "NET  
20 WT. 16 OZ. 453.7g" UPC: 0 52851 14170 8. and (2) MEDITERRANEAN CLASSICS  
21 CAMPAGNA "SUPERFINEO ARBORIO RICE", "1 kg NET 35 oz," UPC: 8 005391  
22 003564. ("RICE").

23 41. RICE contains cadmium.

24 42. Defendants knew or should have known that cadmium has been identified by the State of  
25 California as chemicals known to cause cancer and reproductive toxicity and therefore  
26 was subject to Proposition 65 warning requirements. Defendants were also informed of  
27 the presence of cadmium in RICE within Plaintiff's notice of alleged violations further  
28 discussed above at Paragraph 23.

1 43. Plaintiff's allegations regarding RICE concern "[c]onsumer products exposure[s]," which  
2 "is an exposure that results from a person's acquisition, purchase, storage, consumption,  
3 or other reasonably foreseeable use of a consumer good, or any exposure that results from  
4 receiving a consumer service." *Cal. Code Regs.* tit. 27, § 25602(b). RICE are consumer  
5 products, and, as mentioned herein, exposures to cadmium took place as a result of such  
6 normal and foreseeable consumption and use.

7 44. Plaintiff is informed, believes, and thereon alleges that between April 24, 2011 and the  
8 present, each of the Defendants knowingly and intentionally exposed California  
9 consumers and users of RICE, which Defendants manufactured, distributed, or sold as  
10 mentioned above, to cadmium without first providing any type of clear and reasonable  
11 warning of such to the exposed persons before the time of exposure. Defendants have  
12 distributed and sold RICE in California. Defendants know and intend that California  
13 consumers will use and consume RICE, thereby exposing them to cadmium. Defendants  
14 thereby violated Proposition 65.

15 45. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
16 Persons sustain exposures by eating and consuming RICE, handling RICE without  
17 wearing gloves or any other personal protective equipment, or by touching bare skin or  
18 mucous membranes with gloves after handling RICE, as well as through direct and  
19 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate  
20 matter dispersed from RICE.

21 46. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of  
22 Proposition 65 as to RICE have been ongoing and continuous to the date of the signing of  
23 this complaint, as Defendants engaged and continue to engage in conduct which violates  
24 Health and Safety Code section 25249.6, including the manufacture, distribution,  
25 promotion, and sale of RICE, so that a separate and distinct violation of Proposition 65  
26 occurred each and every time a person was exposed to cadmium by RICE as mentioned  
27 herein.

28

1 47. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
2 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
3 violations alleged herein will continue to occur into the future.

4 48. Based on the allegations herein, Defendants are liable for civil penalties of up to  
5 \$2,500.00 per day per individual exposure to cadmium from RICE, pursuant to Health  
6 and Safety Code section 25249.7(b).

7 49. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
8 filing this Complaint.

9  
10 **THIRD CAUSE OF ACTION**

11 **(By CONSUMER ADVOCACY GROUP, INC. and against MATCO, VALLEY**  
12 **PRODUCE, SAN FERNANDO and DOES 1-20 for Violations of Proposition 65,**  
13 **The Safe Drinking Water and Toxic Enforcement Act of 1986 (*Health & Safety***  
14 ***Code, §§ 25249.5, et seq.*))**

15 **Rice**

16 50. Plaintiff CONSUMER ADVOCACY GROUP, INC. repeats and incorporates by  
17 reference paragraphs 1 through 49 of this complaint as though fully set forth herein.

18 51. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 distributor, promoter, or retailer of Rice, which includes but is not limited to FALAK®  
20 “BASMATI RICE” “The Authentic Flavour of Punjab” “BROWN BASMATI RICE”  
21 “Premium Quality” “SUPER KERNEL” “Net Weight 2 lbs. 0.9 kg” Bar Code: 8 961100  
22 090181 (“RICE”).

23 52. RICE contains lead.

24 53. Defendants knew or should have known that lead has been identified by the State of  
25 California as chemicals known to cause cancer and reproductive toxicity and therefore  
26 was subject to Proposition 65 warning requirements. Defendants were also informed of  
27 the presence of lead in RICE within Plaintiff's notice of alleged violations further  
28 discussed above at Paragraph 24.

54. Plaintiff's allegations regarding RICE concern “[c]onsumer products exposure[s],” which  
“is an exposure that results from a person's acquisition, purchase, storage, consumption,

1 or other reasonably foreseeable use of a consumer good, or any exposure that results from  
2 receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*. RICE are consumer  
3 products, and, as mentioned herein, exposures to lead took place as a result of such  
4 normal and foreseeable consumption and use.

5 55. Plaintiff is informed, believes, and thereon alleges that between April 24, 2011 and the  
6 present, each of the Defendants knowingly and intentionally exposed California  
7 consumers and users of RICE, which Defendants manufactured, distributed, or sold as  
8 mentioned above, to lead without first providing any type of clear and reasonable  
9 warning of such to the exposed persons before the time of exposure. Defendants have  
10 distributed and sold RICE in California. Defendants know and intend that California  
11 consumers will use and consume RICE, thereby exposing them to lead. Defendants  
12 thereby violated Proposition 65.

13 56. The principal routes of exposure are through dermal contact, ingestion and inhalation.  
14 Persons sustain exposures by eating and consuming RICE, handling RICE without  
15 wearing gloves or any other personal protective equipment, or by touching bare skin or  
16 mucous membranes with gloves after handling RICE, as well as through direct and  
17 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate  
18 matter dispersed from RICE.

19 57. Plaintiff is informed, believes, and thereon alleges that each of Defendants’ violations of  
20 Proposition 65 as to RICE have been ongoing and continuous to the date of the signing of  
21 this complaint, as Defendants engaged and continue to engage in conduct which violates  
22 Health and Safety Code section 25249.6, including the manufacture, distribution,  
23 promotion, and sale of RICE, so that a separate and distinct violation of Proposition 65  
24 occurred each and every time a person was exposed to lead by RICE as mentioned herein.

25 58. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65  
26 mentioned herein is ever continuing. Plaintiff further alleges and believes that the  
27 violations alleged herein will continue to occur into the future.  
28

1 59. Based on the allegations herein, Defendants are liable for civil penalties of up to  
2 \$2,500.00 per day per individual exposure to lead from RICE, pursuant to Health and  
3 Safety Code section 25249.7(b).

4 60. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to  
5 filing this Complaint.

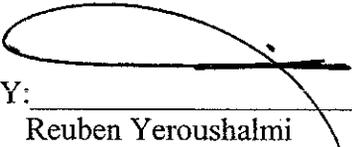
6 **PRAYER FOR RELIEF**

7 Plaintiff demands against each of the Defendants as follows:

- 8 1. A permanent injunction mandating Proposition 65-compliant warnings;  
9 2. Penalties pursuant to Health and Safety Code section 25249.7, subdivision (b);  
10 3. Costs of suit;  
11 4. Reasonable attorney fees and costs; and  
12 5. Any further relief that the court may deem just and equitable.

13  
14 Dated: September 3, 2014

YEROUSHALMI & YEROUSHALMI

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16   
17 BY: \_\_\_\_\_  
18 Reuben Yeroushalmi  
19 Attorneys for Plaintiff,  
20 Consumer Advocacy Group, Inc.  
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