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SUPERIOR COURT OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT, UNLIMITED JURISDICTION

MARK LEWIS, In the Public Interest,
 	
    Plaintiff,
 	
v.
 	
NUTRI-VET LLC AND DOES 1-10,
 	
    Defendants.
	Case No. **BC 566123**
	
	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF FOR VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

MARK LEWIS (hereinafter, "Plaintiff"), in the public interest, makes the following allegations and claims against NUTRI-VET LLC and DOES 1-10 (hereinafter, "Defendants"):

FRIST CAUSE OF ACTION AGAINST ALL DEFENDANTS FOR VIOLATION OF
THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986

1. Plaintiff is a resident of the state of California and county of Los Angeles.

2. NUTRI-VET LLC is an Idaho corporation with its principal place of business and corporate headquarters in Boise, Idaho.

3. Does 1-10 are sued pursuant to Code of Civil Procedure section 474.

4. Each of the foregoing paragraphs is incorporated herein by reference.

5. It is unlawful for Defendants to expose people to chemicals known to the state of California to cause cancer, birth defects, or other reproductive harm without a "clear and reasonable warning," unless they can prove that the exposure fits within a statutory exemption. (Health & Saf. Code, § 25249.6.)

1
Complaint

6.   On June 22, 2012, the state of California officially listed coconut oil diethanolamine condensate (cocamide diethanolamine) also known as Cocamide DEA (hereinafter, the "Chemical") as a chemical known to cause cancer. (Cal. Code Regs., title 27, § 27001, subd. (b).)

7.   On June 22, 2013, one year after it was listed as a chemical known to cause cancer, the Chemical became subject to the clear and reasonable warning requirement. (Cal. Code Regs., title 27, § 27001, subd. (b); Health & Saf. Code, § 25249.10, subd. (b).)

8.   Plaintiff has complied with provisions of Health and Safety Code section 25249.7, subdivision (d)(1); California Code of Regulations, title 27, section 25903; and California Code of Regulations, title 11, sections 3101 and 3102.

9.   Neither the Attorney General, any district attorney, any city attorney, nor any prosecutor has commenced and is diligently prosecuting an action against the violation set forth in this cause of action.

10.   Since June 22, 2013, Defendants have been selling to California consumers All Purpose Shampoo for Dogs, which contains the Chemical, without first warning those consumers that it contains a chemical known to the state of California to cause cancer. The consumers have been exposed to the Chemical through the foreseeable and intended use of the product, *i.e.*, its application to the skin while shampooing dogs.

11.   The route of exposure to the Chemical in the Products is dermal contact.

12.   The exposures have been knowing and intentional because Defendants have known that the product has contained the Chemical.

PRAYER

Wherefore, Plaintiff prays for permanent injunctive relief and civil penalties against each Defendant in the amount of $2,500 per day for each of the Products sold in California from June 22, 2013 until such time that Defendants gave purchasers thereof warning that using the Products would expose them to a chemical known to the state of California to cause cancer or until such time that the Products ceased to contain the Chemical.

Dated: 12/9/2014   LAW OFFICES OF MORSE MEHRBAN, A.P.C.

By: _____
                            Morse Mehrban
                            Attorney for Plaintiff,
                            MARK LEWIS