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ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

DEC 02 2015

Sherri K. Carter, Executive Officer/Clerk  
By: Judi Lara, Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES  
11 CENTRAL DISTRICT

12 ROBERT BROWNWELL,

13 Plaintiff,

14 v.

15 UNITED MEDICAL ALLIANCE, INC., a  
16 corporation; and DOES 1-10, inclusive,

17 Defendants.

Case No.:

BC 6 02 858

COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF

Health and Safety Code §25249.5, et seq.

By Fax

1 Plaintiff alleges on information and belief as follows:

2 **NATURE OF THE ACTION**

3 1. This Complaint is a representative action brought by Plaintiff Robert  
4 Brownwell ("Plaintiff"), on behalf of the citizens of the State of California, to enforce the  
5 People's right to be warned of the carcinogenic danger of marijuana smoke as a result of  
6 products sold and/or consumed in California. Marijuana smoke is a carcinogen inhaled by  
7 consumers through the smoking of marijuana.

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

13 3. By this Complaint, Plaintiff seeks to remedy Defendants' continuing failure to  
14 warn California consumers of their exposure to excessive levels of marijuana smoke  
15 derived from marijuana products manufactured, distributed, sold, and/or offered for sale or  
16 use by Defendants throughout the State of California, including all marijuana products not  
17 intended to be consumed in edible form ("Products").

18 **PARTIES**

19 4. Plaintiff is a concerned California citizen and person within the meaning of  
20 H&S Code section 25249.11(a). Plaintiff brings this action in the public interest pursuant to  
21 H&S Code section 25249.7(d) and seeks to increase public awareness and safety  
22 regarding products sold for consumption in California that expose California citizens to  
23 unsafe levels of carcinogens.

24 5. Defendant United Medical Alliance, Inc. ("Defendant"), doing business in  
25 California as United Medical Alliance., is a person in the course of doing business within  
26 the meaning of H&S Code section 25249.11(b). Defendant has ten (10) or more  
27 employees and manufactures, distributes, sells, and/or offers Products for sale or use in  
28 the State of California.





1 Chemical, users and purchasers of the Products in California were exposed to the Listed  
2 Chemical through the reasonably foreseeable use of the Products, and that Defendants  
3 are in violation of Proposition 65 for continued failure to provide a “clear and reasonable  
4 warning” of such toxic exposure.

5 20. Defendants have violated H&S Code section 25249.6, for at least one year  
6 prior to March 18, 2015, 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 21. Defendants have engaged in the manufacture, importation, distribution, sale,  
10 and/or offering for sale or use of the Products in California. Following Defendants receipt of  
11 the 60-Day Notice of Violation, Defendants continue to engage in the manufacture,  
12 distribution, sale, and/or offering the Products for sale or use in California. As such,  
13 Defendants’ violations are ongoing and continuous in nature, and will continue to occur in  
14 the future.

15 22. Following receipt of the 60-Day Notice of Violation, the appropriate public  
16 enforcement agencies have failed to commence and diligently prosecute an action against  
17 Defendants for violation of Proposition 65.

18 23. California consumers have been exposed and continue to be exposed to the  
19 Listed Chemical through the normal and reasonably foreseeable use of the Products, *i.e.*  
20 consumption of marijuana smoke. (CCR Title 27 § 25602(b).)

21 24. Defendants knowingly intended and continue to intend such exposure of the  
22 Listed Chemical from Defendants’ deliberate and non-accidental participation in the  
23 manufacture, distribution, sale, and/or offering of the Products for sale or use to individuals  
24 in California with knowledge that the normal and reasonably foreseeable use of the  
25 Products results in exposure of the Listed Chemical.


26 25. The Listed Chemical is present in the Products in an amount posing  
27 significant risk, such that Defendants are not exempt from the “clear and reasonable  
28 warning” requirement of H&S Code section 25249.6.



1 Dated: December 2, 2015

WADE MILLER LAW

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Robert Brownwell