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From: Lexington Law Group

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CENTER FOR ENVIRONMENTAL HEALTH

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

CENTER FOR ENVIRONMENTAL HEALTH,)
a non-profit corporation,)

Plaintiff,)

v.)

FOODSHOULDTASTEGOOD, INC.;)
GENERAL MILLS, INC.; FGF BRANDS,)
INC.; KETTLE FOODS, INC.; LATE JULY)
SNACKS LLC; LIVE BETTER BRANDS)
LLC; MILTON'S BAKING COMPANY, LLC;)
SAVE MART SUPERMARKETS; WHOLE)
FOODS MARKET CALIFORNIA, INC.; MRS.)
GOOCH'S NATURAL FOOD MARKETS,)
INC.; NATURALLY HOMEGROWN FOODS)
LTD.; NUGGET MARKET, INC.; DIRECT)
ADVERT MEDIA LLC; SF MARKETS, LLC;)
and DOES 1 through 300, inclusive,)

Defendants.)

FILED BY FAX
ALAMEDA COUNTY

May 23, 2017

CLERK OF
THE SUPERIOR COURT
By Melanie Williams, Deputy

CASE NUMBER:

RG17851469

Case No. RG 17-851469

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF AND CIVIL
PENALTIES**

Health & Safety Code § 25249.6, *et seq.*

(Other)

1 Plaintiff Center for Environmental Health, in the public interest, based on
2 information and belief and investigation of counsel, except for information based on knowledge,
3 hereby makes the following allegations:

4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants' continuing failure to warn
6 individuals in California that they are being exposed to acrylamide, a chemical known to the
7 State of California to cause cancer. Such exposures have occurred, and continue to occur,
8 through the manufacture, distribution, sale, and consumption of two types of food products: (i)
9 fried or baked potato or sweet potato based snack foods (the "Potato or Sweet Potato Snack
10 Products"); and (ii) fried or baked vegetable chips (the "Vegetable Chip Products"). Potato or
11 Sweet Potato Snack Products and Vegetable Chip Products are collectively referred to herein as
12 "Products." Consumers, including children, are exposed to acrylamide when they consume the
13 Products.

14 2. Under California's Proposition 65, Health & Safety Code § 25249.5, *et*
15 *seq.*, it is unlawful for businesses to knowingly and intentionally expose individuals in California
16 to chemicals known to the State to cause cancer, birth defects, or other reproductive harm
17 without providing clear and reasonable warnings to individuals prior to their exposure.
18 Defendants introduce Products contaminated with significant quantities of acrylamide into the
19 California marketplace, thereby exposing consumers of their Products, many of whom are
20 children, to acrylamide.

21 3. Despite the fact that Defendants expose children and other consumers to
22 acrylamide, Defendants provide no warnings whatsoever about the carcinogenic hazards
23 associated with acrylamide exposure. Defendants' conduct thus violates the warning provision
24 of Proposition 65. Health & Safety Code § 25249.6.

25 **PARTIES**

26 4. Plaintiff CENTER FOR ENVIRONMENTAL HEALTH ("CEH") is a
27 non-profit corporation dedicated to protecting the public from environmental health hazards and
28 toxic exposures. CEH is based in Oakland, California and incorporated under the laws of the

1 State of California. CEH is a “person” within the meaning of Health & Safety Code
2 § 25249.11(a) and brings this enforcement action in the public interest pursuant to Health &
3 Safety Code § 25249.7(d). CEH is a nationally recognized non-profit environmental advocacy
4 group that has prosecuted a large number of Proposition 65 cases in the public interest. These
5 cases have resulted in significant public benefit, including the reformulation of thousands of
6 products to remove toxic chemicals and to make them safer. CEH also provides information to
7 Californians about the health risks associated with exposure to hazardous substances, where
8 manufacturers and other responsible parties fail to do so.

9 5. Defendant FOODSHOULDTASTEGOOD, INC. is a person in the course
10 of doing business within the meaning of Health & Safety Code § 25249.11. Defendant
11 FOODSHOULDTASTEGOOD, INC. manufactures, distributes, and/or sells Potato or Sweet
12 Potato Snack Products for sale and consumption in California.

13 6. Defendant GENERAL MILLS, INC. is a person in the course of doing
14 business within the meaning of Health & Safety Code § 25249.11. Defendant GENERAL
15 MILLS, INC. manufactures, distributes, and/or sells Potato or Sweet Potato Snack Products for
16 sale and consumption in California.

17 7. Defendant FGF BRANDS, INC. is a person in the course of doing
18 business within the meaning of Health & Safety Code § 25249.11. Defendant FGF BRANDS,
19 INC. manufactures, distributes, and/or sells Potato or Sweet Potato Snack Products for sale and
20 consumption in California.

21 8. Defendant KETTLE FOODS, INC. is a person in the course of doing
22 business within the meaning of Health & Safety Code § 25249.11. Defendant KETTLE FOODS,
23 INC. manufactures, distributes, and/or sells Potato or Sweet Potato Snack Products for sale and
24 consumption in California.

25 9. Defendant LATE JULY SNACKS LLC is a person in the course of doing
26 business within the meaning of Health & Safety Code § 25249.11. Defendant LATE JULY
27 SNACKS LLC manufactures, distributes, and/or sells Potato or Sweet Potato Snack Products for
28 sale and consumption in California.

1 10. Defendant LIVE BETTER BRANDS LLC is a person in the course of
2 doing business within the meaning of Health & Safety Code § 25249.11. Defendant LIVE
3 BETTER BRANDS LLC manufactures, distributes, and/or sells Potato or Sweet Potato Snack
4 Products for sale and consumption in California.

5 11. Defendant MILTON'S BAKING COMPANY, LLC is a person in the
6 course of doing business within the meaning of Health & Safety Code § 25249.11. Defendant
7 MILTON'S BAKING COMPANY, LLC manufactures, distributes, and/or sells Potato or Sweet
8 Potato Snack Products for sale and consumption in California.

9 12. Defendant SAVE MART SUPERMARKETS is a person in the course of
10 doing business within the meaning of Health & Safety Code § 25249.11. Defendant SAVE
11 MART SUPERMARKETS manufactures, distributes, and/or sells Potato or Sweet Potato Snack
12 Products for sale and consumption in California. CEH's allegations and claims against
13 Defendant SAVE MART SUPERMARKETS in this action are limited to Potato or Sweet Potato
14 Snack Products sold by Defendants FGF BRANDS, INC. and LATE JULY SNACKS LLC.

15 13. Defendant WHOLE FOODS MARKET CALIFORNIA, INC. is a person
16 in the course of doing business within the meaning of Health & Safety Code § 25249.11.
17 Defendant WHOLE FOODS MARKET CALIFORNIA, INC. manufactures, distributes, and/or
18 sells Potato or Sweet Potato Snack Products for sale and consumption in California. CEH's
19 allegations and claims against Defendant WHOLE FOODS MARKET CALIFORNIA, INC. in
20 this action are limited to Potato or Sweet Potato Snack Products sold by Bountiful Larder Inc.
21 and Defendant MILTON'S BAKING COMPANY, LLC.

22 14. Defendant MRS. GOOCH'S NATURAL FOOD MARKETS, INC. is a
23 person in the course of doing business within the meaning of Health & Safety Code § 25249.11.
24 Defendant MRS. GOOCH'S NATURAL FOOD MARKETS, INC. manufactures, distributes,
25 and/or sells Potato or Sweet Potato Snack Products for sale and consumption in California.
26 CEH's allegations and claims against Defendant MRS. GOOCH'S NATURAL FOOD
27 MARKETS, INC. in this action are limited to Potato or Sweet Potato Snack Products sold by
28 Bountiful Larder Inc. and Defendant MILTON'S BAKING COMPANY, LLC.

1 15. Defendant NATURALLY HOMEGROWN FOODS LTD. is a person in
2 the course of doing business within the meaning of Health & Safety Code § 25249.11.
3 Defendant NATURALLY HOMEGROWN FOODS LTD. manufactures, distributes, and/or sells
4 Vegetable Chip Products for sale and consumption in California.

5 16. Defendant NUGGET MARKET, INC. is a person in the course of doing
6 business within the meaning of Health & Safety Code § 25249.11. Defendant NUGGET
7 MARKET, INC. manufactures, distributes, and/or sells Vegetable Chip Products for sale and
8 consumption in California. CEH's allegations and claims against Defendant NUGGET
9 MARKET, INC. in this action are limited to Vegetable Chip Products sold by Defendant
10 NATURALLY HOMEGROWN FOODS LTD.

11 17. Defendant DIRECT ADVERT MEDIA LLC is a person in the course of
12 doing business within the meaning of Health & Safety Code § 25249.11. Defendant DIRECT
13 ADVERT MEDIA LLC manufactures, distributes, and/or sells Potato or Sweet Potato Snack
14 Products for sale and consumption in California. CEH's allegations and claims against
15 Defendant DIRECT ADVERT MEDIA LLC in this action are limited to Potato or Sweet Potato
16 Snack Products sold by Deep Foods Inc.

17 18. Defendant SF MARKETS, LLC is a person in the course of doing business
18 within the meaning of Health & Safety Code § 25249.11. Defendant SF MARKETS, LLC
19 manufactures, distributes, and/or sells Potato or Sweet Potato Snack Products for sale and
20 consumption in California. CEH's allegations and claims against Defendant SF MARKETS,
21 LLC in this action are limited to Potato or Sweet Potato Snack Products sold by Wholesome
22 Goodness, LLC and Defendants FOODSHOULDTASTEGOOD, INC.; GENERAL MILLS,
23 INC.; KETTLE FOODS, INC.; and LIVE BETTER BRANDS LLC.

24 19. DOES 1 through 100 are each a person in the course of doing business
25 within the meaning of Health & Safety Code § 25249.11. DOES 1 through 100 manufacture,
26 distribute, and/or sell Potato or Sweet Potato Snack Products for sale and consumption in
27 California. Defendants FOODSHOULDTASTEGOOD, INC.; GENERAL MILLS, INC.; FGF
28 BRANDS, INC.; KETTLE FOODS, INC.; LATE JULY SNACKS LLC; LIVE BETTER

1 BRANDS LLC; MILTON’S BAKING COMPANY, LLC; SAVE MART SUPERMARKETS;
2 WHOLE FOODS MARKET CALIFORNIA, INC.; MRS. GOOCH’S NATURAL FOOD
3 MARKETS, INC.; DIRECT ADVERT MEDIA LLC; SF MARKETS, LLC; and DOES 1
4 through 100 are collectively referred to herein as “Potato or Sweet Potato Snack Products
5 Defendants.”

6 20. DOES 101 through 200 are each a person in the course of doing business
7 within the meaning of Health & Safety Code § 25249.11. DOES 101 through 200 manufacture,
8 distribute, and/or sell Vegetable Chip Products for sale and consumption in California.
9 Defendants NATURALLY HOMETGROWN FOODS LTD.; NUGGET MARKET, INC.; and
10 DOES 101 through 200 are collectively referred to herein as “Vegetable Chip Products
11 Defendants.”

12 21. DOES 201 through 300 are each a person in the course of doing business
13 within the meaning of Health & Safety Code § 25249.11. DOES 201 through 300 manufacture,
14 distribute, and/or sell Potato or Sweet Potato Snack Products and Vegetable Chip Products for
15 sale and consumption in California.

16 22. The true names of DOES 1 through 300 are either unknown to CEH at this
17 time or the applicable time period before which CEH may file a Proposition 65 action has not
18 run. When their identities are ascertained or the applicable time period before which CEH may
19 file a Proposition 65 action has run, the Complaint shall be amended to reflect their true names.

20 23. The defendants identified in paragraphs 5 through 18 and DOES 1 through
21 300 are collectively referred to herein as “Defendants.”

JURISDICTION AND VENUE

23 24. The Court has jurisdiction over this action pursuant to Health & Safety
24 Code § 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant
25 to California Constitution Article VI, Section 10, because this case is a cause not given by statute
26 to other trial courts.

27 25. This Court has jurisdiction over Defendants because each is a business
28 entity that does sufficient business, has sufficient minimum contacts in California, or otherwise

1 intentionally avails itself of the California market through the sale, marketing, or use of the
2 Products in California and/or by having such other contacts with California so as to render the
3 exercise of jurisdiction over it by the California courts consistent with traditional notions of fair
4 play and substantial justice.

5 26. Venue is proper in Alameda County Superior Court because one or more of
6 the violations arise in the County of Alameda.

7 **BACKGROUND FACTS**

8 27. The People of the State of California have declared by initiative under
9 Proposition 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth
10 defects, or other reproductive harm.” Proposition 65, § 1(b).

11 28. To effectuate this goal, Proposition 65 prohibits exposing people to
12 chemicals listed by the State of California as known to cause cancer, birth defects, or other
13 reproductive harm above certain levels without a “clear and reasonable warning” unless the
14 business responsible for the exposure can prove that it fits within a statutory exemption. Health
15 & Safety Code § 25249.6 states, in pertinent part:

16 No person in the course of doing business shall knowingly and
17 intentionally expose any individual to a chemical known to the
18 state to cause cancer or reproductive toxicity without first giving
19 clear and reasonable warning to such individual. . .

19 29. On January 1, 1990, the State of California officially listed acrylamide as a
20 chemical known to cause cancer. On January 1, 1991, one year after it was listed as a chemical
21 known to cause cancer, acrylamide became subject to the clear and reasonable warning
22 requirement regarding carcinogens under Proposition 65. 27 California Code of Regulations
23 (“C.C.R.”) § 27001(b); Health & Safety Code § 25249.10(b). Acrylamide’s listing as a known
24 carcinogen is well supported by numerous scientific studies establishing a link between
25 acrylamide exposure and cancer. *See generally* Beland, F., *et al.*, “Carcinogenicity of acrylamide
26 in B6C3F1 mice and F344/N rats from a 2-year drinking water exposure,” *Food & Chemical*
27 *Toxicology* (2013) Vol 51:149; World Health Organization International Agency for Research
28 on Cancer, *IARC Monographs on the Evaluation of Carcinogenic Risks to Humans* (1994) Vol.

1 60:389; Vogt, R., *et al.*, “Cancer and non-cancer health effects from food contaminant exposures
2 for children and adults in California: a risk assessment,” *Environmental Health* (2012) Vol.
3 11:83.

4 30. Acrylamide is found in cigarette smoke and is produced industrially for
5 use in products such as plastics, grouts, water treatment products, and cosmetics. Acrylamide is
6 also found in certain food products, including the Products at issue. Acrylamide is formed during
7 the manufacturing process when the Products are cooked at high temperatures. The problem of
8 acrylamide in food products first came to light in 2002 when researchers at the Swedish National
9 Food Agency and Stockholm University reported finding acrylamide in a variety of fried and
10 baked foods. Since then, numerous government reports and academic studies have confirmed the
11 presence of high levels of acrylamide in certain foods, including the Products. *See, e.g.*, U.S.
12 Food and Drug Administration (“FDA”), “Survey Data on Acrylamide in Food: Individual Food
13 Products,” publicly available online at [http://www.fda.gov/Food/FoodborneIllnessContaminants/
14 ChemicalContaminants/ucm053549.htm](http://www.fda.gov/Food/FoodborneIllnessContaminants/ChemicalContaminants/ucm053549.htm) (updated July 2006); FDA, “Survey Data on Acrylamide
15 in Food: Total Diet Study Results,” publicly available online at [http://www.fda.gov/Food/
16 FoodborneIllnessContaminants/ChemicalContaminants/ucm053566.htm](http://www.fda.gov/Food/FoodborneIllnessContaminants/ChemicalContaminants/ucm053566.htm) (updated October
17 2006).

18 31. Defendants’ Products contain sufficient quantities of acrylamide such that
19 consumers, including children, who consume the Products are exposed to acrylamide. The route
20 of exposure for the violations is direct ingestion when consumers eat the Products. These
21 exposures occur in homes, schools, workplaces, and everywhere else throughout California
22 where the products are consumed.

23 32. No clear and reasonable warning is provided with the Products regarding
24 the carcinogenic hazards of acrylamide.

25 33. Any person acting in the public interest has standing to enforce violations
26 of Proposition 65 provided that such person has supplied the requisite public enforcers with a
27 valid 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the
28 action within such time. Health & Safety Code § 25249.7(d).

1 34. More than sixty days prior to naming each Defendant in this lawsuit, CEH
2 provided a 60-Day “Notice of Violation of Proposition 65” to the California Attorney General, to
3 the District Attorneys of every county in California, to the City Attorneys of every California city
4 with a population greater than 750,000, and to each of the named Defendants. In compliance
5 with Health & Safety Code § 25249.7(d) and 27 C.C.R. § 25903(b), each Notice included the
6 following information: (1) the name and address of each violator; (2) the statute violated; (3) the
7 time period during which violations occurred; (4) specific descriptions of the violations,
8 including (a) the routes of exposure to acrylamide from the Products, and (b) the specific type of
9 Products sold and used in violation of Proposition 65; and (5) the name of the specific
10 Proposition 65-listed chemical that is the subject of the violations described in each Notice.

11 35. CEH also sent a Certificate of Merit for each Notice to the California
12 Attorney General, to the District Attorneys of every county in California, to the City Attorneys of
13 every California city with a population greater than 750,000, and to each of the named
14 Defendants. In compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3101, each
15 Certificate certified that CEH’s counsel: (1) has consulted with one or more persons with
16 relevant and appropriate experience or expertise who reviewed facts, studies, or other data
17 regarding the exposures to acrylamide alleged in each Notice; and (2) based on the information
18 obtained through such consultations, believes that there is a reasonable and meritorious case for a
19 citizen enforcement action based on the facts alleged in each Notice. In compliance with Health
20 & Safety Code § 25249.7(d) and 11 C.C.R. § 3102, each Certificate served on the Attorney
21 General included factual information – provided on a confidential basis – sufficient to establish
22 the basis for the Certificate, including the identity of the person(s) consulted by CEH’s counsel
23 and the facts, studies, or other data reviewed by such persons.

24 36. None of the public prosecutors with the authority to prosecute violations
25 of Proposition 65 has commenced and/or is diligently prosecuting a cause of action against
26 Defendants under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in each
27 of CEH’s Notices.

28 37. Defendants both know and intend that individuals, including children, will

1 consume the Products, thus exposing them to acrylamide.

2 38. Under Proposition 65, an exposure is “knowing” where the party
3 responsible for such exposure has:

4 knowledge of the fact that a[n] . . . exposure to a chemical listed
5 pursuant to [Health & Safety Code § 25249.8(a)] is occurring. No
6 knowledge that the . . . exposure is unlawful is required.

7 27 C.C.R. § 25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final
8 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division 2,
9 § 12601).

10 39. As companies that manufacture, import, distribute, and/or sell the Products
11 for use in the California marketplace, Defendants know or should know that the Products contain
12 acrylamide and that individuals who consume the Products will be exposed to acrylamide. The
13 acrylamide exposures to consumers who consume the Products are a natural and foreseeable
14 consequence of Defendants’ placing the Products into the stream of commerce.

15 40. Defendants have been informed of the acrylamide in their Products by the
16 60-Day Notice of Violation and accompanying Certificate of Merit served on them by CEH.

17 41. Defendants also have constructive knowledge that their Products contain
18 acrylamide due to the widespread media coverage concerning the problem of acrylamide in food
19 products in general.

20 42. Nevertheless, Defendants continue to expose consumers, including
21 children, to acrylamide without prior clear and reasonable warnings regarding the carcinogenic
22 hazards of acrylamide.

23 43. CEH has engaged in good-faith efforts to resolve the claims alleged herein
24 prior to filing this Complaint.

25 44. Any person “violating or threatening to violate” Proposition 65 may be
26 enjoined in any court of competent jurisdiction. Health & Safety Code § 25249.7. “Threaten to
27 violate” is defined to mean “to create a condition in which there is a substantial probability that a
28 violation will occur.” Health & Safety Code § 25249.11(e). Proposition 65 provides for civil

1 penalties not to exceed \$2,500 per day for each violation of Proposition 65.

2 **FIRST CAUSE OF ACTION**
3 **(Violations of Health & Safety Code § 25249.6)**
4 **(Against Potato or Sweet Potato Snack Products Defendants)**

5 45. CEH realleges and incorporates by reference as if specifically set forth
6 herein Paragraphs 1 through 44, inclusive.

7 46. By placing the Potato or Sweet Potato Snack Products into the stream of
8 commerce, Potato or Sweet Potato Snack Products Defendants are each a person in the course of
9 doing business within the meaning of Health & Safety Code § 25249.11.

10 47. Acrylamide is a chemical listed by the State of California as known to
11 cause cancer.

12 48. Each Potato or Sweet Potato Snack Products Defendant knows that
13 average use of the Potato or Sweet Potato Snack Products will expose users of its Potato or
14 Sweet Potato Snack Products to acrylamide. Each Potato or Sweet Potato Snack Products
15 Defendant intends that its Potato or Sweet Potato Snack Products be used in a manner that results
16 in exposures to acrylamide from the Potato or Sweet Potato Snack Products.

17 49. Potato or Sweet Potato Snack Products Defendants have failed, and
18 continue to fail, to provide clear and reasonable warnings regarding the carcinogenicity of
19 acrylamide to users of the Potato or Sweet Potato Snack Products.

20 50. By committing the acts alleged above, Potato or Sweet Potato Snack
21 Products Defendants have at all times relevant to this Complaint violated Proposition 65 by
22 knowingly and intentionally exposing individuals to acrylamide without first giving clear and
23 reasonable warnings to such individuals regarding the carcinogenicity of acrylamide.

24 Wherefore, CEH prays for judgment against Potato or Sweet Potato Snack
25 Products Defendants, as set forth hereafter.

26 **SECOND CAUSE OF ACTION**
27 **(Violations of Health & Safety Code § 25249.6)**
28 **(Against Vegetable Chip Products Defendants)**

51. CEH realleges and incorporates by reference as if specifically set forth

1 herein Paragraphs 1 through 50, inclusive.

2 52. By placing the Vegetable Chip Products into the stream of commerce,
3 Vegetable Chip Products Defendants are each a person in the course of doing business within the
4 meaning of Health & Safety Code § 25249.11.

5 53. Acrylamide is a chemical listed by the State of California as known to
6 cause cancer.

7 54. Each Vegetable Chip Products Defendant knows that average use of the
8 Vegetable Chip Products will expose users of its Vegetable Chip Products to acrylamide. Each
9 Vegetable Chip Products Defendant intends that its Vegetable Chip Products be used in a manner
10 that results in exposures to acrylamide from the Vegetable Chip Products.

11 55. Vegetable Chip Products Defendants have failed, and continue to fail, to
12 provide clear and reasonable warnings regarding the carcinogenicity of acrylamide to users of the
13 Vegetable Chip Products.

14 56. By committing the acts alleged above, Vegetable Chip Products
15 Defendants have at all times relevant to this Complaint violated Proposition 65 by knowingly and
16 intentionally exposing individuals to acrylamide without first giving clear and reasonable
17 warnings to such individuals regarding the carcinogenicity of acrylamide.

18 Wherefore, CEH prays for judgment against Vegetable Chip Products Defendants,
19 as set forth hereafter.

20 **PRAYER FOR RELIEF**

21 Wherefore, CEH prays for judgment against Defendants as follows:

22 1. That the Court, pursuant to Health & Safety Code § 25249.7(a),
23 preliminarily and permanently enjoin Defendants from offering Products for sale in
24 California without providing prior clear and reasonable warnings, as CEH shall specify in further
25 application to the Court;

26 2. That the Court, pursuant to Health & Safety Code § 25249.7(a), order
27 Defendants to take action to stop ongoing unwarned exposures to acrylamide resulting from use
28 of Products sold by Defendants, as CEH shall specify in further application to the Court;

1 3. That the Court, pursuant to Health & Safety Code § 25249.7(b), assess
2 civil penalties against each of the Defendants in the amount of \$2,500 per day for each violation
3 of Proposition 65 according to proof;

4 4. That the Court, pursuant to Code of Civil Procedure § 1021.5 or any other
5 applicable theory, grant CEH its reasonable attorneys' fees and costs of suit; and

6 5. That the Court grant such other and further relief as may be just and
7 proper.

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9 Dated: May 23 2017

Respectfully submitted,

10 LEXINGTON LAW GROUP

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14 Howard Hirsch
15 Attorneys for Plaintiff
16 CENTER FOR ENVIRONMENTAL HEALTH
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