

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

RAW GREEN ORGANICS, a California Corporation; and DOES 1 through 100, inclusive,

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

TAMAR KALOUSTIAN, in the public interest,

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.**

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): **Stanley Mosk Courthouse**
111 N. Hill Street
Los Angeles, CA 90012

CASE NUMBER:
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Caspar Jivalagian, Esq., 230 N. Maryland Avenue, Suite 306, Glendale, CA 91206, 818-507-8525

DATE: 08/16/2018
(Fecha)

Clerk, by _____, Deputy
(Secretario) _____ (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Caspar Jivalagian, Esq., State Bar No.: 282818 KJT Law Group, LLP 230 N. Maryland Avenue, Suite 306 Glendale, CA 91206 TELEPHONE NO.: 818-507-8525 FAX NO.: 818-507-8588 ATTORNEY FOR (Name): PLAINTIFF	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES STREET ADDRESS: 111 N. Hill Street MAILING ADDRESS: 111 N. Hill Street CITY AND ZIP CODE: Los Angeles, CA 91206 BRANCH NAME: Stanley Mosk Courthouse	
CASE NAME: TAMAR KALOUSTIAN v. RAW GREEN ORGANICS	
CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less)	Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)
	CASE NUMBER: JUDGE: DEPT:

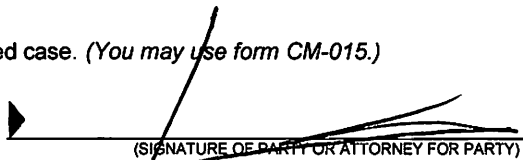
Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input checked="" type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **One (1)**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: **08/16/2018**
Caspar Jivalagian, Esq.
 (TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

**CIVIL CASE COVER SHEET ADDENDUM AND
STATEMENT OF LOCATION
(CERTIFICATE OF GROUNDS FOR ASSIGNMENT TO COURTHOUSE LOCATION)**

This form is required pursuant to Local Rule 2.3 in all new civil case filings in the Los Angeles Superior Court.

Step 1: After completing the Civil Case Cover Sheet (Judicial Council form CM-010), find the exact case type in Column A that corresponds to the case type indicated in the Civil Case Cover Sheet.

Step 2: In Column B, check the box for the type of action that best describes the nature of the case.

Step 3: In Column C, circle the number which explains the reason for the court filing location you have chosen.

Applicable Reasons for Choosing Court Filing Location (Column C)

- | | |
|--|---|
| <ul style="list-style-type: none"> 1. Class actions must be filed in the Stanley Mosk Courthouse, Central District. 2. Permissive filing in central district. 3. Location where cause of action arose. 4. Mandatory personal injury filing in North District. 5. Location where performance required or defendant resides. 6. Location of property or permanently garaged vehicle. | <ul style="list-style-type: none"> 7. Location where petitioner resides. 8. Location wherein defendant/respondent functions wholly. 9. Location where one or more of the parties reside. 10. Location of Labor Commissioner Office. 11. Mandatory filing location (Hub Cases – unlawful detainer, limited non-collection, limited collection, or personal injury). |
|--|---|

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Auto Tort	Auto (22)	<input type="checkbox"/> A7100 Motor Vehicle - Personal Injury/Property Damage/Wrongful Death	1, 4, 11
	Uninsured Motorist (46)	<input type="checkbox"/> A7110 Personal Injury/Property Damage/Wrongful Death – Uninsured Motorist	1, 4, 11
Other Personal Injury/ Property Damage/ Wrongful Death Tort	Asbestos (04)	<input type="checkbox"/> A6070 Asbestos Property Damage	1, 11
		<input type="checkbox"/> A7221 Asbestos - Personal Injury/Wrongful Death	1, 11
	Product Liability (24)	<input type="checkbox"/> A7260 Product Liability (not asbestos or toxic/environmental)	1, 4, 11
	Medical Malpractice (45)	<input type="checkbox"/> A7210 Medical Malpractice - Physicians & Surgeons	1, 4, 11
		<input type="checkbox"/> A7240 Other Professional Health Care Malpractice	1, 4, 11
Other Personal Injury Property Damage Wrongful Death (23)	<input type="checkbox"/> A7250 Premises Liability (e.g., slip and fall) <input type="checkbox"/> A7230 Intentional Bodily Injury/Property Damage/Wrongful Death (e.g., assault, vandalism, etc.) <input type="checkbox"/> A7270 Intentional Infliction of Emotional Distress <input type="checkbox"/> A7220 Other Personal Injury/Property Damage/Wrongful Death	1, 4, 11 1, 4, 11 1, 4, 11 1, 4, 11	

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	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Non-Personal Injury/Property Damage/Wrongful Death Tort	Business Tort (07)	<input type="checkbox"/> A6029 Other Commercial/Business Tort (not fraud/breach of contract)	1, 2, 3
	Civil Rights (08)	<input type="checkbox"/> A6005 Civil Rights/Discrimination	1, 2, 3
	Defamation (13)	<input type="checkbox"/> A6010 Defamation (slander/libel)	1, 2, 3
	Fraud (16)	<input type="checkbox"/> A6013 Fraud (no contract)	1, 2, 3
	Professional Negligence (25)	<input type="checkbox"/> A6017 Legal Malpractice	1, 2, 3
		<input type="checkbox"/> A6050 Other Professional Malpractice (not medical or legal)	1, 2, 3
	Other (35)	<input checked="" type="checkbox"/> A6025 Other Non-Personal Injury/Property Damage tort	1, 2, 3
Employment	Wrongful Termination (36)	<input type="checkbox"/> A6037 Wrongful Termination	1, 2, 3
	Other Employment (15)	<input type="checkbox"/> A6024 Other Employment Complaint Case	1, 2, 3
		<input type="checkbox"/> A6109 Labor Commissioner Appeals	10
Contract	Breach of Contract/ Warranty (06) (not insurance)	<input type="checkbox"/> A6004 Breach of Rental/Lease Contract (not unlawful detainer or wrongful eviction)	2, 5
		<input type="checkbox"/> A6008 Contract/Warranty Breach -Seller Plaintiff (no fraud/negligence)	2, 5
		<input type="checkbox"/> A6019 Negligent Breach of Contract/Warranty (no fraud)	1, 2, 5
		<input type="checkbox"/> A6028 Other Breach of Contract/Warranty (not fraud or negligence)	1, 2, 5
	Collections (09)	<input type="checkbox"/> A6002 Collections Case-Seller Plaintiff	5, 6, 11
		<input type="checkbox"/> A6012 Other Promissory Note/Collections Case	5, 11
	<input type="checkbox"/> A6034 Collections Case-Purchased Debt (Charged Off Consumer Debt Purchased on or after January 1, 2014)	5, 6, 11	
Insurance Coverage (18)	<input type="checkbox"/> A6015 Insurance Coverage (not complex)	1, 2, 5, 8	
Other Contract (37)	<input type="checkbox"/> A6009 Contractual Fraud	1, 2, 3, 5	
	<input type="checkbox"/> A6031 Tortious Interference	1, 2, 3, 5	
	<input type="checkbox"/> A6027 Other Contract Dispute(not breach/insurance/fraud/negligence)	1, 2, 3, 8, 9	
Real Property	Eminent Domain/Inverse Condemnation (14)	<input type="checkbox"/> A7300 Eminent Domain/Condemnation Number of parcels_____	2, 6
	Wrongful Eviction (33)	<input type="checkbox"/> A6023 Wrongful Eviction Case	2, 6
	Other Real Property (26)	<input type="checkbox"/> A6018 Mortgage Foreclosure	2, 6
		<input type="checkbox"/> A6032 Quiet Title	2, 6
<input type="checkbox"/> A6060 Other Real Property (not eminent domain, landlord/tenant, foreclosure)		2, 6	
Unlawful Detainer	Unlawful Detainer-Commercial (31)	<input type="checkbox"/> A6021 Unlawful Detainer-Commercial (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer-Residential (32)	<input type="checkbox"/> A6020 Unlawful Detainer-Residential (not drugs or wrongful eviction)	6, 11
	Unlawful Detainer- Post-Foreclosure (34)	<input type="checkbox"/> A6020F Unlawful Detainer-Post-Foreclosure	2, 6, 11
	Unlawful Detainer-Drugs (38)	<input type="checkbox"/> A6022 Unlawful Detainer-Drugs	2, 6, 11

SHORT TITLE:

TAMAR KALOUSTIAN v. RAW GREEN ORGANICS

CASE NUMBER

	A Civil Case Cover Sheet Category No.	B Type of Action (Check only one)	C Applicable Reasons - See Step 3 Above
Judicial Review	Asset Forfeiture (05)	<input type="checkbox"/> A6108 Asset Forfeiture Case	2, 3, 6
	Petition re Arbitration (11)	<input type="checkbox"/> A6115 Petition to Compel/Confirm/Vacate Arbitration	2, 5
	Writ of Mandate (02)	<input type="checkbox"/> A6151 Writ - Administrative Mandamus <input type="checkbox"/> A6152 Writ - Mandamus on Limited Court Case Matter <input type="checkbox"/> A6153 Writ - Other Limited Court Case Review	2, 8 2 2
	Other Judicial Review (39)	<input type="checkbox"/> A6150 Other Writ /Judicial Review	2, 8
Provisionally Complex Litigation	Antitrust/Trade Regulation (03)	<input type="checkbox"/> A6003 Antitrust/Trade Regulation	1, 2, 8
	Construction Defect (10)	<input type="checkbox"/> A6007 Construction Defect	1, 2, 3
	Claims Involving Mass Tort (40)	<input type="checkbox"/> A6006 Claims Involving Mass Tort	1, 2, 8
	Securities Litigation (28)	<input type="checkbox"/> A6035 Securities Litigation Case	1, 2, 8
	Toxic Tort Environmental (30)	<input type="checkbox"/> A6036 Toxic Tort/Environmental	1, 2, 3, 8
	Insurance Coverage Claims from Complex Case (41)	<input type="checkbox"/> A6014 Insurance Coverage/Subrogation (complex case only)	1, 2, 5, 8
Enforcement of Judgment	Enforcement of Judgment (20)	<input type="checkbox"/> A6141 Sister State Judgment	2, 5, 11
		<input type="checkbox"/> A6160 Abstract of Judgment	2, 6
		<input type="checkbox"/> A6107 Confession of Judgment (non-domestic relations)	2, 9
		<input type="checkbox"/> A6140 Administrative Agency Award (not unpaid taxes)	2, 8
		<input type="checkbox"/> A6114 Petition/Certificate for Entry of Judgment on Unpaid Tax	2, 8
		<input type="checkbox"/> A6112 Other Enforcement of Judgment Case	2, 8, 9
Miscellaneous Civil Complaints	RICO (27)	<input type="checkbox"/> A6033 Racketeering (RICO) Case	1, 2, 8
	Other Complaints (Not Specified Above) (42)	<input type="checkbox"/> A6030 Declaratory Relief Only	1, 2, 8
		<input type="checkbox"/> A6040 Injunctive Relief Only (not domestic/harassment)	2, 8
		<input type="checkbox"/> A6011 Other Commercial Complaint Case (non-tort/non-complex) <input type="checkbox"/> A6000 Other Civil Complaint (non-tort/non-complex)	1, 2, 8 1, 2, 8
Miscellaneous Civil Petitions	Partnership Corporation Governance (21)	<input type="checkbox"/> A6113 Partnership and Corporate Governance Case	2, 8
	Other Petitions (Not Specified Above) (43)	<input type="checkbox"/> A6121 Civil Harassment <input type="checkbox"/> A6123 Workplace Harassment <input type="checkbox"/> A6124 Elder/Dependent Adult Abuse Case <input type="checkbox"/> A6190 Election Contest <input type="checkbox"/> A6110 Petition for Change of Name/Change of Gender <input type="checkbox"/> A6170 Petition for Relief from Late Claim Law <input type="checkbox"/> A6100 Other Civil Petition	2, 3, 9 2, 3, 9 2, 3, 9 2 2, 7 2, 3, 8 2, 9

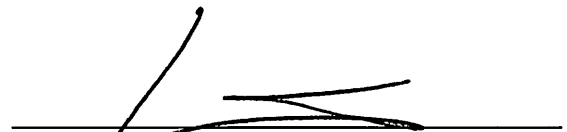
SHORT TITLE: TAMAR KALOUSTIAN v. RAW GREEN ORGANICS	CASE NUMBER
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Step 4: Statement of Reason and Address: Check the appropriate boxes for the numbers shown under Column C for the type of action that you have selected. Enter the address which is the basis for the filing location, including zip code. (No address required for class action cases).

REASON: <input type="checkbox"/> 1. <input checked="" type="checkbox"/> 2. <input checked="" type="checkbox"/> 3. <input type="checkbox"/> 4. <input type="checkbox"/> 5. <input type="checkbox"/> 6. <input type="checkbox"/> 7. <input type="checkbox"/> 8. <input type="checkbox"/> 9. <input type="checkbox"/> 10. <input type="checkbox"/> 11.		ADDRESS: 230 N. Maryland Avenue, Suite 306
CITY: Glendale	STATE: CA	ZIP CODE: 91206

Step 5: Certification of Assignment: I certify that this case is properly filed in the Central District of the Superior Court of California, County of Los Angeles [Code Civ. Proc., §392 et seq., and Local Rule 2.3(a)(1)(E)].

Dated: 08/16/2018


 (SIGNATURE OF ATTORNEY/FILING PARTY)

PLEASE HAVE THE FOLLOWING ITEMS COMPLETED AND READY TO BE FILED IN ORDER TO PROPERLY COMMENCE YOUR NEW COURT CASE:

1. Original Complaint or Petition.
2. If filing a Complaint, a completed Summons form for issuance by the Clerk.
3. Civil Case Cover Sheet, Judicial Council form CM-010.
4. Civil Case Cover Sheet Addendum and Statement of Location form, LACIV 109, LASC Approved 03-04 (Rev. 02/16).
5. Payment in full of the filing fee, unless there is court order for waiver, partial or scheduled payments.
6. A signed order appointing the Guardian ad Litem, Judicial Council form CIV-010, if the plaintiff or petitioner is a minor under 18 years of age will be required by Court in order to issue a summons.
7. Additional copies of documents to be conformed by the Clerk. Copies of the cover sheet and this addendum must be served along with the summons and complaint, or other initiating pleading in the case.

1 Caspar Jivalagian, Esq., State Bar No.: 282818
2 Vache Thomassian, Esq., State Bar No.: 289053
3 **KJT LAW GROUP, LLP**
4 230 N. Maryland Avenue, Suite 306
5 Glendale, California 91206
6 Telephone: 818-507-8525
7 Facsimile: 818-507-8588

8 Attorneys for Plaintiff,
9 TAMAR KALOUSTIAN

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **COUNTY OF LOS ANGELES**

13 TAMAR KALOUSTIAN, in the public interest,
14 Plaintiff,

15 v.

16 RAW GREEN ORGANICS, a California
17 Corporation; and DOES 1 through 100, inclusive,
18 Defendants.

Civil Action No.:

**COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES**

[Cal. Health and Safety Code Sec. 25249.6,
et seq.]

19
20
21 Tamar Kaloustian, in the public interest, based on information and belief and investigation of
22 counsel, except for information based on knowledge, hereby makes the following allegations:

23 **INTRODUCTION**

24 1. This Complaint seeks to remedy Defendant's continuing failure to adequately warn
25 individuals in California that they are being exposed to lead, a chemical known to the State of
26 California to cause birth defects and other reproductive harm. Such exposures have occurred, and
27 continue to occur, through the manufacture, distribution, sale and consumption of Defendant's
28

1 other trial courts.

2 8. This Court has jurisdiction over Defendant as a business entity that does sufficient
3 business, has sufficient minimum contacts in California or otherwise intentionally avails itself of the
4 California market through the sale, marketing or use of the Product in California and/or by having
5 such other contacts with California so as to render the exercise of jurisdiction over it by the
6 California courts consistent with traditional notions of fair play and substantial justice.

7 9. Venue is proper in Los Angeles County Superior Court because one or more of the
8 violations arise in the County of Los Angeles.

9 **BACKGROUND FACTS**

10 10. The People of the State of California have declared by initiative under Proposition
11 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or
12 other reproductive harm.” Proposition 65 § 1(b).

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

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

22 12. On February 27, 1987, the State of California officially listed lead as a chemical
23 known to cause reproductive toxicity. Lead is specifically identified as a reproductive toxicant under
24 two subcategories: “developmental reproductive toxicity,” which means harm to the developing
25 fetus, and “male reproductive toxicity,” which means harm to the male reproductive system. 27
26 California Code of Regulations (“C.C.R.”) § 27001(c). On May 1, 1998, one year after it was listed
27 as a chemical known to cause reproductive toxicity, lead became subject to the clear and reasonable
28 warning requirement regarding reproductive toxicants under Proposition 65.

1 13. The level of exposure to a chemical causing reproductive toxicity under Proposition
2 65 is determined by multiplying the level in question times the reasonably anticipated rate of
3 exposure for an individual to a given medium. 27 C.C.R. § 25821(b). for exposures to consumer
4 products, the level of exposure is calculated using the reasonably anticipated rate of intake or
5 exposure for average users of the consumer product. 27 C.C.R. § 25821(C)(2).

6 14. Defendant’s Product contains sufficient quantities of lead such that consumers,
7 including pregnant women, who consume the Product are exposed to lead. The primary route of
8 exposure for the violations is direct ingestion when consumers orally ingest the Product. These
9 exposures occur in homes, workplaces and everywhere in California where the Product is
10 consumed.

11 15. During the relevant one-year period herein, no clear and reasonable warning was
12 provided with the Product regarding the reproductive hazards of lead.

13 16. Any person acting in the public interest has standing to enforce violations of
14 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid
15 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action
16 within such time. Health & Safety Code § 25249.7(d).

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

27 18. Plaintiff also sent a Certificate of Merit for each Notice to the California Attorney
28

1 General, the District Attorneys of every county in California, the City Attorneys of every California
2 city with a population greater than 750,000 and to the named Defendant. In compliance with
3 Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3101, each Certificate certified that Plaintiff's
4 counsel: (1) has consulted with one or more persons with relevant and appropriate experience or
5 expertise who reviewed facts, studies or other data regarding the exposures to Lead alleged in each
6 Notice; and (2) based on the information obtained through such consultations, believes that there is
7 a reasonable and meritorious case for a citizen enforcement action based on the facts alleged in
8 each Notice. In compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3102, each
9 Certificate served on the Attorney General included factual information-provided on a confidential
10 basis-sufficient to establish the basis for the Certificate, including the identity of the person(s)
11 consulted by the Plaintiff's counsel and the facts, studies or other data reviewed by such persons.

12 19. None of the public prosecutors with the authority to prosecute violations of
13 Proposition 65 has commenced and/or is diligently prosecuting a cause of action against
14 Defendants under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in each of
15 Plaintiff's Notices.

16 20. Defendant both knows and intends that individuals will consume the Product, thus
17 exposing them to lead.

18 21. Under Proposition 65, an exposure is "knowing" where the party responsible for
19 such exposure has:

20
21 Knowledge of the fact that a[n]...exposure to a chemical listed pursuant to [Health & Safety
22 Code § 25249.8(a)] is occurring. No knowledge that the... exposure is unlawful is required.
23 27 C.C.R. § 25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final
24 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division
25 2, § 12201).

26 22. Defendant has been informed of the lead in their Products by the 60-Day Notice of
27 Violation and accompanying Certificate of Merit served on them.

28 23. Defendant also has constructive knowledge that its Products contain lead due to the

1 widespread media coverage concerning the problem of lead in consumer products.

2 24. As an entity that manufactures, imports, distributes and/or sells the Product for use
3 in the California marketplace, Defendant knows or should know that the Product contains lead and
4 that individuals who consume the Product will be exposed to lead. The lead exposures to
5 consumers who consume the Product are a natural and foreseeable consequence of Defendant's
6 placing the Product into the stream of commerce.

7 25. Nevertheless, Defendant continues to expose consumers to lead without prior clear
8 and reasonable warnings regarding the reproductive hazards of lead.

9 26. Plaintiff has engaged in good-faith efforts to resolve the claims alleged herein prior to
10 filing this Complaint.

11 27. Any person "violating or threatening to violate" Proposition 65 may be enjoined in
12 any court of competent jurisdiction. Health & Safety Code § 25249.7. "Threaten to violate" is
13 defined to mean "to create a condition in which there is a substantial probability that a violation will
14 occur." Health & Safety Code § 25249.11(e). Proposition 65 provides for civil penalties not to
15 exceed \$2,500 per day for each violation of Proposition 65.

16 **CAUSE OF ACTION**

17 (Violations of the Health & Safety Code 25249.6)

18 28. Plaintiff realleges and incorporates by reference as if specifically set forth herein
19 Paragraphs 1 through 27, inclusive.

20 29. By placing the Product into the stream of commerce, each Defendant is a person in
21 the course of doing business within the meaning of Health & Safety Code § 25249.11.

22 30. Lead is a chemical listed by the State of California as known to cause birth defects
23 and other reproductive harm.

24 31. Defendant knows that average use of the Product will expose users of the Product to
25 lead. Defendant intends that the Product be used in a manner that results in exposures to lead from
26 the Products.

27 32. Defendant has failed, and continues to fail, to provide clear and reasonable warnings
28

1 regarding the reproductive toxicity of lead to users of the Products.

2 33. By committing the acts alleged above, Defendant has at all times relevant to this
3 Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to lead
4 without first giving clear and reasonable warnings to such individuals regarding the reproductive
5 toxicity of lead.

6 **PRAYER FOR RELIEF**

7 Wherefore, Plaintiff prays for judgment against Defendant as follows:

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

10 2. That the Court, pursuant to Health & Safety Code § 25249.7(a), preliminarily and
11 permanently enjoin Defendant from offering the Product for sale in California without either
12 reformulating the Products such that no Proposition 65 warnings are required or providing prior
13 clear and reasonable warnings, as Plaintiff shall specify in further application to the Court;

14 3. That the Court, pursuant to Health & Safety Code § 25249.7(a), order Defendant to
15 take action to stop ongoing unwarranted exposures to lead resulting from use of Product sold, as
16 Plaintiff shall specify in further application to the Court;

17 4. That the Court, pursuant to Code of Civil Procedure § 1021.5 or any other
18 applicable theory or doctrine, grant Plaintiff her reasonable attorneys' fees and costs of suit; and

19 5. That the Court grant such other and further relief as may be just and proper.
20

21 Dated: August 16, 2018

KJT LAW GROUP, LLP

22
23 By: _____

Caspar Jivalagian, Esq.
Attorneys for Plaintiff
TAMAR KALOUSTIAN