



1 environmental health hazards and toxic exposures. PHSA, acting as a private attorney general, brings  
2 this enforcement action in the public interest pursuant to *Health & Safety Code §25249.7(d)*.

3           2. Defendants, **H & T SEAFOOD, INC.** (“H & T Seafood” or “Defendants”) is a  
4 California corporation qualified to do business in California. Upon information and belief, Plaintiff  
5 contends that the Defendants have conducted business within California at all relevant times herein.  
6

7           3. Plaintiff is presently unaware of the true names and capacities of Defendants, DOES 1  
8 through 50, and therefore sues these Defendants by such fictitious names. Plaintiff will amend this  
9 Complaint to allege the true names and capacities of said Defendants when the identities are ascertained.  
10 Plaintiff is informed, believes and thereon alleges that each fictitiously named Defendant is responsible  
11 in some manner for the occurrences herein alleged and the damages caused.

12           4. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all  
13 times mentioned herein have conducted business within the state of California.

14           5. Defendants own, administer, direct, control, sell, distribute, and/or operate facilities that  
15 place twelve (12) products into the stream of commerce in California. The products (“Products”) are  
16 outlined herein: (1) Double Blue Whole Round Squid, UPC # 858838005960; (2) Double Blue Loligo  
17 Squid, UPC #8106988541590; (3) Double Blue Short-Necked Clam Meat, UPC #810698541842; (4)  
18 Double Blue Shellfish Cooked Clam, UPC #810698546700; (5) Double Blue Frozen Cooked Mussel  
19 Meat, UPC #810698546564; (6) Double Blue Loligo Squid Tentacles, UPC #810698561093; (7)  
20 Pineapple Frozen Cooked Apple Snail Meat, UPC#610698540821; (8) Pineapple Periwinkle Meat, UPC  
21 #810698542504; (9) Frozen Cooked Baby Clam Meat, UPC #810698547660; (10) Pineapple Frozen  
22 Whole Clam Steamed, UPC #810698548250; (11) Pineapple Frozen Whole Cleaned Cuttlefish, UPC  
23 #810696361017; (12) Pineapple Frozen Tiny Shrimp, UPC #810698561284. Due to several chemicals  
24 in the Products, the Defendants are required to provide “clear and reasonable” warnings to consumers  
25 about the chemicals under Proposition 65.  
26

27           6. At all times mentioned herein, Defendants were legally responsible for compliance with  
28 the provisions of Proposition 65. Whenever an allegation regarding any act of any Defendant is made  
herein, such allegation shall be deemed to mean that Defendants, or its agents, officers, directors,

1 managers, supervisors, or employees, did or so authorize such acts while engaged in the affairs of  
2 Defendants business operations and/or while acting within the course and scope of employment.

3  
4 7. Upon information and belief, at all relevant times to this action, each of the Defendants,  
5 including DOES 1-50, was an agent, servant, or employee of each of the other Defendants. In  
6 conducting the activities alleged in this Complaint, each of the Defendants was acting within the course  
7 and scope of this agency, service, or employment, and was acting with the consent, permission, and  
8 authorization of each of the other Defendants. All actions of each of the Defendants alleged in this  
9 Complaint were ratified and approved by every other Defendant or their officers or managing agents,  
10 and/or negligently failed and omitted to act or adequately and properly supervise, control, or direct its  
11 employees and agents while engaged in the management, direction, operation, or control of the affairs of  
12 the business organizations. Alternatively, each of the Defendants aided, conspired with and/or  
13 facilitated the alleged wrongful conduct of each of the other Defendants.

14 8. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the  
15 Defendants was a person doing business within the meaning of *Health & Safety Code §25249.11(b)*, and  
16 that each of the Defendants had ten (10) or more employees at all relevant times.

### 17 JURISDICTION

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

23 10. This Court has jurisdiction over Defendants named herein because Defendants either  
24 reside in California, are located in California, are foreign corporations authorized to do business in  
25 California, are registered with the California Secretary of State, do sufficient business in California,  
26 have sufficient minimum contacts with California, or otherwise intentionally avail themselves of  
27 the markets within California through their manufacture, distribution, promotion, marketing, or sale  
28 of their products within California to render the exercise of jurisdiction by the California courts



1           **15.** Proposition 65 provides that any person “violating or threatening to violate” the  
2 statute may be enjoined in a court of competent jurisdiction. *Health & Safety Code § 25249.7.*  
3 “Threaten to violate” means “to create a condition in which there is a substantial probability that a  
4 violation will occur.” *Id.*, § 25249.11 (e). Defendants are also liable for civil penalties of up to  
5 \$2,500.00 per day per violation, recoverable in a civil action. *Id.*, § 25249.7 (b).  
6

7           **16.** Plaintiff identified certain practices of manufacturers and distributors of cuttlefish  
8 who both in the past and presently, knowingly and intentionally expose, persons in California to  
9 Lead and Lead Compounds (“Lead”), and Cadmium and Cadmium Compounds (“Cadmium”) in  
10 such products without first providing clear and reasonable warnings of such to the exposed persons  
11 prior to the time of exposure. Plaintiff later discerned that Defendants engaged in such practice.

12           **17.** On February 27, 1987, the Governor of California added Lead to the list of  
13 chemicals known to the State to cause developmental and reproductive toxicity. *Cal. Code Regs.*  
14 *Tit. 27, §27001 (c).* Lead is known to cause developmental and reproductive toxicity, in both males  
15 and females. The Proposition 65 warning requirements and discharge prohibitions became  
16 applicable to Lead within twenty (20) months after Lead was added to the list of chemicals known  
17 to cause developmental and reproductive toxicity. *Health & Safety Code §§ 25249.9 and 25249.10.*

18           **18.** On October 1, 1987, the Governor of California added Cadmium to the list of  
19 chemicals known to the State to cause cancer. *Cal. Code Regs. Tit. 27 §27001(b).* The Proposition  
20 65 warning requirements and discharge prohibitions became applicable to Cadmium within twenty  
21 (20) months after Cadmium was added to the list of chemicals known to cause cancer. *Health &*  
22 *Safety Code §§ 25249.9 and 25249.10.*

23           **19.** On October 1, 1992, the Governor of California added Lead to the list of chemicals  
24 known to the State to cause cancer. *Cal. Code Regs. Tit. 27 §27001(b).* The Proposition 65  
25 warning requirements and discharge prohibitions became applicable to Lead within twenty (20)  
26 months after Lead was added to the list of chemicals known to cause cancer. *Health & Safety Code*  
27 *§§ 25249.9 and 25249.10.*

28           **20.** On May 1, 1997, the Governor of California added Cadmium to the list of chemicals

1 known to the State to cause developmental and reproductive toxicity. *Cal. Code Regs. Tit. 27,*  
2 *§27001 (c).* Lead is known to cause developmental and reproductive toxicity, in both males and  
3 females. The Proposition 65 warning requirements and discharge prohibitions became applicable  
4 to Cadmium within twenty (20) months after Cadmium was added to the list of chemicals known to  
5 cause developmental and reproductive toxicity. *Health & Safety Code §§ 25249.9 and 25249.10.*

6  
7 **21.** The level of exposure to a chemical causing cancer, or reproductive toxicity under  
8 Proposition 65 is determined by multiplying the level in question times the reasonably anticipated  
9 rate of exposure for an individual to a given medium. *27 C.C.R. § 25821(b).* For exposure to  
10 consumer products, the level of exposure is calculated using the reasonably anticipated rate of  
11 intake or exposure for average users of the consumer product. *27 C.C.R. § 25821(C)(2).*

12 **22.** Defendants manufacture and distribute twelve (12) products, (1) Double Blue  
13 Whole Round Squid, UPC # 858838005960; (2) Double Blue Loligo Squid, UPC  
14 #8106988541590; (3) Double Blue Short-Necked Clam Meat, UPC #810698541842; (4) Double  
15 Blue Shellfish Cooked Clam, UPC #810698546700; (5) Double Blue Frozen Cooked Mussel Meat,  
16 UPC 810698546564; (6) Double Blue Loligo Squid Tentacles, UPC #810698561093; (7) Pineapple  
17 Frozen Cooked Apple Snail Meat, UPC#610698540821; (8) Pineapple Periwinkle Meat, UPC  
18 #810698542504; (9) Frozen Cooked Baby Clam Meat, UPC #810698547660; (10) Pineapple  
19 Frozen Whole Clam Steamed, UPC #810698548250; (11) Pineapple Frozen Whole Cleaned  
20 Cuttlefish, UPC #810696361017; (12) Pineapple Frozen Tiny Shrimp, UPC #810698561284  
21 (“Products”) which contain sufficient quantities of Lead and/or Cadmium such that consumers,  
22 including pregnant women, who consume the Products are exposed to Lead and/or Cadmium. The  
23 primary route of exposure for the violations happens when consumers ingest the Products orally.  
24 These exposures occur in homes, workplaces and everywhere in California where the Products are  
25 consumed.  
26

27 **23.** During the relevant one-year period herein, no clear and reasonable warning was  
28 provided to consumers when the products were manufactured and released into the stream of  
commerce to warn consumers about the possible exposure to cancer, developmental or reproductive

1 hazards from Lead or Cadmium when the Products are consumed.

2 **NOTICE OF VIOLATION**

3 **24.** At all times relevant to this action, the Defendants have knowingly and intentionally  
4 exposed the users/consumers of the Products to Lead and/or Cadmium by recommending that  
5 consumers ingest the Products without first giving a clear and reasonable warning to such  
6 individuals.

7 **25.** The Defendants have sold the Products to consumers in California at least since  
8 June 22, 2019. The Products continue to be imported, distributed and sold in California without the  
9 requisite warning information. Consumers are exposed to Lead and/or Cadmium when the  
10 Products are ingested.

11 **26.** On or about June 22, 2020, Plaintiff gave notice (“Notice”) of the alleged violations  
12 of *Health & Safety Code §25249.6* for the Products to Defendants, the California Attorney General,  
13 the District Attorney for each county in California and the City Attorney for San Francisco, San  
14 Diego, San Jose, Sacramento and Los Angeles. In compliance with *Health and Safety Code*  
15 *§25249.7(d)* and *27 C.C.R. Code §25903(b)*, each Notice included the following information: the  
16 name, address, and telephone number of the noticing party; the name of the alleged violator; the  
17 statute violated; the approximate time period during which violations occurred; and descriptions of  
18 the violations including the chemicals involved, the routes of toxic exposure, and the specific  
19 product or type of product causing the violations.

20 **27.** Before sending the Notice of alleged violations, Plaintiff investigated the Products  
21 to determine the likelihood that such products would cause consumers to sustain significant  
22 exposure to Lead and/or Cadmium. Plaintiff hired a well-respected and accredited testing  
23 laboratory to test the Products. This laboratory uses testing protocols established and approved by  
24 the California Attorney General.

25 **28.** Plaintiff also sent a Certificate of Merit for each Notice to the California Attorney  
26 General, the District Attorneys of every county in California, the City Attorneys of every city in  
27 California with a population greater than 750,000 and to the named Defendants. In compliance with  
28

1 *Health & Safety Code* § 2521-9.7(d) and 11 C.C.R. § 3101, each Certificate certified that Plaintiffs’  
2 counsel: (1) has consulted with one or more persons with relevant and appropriate experience or  
3 expertise who reviewed facts, studies or other data regarding the exposures to lead alleged in each  
4 Notice; and (2) based on the information obtained through such consultations, believes that there is  
5 a reasonable and meritorious case for a citizen enforcement action based on the facts alleged in  
6 each Notice.

7  
8 **29.** In reliance on the expert’s evaluation of the Products, Plaintiffs’ counsel is informed  
9 and believes and thereon alleges that there is a reasonable and meritorious case against Defendants  
10 for this private action.

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

15 **31.** Plaintiff’s notice of alleged violations also included a Certificate of Service and a  
16 document entitled “The Safe Drinking Water & Toxic Enforcement Act of 1986: A Summary”  
17 *Health & Safety Code* § 25249.7(d)

18 **32.** Plaintiff is commencing this action more than sixty (60) days from the date Plaintiff  
19 gave notice of the alleged violations to Defendants and the public prosecutor outlined above.

20 **33.** Plaintiff is informed, believes and thereon alleges that none of the public  
21 prosecutors with the authority to prosecute violations of Proposition 65 has commenced or is  
22 diligently prosecuting an action against the Defendants under *Health and Safety Code section*  
23 *25249.5, et seq.* based on the allegations herein.

24 **34.** Plaintiff has engaged in good faith efforts to resolve the alleged violation prior to  
25 filing this Complaint.

26 **FIRST CAUSE OF ACTION**

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

**35.** Plaintiff incorporates by reference paragraphs 1 through 34 of this Complaint as



1 though fully set forth herein.

2           **36.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
3 importer, distributor, wholesaler, promoter, or retailer of Double Blue Whole Round Squid  
4 (“Whole Round Squid”), UPC # 858838005960.  
5

6           **37.** Whole Round Squid contains Lead and Cadmium.

7           **38.** Defendants knew or should have known that Lead and Cadmium have been  
8 identified by the State of California as chemicals known to cause cancer and reproductive toxicity  
9 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
10 informed of the presence of Lead and Cadmium in Whole Round Squid and the Proposition 65  
11 violations when the Plaintiff served Notice to Defendants on June 22, 2020.  
12

13           **39.** The allegations surrounding Whole Round Squid involves “[c]onsumer products  
14 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
15 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
16 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Whole Round Squid is a  
17 consumer product, and as mentioned herein, exposures to Lead and Cadmium took place as a result  
18 of such normal and foreseeable consumption and use.

19           **40.** Plaintiff is informed, believes, and thereon alleges that at least since February 20,  
20 2019 and the present, each of the Defendants knowingly and intentionally exposed California  
21 consumers and users of Whole Round Squid to Lead and Cadmium. Plaintiff is informed, believes,  
22 and thereon alleges that Defendants manufactured, distributed, or sold the product Shredded Squid,  
23 without first providing any type of clear and reasonable warning of such to the exposed persons  
24 before the time of exposure. Defendants know and intend that California consumers will use and  
25 consume Whole Round Squid, thereby exposing them to Lead and Cadmium. Therefore,  
26 Defendants violated Proposition 65.  
27

28           **41.** The primary exposure to the Lead and Cadmium found in Whole Round Squid

1 comes from dermal contact, as well as direct and indirect ingestion and inhalation of the product.  
2 Persons sustain exposures by eating and consuming Whole Round Squid and handling Whole  
3 Round Squid without wearing gloves or any other personal equipment, or by touching bare skin or  
4 mucus membrane with after handling Whole Round Squid, as well as through direct and indirect  
5 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed  
6 from Whole Round Squid.

7  
8 **42.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
9 violations of Proposition 65 as to Whole Round Squid has been ongoing and continuous, as  
10 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*  
11 *25249.6*, including the manufacture, distribution, promotion and sale of Whole Round Squid, so  
12 that a separate and distinct violation of Proposition 65 occurs each time a person is exposed to Lead  
13 and Cadmium by Whole Round Squid as mentioned herein.

14 **43.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
15 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
16 alleged herein will continue to occur into the future.

17  
18 **44.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
19 \$2,500.00 per day per individual exposure to Lead and Cadmium from Whole Round Squid,  
20 pursuant to Health and Safety Code §25249.7(b).

21 **SECOND CAUSE OF ACTION**

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

24 **45.** Plaintiff incorporates by reference paragraphs 1 through 44 of this Complaint as  
25 though fully set forth herein.

26 **46.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
27 importer, distributor, wholesaler, promoter, or retailer of Double Blue Loligo Squid (“Loligo  
28 Squid”), UPC #8106988541590.

1           **47.** Loligo Squid contains Cadmium.

2           **48.** Defendants knew or should have known that Cadmium has been identified by the  
3 State of California as chemicals known to cause cancer and reproductive toxicity and were  
4 therefore subject to Proposition 65 warnings requirement. Defendants were also informed of the  
5 presence of Cadmium in Loligo Squid and the Proposition 65 violations when the Plaintiff served  
6 Notice to Defendants on June 22, 2020.

7  
8           **49.** The allegations surrounding Loligo Squid involve “[c]onsumer products  
9 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
10 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
11 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Loligo Squid is a  
12 consumer product, and as mentioned herein, exposures to Cadmium took place as a result of such  
13 normal and foreseeable consumption and use.

14           **50.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
15 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
16 and users of Loligo Squid to Cadmium. Plaintiff is informed, believes, and thereon alleges that  
17 Defendants manufactured, distributed, or sold the product Loligo Squid, without first providing any  
18 type of clear and reasonable warning of such to the exposed persons before the time of exposure.  
19 Defendants know and intend that California consumers will use and consume Loligo Squid, thereby  
20 exposing them to Cadmium. Therefore, Defendants violated Proposition 65.

21  
22           **51.** The primary exposure to the Cadmium found in Loligo Squid comes from dermal  
23 contact, as well as direct and indirect ingestion and inhalation of the product. Persons sustain  
24 exposures by eating and consuming Loligo Squid and handling Loligo Squid without wearing  
25 gloves or any other personal equipment, or by touching bare skin or mucus membrane with after  
26 handling Loligo Squid, as well as through direct and indirect hand to mouth contact, hand to  
27 mucous membrane, or breathing in particulate matter dispersed from Loligo Squid.

28           **52.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’

1 violations of Proposition 65 as to Loligo Squid has been ongoing and continuous, as Defendants  
2 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
3 including the manufacture, distribution, promotion and sale of Loligo Squid, so that a separate and  
4 distinct violation of Proposition 65 occurs each time a person is exposed to Cadmium by Loligo  
5 Squid as mentioned herein.

6  
7 **53.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
8 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
9 alleged herein will continue to occur into the future.

10 **54.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
11 \$2,500.00 per day per individual exposure to Cadmium from Loligo Squid, pursuant to Health and  
12 Safety Code §25249.7(b).

13 **THIRD CAUSE OF ACTION**

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

16 **55.** Plaintiff incorporates by reference paragraphs 1 through 54 of this Complaint as  
17 though fully set forth herein.

18 **56.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 importer, distributor, wholesaler, promoter, or retailer of Double Blue Short-Necked Clam Meat  
20 (“Short-Necked Clam”), UPC #810698541842.

21 **57.** Short-Necked Clam contains Lead and Cadmium.

22 **58.** Defendants knew or should have known that Lead and Cadmium have been  
23 identified by the State of California as chemicals known to cause cancer and reproductive toxicity  
24 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
25 informed of the presence of Lead and Cadmium in Short-Necked Clam and the Proposition 65  
26 violations when the Plaintiff served Notice to Defendants on June 22, 2020.  
27

28 **59.** The allegations surrounding Short-Neck Clam involves “[c]onsumer products

1 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
2 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
3 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Short-Neck Clam is a  
4 consumer product, and as mentioned herein, exposures to Lead and Cadmium took place as a result  
5 of such normal and foreseeable consumption and use.

6  
7 **60.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
8 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
9 and users of Short-Neck Clam to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
10 alleges that Defendants manufactured, distributed, or sold the product Short-Neck Clam, without  
11 first providing any type of clear and reasonable warning of such to the exposed persons before the  
12 time of exposure. Defendants know and intend that California consumers will use and consume  
13 Short-Neck Clam, thereby exposing them to Lead and Cadmium. Therefore, Defendants violated  
14 Proposition 65.

15  
16 **61.** The primary exposure to the Lead and Cadmium found in Short-Neck Clam comes  
17 from dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
18 sustain exposures by eating and consuming Short-Neck Clam and handling Short-Neck Clam  
19 without wearing gloves or any other personal equipment, or by touching bare skin or mucus  
20 membrane with after handling Short-Neck Clam, as well as through direct and indirect hand to  
21 mouth contact, hand to mucous membrane, or breathing in particulate matter dispersed from Short-  
22 Neck Clam.

23  
24 **62.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
25 violations of Proposition 65 as to Short-Neck Clam has been ongoing and continuous, as  
26 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*  
27 *25249.6*, including the manufacture, distribution, promotion and sale of Short-Neck Clam, so that a  
28 separate and distinct violation of Proposition 65 occurs each time a person is exposed to Lead and  
Cadmium by Short-Neck Clam as mentioned herein.



1           **70.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
2 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
3 and users of Cooked Clam to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
4 alleges that Defendants manufactured, distributed, or sold the product Cooked Clam, without first  
5 providing any type of clear and reasonable warning of such to the exposed persons before the time  
6 of exposure. Defendants know and intend that California consumers will use and consume Cooked  
7 Clam, thereby exposing them to Lead and Cadmium. Therefore, Defendants violated Proposition  
8 65.

9  
10           **71.** The primary exposure to the Lead and Cadmium found in Cooked Clam comes from  
11 dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
12 sustain exposures by eating and consuming Cooked Clam and handling Cooked Clam without  
13 wearing gloves or any other personal equipment, or by touching bare skin or mucus membrane with  
14 after handling Cooked Clam, as well as through direct and indirect hand to mouth contact, hand to  
15 mucous membrane, or breathing in particulate matter dispersed from Cooked Clam.

16           **72.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
17 violations of Proposition 65 as to Cooked Clam has been ongoing and continuous, as Defendants  
18 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
19 including the manufacture, distribution, promotion and sale of Cooked Clam, so that a separate and  
20 distinct violation of Proposition 65 occurs each time a person is exposed to Lead and Cadmium by  
21 Cooked Clam as mentioned herein.

22  
23           **73.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
24 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
25 alleged herein will continue to occur into the future.

26           **74.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
27 \$2,500.00 per day per individual exposure to Lead and Cadmium from Cooked Clam, pursuant to  
28 Health and Safety Code §25249.7(b).

1 **FIFTH CAUSE OF ACTION**

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

4 75. Plaintiff incorporates by reference paragraphs 1 through 74 of this Complaint as  
5 though fully set forth herein.

6 76. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
7 importer, distributor, wholesaler, promoter, or retailer of Double Blue Frozen Cooked Mussel  
8 Meat, (“Cooked Mussel”) UPC #810698546564.

9 77. Cooked Mussel contains Lead and Cadmium.

10 78. Defendants knew or should have known that Lead and Cadmium have been  
11 identified by the State of California as chemicals known to cause cancer and reproductive toxicity  
12 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
13 informed of the presence of Lead and Cadmium in Cooked Mussel and the Proposition 65  
14 violations when the Plaintiff served Notice to Defendants on June 22, 2020.

15 79. The allegations surrounding Cooked Mussel involves “[c]onsumer products  
16 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
17 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
18 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Cooked Mussel is a  
19 consumer product, and as mentioned herein, exposures to Lead and Cadmium took place as a result  
20 of such normal and foreseeable consumption and use.

21 80. Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
22 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
23 and users of Cooked Mussel to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
24 alleges that Defendants manufactured, distributed, or sold the product Cooked Mussel, without first  
25 providing any type of clear and reasonable warning of such to the exposed persons before the time  
26 of exposure. Defendants know and intend that California consumers will use and consume Cooked  
27  
28



1 Mussel, thereby exposing them to Lead and Cadmium. Therefore, Defendants violated Proposition  
2 65.

3  
4 **81.** The primary exposure to the Lead and Cadmium found in Cooked Mussel comes  
5 from dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
6 sustain exposures by eating and consuming Cooked Mussel and handling Cooked Mussel without  
7 wearing gloves or any other personal equipment, or by touching bare skin or mucus membrane with  
8 after handling Cooked Mussel, as well as through direct and indirect hand to mouth contact, hand  
9 to mucous membrane, or breathing in particulate matter dispersed from Cooked Mussel.

10 **82.** Plaintiff is informed, believes and thereon alleges that each of the Defendants'  
11 violations of Proposition 65 as to Cooked Mussel has been ongoing and continuous, as Defendants  
12 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
13 including the manufacture, distribution, promotion and sale of Cooked Mussel, so that a separate  
14 and distinct violation of Proposition 65 occurs each time a person is exposed to Lead and Cadmium  
15 by Cooked Mussel as mentioned herein.

16  
17 **83.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
18 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
19 alleged herein will continue to occur into the future.

20 **84.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
21 \$2,500.00 per day per individual exposure to Lead and Cadmium from Cooked Mussel, pursuant to  
22 Health and Safety Code §25249.7(b).

23  
24 **SIXTH CAUSE OF ACTION**

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

27 **85.** Plaintiff incorporates by reference paragraphs 1 through 84 of this Complaint as  
28 though fully set forth herein.

**86.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,

1 importer, distributor, wholesaler, promoter, or retailer of Double Blue Loligo Squid Tentacles  
2 (“Squid Tentacles”), UPC #810698561093.

3 **87.** Squid Tentacles contains Lead and Cadmium.

4  
5 **88.** Defendants knew or should have known that Lead and Cadmium have been  
6 identified by the State of California as chemicals known to cause cancer and reproductive toxicity  
7 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
8 informed of the presence of Lead and Cadmium in Squid Tentacles and the Proposition 65  
9 violations when the Plaintiff served Notice to Defendants on June 22, 2020.

10 **89.** The allegations surrounding Squid Tentacles involves “[c]onsumer products  
11 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
12 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
13 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Squid Tentacles is a  
14 consumer product, and as mentioned herein, exposures to Lead and Cadmium took place as a result  
15 of such normal and foreseeable consumption and use.

16  
17 **90.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
18 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
19 and users of Squid Tentacles to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
20 alleges that Defendants manufactured, distributed, or sold the product Squid Tentacles, without  
21 first providing any type of clear and reasonable warning of such to the exposed persons before the  
22 time of exposure. Defendants know and intend that California consumers will use and consume  
23 Squid Tentacles, thereby exposing them to Lead and Cadmium. Therefore, Defendants violated  
24 Proposition 65.

25  
26 **91.** The primary exposure to the Lead and Cadmium found in Squid Tentacles comes  
27 from dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
28 sustain exposures by eating and consuming Squid Tentacles and handling Squid Tentacles without  
wearing gloves or any other personal equipment, or by touching bare skin or mucus membrane with



1 Apple Snail and the Proposition 65 violations when the Plaintiff served Notice to Defendants on  
2 June 22, 2020.

3           **99.** The allegations surrounding Apple Snail involve “[c]onsumer products exposure[s]”  
4 which “is an exposure that results from a person’s acquisition, purchase, storage, consumption, or  
5 other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a  
6 consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Apple Snail is a consumer product, and as  
7 mentioned herein, exposures to Lead took place as a result of such normal and foreseeable  
8 consumption and use.

9  
10           **100.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
11 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
12 and users of Apple Snail to Lead. Plaintiff is informed, believes, and thereon alleges that  
13 Defendants manufactured, distributed, or sold the product Apple Snail, without first providing any  
14 type of clear and reasonable warning of such to the exposed persons before the time of exposure.  
15 Defendants know and intend that California consumers will use and consume Apple Snail, thereby  
16 exposing them to Lead. Therefore, Defendants violated Proposition 65.

17  
18           **101.** The primary exposure to the Lead found in Apple Snail comes from dermal contact,  
19 as well as direct and indirect ingestion and inhalation of the product. Persons sustain exposures by  
20 eating and consuming Apple Snail and handling Apple Snail without wearing gloves or any other  
21 personal equipment, or by touching bare skin or mucus membrane with after handling Apple Snail,  
22 as well as through direct and indirect hand to mouth contact, hand to mucous membrane, or  
23 breathing in particulate matter dispersed from Apple Snail.

24           **102.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
25 violations of Proposition 65 as to Apple Snail has been ongoing and continuous, as Defendants  
26 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
27 including the manufacture, distribution, promotion and sale of Apple Snail, so that a separate and  
28 distinct violation of Proposition 65 occurs each time a person is exposed to Lead by Apple Snail as



1 normal and foreseeable consumption and use.

2           **110.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
3 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
4 and users of Periwinkle Meat to Lead. Plaintiff is informed, believes, and thereon alleges that  
5 Defendants manufactured, distributed, or sold the product Periwinkle Meat, without first providing  
6 any type of clear and reasonable warning of such to the exposed persons before the time of  
7 exposure. Defendants know and intend that California consumers will use and consume Periwinkle  
8 Meat, thereby exposing them to Lead. Therefore, Defendants violated Proposition 65.  
9

10           **111.** The primary exposure to the Lead found in Periwinkle Meat comes from dermal  
11 contact, as well as direct and indirect ingestion and inhalation of the product. Persons sustain  
12 exposures by eating and consuming Periwinkle Meat and handling Periwinkle Meat without  
13 wearing gloves or any other personal equipment, or by touching bare skin or mucus membrane with  
14 after handling Periwinkle Meat, as well as through direct and indirect hand to mouth contact, hand  
15 to mucous membrane, or breathing in particulate matter dispersed from Periwinkle Meat.  
16

17           **112.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
18 violations of Proposition 65 as to Periwinkle Meat has been ongoing and continuous, as Defendants  
19 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
20 including the manufacture, distribution, promotion and sale of Periwinkle Meat, so that a separate  
21 and distinct violation of Proposition 65 occurs each time a person is exposed to Lead by Periwinkle  
22 Meat as mentioned herein.

23           **113.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
24 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
25 alleged herein will continue to occur into the future.  
26

27           **114.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
28 \$2,500.00 per day per individual exposure to Lead from Periwinkle Meat pursuant to Health and  
Safety Code §25249.7(b).

1 NINTH CAUSE OF ACTION

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

4 **115.** Plaintiff incorporates by reference paragraphs 1 through 114 of this Complaint as  
5 though fully set forth herein.

6 **116.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
7 importer, distributor, wholesaler, promoter, or retailer of Frozen Cooked Baby Clam Meat (“Baby  
8 Clam Meat”), UPC #810698547660.

9 **117.** Baby Clam Meat contains Lead and Cadmium.

10 **118.** Defendants knew or should have known that Lead and Cadmium have been  
11 identified by the State of California as chemicals known to cause cancer and reproductive toxicity  
12 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
13 informed of the presence of Lead and Cadmium in Baby Clam Meat and the Proposition 65  
14 violations when the Plaintiff served Notice to Defendants on June 22, 2020.

15 **119.** The allegations surrounding Baby Clam Meat involves “[c]onsumer products  
16 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
17 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
18 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Baby Clam Meat is a  
19 consumer product, and as mentioned herein, exposures to Lead and Cadmium took place as a result  
20 of such normal and foreseeable consumption and use.

21 **120.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
22 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
23 and users of Baby Clam Meat to Lead and Cadmium. Plaintiff is informed, believes, and thereon  
24 alleges that Defendants manufactured, distributed, or sold the product Baby Clam Meat, without  
25 first providing any type of clear and reasonable warning of such to the exposed persons before the  
26 time of exposure. Defendants know and intend that California consumers will use and consume  
27  
28





1           **126.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
2 importer, distributor, wholesaler, promoter, or retailer of Pineapple Frozen Whole Clam Steamed  
3 (“Whole Clam Steamed”), UPC #810698548250.

4           **127.** Whole Clam Steamed contains Lead and Cadmium.

5           **128.** Defendants knew or should have known that Lead and Cadmium have been  
6 identified by the State of California as chemicals known to cause cancer and reproductive toxicity  
7 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
8 informed of the presence of Lead and Cadmium in Whole Clam Steamed and the Proposition 65  
9 violations when the Plaintiff served Notice to Defendants on June 22, 2020.  
10

11           **129.** The allegations surrounding Whole Clam Steamed involves “[c]onsumer products  
12 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
13 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
14 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Whole Clam Steamed is a  
15 consumer product, and as mentioned herein, exposures to Lead and Cadmium took place as a result  
16 of such normal and foreseeable consumption and use.  
17

18           **130.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
19 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
20 and users of Whole Clam Steamed to Lead and Cadmium. Plaintiff is informed, believes, and  
21 thereon alleges that Defendants manufactured, distributed, or sold the product Whole Clam  
22 Steamed, without first providing any type of clear and reasonable warning of such to the exposed  
23 persons before the time of exposure. Defendants know and intend that California consumers will  
24 use and consume Whole Clam Steamed, thereby exposing them to Lead and Cadmium. Therefore,  
25 Defendants violated Proposition 65.  
26

27           **131.** The primary exposure to the Lead and Cadmium found in Whole Clam Steamed  
28 comes from dermal contact, as well as direct and indirect ingestion and inhalation of the product.  
Persons sustain exposures by eating and consuming Whole Clam Steamed and handling Whole

1 Clam Steamed without wearing gloves or any other personal equipment, or by touching bare skin  
2 or mucus membrane with after handling Whole Clam Steamed, as well as through direct and  
3 indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
4 dispersed from Whole Clam Steamed.

5  
6 **132.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
7 violations of Proposition 65 as to Whole Clam Steamed has been ongoing and continuous, as  
8 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*  
9 *25249.6*, including the manufacture, distribution, promotion and sale of Whole Clam Steamed, so  
10 that a separate and distinct violation of Proposition 65 occurs each time a person is exposed to Lead  
11 and Cadmium by Whole Clam Steamed as mentioned herein.

12 **133.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
13 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
14 alleged herein will continue to occur into the future.

15  
16 **134.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
17 \$2,500.00 per day per individual exposure to Lead and Cadmium from Whole Clam Steamed  
18 pursuant to Health and Safety Code §25249.7(b).

19 **ELEVENTH CAUSE OF ACTION**

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

22 **135.** Plaintiff incorporates by reference paragraphs 1 through 134 of this Complaint as  
23 though fully set forth herein.

24 **136.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
25 importer, distributor, wholesaler, promoter, or retailer of Pineapple Frozen Whole Cleaned  
26 Cuttlefish (“Whole Cleaned Cuttlefish”), UPC #810696361017.

27 **137.** Whole Cleaned Cuttlefish contains Lead and Cadmium.

28 **138.** Defendants knew or should have known that Lead and Cadmium have been

1 identified by the State of California as chemicals known to cause cancer and reproductive toxicity  
2 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
3 informed of the presence of Lead and Cadmium in Whole Cleaned Cuttlefish and the Proposition  
4 65 violations when the Plaintiff served Notice to Defendants on June 22, 2020.

5  
6 **139.** The allegations surrounding Whole Cleaned Cuttlefish involves “[c]onsumer  
7 products exposure[s]” which “is an exposure that results from a person’s acquisition, purchase,  
8 storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure  
9 that results from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Whole  
10 Cleaned Cuttlefish is a consumer product, and as mentioned herein, exposures to Lead and  
11 Cadmium took place as a result of such normal and foreseeable consumption and use.

12 **140.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
13 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
14 and users of Whole Cleaned Cuttlefish to Lead and Cadmium. Plaintiff is informed, believes, and  
15 thereon alleges that Defendants manufactured, distributed, or sold the product Whole Cleaned  
16 Cuttlefish, without first providing any type of clear and reasonable warning of such to the exposed  
17 persons before the time of exposure. Defendants know and intend that California consumers will  
18 use and consume Whole Cleaned Cuttlefish, thereby exposing them to Lead and Cadmium.  
19 Therefore, Defendants violated Proposition 65.  
20

21 **141.** The primary exposure to the Lead and Cadmium found in Whole Cleaned Cuttlefish  
22 comes from dermal contact, as well as direct and indirect ingestion and inhalation of the product.  
23 Persons sustain exposures by eating and consuming Whole Cleaned Cuttlefish and handling Whole  
24 Cleaned Cuttlefish without wearing gloves or any other personal equipment, or by touching bare  
25 skin or mucus membrane with after handling Whole Cleaned Cuttlefish, as well as through direct  
26 and indirect hand to mouth contact, hand to mucous membrane, or breathing in particulate matter  
27 dispersed from Whole Cleaned Cuttlefish.

28 **142.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’

1 violations of Proposition 65 as to Whole Cleaned Cuttlefish has been ongoing and continuous, as  
2 Defendants engaged and continue to engage in conduct which violates *Health and Safety Code §*  
3 *25249.6*, including the manufacture, distribution, promotion and sale of Whole Cleaned Cuttlefish,  
4 so that a separate and distinct violation of Proposition 65 occurs each time a person is exposed to  
5 Lead and Cadmium by Whole Cleaned Cuttlefish as mentioned herein.

6  
7 **143.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition  
8 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
9 alleged herein will continue to occur into the future.

10 **144.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
11 \$2,500.00 per day per individual exposure to Lead and Cadmium from Whole Cleaned Cuttlefish  
12 pursuant to Health and Safety Code §25249.7(b).

13 **TWELFTH CAUSE OF ACTION**

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

16 **145.** Plaintiff incorporates by reference paragraphs 1 through 144 of this Complaint as  
17 though fully set forth herein.

18 **146.** Each of the Defendants is, and at all times mentioned herein was, a manufacturer,  
19 importer, distributor, wholesaler, promoter, or retailer of Pineapple Frozen Tiny Shrimp (“Tiny  
20 Shrimp”), UPC #810698561284.

21 **147.** Tiny Shrimp contains Lead and Cadmium.

22 **148.** Defendants knew or should have known that Lead and Cadmium have been  
23 identified by the State of California as chemicals known to cause cancer and reproductive toxicity  
24 and were therefore subject to Proposition 65 warnings requirement. Defendants were also  
25 informed of the presence of Lead and Cadmium in Tiny Shrimp and the Proposition 65 violations  
26 when the Plaintiff served Notice to Defendants on June 22, 2020.

27 **149.** The allegations surrounding Tiny Shrimp involves “[c]onsumer products  
28

1 exposure[s]” which “is an exposure that results from a person’s acquisition, purchase, storage,  
2 consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results  
3 from receiving a consumer service.” *Cal. Code Regs. Tit.27 § 25602 (b)*. Tiny Shrimp is a  
4 consumer product, and as mentioned herein, exposures to Lead and Cadmium took place as a result  
5 of such normal and foreseeable consumption and use.

6  
7 **150.** Plaintiff is informed, believes, and thereon alleges that at least since June 22, 2020  
8 and the present, each of the Defendants knowingly and intentionally exposed California consumers  
9 and users of Tiny Shrimp to Lead and Cadmium. Plaintiff is informed, believes, and thereon alleges  
10 that Defendants manufactured, distributed, or sold the product Tiny Shrimp, without first providing  
11 any type of clear and reasonable warning of such to the exposed persons before the time of  
12 exposure. Defendants know and intend that California consumers will use and consume Tiny  
13 Shrimp, thereby exposing them to Lead and Cadmium. Therefore, Defendants violated Proposition  
14 65.

15  
16 **151.** The primary exposure to the Lead and Cadmium found in Tiny Shrimp comes from  
17 dermal contact, as well as direct and indirect ingestion and inhalation of the product. Persons  
18 sustain exposures by eating and consuming Tiny Shrimp and handling Tiny Shrimp without  
19 wearing gloves or any other personal equipment, or by touching bare skin or mucus membrane with  
20 after handling Tiny Shrimp, as well as through direct and indirect hand to mouth contact, hand to  
21 mucous membrane, or breathing in particulate matter dispersed from Tiny Shrimp.

22  
23 **152.** Plaintiff is informed, believes and thereon alleges that each of the Defendants’  
24 violations of Proposition 65 as to Tiny Shrimp has been ongoing and continuous, as Defendants  
25 engaged and continue to engage in conduct which violates *Health and Safety Code § 25249.6*,  
26 including the manufacture, distribution, promotion and sale of Tiny Shrimp, so that a separate and  
27 distinct violation of Proposition 65 occurs each time a person is exposed to Lead and Cadmium by  
28 Tiny Shrimp as mentioned herein.

**153.** Plaintiff is informed, believes, and thereon alleges that each violation of Proposition

1 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations  
2 alleged herein will continue to occur into the future.

3 **154.** Based on the allegations herein, Defendants are liable for civil penalties of up to  
4 \$2,500.00 per day per individual exposure to Lead and Cadmium from Tiny Shrimp pursuant to  
5 Health and Safety Code §25249.7(b).  
6

7 **PRAYER FOR RELIEF**

8 WHEREFORE, Plaintiff prays for relief and judgment against Defendants, as follows:

- 9
- 10 **1.** That the Court, pursuant to *Health & Safety Code* § 25249.7(b), assess civil penalties  
11 against the Defendants in the amount of \$2,500.00 per day for each violation of Proposition 65;
  - 12 **2.** An injunctive order, pursuant to *Health and Safety Code* §25249.7(b) and *CCR title*  
13 *27, §25603 and 25603.1*, compelling Defendants to adopt a compliance program by either (a)  
14 reformulating the products such that no Proposition 65 warnings are required, or (b) providing  
15 “clear and reasonable” warnings on the labels of the subject Products.
  - 16 **3.** An award of reasonable attorney’s fees and cost; and
  - 17 **4.** Such other and further relief that the Court may deem just and equitable.  
18

19  
20 DATED: June 8, 2021 \_\_\_\_\_

BY:  \_\_\_\_\_

21 LAW OFFICES OF DANIALPOUR &  
22 ASSOCIATES  
23 Davar Danialpour, Esq.  
24 Attorneys for Plaintiffs,  
25 PUBLIC HEALTH & SAFETY ADVOCATES,  
26 LLC.  
27  
28