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ENVIRONMENTAL HEALTH ADVOCATES, INC.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**

**IN AND FOR THE COUNTY OF ALAMEDA**

ENVIRONMENTAL HEALTH ADVOCATES,  
INC.,  
  
Plaintiff,  
  
v.  
  
BRITANNIA INDUSTRIES LIMITED, an  
Indian corporation, SUKIRA LLC, a  
California Limited Liability Company, THE  
WADIA GROUP, an Indian corporation, and  
DOES 1 through 100, inclusive,  
  
Defendants.

Case No.:  
  
**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**  
  
(Health & Safety Code § 25249.6 et seq.)

**FILED BY FAX**  
ALAMEDA COUNTY  
March 10, 2021  
CLERK OF  
THE SUPERIOR COURT  
By Cheryl Clark, Deputy  
CASE NUMBER:  
**HG21091507**

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**I.**  
**INTRODUCTION**

1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff seeks to remedy Defendants’ failure to inform the People of exposure to acrylamide, a known carcinogen. Defendants expose consumers to acrylamide by manufacturing, importing, selling, and/or distributing Britannia Pistachio-Almond Cookies (“Products”). Defendants know and intend that customers will ingest Products containing acrylamide.

2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual. . . .” (Health & Safety Code, § 25249.6.)

3. California identified and listed acrylamide as a chemical known to cause cancer as early as January 1, 1990, and as a chemical known to cause developmental/reproductive toxicity on February 25, 2011.

4. Defendants failed to sufficiently warn consumers and individuals in California about potential exposure to acrylamide in connection with Defendants’ manufacture, import, sale, or distribution of Products. This is a violation of Proposition 65.

5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers in California before exposing them to acrylamide in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff also seeks civil penalties against Defendants for its violations of Proposition 65 along with attorney’s fees and costs. (Health & Safety Code, § 25249.7(b).)

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**II.**  
**PARTIES**

6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a corporation in the State of California dedicated to protecting the health of California citizens through the elimination or reduction of toxic exposure from consumer products. It brings this action in the public interest pursuant to Health and Safety Code, section 25249.7.

1 7. Defendant BRITANNIA INDUSTRIES LIMITED (“Britannia”) is a corporation  
2 organized and existing under the laws of India. Britannia is registered to do business in California, and  
3 does business in the County of Alameda, within the meaning of Health and Safety Code, section  
4 25249.11. Britannia manufactures, imports, sells, or distributes the Products in California and Alameda  
5 County.

6 8. Defendant SUKIRA LLC (“Sukira”) is a limited liability company organized and  
7 existing under the laws of California. Sukira does business as Trinethra Indian Supermarket. Sukira is  
8 registered to do business in California, and does business in the County of Alameda, within the meaning  
9 of Health and Safety Code, section 25249.11. Sukira manufactures, imports, sells, or distributes the  
10 Products in California and Alameda County.

11 9. Defendant THE WADIA GROUP (“Wadia”) is a corporation organized and existing  
12 under the laws of India. Wadia is registered to do business in California, and does business in the County  
13 of Alameda, within the meaning of Health and Safety Code, section 25249.11. Wadia manufactures,  
14 imports, sells, or distributes the Products in California and Alameda County.

15 10. Plaintiff does not know the true names and/or capacities, whether individual, partners,  
16 or corporate, of the defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues  
17 said defendants under fictitious names. Plaintiff will seek leave to amend this Complaint when the true  
18 names and capacities of these defendants have been ascertained. Plaintiff is informed and believes and  
19 thereon alleges that these defendants are responsible in whole or in part for Plaintiff’s damages.

20 **III.**  
21 **VENUE AND JURISDICTION**

22 11. California Constitution Article VI, Section 10 grants the Superior Court original  
23 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code  
24 statute upon which this action is based does not give jurisdiction to any other court. As such, this Court  
25 has jurisdiction.

26 12. Venue is proper in Alameda County Superior Court pursuant to Code of Civil  
27 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this  
28 County. Defendants conducted and continue to conduct business in this County as it relates to Products.



1 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in  
2 California of the health hazards associated with exposures to acrylamide contained in the Products.

3 22. The appropriate public enforcement agencies provided with the Notice failed to  
4 commence and diligently prosecute a cause of action against Defendants.

5 23. Individuals exposed to acrylamide contained in Products through direct ingestion  
6 resulting from reasonably foreseeable use of the Products have suffered and continue to suffer  
7 irreparable harm. There is no other plain, speedy, or adequate remedy at law.

8 24. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation  
9 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also  
10 appropriate pursuant to Health and Safety Code, section 25249.7(a).

11 **PRAYER FOR RELIEF**

12 Wherefore, Plaintiff prays for judgment against Defendants as follows:

13 1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that  
14 damages total a minimum of \$1,000,000;

15 2. A preliminary and permanent injunction against Defendants from manufacturing,  
16 importing, selling, and/or distributing Products in California without providing a clear and reasonable  
17 warning as required by Proposition 65 and related Regulations;

18 3. Reasonable attorney's fees and costs of suit; and

19 4. Such other and further relief as may be just and proper.

20 Respectfully submitted:

21 Dated: March 10, 2021

**NICHOLAS & TOMASEVIC, LLP**



22  
23 By: \_\_\_\_\_

Jake W. Schulte  
Craig M. Nicholas

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28 Environmental Health Advocates, Inc.