		ELECTRONICALLY FILED Superior Court of California,		
1	ENTORNO LAW, LLP	County of Alameda		
2	Craig M. Nicholas (SBN 178444) Noam Glick (SBN 251582) Jake W. Schulte (SBN 293777)	10/20/2021 at 12:18:00 PM		
3	225 Broadway, Suite 1900 San Diego, California 92101	By: Shabra Iyamu, Deputy Clerk		
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6 7	Attorneys for Plaintiff			
-	ENVIRONMENTAL HEALTH ADVOCATES, INC.			
8	SUPERIOR COURT OF 1	THE STATE OF CALIFORNIA		
9	IN AND FOR THE (COUNTY OF ALAMEDA		
10	ENVIRONMENTAL HEALTH ADVOCATES, INC.,	Case No.:		
11	Plaintiff,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF		
12	V.	(Health & Safety Code § 25249.6 et seq.)		
13	PARLE PRODUCTS PVT. LTD., an Indian corporation, NORTH PARK PRODUCE, INC.,			
14	a California corporation, and DOES 1 through 100, inclusive,			
15				
16	Defendants.			
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I.
INTRODUCTION

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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 Parle Hide n' Seek Moulded Cookies ("Products"). Defendants know and intend that
 customers will ingest Products containing acrylamide.

8 2. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986, California
9 Health and Safety Code, section 25249.6 et seq. ("Proposition 65"), "[n]o person in the course of doing
10 business shall knowingly and intentionally expose any individual to a chemical known to the state to
11 cause cancer or reproductive toxicity without first giving clear and reasonable warning to such
12 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.

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).)

II. <u>PARTIES</u>

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.

7. Defendant PARLE PRODUCTS PVT. LTD. ("Parle Products") is a corporation
 organized and existing under the laws of India. Parle Products is registered to do business in California,
 and does business in the County of Alameda, within the meaning of Health and Safety Code, section
 25249.11. Parle Products manufactures, imports, sells, or distributes the Products in California and
 Alameda County.

8. Defendant NORTH PARK PRODUCE, INC. ("North Park") is a corporation organized
 and existing under the laws of India. Parle Products is registered to do business in California, and does
 business in the County of Alameda, within the meaning of Health and Safety Code, section 25249.11.
 North Park manufactures, imports, sells, or distributes the Products in California and Alameda County.

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

III. VENUE AND JURISDICTION

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

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

24 12. Defendants have sufficient minimum contacts in the State of California or otherwise
25 purposefully avails itself of the California market. Exercising jurisdiction over Defendants would be
26 consistent with traditional notions of fair play and substantial justice.

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1	IV. CAUSES OF ACTION			
2	FIRST CAUSE OF ACTION (Violation of Proposition 65 – Against all Defendants)			
3	 Plaintiff incorporates by reference each and every allegation contained above. 			
4	14. Proposition 65 mandates that citizens be informed about exposures to chemicals that			
5	cause cancer, birth defects, and other reproductive harm.			
6	15. Defendants manufactured, imported, sold, and/or distributed Products containing			
7	acrylamide in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and			
8	believes such violations have continued after receipt of the Notice (defined <i>infra</i>) and will continue to			
9	occur into the future.			
10	16. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to			
11	provide a clear and reasonable warning to consumers and individuals in California who may be exposed			
12	to acrylamide through reasonably foreseeable use of the Products.			
13	17. Products expose individuals to acrylamide through direct ingestion. This exposure is a			
14	natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As			
15	such, Defendants intend that consumers will ingest Products, exposing them to acrylamide.			
16	18. Defendants knew or should have known that the Products contained acrylamide and			
17	exposed individuals to acrylamide in the ways provided above. The Notice informed Defendants of the			
18	presence of acrylamide in the Products. Likewise, media coverage concerning acrylamide and related			
19	chemicals in consumer products provided constructive notice to Defendants.			
20	19. Defendants' action in this regard were deliberate and not accidental.			
21	20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a			
22	60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff			
23	provided the Notice to the various required public enforcement agencies along with a certificate of merit.			
24	The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in			
25	California of the health hazards associated with exposures to acrylamide contained in the Products.			
26	21. The appropriate public enforcement agencies provided with the Notice failed to			
27	commence and diligently prosecute a cause of action against Defendants.			
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1	22.	Individuals exposed to acry	lamide	contained in Products through direct ingestion
2	resulting from reasonably foreseeable use of the Products have suffered and continue to suffer			
3	irreparable harm. There is no other plain, speedy, or adequate remedy at law.			
4	23.	Defendants are liable for a ma	aximur	n civil penalty of \$2,500 per day for each violation
5	of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also			
6	appropriate pursuant to Health and Safety Code, section 25249.7(a).			
7	PRAYER FOR RELIEF			
8	Wherefore, Plaintiff prays for judgment against Defendants as follows:			
9	1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that			
10	damages total a minimum of \$1,000,000;			
11	2.	A preliminary and permane	ent inju	unction against Defendants from manufacturing,
12	importing, selling, and/or distributing Products in California without providing a clear and reasonable			
13	warning as required by Proposition 65 and related Regulations;			
14	3.	Reasonable attorney's fees an	id costs	s of suit; and
15	4.	Such other and further relief a	as may	be just and proper.
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17	Respectfully s	submitted:		
18	Dated: Octobe	er 20, 2021		ENTORNO LAW, LLP
19			By:	Jak John He
20			Dy.	Jake W. Schulte
21				Craig M. Nicholas Noam Glick
22				Attorneys for Plaintiff
23				Environmental Health Advocates, Inc.
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