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County of Alameda
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Chad Firke, Executive Officer / Clerk of the Court
By: D. Drew Deputy

1 Reuben Yeroushalmi (SBN 193981)
2 reuben@yeroushalmi.com
3 **YEROUSHALMI & YEROUSHALMI***
4 9100 Wilshire Boulevard, Suite 240W
5 Beverly Hills, California 90212
6 Telephone: (310) 623-1926
7 Facsimile: (310) 623-1930
8
9 Attorneys for Plaintiff,
10 CONSUMER ADVOCACY GROUP, INC.

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

CONSUMER ADVOCACY GROUP, INC.,
in the public interest,

Plaintiff,

v.

H MART, INC., a Delaware Corporation;
H MART TORRANCE, LLC, a California
Limited Liability Company;
H MART COMPANIES, INC., a New York
Corporation;
NATIONAL FEDERATION OF
FISHERIES COOPERATIVES
CORPORATION, a Korean Corporation;
GRAND BK CORP., a New York
Corporation;
GRAND SUPERCENTER, INC., a New
York Corporation;
OTTOGI USA LLC, a Limited Liability
Company;
SUHYUP YUTONG CO., LTD., a Korean
Corporation;
G.EAST CO., LTD., a Korean Corporation;
SUNG GYUNG FOOD CO., LTD., a
Korean Corporation;
and DOES 1-110,

Defendants.

CASE NO. 23CV030744

**FIRST AMENDED COMPLAINT FOR
PENALTY AND INJUNCTION**

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

ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$25,000)

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1 Plaintiff CONSUMER ADVOCACY GROUP, INC. alleges fourteen causes of action
2 against defendants H MART, INC.; H MART TORRANCE, LLC; H MART COMPANIES;
3 NATIONAL FEDERATION OF FISHERIES COOPERATIVES CORPORATION; GRAND
4 BK CORP.; GRAND SUPERCENTER, INC.; OTTOGI USA LLC.; and DOES 1-140 as
5 follows:

6 **THE PARTIES**

- 7 1. Plaintiff CONSUMER ADVOCACY GROUP, INC. (“Plaintiff” or “CAG”) is an
8 organization qualified to do business in the State of California. CAG is a person within
9 the meaning of Health and Safety Code Section 25249.11, subdivision (a). CAG, acting
10 as a private attorney general, brings this action in the public interest as defined under
11 Health and Safety Code Section 25249.7, subdivision (d).
- 12 2. Defendant H MART, INC (“H MART”) is a Delaware Corporation doing business in the
13 State of California at all relevant times herein.
- 14 3. Defendant H MART TORRANCE, LLC (“H MART TORRANCE”) is a California
15 Limited Liability Company doing business in the State of California at all relevant times
16 herein.
- 17 4. Defendant H MART COMPANIES, INC. (“H MART COMPANIES”) is a New York
18 Corporation doing business in the State of California at all relevant times herein.
- 19 5. Defendant GRAND SUPERCENTER (“GRAND”) is a New York Corporation doing
20 business in the State of California at all relevant times herein.
- 21 6. Defendant NATIONAL FEDERATION OF FISHERIES COOPERATIVES
22 CORPORATION (“NATIONAL”) is a Korean Corporation doing business in the State
23 of California at all relevant times herein.
- 24 7. Defendant GRAND BK CORP. (“BK”) is a New York Corporation doing business in the
25 State of California at all relevant times herein.
- 26 8. Defendant OTTOGI USA LLC (“OTTOGI”) is a California Limited Liability Company
27 doing business in the State of California at all relevant times herein.
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- 1 9. Defendant SUHYUP YUTONG CO., LTD. (“SUHYUP”), is a Korean Corporation
2 doing business in the State of California at all relevant times herein.
- 3 10. Defendant G.EAST CO., LTD. (“G. EAST”), is a Korean Corporation doing business in
4 the State of California at all relevant times herein.
- 5 11. Defendant SUNG GYUNG FOOD CO., LTD. , is a Korean Corporation doing business
6 in the State of California at all relevant times herein.
- 7 12. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-
8 110, and therefore sues these defendants by such fictitious names. Plaintiff will amend
9 this Complaint to allege their true names and capacities when ascertained. Plaintiff is
10 informed, believes, and thereon alleges that each fictitiously named defendant is
11 responsible in some manner for the occurrences herein alleged and the damages caused
12 thereby.
- 13 13. At all times mentioned herein, the term “Defendants” includes H MART, H MART
14 TORRANCE, H MART COMPANIES, GRAND, NATIONAL, BK, OTTOGI, and
15 DOES 1-110.
- 16 14. Plaintiff is informed and believes, and thereon alleges that each of the Defendants at all
17 times mentioned herein have conducted business within the State of California.
- 18 15. Upon information and belief, at all times relevant to this action, each of the Defendants,
19 including DOES 1-110, was an agent, servant, or employee of each of the other
20 Defendants. In conducting the activities alleged in this Complaint, each of the
21 Defendants was acting within the course and scope of this agency, service, or
22 employment, and was acting with the consent, permission, and authorization of each of
23 the other Defendants. All actions of each of the Defendants alleged in this Complaint
24 were ratified and approved by every other Defendant or their officers or managing
25 agents. Alternatively, each of the Defendants aided, conspired with and/or facilitated the
26 alleged wrongful conduct of each of the other Defendants.

1 16. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the
2 Defendants was a person doing business within the meaning of Health and Safety Code
3 Section 25249.11, subdivision (b), and that each of the Defendants had ten (10) or more
4 employees at all relevant times.

5 **JURISDICTION**

6 17. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article
7 VI, Section 10, which grants the Superior Court original jurisdiction in all causes except
8 those given by statute to other trial courts. This Court has jurisdiction over this action
9 pursuant to Health and Safety Code Section 25249.7, which allows enforcement of
10 violations of Proposition 65 in any Court of competent jurisdiction.

11 18. This Court has jurisdiction over Defendants named herein because Defendants either
12 reside or are located in this State or are foreign corporations authorized to do business in
13 California, are registered with the California Secretary of State, or who do sufficient
14 business in California, have sufficient minimum contacts with California, or otherwise
15 intentionally avail themselves of the markets within California through their
16 manufacture, distribution, promotion, marketing, or sale of their products within
17 California to render the exercise of jurisdiction by the California courts permissible
18 under traditional notions of fair play and substantial justice.

19 19. Venue is proper in the County of Alameda because one or more of the instances of
20 wrongful conduct occurred, and continues to occur, in the County of Alameda and/or
21 because Defendants conducted, and continue to conduct, business in the County of
22 Alameda with respect to the consumer product that is the subject of this action.

23 **BACKGROUND AND PRELIMINARY FACTS**

24 20. In 1986, California voters approved an initiative to address growing concerns about
25 exposure to toxic chemicals and declared their right “[t]o be informed about exposures to
26 chemicals that cause cancer, birth defects, or other reproductive harm.” Ballot Pamp.,
27 Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking
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1 Water and Toxic Enforcement Act of 1986, codified at Health and Safety Code Sections
2 25249.5, *et seq.* (“Proposition 65”), helps to protect California’s drinking water sources
3 from contamination, to allow consumers to make informed choices about the products
4 they buy, and to enable persons to protect themselves from toxic chemicals as they see
5 fit.

6 21. Proposition 65 requires the Governor of California to publish a list of chemicals known
7 to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety*
8 *Code* § 25249.8. The list, which the Governor updates at least once a year, contains over
9 700 chemicals and chemical families. Proposition 65 imposes warning requirements and
10 other controls that apply to Proposition 65-listed chemicals.

11 22. All businesses with ten (10) or more employees that operate or sell products in California
12 must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
13 from knowingly discharging Proposition 65-listed chemicals into sources of drinking
14 water (*Health & Safety Code* § 25249.5), and (2) required to provide “clear and
15 reasonable” warnings before exposing a person, knowingly and intentionally, to a
16 Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

17 23. Proposition 65 provides that any person "violating or threatening to violate" the statute
18 may be enjoined in any court of competent jurisdiction. *Health & Safety Code* §
19 25249.7. "Threaten to violate" means "to create a condition in which there is a
20 substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e).
21 Defendants are also liable for civil penalties of up to \$2,500.00 per day per violation,
22 recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

23 24. Plaintiff identified certain practices of manufacturers and distributors of Dried Seaweed
24 and Dried Squid of exposing, knowingly and intentionally, persons in California to Lead
25 and Lead Compounds (“Lead”), Cadmium and Cadmium Compounds (“Cadmium”),
26 Inorganic Arsenic Compounds, and/or Inorganic Arsenic Oxides (“Arsenic”) of such
27 products without first providing clear and reasonable warnings of such to the exposed
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1 persons prior to the time of exposure. Plaintiff later discerned that Defendants engaged
2 in such practice.

3 25. On October 1, 1992 the Governor of California added Lead and Lead Compounds
4 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit.
5 27, § 27001(b)). Pursuant to Health and Safety Code Sections 25249.9 and 25249.10,
6 twenty (20) months after addition of Lead to the list of chemicals known to the State to
7 cause cancer, Lead became fully subject to Proposition 65 warning requirements and
8 discharge prohibitions.

9 26. On February 27, 1987, the Governor of California added Lead to the list of chemicals
10 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
11 tit. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and
12 male reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
13 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to
14 the State to cause developmental and reproductive toxicity, Lead became fully subject to
15 Proposition 65 warning requirements and discharge prohibitions.

16 27. On October 1, 1987 the Governor of California added Cadmium and Cadmium
17 Compounds (“Cadmium”) to the list of chemicals known to the State to cause cancer
18 (*Cal. Code Regs.* tit. 27, § 27001(b)). Pursuant to Health and Safety Code Sections
19 25249.9 and 25249.10, twenty (20) months after addition of Cadmium to the list of
20 chemicals known to the State to cause cancer, Cadmium became fully subject to
21 Proposition 65 warning requirements and discharge prohibitions.

22 28. On May 1, 1997, the Governor of California added Cadmium to the list of chemicals
23 known to the State to cause developmental and reproductive toxicity (*Cal. Code Regs.*
24 tit. 27, § 27001(c)). Cadmium is known to the State to cause developmental, and male
25 reproductive toxicity. Pursuant to Health and Safety Code Sections 25249.9 and
26 25249.10, twenty (20) months after addition of Cadmium to the list of chemicals known
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1 to the State to cause developmental and reproductive toxicity, Cadmium became fully
2 subject to Proposition 65 warning requirements and discharge prohibitions.

3 29. On May 1, 1997, the Governor of California added Inorganic Arsenic Oxides to the list
4 of chemicals known to the State to cause developmental toxicity (*Cal. Code Regs. tit. 27,*
5 *§ 27001(c)*). Inorganic Arsenic Oxides is known to the State to cause developmental,
6 toxicity. Pursuant to Health and Safety Code Sections 25249.9 and 25249.10, twenty
7 (20) months after addition of Inorganic Arsenic Oxides to the list of chemicals known to
8 the State to cause developmental toxicity, Inorganic Arsenic Oxides became fully subject
9 to Proposition 65 warning requirements and discharge prohibitions. Inorganic Arsenic
10 Oxides is hereinafter referred to as “Arsenic”.

11 **SATISFACTION OF PRIOR NOTICE**

12 30. Plaintiff served the following notices for alleged violations of Health and Safety Code
13 Section 25249.6, concerning consumer products exposures:

14 a. On or about January 26, 2023, Plaintiff gave notice of alleged violations
15 of Health and Safety Code Section 25249.6, concerning consumer products exposures subject
16 to a private action to H MART, INC., H MART TORRANCE, LLC, H MART COMPANIES,
17 INC., GRAND BK CORP., AND NATIONAL FEDERATION OF FISHERIES
18 COOPERATIVES CORPORATION and to the California Attorney General, County District
19 Attorneys, and City Attorneys for each city containing a population of at least 750,000 people
20 in whose jurisdictions the violations allegedly occurred, concerning Dried Seaweed.

21 b. On or about February 13, 2023, Plaintiff gave notice of alleged
22 violations of Health and Safety Code Section 25249.6, concerning consumer products
23 exposures subject to a private action to H MART, INC., AND G.EAST CO., LTD. and to the
24 California Attorney General, County District Attorneys, and City Attorneys for each city
25 containing a population of at least 750,000 people in whose jurisdictions the violations
26 allegedly occurred, concerning Dried Seaweed.

27 c. On or about February 13, 2023, Plaintiff gave notice of alleged
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1 violations of Health and Safety Code Section 25249.6, concerning consumer products
2 exposures subject to a private action to H MART, INC., SUHYUP YUTONG CO., LTD.,
3 NATIONAL FEDERATION OF FISHERIES, AND GRAND BK CORP. and to the California
4 Attorney General, County District Attorneys, and City Attorneys for each city containing a
5 population of at least 750,000 people in whose jurisdictions the violations allegedly occurred,
6 concerning Dried Seaweed.

7 d. On or about December 22, 2023, Plaintiff gave notice of alleged
8 violations of Health and Safety Code Section 25249.6, concerning consumer products
9 exposures subject to a private action to GRAND SUPERCENTER, SUNG GYUNG FOOD
10 CO., LTD. and to the California Attorney General, County District Attorneys, and City
11 Attorneys for each city containing a population of at least 750,000 people in whose
12 jurisdictions the violations allegedly occurred, concerning Dried Seaweed.

13 d. On or about December 8, 2022 Plaintiff gave notice of alleged violations
14 of Health and Safety Code Section 25249.6, concerning consumer products exposures subject
15 to a private action to H MART, H MART TORRANCE, H MART COMPANIES, GRAND,
16 and to the California Attorney General, County District Attorneys, and City Attorneys for each
17 city containing a population of at least 750,000 people in whose jurisdictions the violations
18 allegedly occurred, concerning Dried Seaweed

19 e. On or about November 15, 2022 Plaintiff gave notice of alleged
20 violations of Health and Safety Code Section 25249.6, concerning consumer products
21 exposures subject to a private action to H MART, H MART TORRANCE, H MART
22 COMPANIES, BK, NATIONAL, and to the California Attorney General, County District
23 Attorneys, and City Attorneys for each city containing a population of at least 750,000 people
24 in whose jurisdictions the violations allegedly occurred, concerning Dried Seaweed.

25 f. On or about September 20, 2022 Plaintiff gave notice of alleged
26 violations of Health and Safety Code Section 25249.6, concerning consumer products
27 exposures subject to a private action to H MART, H MART TORRANCE, H MART
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1 COMPANIES, GRAND, BK, and to the California Attorney General, County District
2 Attorneys, and City Attorneys for each city containing a population of at least 750,000 people
3 in whose jurisdictions the violations allegedly occurred, concerning Dried Squid.

4 g. On or about August 18, 2022, Plaintiff gave notice of alleged violations
5 of Health and Safety Code Section 25249.6, concerning consumer products exposures subject
6 to a private action to H MART, H MART TORRANCE, H MART COMPANIES, BK, and to
7 the California Attorney General, County District Attorneys, and City Attorneys for each city
8 containing a population of at least 750,000 people in whose jurisdictions the violations
9 allegedly occurred, concerning Dried Squid

10 h. On or about April 21, 2022 Plaintiff gave notice of alleged violations of
11 Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a
12 private action to H MART, H MART TORRANCE, H MART COMPANIES, GRAND,
13 OTTOGI, and to the California Attorney General, County District Attorneys, and City
14 Attorneys for each city containing a population of at least 750,000 people in whose
15 jurisdictions the violations allegedly occurred, concerning Dried Seaweed.

16 i. On or about March 11, 2022 Plaintiff gave notice of alleged violations of
17 Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a
18 private action to H MART, H MART TORRANCE, H MART COMPANIES, BK,
19 NATIONAL, and to the California Attorney General, County District Attorneys, and City
20 Attorneys for each city containing a population of at least 750,000 people in whose
21 jurisdictions the violations allegedly occurred, concerning Dried Seaweed.

22 j. On or about February 16, 2022 Plaintiff gave notice of alleged violations
23 of Health and Safety Code Section 25249.6, concerning consumer products exposures subject
24 to a private action to H MART, H MART TORRANCE, H MART COMPANIES, GRAND,
25 and to the California Attorney General, County District Attorneys, and City Attorneys for each
26 city containing a population of at least 750,000 people in whose jurisdictions the violations
27 allegedly occurred, concerning Dried Seaweed.

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1 k. On or about February 3, 2021 Plaintiff gave notice of alleged violations
2 of Health and Safety Code Section 25249.6, concerning consumer products exposures subject
3 to a private action to H MART, H MART TORRANCE, H MART COMPANIES, BK, and to
4 the California Attorney General, County District Attorneys, and City Attorneys for each city
5 containing a population of at least 750,000 people in whose jurisdictions the violations
6 allegedly occurred, concerning Dried Seaweed.

7 l. On or about December 2, 2021 Plaintiff gave notice of alleged violations
8 of Health and Safety Code Section 25249.6, concerning consumer products exposures subject
9 to a private action to H MART, H MART TORRANCE, H MART COMPANIES, GRAND,
10 and to the California Attorney General, County District Attorneys, and City Attorneys for each
11 city containing a population of at least 750,000 people in whose jurisdictions the violations
12 allegedly occurred, concerning Dried Seaweed.

13 m. On or about March 10, 2020 Plaintiff gave notice of alleged violations of
14 Health and Safety Code Section 25249.6, concerning consumer products exposures subject to a
15 private action to H MART, H MART TORRANCE, H MART COMPANIES, and to the
16 California Attorney General, County District Attorneys, and City Attorneys for each city
17 containing a population of at least 750,000 people in whose jurisdictions the violations
18 allegedly occurred, concerning Dried Seaweed.

19 n. On or about October 11, 2019 Plaintiff gave notice of alleged violations
20 of Health and Safety Code Section 25249.6, concerning consumer products exposures subject
21 to a private action to H MART, H MART TORRANCE, H MART COMPANIES, GRAND,
22 and to the California Attorney General, County District Attorneys, and City Attorneys for each
23 city containing a population of at least 750,000 people in whose jurisdictions the violations
24 allegedly occurred, concerning Dried Seaweed.

25 31. Before sending the notice of alleged violations, Plaintiff investigated the consumer
26 products involved, the likelihood that such products would cause users to suffer
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1 significant exposures to Lead, Cadmium, and Arsenic, and the corporate structure of
2 each of the Defendants.

3 32. Plaintiff's notice of alleged violation included a Certificate of Merit executed by the
4 attorney for the noticing party, CAG. The Certificate of Merit stated that the attorney for
5 Plaintiff who executed the certificate had consulted with at least one person with relevant
6 and appropriate expertise who reviewed data regarding the exposures to Lead, Cadmium,
7 and Arsenic, the subject Proposition 65-listed chemical of this action. Based on that
8 information, the attorney for Plaintiff who executed the Certificate of Merit believed
9 there was a reasonable and meritorious case for this private action. The attorney for
10 Plaintiff attached to the Certificate of Merit served on the Attorney General the
11 confidential factual information sufficient to establish the basis of the Certificate of
12 Merit.

13 33. Plaintiff's notice of alleged violations also included a Certificate of Service and a
14 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986
15 (Proposition 65) A Summary." *Health & Safety Code § 25249.7(d)*.

16 34. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff
17 gave notice of the alleged violations to H MART, H MART TORRANCE, H MART
18 COMPANIES, BK, GRAND, OTTIGI, NATIONAL and the public prosecutors
19 referenced in Paragraph 29.

20 35. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor
21 any applicable district attorney or city attorney has commenced and is diligently
22 prosecuting an action against the Defendants.

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FIRST CAUSE OF ACTION

(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART TORRANCE, H MART COMPANIES, GRAND, and DOES 31-40 for Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986 (Health & Safety Code, §§ 25249.5, et seq.))

Seaweed

36. Plaintiff repeats and incorporates by reference paragraphs 1 through 32 of this complaint as though fully set forth herein.

37. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, or retailer of Dried Seaweed (“Seaweed I”), including but not limited to: "HAIO"; "Babdoduk"; "Premium Roasted Seaweed"; "16 - 0.15 oz (4.25 g) Packs"; "Net Wt. 2.4 oz (68 g)"; "Exp. Nov.15.2022"; "Distributed By Grand Supercenter Inc."; "Product of Korea"; "Item No. 1308101095"; "UPC 8 46034 00262 3"; "UPC 8 46034 00259 3"

38. Seaweed I contains Lead, Arsenic and Cadmium.

39. Defendants knew or should have known that Lead, Arsenic and Cadmium has been identified by the State of California as a chemical known to cause cancer, developmental and reproductive toxicity, and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead, Arsenic and Cadmium in Seaweed I within Plaintiff's notice of alleged violations further discussed above at Paragraph 29a.

40. Plaintiff's allegations regarding Seaweed I concerns “[c]onsumer products exposure[s],” which “is an exposure that results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*. Seaweed I is consumer products, and, as mentioned herein, exposures to Lead, Arsenic and Cadmium took place as a result of such normal and foreseeable consumption and use.

1 41. Plaintiff is informed, believes, and thereon alleges that between December 8, 2019 and
2 the present, each of the Defendants knowingly and intentionally exposed California
3 consumers and users of Seaweed I, which Defendants manufactured, distributed, or sold
4 as mentioned above, to Lead, Arsenic and Cadmium, without first providing any type of
5 clear and reasonable warning of such to the exposed persons before the time of exposure.
6 Defendants have distributed and sold Seaweed I in California. Defendants know and
7 intend that California consumers will use and consume Seaweed I, thereby exposing
8 them to Lead, Arsenic and Cadmium. Further, Plaintiff is informed, believes, and
9 thereon alleges that Defendants are selling Seaweed I under a brand or trademark that is
10 owned or licensed by the Defendants or an entity affiliated thereto; have knowingly
11 introduced Lead, Arsenic and Cadmium into Seaweed I or knowingly caused Lead,
12 Arsenic and Cadmium to be created in Seaweed I; have covered, obscured or altered a
13 warning label that has been affixed to Seaweed I by the manufacturer, producer,
14 packager, importer, supplier or distributor of Seaweed I; have received a notice and
15 warning materials for exposure from Seaweed I without conspicuously posting or
16 displaying the warning materials; and/or have actual knowledge of potential exposure to
17 Lead, Arsenic and Cadmium from Seaweed I. Defendants thereby violated Proposition
18 65.

19 42. The principal routes of exposure are through, ingestion and inhalation. Persons sustain
20 exposures by eating and consuming Seaweed I, as well as through direct and indirect
21 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
22 dispersed from Seaweed I.

23 43. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
24 Proposition 65 as to Seaweed I have been ongoing and continuous, as Defendants
25 engaged and continue to engage in conduct which violates Health and Safety Code
26 Section 25249.6, including the manufacture, distribution, promotion, and sale of
27 Seaweed I, so that a separate and distinct violation of Proposition 65 occurred each and
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1 every time a person was exposed to Lead, Arsenic and Cadmium by Seaweed I as
2 mentioned herein.

3 44. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
4 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
5 violations alleged herein will continue to occur into the future.

6 45. Based on the allegations herein, Defendants are liable for civil penalties of up to
7 \$2,500.00 per day per individual exposure to Lead, Arsenic and Cadmium from Seaweed
8 I, pursuant to Health and Safety Code Section 25249.7(b).

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

11 **SECOND CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
13 **TORRANCE, H MART COMPANIES, BK, NATIONAL, and DOES 41-50 for**
14 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
of 1986 (Health & Safety Code, §§ 25249.5, et seq.))

15 **Seaweed**

16 47. Plaintiff repeats and incorporates by reference paragraphs 1 through 43 of this complaint
17 as though fully set forth herein.

18 48. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Dried Seaweed (“Seaweed II”), including but not
20 limited to: "Suhyub"; "Dried Seaweed"; "Net Wt. 5.29 oz (150 g)"; "2023.10.14";
21 "Distributed by Grand BK Corp."; "Product of Korea"; "UPC 8 809039 660023"

22 49. Seaweed II contains Lead, Arsenic and Cadmium.

23 50. Defendants knew or should have known that Lead, Arsenic and Cadmium has been
24 identified by the State of California as a chemical known to cause cancer, developmental
25 and reproductive toxicity, and therefore was subject to Proposition 65 warning
26 requirements. Defendants were also informed of the presence of Lead, Arsenic and
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1 Cadmium in Seaweed II within Plaintiff's notice of alleged violations further discussed
2 above at Paragraph 29b.

3 51. Plaintiff's allegations regarding Seaweed II concerns "[c]onsumer products exposure[s],"
4 which "is an exposure that results from a person's acquisition, purchase, storage,
5 consumption, or other reasonably foreseeable use of a consumer good, or any exposure
6 that results from receiving a consumer service." *Cal. Code Regs. tit. 27, § 25602(b)*.
7 Seaweed II is consumer products, and, as mentioned herein, exposures to Lead, Arsenic
8 and Cadmium took place as a result of such normal and foreseeable consumption and
9 use.

10 52. Plaintiff is informed, believes, and thereon alleges that between November 15, 2019 and
11 the present, each of the Defendants knowingly and intentionally exposed California
12 consumers and users of Seaweed II, which Defendants manufactured, distributed, or sold
13 as mentioned above, to Lead, Arsenic and Cadmium, without first providing any type of
14 clear and reasonable warning of such to the exposed persons before the time of exposure.
15 Defendants have distributed and sold Seaweed II in California. Defendants know and
16 intend that California consumers will use and consume Seaweed II, thereby exposing
17 them to Lead, Arsenic and Cadmium. Further, Plaintiff is informed, believes, and
18 thereon alleges that Defendants are selling Seaweed II under a brand or trademark that is
19 owned or licensed by the Defendants or an entity affiliated thereto; have knowingly
20 introduced Lead, Arsenic and Cadmium into Seaweed II or knowingly caused Lead,
21 Arsenic and Cadmium to be created in Seaweed II; have covered, obscured or altered a
22 warning label that has been affixed to Seaweed II by the manufacturer, producer,
23 packager, importer, supplier or distributor of Seaweed II; have received a notice and
24 warning materials for exposure from Seaweed II without conspicuously posting or
25 displaying the warning materials; and/or have actual knowledge of potential exposure to
26 Lead, Arsenic and Cadmium from Seaweed II. Defendants thereby violated Proposition
27 65.

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1 53. The principal routes of exposure are through ingestion and inhalation. Persons sustain
2 exposures by eating and consuming Seaweed II, as well as through direct and indirect
3 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
4 dispersed from Seaweed II.

5 54. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
6 Proposition 65 as to Seaweed II have been ongoing and continuous, as Defendants
7 engaged and continue to engage in conduct which violates Health and Safety Code
8 Section 25249.6, including the manufacture, distribution, promotion, and sale of
9 Seaweed II, so that a separate and distinct violation of Proposition 65 occurred each and
10 every time a person was exposed to Lead, Arsenic and Cadmium by Seaweed II as
11 mentioned herein.

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

15 56. Based on the allegations herein, Defendants are liable for civil penalties of up to
16 \$2,500.00 per day per individual exposure to Lead, Arsenic and Cadmium from Seaweed
17 II, pursuant to Health and Safety Code Section 25249.7(b).

18 57. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
19 filing this Complaint.

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21 **THIRD CAUSE OF ACTION**

22 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
23 **TORRANCE, H MART COMPANIES, BK, GRAND, and DOES 51-60 for**
24 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
25 **of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

26 **Seafood Snack**

27 58. Plaintiff repeats and incorporates by reference paragraphs 1 through 54 of this complaint
28 as though fully set forth herein.

1 59. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Seafood Snack (“Dried Squid I”), including but not
3 limited to: "Tong Tong Bay Seafood and Fish"; "Roasted Dried Squid"; "Net Wt. 1.5 oz
4 (43 g)"; "Product of Korea"; "Distributed By Grand BK Corp."; "UPC 8 46034 03164 7"

5 60. Dried Squid I contains Cadmium.

6 61. Defendants knew or should have known that Cadmium has been identified by the State
7 of California as a chemical known to cause developmental and reproductive toxicity,
8 and therefore was subject to Proposition 65 warning requirements. Defendants were also
9 informed of the presence of Cadmium in Dried Squid I within Plaintiff's notice of
10 alleged violations further discussed above at Paragraph 29c.

11 62. Plaintiff's allegations regarding Dried Squid I concerns “[c]onsumer products
12 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
13 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
14 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
15 *25602(b)*. Dried Squid I is consumer products, and, as mentioned herein, exposures to
16 Cadmium took place as a result of such normal and foreseeable consumption and use.

17 63. Plaintiff is informed, believes, and thereon alleges that between September 20, 2019 and
18 the present, each of the Defendants knowingly and intentionally exposed California
19 consumers and users of Dried Squid I, which Defendants manufactured, distributed, or
20 sold as mentioned above, to Cadmium, without first providing any type of clear and
21 reasonable warning of such to the exposed persons before the time of exposure.

22 Defendants have distributed and sold Dried Squid I in California. Defendants know and
23 intend that California consumers will use and consume Dried Squid I, thereby exposing
24 them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that
25 Defendants are selling Dried Squid I under a brand or trademark that is owned or
26 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
27 Cadmium into Dried Squid I or knowingly caused Cadmium to be created in Dried Squid
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1 I; have covered, obscured or altered a warning label that has been affixed to Dried Squid
2 I by the manufacturer, producer, packager, importer, supplier or distributor of Dried
3 Squid I; have received a notice and warning materials for exposure from Dried Squid I
4 without conspicuously posting or displaying the warning materials; and/or have actual
5 knowledge of potential exposure to Cadmium from Dried Squid I. Defendants thereby
6 violated Proposition 65.

7 64. The principal routes of exposure are through ingestion and inhalation. Persons sustain
8 exposures by eating and consuming Dried Squid I, as well as through direct and indirect
9 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
10 dispersed from Dried Squid I.

11 65. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
12 Proposition 65 as to Dried Squid I have been ongoing and continuous, as Defendants
13 engaged and continue to engage in conduct which violates Health and Safety Code
14 Section 25249.6, including the manufacture, distribution, promotion, and sale of Dried
15 Squid I, so that a separate and distinct violation of Proposition 65 occurred each and
16 every time a person was exposed to Cadmium by Dried Squid I as mentioned herein.

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

20 67. Based on the allegations herein, Defendants are liable for civil penalties of up to
21 \$2,500.00 per day per individual exposure to Cadmium from Dried Squid I, pursuant to
22 Health and Safety Code Section 25249.7(b).

23 68. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
24 filing this Complaint.

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1 **FOURTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
3 **TORRANCE, H MART COMPANIES, BK, and DOES 61-70 for Violations of**
4 **Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
5 **(Health & Safety Code, §§ 25249.5, et seq.)**

6 **Seafood Snack**

7 69. Plaintiff repeats and incorporates by reference paragraphs 1 through 100 of this
8 complaint as though fully set forth herein.

9 70. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Seafood Snack (“Dried Squid II”), including but not
11 limited to: "Jinju Food"; "Grilled Macbanseok Squid"; "Grilled flavor Dried Squid";
12 "Net Wt. 2.47 oz (70g)"; "Imported By Grand BK Corp."; "Product of Korea"; "UPC 8
13 809001 453271"

14 71. Dried Squid II contains Cadmium.

15 72. Defendants knew or should have known that Cadmium has been identified by the State
16 of California as a chemical known to cause developmental and reproductive toxicity,
17 and therefore was subject to Proposition 65 warning requirements. Defendants were also
18 informed of the presence of Cadmium in Dried Squid II within Plaintiff's notice of
19 alleged violations further discussed above at Paragraph 29d.

20 73. Plaintiff's allegations regarding Dried Squid II concerns “[c]onsumer products
21 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
22 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
23 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
24 *25602(b)*. Dried Squid II is consumer products, and, as mentioned herein, exposures to
25 Cadmium took place as a result of such normal and foreseeable consumption and use.

26 74. Plaintiff is informed, believes, and thereon alleges that between August 18, 2019 and the
27 present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of Dried Squid II, which Defendants manufactured, distributed, or
sold as mentioned above, to Cadmium, without first providing any type of clear and

1 reasonable warning of such to the exposed persons before the time of exposure.
2 Defendants have distributed and sold Dried Squid II in California. Defendants know and
3 intend that California consumers will use and consume Dried Squid II, thereby exposing
4 them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that
5 Defendants are selling Dried Squid II under a brand or trademark that is owned or
6 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
7 Cadmium into Dried Squid II or knowingly caused Cadmium to be created in Dried
8 Squid II; have covered, obscured or altered a warning label that has been affixed to Dried
9 Squid II by the manufacturer, producer, packager, importer, supplier or distributor of
10 Dried Squid II; have received a notice and warning materials for exposure from Dried
11 Squid II without conspicuously posting or displaying the warning materials; and/or have
12 actual knowledge of potential exposure to Cadmium from Dried Squid II. Defendants
13 thereby violated Proposition 65.

14 75. The principal routes of exposure are through ingestion and inhalation. Persons sustain
15 exposures by eating and consuming Dried Squid II, as well as through direct and indirect
16 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
17 dispersed from Dried Squid II.

18 76. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
19 Proposition 65 as to Dried Squid II have been ongoing and continuous, as Defendants
20 engaged and continue to engage in conduct which violates Health and Safety Code
21 Section 25249.6, including the manufacture, distribution, promotion, and sale of Dried
22 Squid II, so that a separate and distinct violation of Proposition 65 occurred each and
23 every time a person was exposed to Cadmium by Dried Squid II as mentioned herein.

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

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1 78. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to Cadmium from Dried Squid II, pursuant to
3 Health and Safety Code Section 25249.7(b).

4 79. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
5 filing this Complaint.

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7 **FIFTH CAUSE OF ACTION**

8 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
9 **TORRANCE, H MART COMPANIES, GRAND, OTTOGI, and DOES 71-80 for**
10 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
11 **of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

12 **Seaweed**

13 80. Plaintiff repeats and incorporates by reference paragraphs 1 through 76 of this complaint
14 as though fully set forth herein.

15 81. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
16 distributor, promoter, or retailer of Dried Seaweed (“Seaweed III”), including but not
17 limited to: "Ottogi®"; "Dried Seaweed"; "100% Korean Seaweed"; "Net Wt. 8.81 oz
18 (250g)"; "UPC 8 801045 350271"

19 82. Seaweed III contains Lead and Cadmium.

20 83. Defendants knew or should have known that Lead and Cadmium has been identified by
21 the State of California as a chemical known to cause cancer, developmental and
22 reproductive toxicity, and therefore was subject to Proposition 65 warning requirements.
23 Defendants were also informed of the presence of Lead and Cadmium in Seaweed III
24 within Plaintiff's notice of alleged violations further discussed above at Paragraph 29e.

25 84. Plaintiff's allegations regarding Seaweed III concerns “[c]onsumer products
26 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
27 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
28 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
25602(b). Seaweed III is consumer products, and, as mentioned herein, exposures to

1 Lead and Cadmium took place as a result of such normal and foreseeable consumption
2 and use.

3 85. Plaintiff is informed, believes, and thereon alleges that between April 21, 2019 and the
4 present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Seaweed III, which Defendants manufactured, distributed, or
6 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear
7 and reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Seaweed III in California. Defendants know and
9 intend that California consumers will use and consume Seaweed III, thereby exposing
10 them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
11 that Defendants are selling Seaweed III under a brand or trademark that is owned or
12 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
13 Lead and Cadmium into Seaweed III or knowingly caused Lead and Cadmium to be
14 created in Seaweed III; have covered, obscured or altered a warning label that has been
15 affixed to Seaweed III by the manufacturer, producer, packager, importer, supplier or
16 distributor of Seaweed III; have received a notice and warning materials for exposure
17 from Seaweed III without conspicuously posting or displaying the warning materials;
18 and/or have actual knowledge of potential exposure to Lead and Cadmium from
19 Seaweed III. Defendants thereby violated Proposition 65.

20 86. The principal routes of exposure are through, ingestion and inhalation. Persons sustain
21 exposures by eating and consuming Seaweed III, as well as through direct and indirect
22 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
23 dispersed from Seaweed III.

24 87. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
25 Proposition 65 as to Seaweed III have been ongoing and continuous, as Defendants
26 engaged and continue to engage in conduct which violates Health and Safety Code
27 Section 25249.6, including the manufacture, distribution, promotion, and sale of
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1 Seaweed III, so that a separate and distinct violation of Proposition 65 occurred each and
2 every time a person was exposed to Lead and Cadmium by Seaweed III as mentioned
3 herein.

4 88. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
5 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
6 violations alleged herein will continue to occur into the future.

7 89. Based on the allegations herein, Defendants are liable for civil penalties of up to
8 \$2,500.00 per day per individual exposure to Lead and Cadmium from Seaweed III,
9 pursuant to Health and Safety Code Section 25249.7(b).

10 90. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
11 filing this Complaint.

12 **SIXTH CAUSE OF ACTION**

13 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
14 **TORRANCE, H MART COMPANIES, BK, NATIONAL, and DOES 81-90 for**
15 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
of 1986 (Health & Safety Code, §§ 25249.5, et seq.))

16 **Seaweed**

17 91. Plaintiff repeats and incorporates by reference paragraphs 1 through 87 of this complaint
18 as though fully set forth herein.

19 92. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
20 distributor, promoter, or retailer of Dried Seaweed ("Seaweed IV"), including but not
21 limited to: "K Fish Roasted Seaweed For Gimbab & Sushi;" "Net Wt. 0.70 oz (20g);"
22 "Suhyup;" "2022.11.25;" "Manufactured For: National Federation of Fisheries
23 Cooperation;" "Distributed By: Grand BK Corp.;" "UPC 8 809317 726267"

24 93. Seaweed IV contains Cadmium.

25 94. Defendants knew or should have known that Cadmium has been identified by the State
26 of California as a chemical known to cause developmental and reproductive toxicity,
27 and therefore was subject to Proposition 65 warning requirements. Defendants were also
28

1 informed of the presence of Cadmium in Seaweed IV within Plaintiff's notice of alleged
2 violations further discussed above at Paragraph 29f.

3 95. Plaintiff's allegations regarding Seaweed IV concerns "[c]onsumer products
4 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
5 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
6 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
7 *25602(b)*. Seaweed IV is consumer products, and, as mentioned herein, exposures to
8 Cadmium took place as a result of such normal and foreseeable consumption and use.

9 96. Plaintiff is informed, believes, and thereon alleges that between March 11, 2019 and the
10 present, each of the Defendants knowingly and intentionally exposed California
11 consumers and users of Seaweed IV, which Defendants manufactured, distributed, or
12 sold as mentioned above, to Cadmium, without first providing any type of clear and
13 reasonable warning of such to the exposed persons before the time of exposure.

14 Defendants have distributed and sold Seaweed IV in California. Defendants know and
15 intend that California consumers will use and consume Seaweed IV, thereby exposing
16 them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that
17 Defendants are selling Seaweed IV under a brand or trademark that is owned or licensed
18 by the Defendants or an entity affiliated thereto; have knowingly introduced Cadmium
19 into Seaweed IV or knowingly caused Cadmium to be created in Seaweed IV; have
20 covered, obscured or altered a warning label that has been affixed to Seaweed IV by the
21 manufacturer, producer, packager, importer, supplier or distributor of Seaweed IV; have
22 received a notice and warning materials for exposure from Seaweed IV without
23 conspicuously posting or displaying the warning materials; and/or have actual
24 knowledge of potential exposure to Cadmium from Seaweed IV. Defendants thereby
25 violated Proposition 65.

26 97. The principal routes of exposure are through ingestion and inhalation. Persons sustain
27 exposures by eating and consuming Seaweed IV, as well as through direct and indirect
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1 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
2 dispersed from Seaweed IV.

3 98. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of
4 Proposition 65 as to Seaweed IV have been ongoing and continuous, as Defendants
5 engaged and continue to engage in conduct which violates Health and Safety Code
6 Section 25249.6, including the manufacture, distribution, promotion, and sale of
7 Seaweed IV, so that a separate and distinct violation of Proposition 65 occurred each and
8 every time a person was exposed to Cadmium by Seaweed IV as mentioned herein.

9 99. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
10 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
11 violations alleged herein will continue to occur into the future.

12 100. Based on the allegations herein, Defendants are liable for civil penalties of up to
13 \$2,500.00 per day per individual exposure to Cadmium from Seaweed IV, pursuant to
14 Health and Safety Code Section 25249.7(b).

15 101. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
16 filing this Complaint.

17 **SEVENTH CAUSE OF ACTION**

18 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
19 **TORRANCE, H MART COMPANIES, GRAND, and DOES 91-100 for Violations**
20 **of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
(Health & Safety Code, §§ 25249.5, et seq.)

21 **Seaweed**

22 102. Plaintiff repeats and incorporates by reference paragraphs 1 through 98 of this
23 complaint as though fully set forth herein.

24 103. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
25 distributor, promoter, or retailer of Dried Seaweed ("Seaweed V"), including but not
26 limited to: "Green Tea Seaweed;" "Green Tea Seasoned Laver;" "Net Wt. 0.71 oz 20 g;"
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1 "EXP AUG 25 2022;" "Distributed by Grand Supercenter, Inc.;" "Product of Korea;"
2 "UPC 8 809395 750086"

3 104. Seaweed V contains Lead.

4 105. Defendants knew or should have known that Lead has been identified by the State of
5 California as a chemical known to cause cancer, and reproductive toxicity, and
6 therefore was subject to Proposition 65 warning requirements. Defendants were also
7 informed of the presence of Lead in Seaweed V within Plaintiff's notice of alleged
8 violations further discussed above at Paragraph 29g.

9 106. Plaintiff's allegations regarding Seaweed V concerns "[c]onsumer products
10 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
11 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
12 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
13 *25602(b)*. Seaweed V is consumer products, and, as mentioned herein, exposures to
14 Lead took place as a result of such normal and foreseeable consumption and use.

15 107. Plaintiff is informed, believes, and thereon alleges that between February 16, 2019 and
16 the present, each of the Defendants knowingly and intentionally exposed California
17 consumers and users of Seaweed I, which Defendants manufactured, distributed, or sold
18 as mentioned above, to Lead, without first providing any type of clear and reasonable
19 warning of such to the exposed persons before the time of exposure. Defendants have
20 distributed and sold Seaweed V in California. Defendants know and intend that
21 California consumers will use and consume Seaweed V, thereby exposing them to Lead
22 Further, Plaintiff is informed, believes, and thereon alleges that Defendants are selling
23 Seaweed V under a brand or trademark that is owned or licensed by the Defendants or an
24 entity affiliated thereto; have knowingly introduced Lead into Seaweed V or knowingly
25 caused Lead to be created in Seaweed V; have covered, obscured or altered a warning
26 label that has been affixed to Seaweed V by the manufacturer, producer, packager,
27 importer, supplier or distributor of Seaweed V; have received a notice and warning
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1 materials for exposure from Seaweed V without conspicuously posting or displaying the
2 warning materials; and/or have actual knowledge of potential exposure to Lead from
3 Seaweed V. Defendants thereby violated Proposition 65.

4 108. The principal routes of exposure are through ingestion and inhalation. Persons sustain
5 exposures by eating and consuming Seaweed V, as well as through direct and indirect
6 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
7 dispersed from Seaweed V.

8 109. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
9 of Proposition 65 as to Seaweed V have been ongoing and continuous, as Defendants
10 engaged and continue to engage in conduct which violates Health and Safety Code
11 Section 25249.6, including the manufacture, distribution, promotion, and sale of
12 Seaweed V, so that a separate and distinct violation of Proposition 65 occurred each and
13 every time a person was exposed to Lead by Seaweed V as mentioned herein.

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

17 111. Based on the allegations herein, Defendants are liable for civil penalties of up to
18 \$2,500.00 per day per individual exposure to Lead from Seaweed V, pursuant to Health
19 and Safety Code Section 25249.7(b).

20 112. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
21 filing this Complaint.

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1 **EIGHT CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
3 **TORRANCE, H MART COMPANIES, BK, and DOES 101-110 for Violations of**
4 **Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
5 **(Health & Safety Code, §§ 25249.5, et seq.)**

6 **Seaweed**

7 113. Plaintiff repeats and incorporates by reference paragraphs 1 through 109 of this
8 complaint as though fully set forth herein.

9 114. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Dried Seaweed (“Seaweed VI”), including but not
11 limited to: "Dried Seaweed;" "Distributed by Grand BK Corp.;" "Net Wt. 5.29 oz
12 (150g);" "2023.04.19;" "Product of Korea;" "UPC 8 809039 660023"

13 115. Seaweed VI contains Lead and Cadmium.

14 116. Defendants knew or should have known that Lead and Cadmium has been identified by
15 the State of California as a chemical known to cause cancer, developmental and
16 reproductive toxicity, and therefore was subject to Proposition 65 warning requirements.
17 Defendants were also informed of the presence of Lead and Cadmium in Seaweed VI
18 within Plaintiff's notice of alleged violations further discussed above at Paragraph 29h.

19 117. Plaintiff's allegations regarding Seaweed VI concerns “[c]onsumer products
20 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
21 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
22 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
23 *25602(b)*. Seaweed VI is consumer products, and, as mentioned herein, exposures to
24 Lead and Cadmium took place as a result of such normal and foreseeable consumption
25 and use.

26 118. Plaintiff is informed, believes, and thereon alleges that between February 3, 2019 and
27 the present, each of the Defendants knowingly and intentionally exposed California
28 consumers and users of Seaweed VI, which Defendants manufactured, distributed, or
sold as mentioned above, to Lead and Cadmium, without first providing any type of clear

1 and reasonable warning of such to the exposed persons before the time of exposure.
2 Defendants have distributed and sold Seaweed VI in California. Defendants know and
3 intend that California consumers will use and consume Seaweed VI, thereby exposing
4 them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
5 that Defendants are selling Seaweed VI under a brand or trademark that is owned or
6 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
7 Lead and Cadmium into Seaweed VI or knowingly caused Lead and Cadmium to be
8 created in Seaweed VI; have covered, obscured or altered a warning label that has been
9 affixed to Seaweed VI by the manufacturer, producer, packager, importer, supplier or
10 distributor of Seaweed VI; have received a notice and warning materials for exposure
11 from Seaweed VI without conspicuously posting or displaying the warning materials;
12 and/or have actual knowledge of potential exposure to Lead and Cadmium from
13 Seaweed VI. Defendants thereby violated Proposition 65.

14 119. The principal routes of exposure are through ingestion and inhalation. Persons sustain
15 exposures by eating and consuming Seaweed VI, as well as through direct and indirect
16 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
17 dispersed from Seaweed VI.

18 120. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
19 of Proposition 65 as to Seaweed VI have been ongoing and continuous, as Defendants
20 engaged and continue to engage in conduct which violates Health and Safety Code
21 Section 25249.6, including the manufacture, distribution, promotion, and sale of
22 Seaweed VI, so that a separate and distinct violation of Proposition 65 occurred each and
23 every time a person was exposed to Lead and Cadmium by Seaweed VI as mentioned
24 herein.

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

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1 122. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to Lead and Cadmium from Seaweed VI,
3 pursuant to Health and Safety Code Section 25249.7(b).

4 123. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
5 filing this Complaint.

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7 **NINTH CAUSE OF ACTION**

8 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
9 **TORRANCE, H MART COMPANIES, GRAND, and DOES 111-120 for**
10 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
11 **of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

12 **Seaweed**

13 124. Plaintiff repeats and incorporates by reference paragraphs 1 through 120 of this
14 complaint as though fully set forth herein.

15 125. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
16 distributor, promoter, or retailer of Dried Seaweed (“Seaweed VII”), including but not
17 limited to: "Haio"; "Premium Roasted Seaweed (Laver)"; "4-0.71 (20g) PACKS"; "Net
18 Weight: 2.84 oz (80g)"; "ITEM NO. 1308201122"; "UPC 8 46034 00266 1 "; "Product
19 of Korea"

20 126. Seaweed VII contains Cadmium.

21 127. Defendants knew or should have known that Cadmium has been identified by the State
22 of California as a chemical known to cause developmental and reproductive toxicity,
23 and therefore was subject to Proposition 65 warning requirements. Defendants were also
24 informed of the presence of Cadmium in Seaweed VII within Plaintiff's notice of alleged
25 violations further discussed above at Paragraph 29i.

26 128. Plaintiff's allegations regarding Seaweed VII concerns “[c]onsumer products
27 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
28 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*

1 25602(b). Seaweed VII is consumer products, and, as mentioned herein, exposures to
2 Cadmium took place as a result of such normal and foreseeable consumption and use.
3 129. Plaintiff is informed, believes, and thereon alleges that between December 2, 2018 and
4 the present, each of the Defendants knowingly and intentionally exposed California
5 consumers and users of Seaweed VII, which Defendants manufactured, distributed, or
6 sold as mentioned above, to Cadmium, without first providing any type of clear and
7 reasonable warning of such to the exposed persons before the time of exposure.
8 Defendants have distributed and sold Seaweed VII in California. Defendants know and
9 intend that California consumers will use and consume Seaweed VII, thereby exposing
10 them to Cadmium. Further, Plaintiff is informed, believes, and thereon alleges that
11 Defendants are selling Seaweed VII under a brand or trademark that is owned or licensed
12 by the Defendants or an entity affiliated thereto; have knowingly introduced and
13 Cadmium into Seaweed VII or knowingly caused Cadmium to be created in Seaweed
14 VII; have covered, obscured or altered a warning label that has been affixed to Seaweed
15 VII by the manufacturer, producer, packager, importer, supplier or distributor of
16 Seaweed VII; have received a notice and warning materials for exposure from Seaweed
17 VII without conspicuously posting or displaying the warning materials; and/or have
18 actual knowledge of potential exposure to Cadmium from Seaweed VII. Defendants
19 thereby violated Proposition 65.
20 130. The principal routes of exposure are through ingestion and inhalation. Persons sustain
21 exposures by eating and consuming Seaweed VII, as well as through direct and indirect
22 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
23 dispersed from Seaweed VII.
24 131. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
25 of Proposition 65 as to Seaweed VII have been ongoing and continuous, as Defendants
26 engaged and continue to engage in conduct which violates Health and Safety Code
27 Section 25249.6, including the manufacture, distribution, promotion, and sale of
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1 Seaweed VII, so that a separate and distinct violation of Proposition 65 occurred each
2 and every time a person was exposed to Cadmium by Seaweed VII as mentioned herein.
3 132. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
4 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
5 violations alleged herein will continue to occur into the future.
6 133. Based on the allegations herein, Defendants are liable for civil penalties of up to
7 \$2,500.00 per day per individual exposure to Cadmium from Seaweed VII, pursuant to
8 Health and Safety Code Section 25249.7(b).
9 134. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
10 filing this Complaint.

11 **TENTH CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
13 **TORRANCE, H MART COMPANIES, GRAND, and DOES 121-130 for**
14 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
of 1986 (Health & Safety Code, §§ 25249.5, et seq.))

15 **Seaweed**

16 135. Plaintiff repeats and incorporates by reference paragraphs 1 through 131 of this
17 complaint as though fully set forth herein.
18 136. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Dried Seaweed (“Seaweed VIII”), including but not
20 limited to: “SAJO;” “100 g/40;” “SJH Seaweed;” “Net wt: 3.52 oz (100 g);”
21 “IMPORTED BY: GRAND SUPER CENTER INC. LYNDHURST, NJ 07071, USA;”
22 “PRODUCT OF KOREA;” “8 801039 700006;”
23 137. Seaweed VIII contains Lead and Cadmium.
24 138. Defendants knew or should have known that Lead and Cadmium has been identified by
25 the State of California as a chemical known to cause cancer, developmental and
26 reproductive toxicity, and therefore was subject to Proposition 65 warning requirements.
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1 Defendants were also informed of the presence of Lead and Cadmium in Seaweed VIII
2 within Plaintiff's notice of alleged violations further discussed above at Paragraph 29j.

3 139. Plaintiff's allegations regarding Seaweed VIII concerns "[c]onsumer products
4 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
5 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
6 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
7 *25602(b)*. Seaweed VIII is consumer products, and, as mentioned herein, exposures to
8 Lead and Cadmium took place as a result of such normal and foreseeable consumption
9 and use.

10 140. Plaintiff is informed, believes, and thereon alleges that between March 10, 2017 and the
11 present, each of the Defendants knowingly and intentionally exposed California
12 consumers and users of Seaweed VIII, which Defendants manufactured, distributed, or
13 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear
14 and reasonable warning of such to the exposed persons before the time of exposure.
15 Defendants have distributed and sold Seaweed VIII in California. Defendants know and
16 intend that California consumers will use and consume Seaweed VIII, thereby exposing
17 them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
18 that Defendants are selling Seaweed VIII under a brand or trademark that is owned or
19 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
20 Lead and Cadmium into Seaweed VIII or knowingly caused Lead and Cadmium to be
21 created in Seaweed VIII; have covered, obscured or altered a warning label that has been
22 affixed to Seaweed VIII by the manufacturer, producer, packager, importer, supplier or
23 distributor of Seaweed VIII; have received a notice and warning materials for exposure
24 from Seaweed VIII without conspicuously posting or displaying the warning materials;
25 and/or have actual knowledge of potential exposure to Lead and Cadmium from
26 Seaweed VIII. Defendants thereby violated Proposition 65.

1 141. The principal routes of exposure are through ingestion and inhalation. Persons sustain
2 exposures by eating and consuming Seaweed VIII, as well as through direct and indirect
3 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
4 dispersed from Seaweed VIII.

5 142. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
6 of Proposition 65 as to Seaweed VIII have been ongoing and continuous, as Defendants
7 engaged and continue to engage in conduct which violates Health and Safety Code
8 Section 25249.6, including the manufacture, distribution, promotion, and sale of
9 Seaweed VIII, so that a separate and distinct violation of Proposition 65 occurred each
10 and every time a person was exposed to Lead and Cadmium by Seaweed VIII as
11 mentioned herein.

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

15 144. Based on the allegations herein, Defendants are liable for civil penalties of up to
16 \$2,500.00 per day per individual exposure to Lead and Cadmium from Seaweed VIII,
17 pursuant to Health and Safety Code Section 25249.7(b).

18 145. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
19 filing this Complaint.

20 **ELEVENTH CAUSE OF ACTION**

21 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, H MART**
22 **TORRANCE, H MART COMPANIES, and DOES 131-140 for Violations of**
23 **Proposition 65, The Safe Drinking Water and Toxic Enforcement Act of 1986**
(Health & Safety Code, §§ 25249.5, et seq.)

24 **Seaweed**

25 146. Plaintiff repeats and incorporates by reference paragraphs 1 through 142 of this
26 complaint as though fully set forth herein.

1 147. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
2 distributor, promoter, or retailer of Dried Seaweed (“Seaweed IX”), including but not
3 limited to: • “MANJUN;” “DOUBLE ROASTED ONIGIRI SEAWEED;” “20 (Sheets)
4 24g (0.84 oz), 71 kcal;” “2019.12.17.;;” “PRODUCT OF KOREA;” “JL162;”
5 “www.manjun.net;” “DOUBLE ROASTED ONIGIRI SEAWEED.;;” “Manufactured by
6 MANJUN FOODS CO., LTD.;;” “8 802241 126257;”

7 148. Seaweed IX contains Lead and Cadmium.

8 149. Defendants knew or should have known that Lead and Cadmium has been identified by
9 the State of California as a chemical known to cause cancer, developmental and
10 reproductive toxicity, and therefore was subject to Proposition 65 warning requirements.
11 Defendants were also informed of the presence of Lead and Cadmium in Seaweed IX
12 within Plaintiff’s notice of alleged violations further discussed above at Paragraph 29k.

13 150. Plaintiff’s allegations regarding Seaweed IX concerns “[c]onsumer products
14 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
15 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
16 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
17 *25602(b)*. Seaweed IX is consumer products, and, as mentioned herein, exposures to
18 Lead and Cadmium took place as a result of such normal and foreseeable consumption
19 and use.

20 151. Plaintiff is informed, believes, and thereon alleges that between October 11, 2016 and
21 the present, each of the Defendants knowingly and intentionally exposed California
22 consumers and users of Seaweed IX, which Defendants manufactured, distributed, or
23 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear
24 and reasonable warning of such to the exposed persons before the time of exposure.
25 Defendants have distributed and sold Seaweed IX in California. Defendants know and
26 intend that California consumers will use and consume Seaweed IX, thereby exposing
27 them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges

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1 that Defendants are selling Seaweed IX under a brand or trademark that is owned or
2 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
3 Lead and Cadmium into Seaweed IX or knowingly caused Lead and Cadmium to be
4 created in Seaweed IX; have covered, obscured or altered a warning label that has been
5 affixed to Seaweed IX by the manufacturer, producer, packager, importer, supplier or
6 distributor of Seaweed IX; have received a notice and warning materials for exposure
7 from Seaweed IX without conspicuously posting or displaying the warning materials;
8 and/or have actual knowledge of potential exposure to Lead and Cadmium from
9 Seaweed IX. Defendants thereby violated Proposition 65.

10 152. The principal routes of exposure are through ingestion and inhalation. Persons sustain
11 exposures by eating and consuming Seaweed IX without wearing gloves or any other
12 personal protective equipment, or by touching bare skin or mucous membranes with
13 gloves after handling Seaweed IX, , or breathing in particulate matter dispersed from
14 Seaweed IX.

15 153. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
16 of Proposition 65 as to Seaweed IX have been ongoing and continuous, as Defendants
17 engaged and continue to engage in conduct which violates Health and Safety Code
18 Section 25249.6, including the manufacture, distribution, promotion, and sale of
19 Seaweed IX, so that a separate and distinct violation of Proposition 65 occurred each and
20 every time a person was exposed to Lead and Cadmium by Seaweed IX as mentioned
21 herein.

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

25 155. Based on the allegations herein, Defendants are liable for civil penalties of up to
26 \$2,500.00 per day per individual exposure to Lead and Cadmium from Seaweed IX,
27 pursuant to Health and Safety Code Section 25249.7(b).

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1 156. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
2 filing this Complaint.

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4 **TWELFTH CAUSE OF ACTION**

5 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, GRAND,**
6 **NATIONAL, and DOES 71-80 for Violations of Proposition 65, The Safe Drinking**
7 **Water and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et***
8 ***seq.*))**

9 **Seaweed**

10 157. Plaintiff repeats and incorporates by reference paragraphs 1 through 76 of this
11 complaint as though fully set forth herein.

12 158. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
13 distributor, promoter, or retailer of Dried Seaweed (“Seaweed IV”), including but not
14 limited to: “K Fish”; Roasted Seaweed for Gimbab and Sushi”; “Net Weight 0.70 Oz (20
15 g”; UPC 8809317726627.

16 159. Seaweed IV contains Lead and Cadmium.

17 160. Defendants knew or should have known that Lead and Cadmium has been identified by
18 the State of California as a chemical known to cause cancer, developmental and
19 reproductive toxicity, and therefore was subject to Proposition 65 warning requirements.
20 Defendants were also informed of the presence of Lead and Cadmium in Seaweed IV
21 within Plaintiff’s notice of alleged violations further discussed above at Paragraph 29e.

22 161. Plaintiff’s allegations regarding Seaweed IV concerns “[c]onsumer products
23 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
24 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
25 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
26 *25602(b)*. Seaweed IV is consumer products, and, as mentioned herein, exposures to
27 Lead and Cadmium took place as a result of such normal and foreseeable consumption
28 and use.

1 162. Plaintiff is informed, believes, and thereon alleges that between January 26, 2020 and
2 the present, each of the Defendants knowingly and intentionally exposed California
3 consumers and users of Seaweed IV, which Defendants manufactured, distributed, or
4 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear
5 and reasonable warning of such to the exposed persons before the time of exposure.
6 Defendants have distributed and sold Seaweed IV in California. Defendants know and
7 intend that California consumers will use and consume Seaweed IV, thereby exposing
8 them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
9 that Defendants are selling Seaweed IV under a brand or trademark that is owned or
10 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
11 Lead and Cadmium into Seaweed IV or knowingly caused Lead and Cadmium to be
12 created in Seaweed IV; have covered, obscured or altered a warning label that has been
13 affixed to Seaweed IV by the manufacturer, producer, packager, importer, supplier or
14 distributor of Seaweed IV; have received a notice and warning materials for exposure
15 from Seaweed IV without conspicuously posting or displaying the warning materials;
16 and/or have actual knowledge of potential exposure to Lead and Cadmium from
17 Seaweed IV. Defendants thereby violated Proposition 65.

18 163. The principal routes of exposure are through ingestion and inhalation. Persons sustain
19 exposures by eating and consuming Seaweed IV, as well as through direct and indirect
20 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
21 dispersed from Seaweed IV.

22 164. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
23 of Proposition 65 as to Seaweed IV have been ongoing and continuous, as Defendants
24 engaged and continue to engage in conduct which violates Health and Safety Code
25 Section 25249.6, including the manufacture, distribution, promotion, and sale of
26 Seaweed IV, so that a separate and distinct violation of Proposition 65 occurred each and
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1 every time a person was exposed to Lead and Cadmium by Seaweed IV as mentioned
2 herein.

3 165. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
4 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
5 violations alleged herein will continue to occur into the future.

6 166. Based on the allegations herein, Defendants are liable for civil penalties of up to
7 \$2,500.00 per day per individual exposure to Lead and Cadmium from Seaweed IV,
8 pursuant to Health and Safety Code Section 25249.7(b).

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

11 **THIRTEENTH CAUSE OF ACTION**

12 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART, G.EAST,
13 LTD., and DOES 71-80 for Violations of Proposition 65, The Safe Drinking Water
14 and Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

15 **Seaweed**

16 168. Plaintiff repeats and incorporates by reference paragraphs 1 through 76 of this
17 complaint as though fully set forth herein.

18 169. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
19 distributor, promoter, or retailer of Dried Seaweed (“Seaweed V”), including but not
20 limited to: "Dried Seaweed"; “Net Weight 4.58 OZ (130 g)”; “Myeok Kuk”; UPC
21 8809521340372.

22 170. Seaweed V contains Lead and Cadmium.

23 171. Defendants knew or should have known that Lead and Cadmium has been identified by
24 the State of California as a chemical known to cause cancer, developmental and
25 reproductive toxicity, and therefore was subject to Proposition 65 warning requirements.
26 Defendants were also informed of the presence of Lead and Cadmium in Seaweed V
27 within Plaintiff's notice of alleged violations further discussed above at Paragraph 29e.

1 172. Plaintiff's allegations regarding Seaweed V concerns "[c]onsumer products
2 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
3 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
4 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
5 *25602(b)*. Seaweed V is consumer products, and, as mentioned herein, exposures to
6 Lead and Cadmium took place as a result of such normal and foreseeable consumption
7 and use.

8 173. Plaintiff is informed, believes, and thereon alleges that between February 13, 2020 and
9 the present, each of the Defendants knowingly and intentionally exposed California
10 consumers and users of Seaweed V, which Defendants manufactured, distributed, or sold
11 as mentioned above, to Lead and Cadmium, without first providing any type of clear and
12 reasonable warning of such to the exposed persons before the time of exposure.

13 Defendants have distributed and sold Seaweed V in California. Defendants know and
14 intend that California consumers will use and consume Seaweed V, thereby exposing
15 them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
16 that Defendants are selling Seaweed V under a brand or trademark that is owned or
17 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
18 Lead and Cadmium into Seaweed V or knowingly caused Lead and Cadmium to be
19 created in Seaweed V; have covered, obscured or altered a warning label that has been
20 affixed to Seaweed V by the manufacturer, producer, packager, importer, supplier or
21 distributor of Seaweed V; have received a notice and warning materials for exposure
22 from Seaweed V without conspicuously posting or displaying the warning materials;
23 and/or have actual knowledge of potential exposure to Lead and Cadmium from
24 Seaweed V. Defendants thereby violated Proposition 65.

25 174. The principal routes of exposure are through ingestion and inhalation. Persons sustain
26 exposures by eating and consuming Seaweed V, as well as through direct and indirect
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1 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
2 dispersed from Seaweed V.

3 175. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
4 of Proposition 65 as to Seaweed V have been ongoing and continuous, as Defendants
5 engaged and continue to engage in conduct which violates Health and Safety Code
6 Section 25249.6, including the manufacture, distribution, promotion, and sale of
7 Seaweed V, so that a separate and distinct violation of Proposition 65 occurred each and
8 every time a person was exposed to Lead and Cadmium by Seaweed V as mentioned
9 herein.

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

13 177. Based on the allegations herein, Defendants are liable for civil penalties of up to
14 \$2,500.00 per day per individual exposure to Lead and Cadmium from Seaweed V,
15 pursuant to Health and Safety Code Section 25249.7(b).

16 178. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
17 filing this Complaint.

18 **FOURTEENTH CAUSE OF ACTION**

19 **(By CONSUMER ADVOCACY GROUP, INC. and against H MART,**
20 **NATIONAL, SUHYUP YUTONG CO., LTD., GRAND, and DOES 71-80 for**
21 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
22 **of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**

23 **Seaweed**

24 179. Plaintiff repeats and incorporates by reference paragraphs 1 through 76 of this
25 complaint as though fully set forth herein.

26 180. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
27 distributor, promoter, or retailer of Dried Seaweed ("Seaweed VI"), including but not
28 limited to: "Dried Seaweed"; "Net Weight 3.52 Oz (100g)"; UPC 8809039660016.

1 181. Seaweed VI contains Lead and Cadmium.

2 182. Defendants knew or should have known that Lead and Cadmium has been identified by
3 the State of California as a chemical known to cause cancer, developmental and
4 reproductive toxicity, and therefore was subject to Proposition 65 warning requirements.
5 Defendants were also informed of the presence of Lead and Cadmium in Seaweed VI
6 within Plaintiff's notice of alleged violations further discussed above at Paragraph 29e.

7 183. Plaintiff's allegations regarding Seaweed VI concerns "[c]onsumer products
8 exposure[s]," which "is an exposure that results from a person's acquisition, purchase,
9 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
10 exposure that results from receiving a consumer service." *Cal. Code Regs. tit. 27, §*
11 *25602(b)*. Seaweed VI is consumer products, and, as mentioned herein, exposures to
12 Lead and Cadmium took place as a result of such normal and foreseeable consumption
13 and use.

14 184. Plaintiff is informed, believes, and thereon alleges that between February 13, 2020 and
15 the present, each of the Defendants knowingly and intentionally exposed California
16 consumers and users of Seaweed VI, which Defendants manufactured, distributed, or
17 sold as mentioned above, to Lead and Cadmium, without first providing any type of clear
18 and reasonable warning of such to the exposed persons before the time of exposure.
19 Defendants have distributed and sold Seaweed VI in California. Defendants know and
20 intend that California consumers will use and consume Seaweed VI, thereby exposing
21 them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
22 that Defendants are selling Seaweed VI under a brand or trademark that is owned or
23 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
24 Lead and Cadmium into Seaweed VI or knowingly caused Lead and Cadmium to be
25 created in Seaweed VI; have covered, obscured or altered a warning label that has been
26 affixed to Seaweed VI by the manufacturer, producer, packager, importer, supplier or
27 distributor of Seaweed VI; have received a notice and warning materials for exposure
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1 from Seaweed VI without conspicuously posting or displaying the warning materials;
2 and/or have actual knowledge of potential exposure to Lead and Cadmium from
3 Seaweed VI. Defendants thereby violated Proposition 65.

4 185. The principal routes of exposure are through ingestion and inhalation. Persons sustain
5 exposures by eating and consuming Seaweed VI, as well as through direct and indirect
6 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
7 dispersed from Seaweed VI.

8 186. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
9 of Proposition 65 as to Seaweed VI have been ongoing and continuous, as Defendants
10 engaged and continue to engage in conduct which violates Health and Safety Code
11 Section 25249.6, including the manufacture, distribution, promotion, and sale of
12 Seaweed VI, so that a separate and distinct violation of Proposition 65 occurred each and
13 every time a person was exposed to Lead and Cadmium by Seaweed VI as mentioned
14 herein.

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

18 188. 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 Seaweed VI,
20 pursuant to Health and Safety Code Section 25249.7(b).

21 189. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
22 filing this Complaint.

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1 **FIFTEENTH CAUSE OF ACTION**

2 **(By CONSUMER ADVOCACY GROUP, INC. and against GRAND**
3 **SUPERCENTER, SUNG GYUNG FOOD CO., LTD., and DOES 71-80 for**
4 **Violations of Proposition 65, The Safe Drinking Water and Toxic Enforcement Act**
5 **of 1986 (Health & Safety Code, §§ 25249.5, et seq.))**

6 **Kelp Chips**

7 190. Plaintiff repeats and incorporates by reference paragraphs 1 through 76 of this
8 complaint as though fully set forth herein.

9 191. Each of the Defendants is, and at all times mentioned herein was, a manufacturer,
10 distributor, promoter, or retailer of Kelp Chips (“Kelp Chips”), including but not limited
11 to: "Sung Gyung Food"; “Kelp Chips”; “Net Wt 2.12 Oz (60 g)”; UPC 8807004802393

12 192. Kelp Chips contains Lead and Cadmium.

13 193. Defendants knew or should have known that Lead and Cadmium has been identified by
14 the State of California as a chemical known to cause cancer, developmental and
15 reproductive toxicity, and therefore was subject to Proposition 65 warning requirements.
16 Defendants were also informed of the presence of Lead and Cadmium in Kelp Chips
17 within Plaintiff’s notice of alleged violations further discussed above at Paragraph 29e.

18 194. Plaintiff’s allegations regarding Kelp Chips concerns “[c]onsumer products
19 exposure[s],” which “is an exposure that results from a person’s acquisition, purchase,
20 storage, consumption, or other reasonably foreseeable use of a consumer good, or any
21 exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, §*
22 *25602(b)*. Kelp Chips is consumer products, and, as mentioned herein, exposures to
23 Lead and Cadmium took place as a result of such normal and foreseeable consumption
24 and use.

25 195. Plaintiff is informed, believes, and thereon alleges that between December 22, 2020 and
26 the present, each of the Defendants knowingly and intentionally exposed California
27 consumers and users of Kelp Chips, which Defendants manufactured, distributed, or sold
28 as mentioned above, to Lead and Cadmium, without first providing any type of clear and
reasonable warning of such to the exposed persons before the time of exposure.

1 Defendants have distributed and sold Kelp Chips in California. Defendants know and
2 intend that California consumers will use and consume Kelp Chips, thereby exposing
3 them to Lead and Cadmium. Further, Plaintiff is informed, believes, and thereon alleges
4 that Defendants are selling Kelp Chips under a brand or trademark that is owned or
5 licensed by the Defendants or an entity affiliated thereto; have knowingly introduced
6 Lead and Cadmium into Kelp Chips or knowingly caused Lead and Cadmium to be
7 created in Kelp Chips; have covered, obscured or altered a warning label that has been
8 affixed to Kelp Chips by the manufacturer, producer, packager, importer, supplier or
9 distributor of Kelp Chips; have received a notice and warning materials for exposure
10 from Kelp Chips without conspicuously posting or displaying the warning materials;
11 and/or have actual knowledge of potential exposure to Lead and Cadmium from Kelp
12 Chips. Defendants thereby violated Proposition 65.

13 196. The principal routes of exposure are through ingestion and inhalation. Persons sustain
14 exposures by eating and consuming Kelp Chips, as well as through direct and indirect
15 hand to mouth contact, hand to mucous membrane, or breathing in particulate matter
16 dispersed from Kelp Chips.

17 197. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations
18 of Proposition 65 as to Kelp Chips have been ongoing and continuous, as Defendants
19 engaged and continue to engage in conduct which violates Health and Safety Code
20 Section 25249.6, including the manufacture, distribution, promotion, and sale of Kelp
21 Chips, so that a separate and distinct violation of Proposition 65 occurred each and every
22 time a person was exposed to Lead and Cadmium by Kelp Chips as mentioned herein.

23 198. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65
24 mentioned herein is ever continuing. Plaintiff further alleges and believes that the
25 violations alleged herein will continue to occur into the future.
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1 199. Based on the allegations herein, Defendants are liable for civil penalties of up to
2 \$2,500.00 per day per individual exposure to Lead and Cadmium from Kelp Chips,
3 pursuant to Health and Safety Code Section 25249.7(b).

4 200. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to
5 filing this Complaint.

6 **PRAYER FOR RELIEF**

7 Plaintiff demands against each of the Defendants as follows:

- 8 1. A permanent injunction mandating Proposition 65-compliant warnings;
- 9 2. Penalties pursuant to Health and Safety Code Section 25249.7, subdivision (b);
- 10 3. Costs of suit;
- 11 4. Reasonable attorney fees and costs; and
- 12 5. Any further relief that the court may deem just and equitable.
- 13 6.

14 Dated: July 28, 2023

YEROUSHALMI & YEROUSHALMI*

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16
17 /s/ Reuben Yeroushalmi

18 Reuben Yeroushalmi
19 Attorneys for Plaintiff,
20 CONSUMER ADVOCACY GROUP, INC.
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