

**SUMMONS
(CITACION JUDICIAL)**

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

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

Canton Food, Co., Inc.; DOES 1 - 100

Electronically FILED by
Superior Court of California,
County of Los Angeles
11/14/2023 1:54 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Tarasyuk, Deputy Clerk

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

Clean Product Advocates, LLC, a California Limited Liability Company

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

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

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

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

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

The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles County Superior Court
111 North Hill Street, Los Angeles, California 90012

CASE NUMBER
(Número del Caso):

23STCV27899

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Elham Shabatian SBN 221953, Cliffwood Law Firm, PC; 12100 Wilshire Boulevard, Suite 800, Los Angeles, California (310) 200-3227

DATE: David W. Slayton, Executive Officer/Clerk of Court Clerk, by _____, Deputy
(Fecha) 11/14/2023 (Secretario) Y. Tarasyuk (Adjunto)

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

[SEAL]



NOTICE TO THE PERSON SERVED: You are served

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

1 CLIFFWOOD LAW FIRM
2 ELHAM SHABATIAN (SBN 221953)
3 12100 Wilshire Boulevard
4 Suite 800
5 Los Angeles, California 90025
6 Tel: (310) 200-3227
7 Email: ellie@cliffwoodlaw.com

8 Attorneys for Plaintiff
9 Clean Product Advocates, LLC

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Superior Court of California,
County of Los Angeles
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By Y. Tarasyuk, Deputy Clerk

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF LOS ANGELES**

12 Clean Product Advocates LLC, a) Case No. **23STCV27899**
13 California Limited Liability)
14 Company,) COMPLAINT FOR PENALTY AND
15) INJUNCTION
16)
17)
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PLAINTIFF,

vs.

Canton Food, Co., Inc.; DOES 1)
-100,)
DEFENDANTS.)
ACTION IS AN UNLIMITED CIVIL
CASE (exceeds \$25,000.00)

INTRODUCTION

1
2 1. This Complaint is a representative action brought by
3 Clean Product Advocates, LLC ("Plaintiff" or "CPA") in the
4 public interest of the citizens of the State of California (the
5 "People"). Plaintiff seeks to remedy Defendants' failure to
6 inform the People of exposure to "LEAD", and/or "CADMIUM", known
7 carcinogens. Defendants continue to expose consumers to LEAD
8 and/or CADMIUM by either manufacturing, and/or importing, and/or
9 selling and/or distributing food products including, but not
10 limited to, Fresh Frozen Scallops (Alpha Sea), Alfocan Crawfish
11 Frozen Whole Cooked; Seafood Mix For Caldo 7 Mares Ciopinno
12 Seafood Soup, Parihuela; Raw Squid Loligo Peeled & Cleaned,
13 Seagood Mussels; Soft Shell Crab; Kobe Fully Cooked Clams; West
14 Bay Squid Rings; West Bay Carving Squid; Millennium Scallops;
15 and Octomari ("Sources") or ("Products"). Defendants therefore
16 know and intend that customers will ingest products containing
17 LEAD and/or CADMIUM under California's Safe Drinking Water and
18 Toxic Enforcement Act of 1986, and California Health and Safety
19 Code sections 25249.6 et. seq. ("Proposition 65") which states
20 that "[n]o person in the course of doing business shall
21 knowingly and intentionally expose any individual to a chemical
22 known to the state to cause cancer or reproductive toxicity
23 without first giving clear and reasonable warning to such
24 individual " (Health & Safety Code Section 25249.6).
25

26 California has identified and listed LEAD and CADMIUM as
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1 chemicals known to cause cancer as early as on or about October
2 1, 1992, and as chemicals known to cause developmental/
3 reproductive toxicity on or about February 27, 1987.

4 2. Defendants have failed to sufficiently warn consumers and
5 individuals in California about potential exposure to LEAD
6 and/or CADMIUM in connection with Defendants' manufacture and/or
7 import, and/or sale, and/or distribution of Products in
8 violation of Proposition 65.

9 3. Plaintiff seeks injunctive relief compelling Defendants
10 to sufficiently warn consumers in California before exposing
11 them to LEAD and/or CADMIUM in Products (Health & Safety Code
12 Section 25249.7(a)). Plaintiff also seeks civil penalties
13 against Defendants for their violations of Proposition 65 along
14 with reasonable attorney's fees and legal costs (Health & Safety
15 Code Section 25249.7(b)).
16

17 **PARTIES**

18 4. Plaintiff CPA is an LLC operating in the State
19 of California dedicated to protecting the health of California
20 citizens through the elimination or reduction of toxic exposure
21 from consumer products. It brings this action in the public
22 interest pursuant to Health & Safety Code Section 25249.7.

23 5. Defendant Canton Food Co., Inc. is a California
24 corporation that either manufactures and/or imports, and/or
25 sells and/or distributes Products in Los Angeles County and
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1 throughout the State of California, within the meaning of Health
2 & Safety Code Section 25249.11.

3
4 6. Defendants DOES 1 through 100, inclusive, are sued
5 herein under fictitious names. Their true names and capacities
6 are unknown to Plaintiff. When their true names and capacities
7 are ascertained, plaintiff will amend this Complaint by
8 inserting their true names and capacities herein. Plaintiff is
9 informed and believes and thereon alleges, that each of the
10 fictitiously named defendants is responsible in some manner for
11 the occurrences alleged in this Complaint and that Plaintiff's
12 damages as alleged in this Complaint were proximately caused by
13 such defendants.
14

15 7. Plaintiff is informed and believes and thereon alleges,
16 that at all times alleged in this Complaint, each defendant was
17 the agent, alter ego, servant, joint venturer, joint employer
18 and/or employee, of each of the remaining defendants, and in
19 doing the things hereinafter alleged, was acting within the
20 course and scope of said relationships and with the permission
21 and consent of all other co-defendants. All conduct was also
22 ratified by Defendants and each of them.
23

24 **JURISDICTION AND VENUE**

25 8. California Constitution Article VI, Section 10, grants
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1 the Superior Court original jurisdiction in all cases except
2 those given by statute to other trial courts. The Health and
3 Safety Code statutes upon which this action is based does not
4 give jurisdiction to any other Court. As such, this Court has
5 jurisdiction over this action.

6 9. Venue is proper in Los Angeles County Superior Court
7 pursuant to Code of Civil Procedure Sections 394, 395 and 395.5
8 as wrongful conduct as alleged in this complaint has occurred
9 and continues to occur in this County.

10
11 10. Defendants have sufficient minimum contacts in the
12 State of California or otherwise purposefully avail themselves
13 of the California market. Exercising jurisdiction over
14 Defendants would therefore be consistent with traditional
15 notions of fair play and substantial justice.

16 **CAUSES OF ACTION**

17 **FIRST CAUSE OF ACTION**

18 **(Violation of Proposition 65 - Against all Defendants**

19
20 11. Plaintiff incorporates by reference herein, each and
21 every allegation set forth above in this complaint.

22 12. Proposition 65 mandates that California citizens be
23 informed about exposures to chemicals that cause cancer, birth
24 defects, and other reproductive harm.

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26 13. More than sixty days prior to the filing of this
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1 lawsuit naming each Defendant, Plaintiff issued 60-Day Notices
2 Of Violation ("Notices") as required by and in compliance with
3 Proposition 65. Plaintiff provided said Notices to the various
4 required public enforcement agencies along with Certificates Of
5 Merit. The Notices alleged that Defendants violated Proposition
6 65 by failing to sufficiently warn consumers in California of
7 the health hazards associated with exposure to LEAD and/or
8 CADMIUM contained in their Products.

9 14. The appropriate public enforcement agencies provided
10 with the Notices failed to commence and diligently prosecute a
11 cause of action against Defendants.

12 15. At all times relevant herein, Defendants manufactured
13 and/or imported and/or sold and/or distributed the Products
14 described in paragraph one of this Complaint, in violation of
15 Health and Safety Code Sections 25249.6 et. seq. Plaintiff is
16 informed and believes and thereon alleges that such violations
17 have continued after receipt of the Notices described above and
18 such conduct will continue to occur into the future.

19 16. In manufacturing, and/or importing, and/or selling
20 and/or distributing Products, Defendants failed to provide
21 clear and reasonable warnings to consumers in the State of
22 California who may be exposed to LEAD and/or Cadmium through
23 reasonably foreseeable use of the Products.

24 17. The Products exposed individuals to LEAD and/or Cadmium
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1 through direct ingestion of the products described in paragraph
2 1 of this Complaint. These exposures are natural and
3 foreseeable consequence of Defendants placing the Products into
4 the stream of commerce. As such Defendants intend that consumers
5 will ingest said Products, exposing them to LEAD and/or CADMIUM.

6 18. Defendants knew or should have known that their
7 Products contained LEAD and/or CADMIUM and exposed individuals
8 to LEAD and/or CADMIUM as described above in this Complaint. The
9 Notices described above in this Complaint informed Defendants of
10 the presence of LEAD and/or CADMIUM in their products. Likewise,
11 media coverage concerning LEAD and/or CADMIUM related chemicals
12 in consumer products provided "Constructive Notice" to
13 Defendants. Defendants' actions, therefore, were deliberate and
14 not accidental.

15 19. Individuals exposed to LEAD and/or CADMIUM contained in
16 Defendants' Products through direct ingestion resulting from
17 reasonably foreseeable use of the Products have suffered and
18 continue to suffer irreparable harm. There is no other plain,
19 speedy or adequate remedy at law other than the relief requested
20 in this complaint.

21 20. Defendants are liable for a maximum civil penalty of
22 \$2,500.00 per day for each violation of Proposition 65 pursuant
23 to Health and Safety Code Section 252497(b). Injunctive relief
24 is also appropriate pursuant to Health and Safety Code Section
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1 25249.7(a).

2 21. Defendants knew or should have known that their
3 Products contained LEAD and/or CADMIUM and exposed individuals
4 to LEAD and/or CADMIUM as described above in this complaint. The
5 Notices described above in this Complaint informed Defendants of
6 the presence of LEAD and/or CADMIUM in their products. Likewise,
7 media coverage concerning LEAD and/or CADMIUM and related
8 chemicals in consumer products provided "Constructive
9 Notice" to Defendants. Defendants' actions, therefore, were
10 deliberate and not accidental.
11

12 **PRAYER FOR RELIEF**

13 Wherefore, Plaintiff prays for judgment against Defendants,
14 and each of them, as follows pursuant to all causes of action:

15 1. Civil penalties in the amount of \$2,500.00 per day for
16 each violation of the law as described above in this complaint.
17 Plaintiff alleges that damages total a minimum of \$1,000,000.00;

18 2. A preliminary and permanent injunction against Defendants
19 from manufacturing, and/or importing, and/or selling and/or
20 distributing Products in California without providing a clear
21 and reasonable warning as required by Proposition 65 and related
22 regulations;
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24 3. Reasonable attorney's fees and costs of suit;

25 4. Pre-Judgement interest as allowed by law; and
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1 5. Such other and further relief as may be just and proper.

2 Respectfully Submitted:

3 Dated: November 14, 2023

CLIFFWOOD LAW FIRM,

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5 By: *Elham Shabatian*
6 Elham Shabatian
7 Attorney for Plaintiff
8 Clean Product Advocates LLC
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