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Electronically FILED by
Superior Court of California,
County of Los Angeles
5/16/2023 12:04 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Tarasyuk, Deputy Clerk

5 Attorneys for Plaintiff,
6 BERJ PARSEGHIAN

7 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
8 **COUNTY OF LOS ANGELES**

9
10
11 BERJ PARSEGHIAN, in the public interest,
12 Plaintiff,

13 v.

14
15 JFC International, Inc.; and DOES 1 through 100,
inclusive,
16 Defendants.
17

Civil Action No.: **23ST CV 10942**

**COMPLAINT FOR INJUNCTIVE RELIEF AND
CIVIL PENALTIES**

[Cal. Health and Safety Code Sec. 25249.6, *et seq.*]

KJT LAWGROUP ^{LLP}
Jivalagian | Thomassian

1 Berj Parseghian, in the public interest, based on information and belief and investigation of
2 counsel, except for information based on knowledge, hereby makes the following allegations.

3
4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendant’s continuing failure to adequately warn
6 individuals in California that they are being exposed to lead, a chemical known to the State of
7 California to cause cancer and other reproductive harm. Such exposures have occurred, and
8 continue to occur, through the manufacture, distribution, sale and consumption of Defendant’s
9 Dynasty - Premium Quality Rice Paper; UPC #: 0 11152 44953 1 (the “Product”). The Product is
10 available to consumers in California through a multitude of retail channels including, without
11 limitation (a) third-party traditional brick-and-mortar retail locations; (b) via the internet through
12 Defendant’s website; and (c) via the internet through third-party retail websites. Consumers are
13 exposed to lead when they consume the Product.

14 2. Under California’s Proposition 65, Health and Safety Code § 25249.5, et seq., it is
15 unlawful for businesses to knowingly and intentionally expose individuals in California to chemicals
16 known to the State to cause cancer, birth defects or other reproductive harm without providing clear
17 and reasonable warnings to individuals prior to their exposure. Defendant introduces a product
18 contaminated with significant quantities of lead into the California marketplace, exposing consumers
19 of the Product to lead.

20 3. Despite the fact that the Defendant exposes consumers to lead, Defendant provides
21 no warning, or inadequate warnings about the reproductive hazards associated with lead exposure.
22 Defendant’s conduct thus violates the warning provision of Proposition 65, Health & Safety Code §
23 25249.6.

24
25 **PARTIES**

26 4. Plaintiff brings this enforcement action in the public interest pursuant to Health &
27 Safety Code § 25249.7(d).
28

1 in pertinent part:
2

3 No person in the course of doing business shall knowingly and intentionally expose any
4 individual to a chemical known to the state to cause cancer or reproductive toxicity without
5 first giving clear and reasonable warning to such individual...

6 12. The State of California has officially listed lead as a chemical known to cause cancer
7 and reproductive harm.

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

13 14. Defendant's Product contains sufficient quantities of lead such that consumers,
14 including pregnant women, who consume the Product are exposed to lead. The primary route of
15 exposure for the violations is direct ingestion when consumers orally ingest the Product. These
16 exposures occur in homes, workplaces and everywhere in California where the Product is
17 consumed.

18 15. During the relevant one-year period herein, no clear and reasonable warning was
19 provided with the Product regarding the reproductive hazards of lead.

20 16. Any person acting in the public interest has standing to enforce violations of
21 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid
22 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action
23 within such time. Health & Safety Code § 25249.7(d).

24 17. More than sixty days prior to naming the Defendant in this lawsuit, Plaintiff provided
25 a 60-Day "Notice of Violation of Proposition 65" to the California Attorney General, the District
26 Attorneys of every county in California, the City Attorneys of every California city with a population
27 greater than 750,000 and to the named Defendant. In compliance with Health & Safety Code §
28 25249.7(d) and 27 C.C.R. § 25903(b), each Notice included the following information: (1) the

1 name and address of each violator; (2) the statute violated; (3) the time period during which
2 violations occurred; (4) specific descriptions of the violations, including (a) the routes of exposure
3 to lead from the Product, and (b) the specific type of Product sold and used in violation of
4 Proposition 65; and (5) the name of the specific Proposition 65-listed chemical that is the subject of
5 the violations described in each Notice.

6 18. Plaintiff also sent a Certificate of Merit for each Notice to the California Attorney
7 General, the District Attorneys of every county in California, the City Attorneys of every California
8 city with a population greater than 750,000 and to the named Defendant. In compliance with
9 Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3101, each Certificate certified that Plaintiff's
10 counsel: (1) has consulted with one or more persons with relevant and appropriate experience or
11 expertise who reviewed facts, studies or other data regarding the exposures to lead alleged in each
12 Notice; and (2) based on the information obtained through such consultations, believes that there is
13 a reasonable and meritorious case for a citizen enforcement action based on the facts alleged in
14 each Notice. In compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3102, each
15 Certificate served on the Attorney General included factual information-provided on a confidential
16 basis-sufficient to establish the basis for the Certificate, including the identity of the person(s)
17 consulted by the Plaintiff's counsel and the facts, studies or other data reviewed by such persons.

18 19. None of the public prosecutors with the authority to prosecute violations of
19 Proposition 65 has commenced and/or is diligently prosecuting a cause of action against the
20 Defendant under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in each of
21 Plaintiff's Notices.

22 20. Defendant knows and intends that individuals will consume the Product, thus
23 exposing them to lead.

24 21. Under Proposition 65, an exposure is "knowing" where the party responsible for
25 such exposure has:

26
27 Knowledge of the fact that a[n]...exposure to a chemical listed pursuant to [Health & Safety
28 Code § 25249.8(a)] is occurring. No knowledge that the... exposure is unlawful is required.
27 C.C.R.§ 25102(n). This knowledge may be either actual or constructive. *See, e.g.,* Final

1 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division
2, § 12201).

3 22. Defendant has been informed of the lead in their Products by the 60-Day Notice of
4 Violation and accompanying Certificate of Merit served on them.

5 23. Defendant also has constructive knowledge that the Products contain lead due to the
6 widespread media coverage concerning the problem of lead in consumer products.

7 24. As an entity that manufactures, imports, distributes and/or sells the Product for use
8 in the California marketplace, Defendant knows or should know that the Product contains lead and
9 that individuals who consume the Product will be exposed to lead. The lead exposures to
10 consumers who consume the Product are a natural and foreseeable consequence of Defendant
11 placing the Product into the stream of commerce.

12 25. Nevertheless, Defendant continues to expose consumers to lead without prior clear
13 and reasonable warnings regarding the reproductive hazards of lead.

14 26. Plaintiff has engaged in good-faith efforts to resolve the claims alleged herein prior to
15 filing this Complaint.

16 27. Any person “violating or threatening to violate” Proposition 65 may be enjoined in
17 any court of competent jurisdiction. Health & Safety Code § 25249.7. “Threaten to violate” is
18 defined to mean “to create a condition in which there is a substantial probability that a violation will
19 occur.” Health & Safety Code § 25249.11(e). Proposition 65 provides for civil penalties not to
20 exceed \$2,500 per day for each violation of Proposition 65.

21
22 **CAUSE OF ACTION**

23 (Violations of the Health & Safety Code 25249.6)

24 28. Plaintiff realleges and incorporates by reference as if specifically set forth herein
25 Paragraphs 1 through 27, inclusive.

26 29. By placing the Product into the stream of commerce, Defendant is a person in the
27 course of doing business within the meaning of Health & Safety Code § 25249.11.

28 30. Lead is a chemical listed by the State of California as known to cause cancer and

1 other reproductive harm.

2 31. Defendant knows that average use of the Product will expose users of the Product to
3 lead. Defendant intends that the Product be used in a manner that results in exposures to lead from
4 the Products.

5 32. Defendant has failed, and continues to fail, to provide clear and reasonable warnings
6 regarding the reproductive toxicity of lead to users of the Products.

7 33. By committing the acts alleged above, Defendant has at all times relevant to this
8 Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to lead
9 without first giving clear and reasonable warnings to such individuals regarding the reproductive
10 toxicity of lead.

11
12 **PRAYER FOR RELIEF**

13 Wherefore, Plaintiff prays for judgment against Defendant as follows:

14 1. That the Court, pursuant to Health & Safety Code § 25249.7(b), assess civil penalties
15 against the Defendant in the amount of \$2,500 per day for each violation of Proposition 65;

16 2. That the Court, pursuant to Health & Safety Code § 25249.7(a), preliminarily and
17 permanently enjoin Defendant from offering the Product for sale in California without either
18 reformulating the Products such that no Proposition 65 warnings are required or providing prior
19 clear and reasonable warnings, as Plaintiff shall specify in further application to the Court;

20 3. That the Court, pursuant to Health & Safety Code § 25249.7(a), order the
21 Defendant to take action to stop ongoing unwarranted exposures to lead resulting from use of
22 Product sold, as Plaintiff shall specify in further application to the Court;

23 4. That the Court, pursuant to Code of Civil Procedure § 1021.5 or any other
24 applicable theory or doctrine, grant Plaintiff her reasonable attorneys' fees and costs of suit; and

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5. That the Court grant such other and further relief as may be just and proper.

Dated: May 15, 2023

KJT LAW GROUP, LLP

By:



Tiro Krikorian, Esq.
Attorneys for Plaintiff
BERJ PARSEGHIAN