

**SUMMONS  
(CITACION JUDICIAL)**

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

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

Rockman Co. (USA) Inc.; DOES 1-100

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
10/18/2023 11:34 AM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By M. Ceballos, 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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://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  
12720 Norwalk Boulevard, Norwalk, CA 90650

CASE NUMBER:  
(Número del Caso):

23NWCV03364

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, 12100 Wilshire Boulevard, Suite 800, Los Angeles, CA 90025; (310) 200-3227

DATE: 10/18/2023 Clerk, by M. Ceballos, Deputy  
(Fecha) (Secretario) (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)).



**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

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Executive Officer/Clerk of Court,  
By M. Ceballos, Deputy Clerk

5 Attorneys for Plaintiff  
6 Clean Product Advocates, LLC

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **FOR THE COUNTY OF LOS ANGELES**

10 Clean Product Advocates LLC, a ) Case No. **23NWCV03364**  
11 California Limited Liability )  
12 Company, ) COMPLAINT FOR PENALTY AND  
13 ) INJUNCTION  
14 )  
15 ) Violation of Proposition 65,  
16 vs. ) the Safe Drinking Water and  
17 ) Toxic Enforcement Act of 1986  
18 ) (*Health & Safety Code Sections*  
19 ) *25249.5, et. seq.*)  
20 )  
21 ) ACTION IS AN UNLIMITED CIVIL  
22 ) CASE (exceeds \$25,000.00)  
23 )  
24 )  
25 )  
26 )  
27 )  
28 )

15 Rockman Co. (USA) INC.; DOES 1  
16 Through 100,  
17 DEFENDANTS.

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 "CADMIUM", known  
7 carcinogens. Defendants continue to expose consumers to LEAD and  
8 CADMIUM by either manufacturing, and/or importing, and/or  
9 selling and/or distributing food products including, but not  
10 limited to, "Liuzhhou Lou Si' Rice Noodles" ("Source").

11 Defendants therefore know and intend that customers will ingest  
12 products containing LEAD and CADMIUM under California's Safe  
13 Drinking Water and Toxic Enforcement Act of 1986, and California  
14 Health and Safety Code sections 25249.6 et. seq. ("Proposition  
15 65") which states that "[n]o person in the course of doing  
16 business shall knowingly and intentionally expose any individual  
17 to a chemical known to the state to cause cancer or reproductive  
18 toxicity without first giving clear and reasonable warning to  
19 such individual ..... ." (Health & Safety Code Section 25249.6).  
20

21       2. California has identified and listed LEAD and CADMIUM as  
22 chemicals known to cause cancer as early as on or about October  
23 1, 1992, and as a chemical known to cause developmental/  
24 reproductive toxicity on or about February 27, 1987.



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

10  
11 8. Plaintiff is informed and believes and thereon  
12 alleges, that at all times alleged in this complaint, each  
13 defendant was the agent, alter ego, servant, joint venturer,  
14 joint employer and/or employee, of each of the remaining  
15 defendants, and in doing the things hereinafter alleged, was  
16 acting within the course and scope of said relationships and  
17 with the permission and consent of all other co-defendants. All  
18 conduct was also ratified by Defendants and each of them.

19  
20 **JURISDICTION AND VENUE**

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

1 10. Venue is proper in Los Angeles County Superior Court  
2 pursuant to Code of Civil Procedure Sections 394, 395 and 395.5  
3 as wrongful conduct as alleged in this complaint has occurred  
4 and continues to occur in this County.

5 11. Defendants have sufficient minimum contacts in the  
6 State of California or otherwise purposefully avail themselves  
7 of the California market. Exercising jurisdiction over  
8 Defendants would therefore be consistent with traditional  
9 notions of fair play and substantial justice.  
10

11 **CAUSES OF ACTION**

12 **FIRST CAUSE OF ACTION**

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

14 12. Plaintiff incorporates by reference herein, each and  
15 every allegation set forth above in this complaint.  
16

17 13. Proposition 65 mandates that California citizens be  
18 informed about exposures to chemicals that cause cancer, birth  
19 defects, and other reproductive harm.  
20

21 14. More than sixty days prior to the filing of this  
22 lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice  
23 Of Violation dated October 18, 2022 ("Notice") as required by  
24 and in compliance with Proposition 65. Plaintiff provided said  
25 Notice to the various required public enforcement agencies along  
26 with a Certificate of Merit. The Notice alleged that Defendants  
27 violated Proposition 65 by failing to sufficiently warn  
28

1 consumers in California of the health hazards associated with  
2 exposure to LEAD and CADMIUM contained in their Products.

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

6 16. At all times relevant herein, Defendants manufactured  
7 and/or imported and/or sold and/or distributed Products,  
8 including "Liuzhhou Lou Si' Rice Noodles", containing  
9 LEAD and CADMIUM in violation of Health and Safety Code Sections  
10 25249.6 et. seq. Plaintiff is informed and believes and thereon  
11 alleges that such violations have continued after receipt of the  
12 Notice described above and such conduct will continue to occur  
13 into the future.

14 17. In manufacturing, and/or importing, and/or selling  
15 and/or distributing Products, Defendants failed to provide a  
16 clear and reasonable warning to consumers in the State of  
17 California who may be exposed to LEAD and CADMIUM through  
18 reasonably foreseeable use of the Products.

19 18. The Products exposed individuals to LEAD and CADMIUM  
20 through direct ingestion of the product described in paragraph  
21 16 of this complaint. This exposure is a natural and foreseeable  
22 consequence of Defendants placing the Products into the stream  
23 of commerce. As such Defendants intend that consumers will  
24 ingest said Products, exposing them to LEAD and CADMIUM.  
25  
26  
27

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

10  
11           20. Individuals exposed to LEAD and CADMIUM contained in  
12 Defendants' Products through direct ingestion resulting from  
13 reasonably foreseeable use of the Products have suffered and  
14 continue to suffer irreparable harm. There is no other plain,  
15 speedy or adequate remedy at law other than the relief requested  
16 in this complaint.

17           21. Defendants are liable for a maximum civil penalty of  
18 \$2,500.00 per day for each violation of Proposition 65 pursuant  
19 to Health and Safety Code Section 252497(b). Injunctive relief  
20 is also appropriate pursuant to Health and Safety Code Section  
21 25249.7(a).

22  
23           22. Defendants knew or should have known that their  
24 Products contained LEAD and CADMIUM and exposed individuals to  
25 LEAD and CADMIUM as described above in this complaint. The  
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27



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2 media coverage concerning LEAD and CADMIUM and related  
3 chemicals in consumer products provided "Constructive  
4 Notice" to Defendants. Defendants' actions, therefore, were  
5 deliberate and not accidental.

6 **PRAYER FOR RELIEF**

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

9 1. Civil penalties in the amount of \$2,500.00 per day for  
10 each violation of the law as described above in this complaint.

11 Plaintiff alleges that damages total a minimum of \$1,000,000.00;

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

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

19 4. Pre-Judgement interest as allowed by law; and

20 5. Such other and further relief as may be just and proper.

21 Respectfully Submitted:

22 Dated: October 16, 2023

CLIFFWOOD LAW FIRM,

23  
24  
25 By: Elham Shabatian  
26 Elham Shabatian  
27 Attorney for Plaintiff