

**SUMMONS
(CITACION JUDICIAL)**

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

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

Little Farm Distribution, Inc.; 99 Cent Store; La Bodega Spices; Moreno And Sons Company;
DOES 1 - 100

Electronically FILED by
Superior Court of California,
County of Los Angeles
10/30/2023 2:01 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By I. Valencia, 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
1725 Main Street, Santa Monica, California 90401

CASE NUMBER:
(Número del Caso): **238MCV05113**

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):
Cliffwood Law Firm; Elham Shabatian SBN 221953; 12100 Wilshire Blvd., Suite 800, Los Angeles, Ca. 90025; (310) 200-3227

DATE: 10/30/2023 Clerk, by David W. Slayton, Executive Officer/Clerk of Court, Deputy
(Fecha) (Secretario) I. Valencia (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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Superior Court of California,
County of Los Angeles
10/30/2023 2:01 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By I. Valencia, Deputy Clerk

8 Attorneys for Plaintiff
9 Clean Product Advocates, LLC

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **FOR THE COUNTY OF LOS ANGELES**

12 CLEAN PRODUCT ADVOCATES LLC, a) Case No. **23SMCV05113**
13 California Limited Liability)
14 Company,) COMPLAINT FOR PENALTY AND
15) INJUNCTION
16)
17) Violation of Proposition 65,
18) the Safe Drinking Water and
19) Toxic Enforcement Act of 1986
20) (Health & Safety Code Sections
21) 25249.5, et. seq.)
22)
23) ACTION IS AN UNLIMITED CIVIL
24) CASE (exceeds \$25,000.00)
25)
26)
27)
28)

PLAINTIFF,

vs.

Little Farm Distribution, Inc.;)
99 Cent Store; La Bodega)
Spices; Moreno And Sons)
Company; DOES 1 -100,)
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", a known carcinogen.
7 Defendants continue to expose consumers to LEAD by either
8 manufacturing, and/or importing, and/or selling and/or
9 distributing food products including, but not limited to, "Mi
10 Granjita Garlic Powder" ("Source"). Defendants therefore know and
11 intend that customers will ingest products containing LEAD under
12 California's Safe Drinking Water and Toxic Enforcement Act of
13 1986, and California Health and Safety Code sections 25249.6 et.
14 seq. ("Proposition 65") which states that "[n]o person in the
15 course of doing business shall knowingly and intentionally
16 expose any individual to a chemical known to the state to cause
17 cancer or reproductive toxicity without first giving clear and
18 reasonable warning to such individual " (Health & Safety
19 Code Section 25249.6).

20
21 2. California has identified and listed LEAD as a
22 chemical 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 and/or distributes Products in Los Angeles County and throughout
2 the State of California, within the meaning of Health & Safety
3 Code Section 25249.11.

4 8. Defendant La Bodega Spices is a business entity, form
5 unknown, that either manufactures and/or imports, and/or sells
6 and/or distributes Products in Los Angeles County and throughout
7 the State of California, within the meaning of Health & Safety
8 Code Section 26249.11.

9 9. Defendant Moreno And Sons Company is a business entity,
10 form unknown, that either manufactures and/or imports, and/or
11 sells and/or distributes Products in Los Angeles County and
12 throughout the State of California, within the meaning of Health
13 & Safety Code Section 26249.11.

14 10. Defendants DOES 1 through 100, inclusive, are sued
15 herein under fictitious names. Their true names and capacities
16 are unknown to Plaintiff. When their true names and capacities
17 are ascertained, plaintiff will amend this complaint by
18 inserting their true names and capacities herein. Plaintiff is
19 informed and believes and thereon alleges, that each of the
20 fictitiously named defendants is responsible in some manner for
21 the occurrences alleged in this complaint and that Plaintiff's
22 damages as alleged in this complaint were proximately caused by
23 such defendants.

24 11. Plaintiff is informed and believes and thereon alleges,
25
26
27
28

1 that at all times alleged in this complaint, each defendant was
2 the agent, alter ego, servant, joint venturer, joint employer
3 and/or employee, of each of the remaining defendants, and in
4 doing the things hereinafter alleged, was acting within the
5 course and scope of said relationships and with the permission
6 and consent of all other co-defendants. All conduct was also
7 ratified by Defendants and each of them.

8 **JURISDICTION AND VENUE**

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

16 13. Venue is proper in Los Angeles County Superior Court
17 pursuant to Code of Civil Procedure Sections 394, 395 and 395.5
18 as wrongful conduct as alleged in this complaint has occurred
19 and continues to occur in this County.

20
21 14. Defendants have sufficient minimum contacts in the
22 State of California or otherwise purposefully avail themselves
23 of the California market. Exercising jurisdiction over
24 Defendants would therefore be consistent with traditional
25 notions of fair play and substantial justice.

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Violation of Proposition 65 - Against all Defendants)

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

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

17. More than sixty days prior to the filing of this lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice Of Violation dated October 30, 2022 ("Notice") as required by and in compliance with Proposition 65. Plaintiff provided said Notice to the various required public enforcement agencies along with a Certificate of Merit. The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in California of the health hazards associated with exposure to LEAD contained in their Products.

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

19. At all times relevant herein, Defendants manufactured and/or imported and/or sold and/or distributed Products, including "Mi Granjita Garlic Powder", containing LEAD in

1 in violation of Health and Safety Code Sections 25249.6 et. seq.
2 Plaintiff is informed and believes and thereon alleges that such
3 violations have continued after receipt of the Notice described
4 above and such conduct will continue to occur into the future.

5 20. In manufacturing, and/or importing, and/or selling
6 and/or distributing Products, Defendants failed to provide a
7 clear and reasonable warning to consumers in the State of
8 California who may be exposed to LEAD through reasonably
9 foreseeable use of the Products.
10

11 21. The Products exposed individuals to LEAD through
12 direct ingestion of the product described in paragraph 19 of
13 this complaint. This exposure is a natural and foreseeable
14 consequence of Defendants placing the Products into the stream
15 of commerce. As such Defendants intend that consumers will
16 ingest said Products, exposing them to LEAD.
17

18 22. Defendants knew or should have known that their
19 Products contained LEAD and exposed individuals to LEAD as
20 described above in this complaint. The Notice described above in
21 this complaint informed Defendants of the presence of LEAD in
22 their products. Likewise, media coverage concerning LEAD and
23 related chemicals in consumer products provided "Constructive
24 Notice" to Defendants. Defendants' actions, therefore, were
25 deliberate and not accidental.
26

27 23. Individuals exposed to LEAD contained in Defendants'
28

1 Products through direct ingestion resulting from reasonably
2 foreseeable use of the Products have suffered and continue to
3 suffer irreparable harm. There is no other plain, speedy or
4 adequate remedy at law other than the relief requested in this
5 complaint.

6 24. Defendants are liable for a maximum civil penalty of
7 \$2,500.00 per day for each violation of Proposition 65 pursuant
8 to Health and Safety Code Section 252497(b). Injunctive relief
9 is also appropriate pursuant to Health and Safety Code Section
10 25249.7(a).

11
12 25. Defendants knew or should have known that their
13 Products contained LEAD and exposed individuals to LEAD as
14 described above in this complaint. The Notice described above in
15 this complaint informed Defendants of the presence of LEAD in
16 their products. Likewise, media coverage concerning LEAD and
17 related chemicals in consumer products provided "Constructive
18 Notice" to Defendants. Defendants' actions, therefore, were
19 deliberate and not accidental.
20

21 **PRAYER FOR RELIEF**

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

24 1. Civil penalties in the amount of \$2,500.00 per day for
25 each violation of the law as described above in this complaint.
26 Plaintiff alleges that damages total a minimum of \$1,000,000.00;
27

1 2. A preliminary and permanent injunction against Defendants
2 from manufacturing, and/or importing, and/or selling and/or
3 distributing Products in California without providing a clear
4 and reasonable warning as required by Proposition 65 and related
5 regulations;

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

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

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

9 Respectfully Submitted:

10 Dated: October 30, 2023

11 CLIFFWOOD LAW FIRM,

12
13 By: Elham Shabatian
14 Elham Shabatian
15 Attorney for Plaintiff
16 Clean Product Advocates LLC
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