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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Tarasyuk, Deputy Clerk

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Clean Product Advocates LLC, a
California Limited Liability
Company,

PLAINTIFF,

vs.

Litehouse Inc.; Idaho
Litehouse, Inc.; The Kroger
Company DBA Ralphs; DOES 1 -
100,

DEFENDANTS.

) Case No. **24STCV02747**

)
) COMPLAINT FOR PENALTY AND
) INJUNCTION

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

) ACTION IS AN UNLIMITED CIVIL
) CASE (exceeds \$25,000.00)

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

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1 individuals in California about potential exposure to LEAD in
2 connection with Defendants' manufacture and/or import, and/or
3 sale, and/or distribution of Products in violation of
4 Proposition 65.

5 4. Plaintiff seeks injunctive relief compelling Defendants
6 to sufficiently warn consumers in California before exposing
7 them to LEAD in Products (Health & Safety Code Section
8 25249.7(a)). Plaintiff also seeks civil penalties against
9 Defendants for their violations of Proposition 65 along with
10 reasonable attorney's fees and legal costs (Health & Safety Code
11 Section 25249.7(b)).
12

13 PARTIES

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

19 6. Defendant The Kroger Company DBA Ralphs, is a
20 business entity, form unknown, that either manufactures and/or
21 imports, and/or sells and/or distributes Products in Los Angeles
22 County and throughout the State of California, within the
23 meaning of Health & Safety Code Section 25249.11.

24 7. Defendant Litehouse Inc. is a business entity, form
25 unknown, that either manufactures and/or imports, and/or sells
26 and/or distributes Products in Los Angeles County and throughout
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1 the State of California, within the meaning of Health & Safety
2 Code Section 25249.11.

3 8. Defendant Idaho Litehouse, Inc. is a business entity,
4 form unknown, that either manufactures and/or imports, and/or
5 sells and/or distributes Products in Los Angeles County and
6 throughout the State of California, within the meaning of Health
7 & Safety Code Section 25249.11.

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

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

3 JURISDICTION AND VENUE

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

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

15 13. Defendants have sufficient minimum contacts in the
16 State of California or otherwise purposefully avail themselves
17 of the California market. Exercising jurisdiction over
18 Defendants would therefore be consistent with traditional
19 notions of fair play and substantial justice.
20

21 CAUSES OF ACTION

22 (Violation of Proposition 65 - Against all Defendants

23 14. Plaintiff incorporates by reference herein, each and
24 every allegation set forth above in this complaint.
25

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

3 16. More than sixty days prior to the filing of this
4 lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice
5 Of Violation dated December 8, 2022 ("Notice") as required by
6 and in compliance with Proposition 65. Plaintiff provided said
7 Notice to the various required public enforcement agencies
8 along with Certificates of Merit. The Notice alleged that
9 Defendants violated Proposition 65 by failing to sufficiently
10 warn consumers in California of the health hazards associated
11 with exposure to LEAD contained in their products.

12 17. The appropriate public enforcement agencies provided
13 with the Notices failed to commence and diligently prosecute a
14 cause of action against Defendants.

15 18. At all times relevant herein, Defendants manufactured
16 and/or imported and/or sold and/or distributed Products,
17 containing LEAD in violation of Health and Safety Code Sections
18 25249.6 et. seq. Plaintiff is informed and believes and thereon
19 alleges that such violations have continued after receipt of the
20 Notice described above and such conduct will continue to occur
21 into the future.
22

23 19. In manufacturing, and/or importing, and/or selling
24 and/or distributing Products, Defendants failed to provide
25 clear and reasonable warnings to consumers in the State of
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1 California who may be exposed to LEAD through reasonably
2 foreseeable use of the Products.

3 20. The Products exposed individuals to LEAD
4 through direct ingestion of the products described above in this
5 complaint. This exposure is a natural and foreseeable
6 consequence of Defendants placing the Products into the stream
7 of commerce. As such Defendants intend that consumers will
8 ingest said Products, exposing them to LEAD.
9

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

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

25 23. Defendants are liable for a maximum civil penalty of
26 \$2,500.00 per day for each violation of Proposition 65 pursuant
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1 to Health and Safety Code Section 252497(b). Injunctive relief
2 is also appropriate pursuant to Health and Safety Code Section
3 25249.7(a).

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

13 **PRAYER FOR RELIEF**

14 Wherefore, Plaintiff prays for judgment against Defendants,
15 and each of them, as follows:

16 1. Civil penalties in the amount of \$2,500.00 per day for
17 each violation of the law as described above in this complaint.
18 Plaintiff alleges that damages total a minimum of \$1,000,000.00;
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20 2. A preliminary and permanent injunction against Defendants
21 from manufacturing, and/or importing, and/or selling and/or
22 distributing Products in California without providing a clear
23 and reasonable warning as required by Proposition 65 and related
24 regulations;

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

26 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: February 1, 2024

CLIFFWOOD LAW FIRM,

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