SUM-100

SUMMONS
(CITACION JUDICIAL)

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

Electronically FILED by
Superior Court of California,
County of Los Angeles
12/14/2023 2:23 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By R. Perez, Deputy Clerk

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
MK Trading Inc.; Zion Market LLC; DOES 1 - 100

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):
23STCV30517

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 Blvd., Suite 800, Los Angeles, Ca. 90025; (310) 200-3227

DATE: *(Fecha)* 12/14/2023 David W. Slayton, Executive Officer/Clerk of Court Clerk, by *(Secretario)* R. Perez , Deputy *(Adjunto)*

(For proof of service of this summons, use Proof of Service of Summons *(form POS-010).)*
(Para prueba de entrega de esta citatión 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):*

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 [Rev. July 1, 2009]

SUMMONS

Code of Civil Procedure §§ 412.20, 465
www.courts.ca.gov

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Attorneys for Plaintiff
Clean Product Advocates, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

23STCV30517

Clean Product Advocates LLC, a California Limited Liability Company, PLAINTIFF, vs. MK Trading Inc.;, Zion Market LLC,; DOES 1 - 100 DEFENDANTS.	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)

INTRODUCTION

1. This Complaint is a representative action brought by Clean Product Advocates, LLC ("Plaintiff" or "CPA") in the public interest of the citizens of the State of California (the "People"). Plaintiff seeks to remedy Defendants' failure to inform the People of exposure to LEAD, a known carcinogen. Defendants continue to expose consumers to LEAD by

manufacturing, and/or importing, and/or selling and/or distributing food products including, but not limited to, "Vermicelli Asian Style Sweet Potato Starch Noodle"("Source" or "Products")". Defendants therefore know and intend that customers will ingest products containing LEAD.

2. Under California's Safe Drinking Water and Toxic Enforcement Act of 1986, and California Health and Safety Code sections 25249.6 et. seq. ("Proposition 65"), "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual ....." (Health & Safety Code Section 25249.6).

3. 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 and/or reproductive toxicity as early as on or about February 27, 1987.

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

5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers in California before exposing them to LEAD in Products (Health & Safety Code Section 25249.7(a). Plaintiff also seeks civil penalties against

Defendants for their violations of Proposition 65 along with reasonable attorney's fees and legal costs (Health & Safety Code Section 25249.7(b)).

PARTIES

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

7. Defendant MK Trading Inc. or ("Defendant") is a business entity existing under the laws of the State of California and either manufacturers and/or imports, and/or sells and/or distributes Products in Los Angeles County and throughout the State of California, within the meaning of Health & Safety Code Section 25249.11. Defendant is also qualified to do business in California. Plaintiff is informed and believes and thereon alleges that Defendant has conducted business within California at all relevant times herein.

8. Defendant Zion Market, LLC or ("Defendant") is a business entity organized and existing under the laws of the State of California and either manufacturers and/or imports, and/or sells and/or distributes Products in Los Angeles County and throughout the State of California, within the meaning of Health & Safety Code Section 25249.11. Defendant is also qualified to do

business in California. Plaintiff is informed and believes and thereon alleges that Defendant has conducted business within California at all relevant times herein.

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

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

JURISDICTION AND VENUE

11. California Constitution Article V1, Section 10, grants

the Superior Court original jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code statutes upon which this action is based does not give jurisdiction to any other Court. As such, this Court has jurisdiction over this action.

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

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

CAUSES OF ACTION

FIRST CAUSE OF ACTION

Violation of Proposition 65 - Against All Defendants

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

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

16. More than sixty days prior to the filing of this lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice

Of Violation ("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.

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

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

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

20. The Products exposed individuals to LEAD through direct

ingestion. This exposure is a natural and foreseeable consequence of Defendants placing the Products into the stream of commerce. As such Defendants intend that consumers will ingest said Products, exposing them to LEAD .

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

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

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

PRAYER FOR RELIEF

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

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

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

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

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

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

Respectfully Submitted:

Dated: December 14, 2023

CLIFFWOOD LAW FIRM,

By: 
Elham Shabatian
Attorney for Plaintiff