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County of Los Angeles
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10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

11 **FOR THE COUNTY OF LOS ANGELES**

12 Clean Product Advocates LLC,) Case No. **26STCV02441**
13)
14) PLAINTIFF,) COMPLAINT FOR PENALTY AND
15) vs.) INJUNCTION
16)
17) Violation of Proposition 65,
18) Louisville Vegan Jerky Co LLC;) the Safe Drinking Water and
19) Lazy Acres Market Inc.;DOES 1 -) Toxic Enforcement Act of 1986
20) 100) (Health & Safety Code Sections
21)) 25249.5, et. seq.)
22) DEFENDANTS.)
23) ACTION IS AN UNLIMITED CIVIL
24) CASE (exceeds \$25,000.00)
25)
26)
27)
28)

1 INTRODUCTION

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, Smoky
10 Carolina BBQ (UPC 867905000074) ("Source" or "Product").
11 Defendants therefore know and intend that customers will ingest
12 products containing Lead under California's Safe Drinking Water
13 and Toxic Enforcement Act of 1986, and California Health and
14 Safety Code sections 25249.6 et. seq. ("Proposition 65") which
15 states that "[n]o person in the course of doing business shall
16 knowingly and intentionally expose any individual to a chemical
17 known to the state to cause cancer or reproductive toxicity
18 without first giving clear and reasonable warning to such
19 individual " (Health & Safety Code Section 25249.6).
20

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

25 3. Defendants have failed to sufficiently warn consumers and
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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 the Product 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 PARTIES

13
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 Louisville Vegan Jerky Co LLC ("Louisville"),
20 is a Business Entity, that either manufactures and/or imports,
21 and/or sells and/or distributes Products in Los Angeles County
22 and throughout the State of California, within the meaning of
23 Health & Safety Code Section 25249.11.

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

3
4 8. Defendants DOES 1 through 100, inclusive, are sued
5 herein under fictitious names. Their true names and capacities
6 are unknown to Plaintiff. When their true names and capacities
7 are ascertained, plaintiff will amend this complaint by
8 inserting their true names and capacities herein. Plaintiff is
9 informed and believes and thereon alleges, that each of the
10 fictitiously named defendants is responsible in some manner for
11 the occurrences alleged in this complaint and that Plaintiff's
12 damages as alleged in this complaint were proximately caused by
13 such defendants.
14

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

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

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

10
11 **FIRST CAUSE OF ACTION**

12 **(Violation of Proposition 65 - Against All Defendants)**

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

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

18 14. More than sixty days prior to the filing of this
19 lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice
20 Of Violation ("Notice") as required by and in compliance with
21 Proposition 65. Plaintiff also provided said Notice to the
22 various required public enforcement agencies along with a
23 a Certificate of Merit. The Notice alleged that Defendants
24 violated Proposition 65 by failing to sufficiently warn
25 consumers in California of the health hazards associated
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1 with exposure to Lead contained in the product, Smoky Carolina
2 BBQ (UPC 867905000074).

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 the above
8 described Product, containing Lead in violation of Health and
9 Safety Code Sections 25249.6 et. seq. Plaintiff is informed and
10 believes and thereon alleges that such violation has continued
11 after receipt of the Notice described above and such conduct
12 will continue to occur into the future.

14 17. In manufacturing, and/or importing, and/or selling
15 and/or distributing the above described Product, Defendants
16 failed to provide clear and reasonable warnings to consumers in
17 the State of California who may be exposed to Lead through
18 reasonably foreseeable use of the Product.

20 18. The Product described above exposed individuals to Lead
21 through direct ingestion of the Product described above in this
22 complaint. This exposure is a natural and foreseeable
23 consequence of Defendants placing the Product into the stream of
24 commerce. As such Defendants intend that consumers will ingest
25 said Product, exposing them to Lead.

27 19. Defendants knew or should have known that their

1 Product contained Lead and exposed individuals to Lead as
2 described above in this complaint. The Notice described above
3 informed Defendants of the presence of Lead in their product.
4 Likewise, media coverage concerning Lead related chemicals in
5 consumer products provided "Constructive Notice" to Defendants.
6 Defendants' actions, therefore, were deliberate and not
7 accidental.

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

14 21. Defendants are liable for a maximum civil penalty of
15 \$2,500.00 per day for each violation of Proposition 65 pursuant
16 to Health and Safety Code Section 252497(b). Injunctive relief
17 is also appropriate pursuant to Health and Safety Code Section
18 25249.7(a).

19 22. Defendants knew or should have known that their
20 Product contained Lead and exposed individuals to Lead as
21 described above in this complaint. Also, the Notice informed
22 Defendants of the presence of Lead in their product. Likewise,
23 media coverage concerning Lead and related chemicals in consumer
24 products provided "Constructive Notice" to Defendants.
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PRAYER FOR RELIEF

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2 Wherefore, Plaintiff prays for judgment against Defendants,
3 and each of them, as follows:

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

6 2. A preliminary and permanent injunction against
7 Defendants from manufacturing, and/or importing, and/or selling
8 and/or distributing Products in California without providing a
9 clear and reasonable warning as required by Proposition 65 and
10 related regulations;
11

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

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

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

15 Respectfully Submitted:

16 Dated: January 23, 2026

CLIFFWOOD LAW FIRM,

17
18 By: Elham Shabatian

19 Elham Shabatian
20 Attorney for Plaintiff
21 Clean Product Advocates LLC