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

Attorneys for Plaintiff,  
BERJ PARSEGHIAN

**SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
**COUNTY OF LOS ANGELES**

BERJ PARSEGHIAN, in the public interest,  
Plaintiff,

Civil Action No.: **24STCV10143**

v.

**COMPLAINT FOR INJUNCTIVE RELIEF AND  
CIVIL PENALTIES**

SeaSnax, Inc.; Nature's Natural Health Food  
Market & Cafe, Inc.; and DOES 1 through 100,  
inclusive,

[Cal. Health and Safety Code Sec. 25249.6, *et seq.*]

Defendants.

**KJT** LAWGROUP LLP  
Jivalagian | Thomassian

1 Berj Parseghian, in the public interest, based on information and belief and investigation of  
2 counsel, except for information based on knowledge, hereby makes the following allegations.  
3

4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendants' continuing failure to adequately warn  
6 individuals in California that they are being exposed to inorganic arsenic, a chemical known to the  
7 State of California to cause cancer and other reproductive harm. Such exposures have occurred, and  
8 continue to occur, through the manufacture, distribution, sale and consumption of Defendants'  
9 SeaSnax – Organic Roasted Seaweed Wrapz – Extra Virgin Olive Oil and Sea Salt; UPC #: 7 28028  
10 01220 0 (the "Product"). The Product is available to consumers in California through a multitude of  
11 retail channels including, without limitation (a) third-party traditional brick-and-mortar retail  
12 locations; (b) via the internet through Defendants' website; and (c) via the internet through third-  
13 party retail websites. Consumers are exposed to inorganic arsenic when they consume the Product.  
14

15 2. Under California's Proposition 65, Health and Safety Code § 25249.5, et seq., it is  
16 unlawful for businesses to knowingly and intentionally expose individuals in California to chemicals  
17 known to the State to cause cancer, birth defects or other reproductive harm without providing clear  
18 and reasonable warnings to individuals prior to their exposure. Defendants introduce a product  
19 contaminated with significant quantities of inorganic arsenic into the California marketplace,  
20 exposing consumers of the Product to inorganic arsenic.

21 3. Despite the fact that the Defendants expose consumers to inorganic arsenic,  
22 Defendants provide no warning, or inadequate warnings about the reproductive hazards associated  
23 with inorganic arsenic exposure. Defendants' conduct thus violates the warning provision of  
24 Proposition 65, Health & Safety Code § 25249.6.

25 **PARTIES**

26 4. Plaintiff brings this enforcement action in the public interest pursuant to Health &  
27 Safety Code § 25249.7(d).  
28

1           5. Defendant SEASNAX, INC. ("SEASNAX") is a person in the course of doing  
2 business within the meaning of Health & Safety Code § 25249.11 SEASNAX manufactures,  
3 distributes and/or sells the Product for sale and use in California.

4           6. Defendant NATURE'S NATURAL HEALTH FOOD MARKET & CAFE INC.  
5 ("NATURE'S NATURAL") is a person in the course of doing business within the meaning of  
6 Health & Safety Code § 25249.11. NATURE'S NATURAL manufactures, distributes and/or sells  
7 the Product for sale and use in California.

8           7. The true names of DOES 1 through 100 are unknown to Plaintiff at this time. When  
9 their identities are ascertained, the Complaint shall be amended to reflect their true names.

10  
11   **JURISDICTION AND VENUE**

12           8. The Court has jurisdiction over this action pursuant to Health & Safety Code §  
13 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to  
14 California Constitution Article VI, Section 10, because this case is a cause not given by statute to  
15 other trial courts.

16           9. This Court has jurisdiction over Defendants as business entities that do sufficient  
17 business, have sufficient minimum contacts in California or otherwise intentionally avails itself of the  
18 California market through the sale, marketing or use of the Product in California and/or by having  
19 such other contacts with California so as to render the exercise of jurisdiction over them by the  
20 California courts consistent with traditional notions of fair play and substantial justice.

21           10. Venue is proper in Los Angeles County Superior Court because one or more of the  
22 violations arise in the County of Los Angeles.

23  
24   **BACKGROUND FACTS**

25           11. The People of the State of California have declared by initiative under Proposition  
26 65 their right "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or  
27 other reproductive harm." Proposition 65 § 1(b).  
28

1           12. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed  
2 by the State of California as known to cause cancer, birth defects or other reproductive harm above  
3 certain levels without a “clear and reasonable warning” unless the business responsible for the  
4 exposure can prove that it fits within a statutory exemption. Health & Safety Code § 25249.6 states  
5 in pertinent part:

6           No person in the course of doing business shall knowingly and intentionally expose any  
7 individual to a chemical known to the state to cause cancer or reproductive toxicity without  
8 first giving clear and reasonable warning to such individual...

9           13. The State of California has officially listed inorganic arsenic as a chemical known to  
10 cause cancer and reproductive harm.

11           14. The level of exposure to a chemical causing reproductive toxicity under Proposition  
12 65 is determined by multiplying the level in question times the reasonably anticipated rate of  
13 exposure for an individual to a given medium. 27 C.C.R. § 25821(b). for exposures to consumer  
14 products, the level of exposure is calculated using the reasonably anticipated rate of intake or  
15 exposure for average users of the consumer product. 27 C.C.R. § 25821(C)(2).

16           15. Defendants' Product contains sufficient quantities of inorganic arsenic such that  
17 consumers, including pregnant women, who consume the Product are exposed to inorganic  
18 arsenic. The primary route of exposure for the violations is direct ingestion when consumers orally  
19 ingest the Product. These exposures occur in homes, workplaces and everywhere in California  
20 where the Product is consumed.

21           16. During the relevant one-year period herein, no clear and reasonable warning was  
22 provided with the Product regarding the reproductive hazards of inorganic arsenic.

23           17. Any person acting in the public interest has standing to enforce violations of  
24 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid  
25 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action  
26 within such time. Health & Safety Code § 25249.7(d).

27           18. More than sixty days prior to naming each Defendant in this lawsuit, Plaintiff  
28 provided a 60-Day “Notice of Violation of Proposition 65” to the California Attorney General, the

1 District Attorneys of every county in California, the City Attorneys of every California city with a  
 2 population greater than 750,000 and to the named Defendants. In compliance with Health & Safety  
 3 Code § 25249.7(d) and 27 C.C.R. § 25903(b), each Notice included the following information: (1)  
 4 the name and address of each violator; (2) the statute violated; (3) the time period during which  
 5 violations occurred; (4) specific descriptions of the violations, including (a) the routes of exposure  
 6 to inorganic arsenic from the Product, and (b) the specific type of Product sold and used in  
 7 violation of Proposition 65; and (5) the name of the specific Proposition 65-listed chemical that is  
 8 the subject of the violations described in each Notice.

9 19. Plaintiff also sent a Certificate of Merit for each Notice to the California Attorney  
 10 General, the District Attorneys of every county in California, the City Attorneys of every California  
 11 city with a population greater than 750,000 and to the named Defendants. The Notice of Violation  
 12 of Proposition 65 was filed on or about April 25, 2023. In compliance with Health & Safety Code §  
 13 25249.7(d) and 11 C.C.R. § 3101, each Certificate certified that Plaintiff's counsel: (1) has  
 14 consulted with one or more persons with relevant and appropriate experience or expertise who  
 15 reviewed facts, studies or other data regarding the exposures to inorganic arsenic alleged in each  
 16 Notice; and (2) based on the information obtained through such consultations, believes that there is  
 17 a reasonable and meritorious case for a citizen enforcement action based on the facts alleged in  
 18 each Notice. In compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3102, each  
 19 Certificate served on the Attorney General included factual information-provided on a confidential  
 20 basis-sufficient to establish the basis for the Certificate, including the identity of the person(s)  
 21 consulted by the Plaintiff's counsel and the facts, studies or other data reviewed by such persons.

22 20. None of the public prosecutors with the authority to prosecute violations of  
 23 Proposition 65 has commenced and/or is diligently prosecuting a cause of action against  
 24 Defendants under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in each of  
 25 Plaintiff's Notices.

26 21. Defendants both know and intend that individuals will consume the Product, thus  
 27 exposing them to inorganic arsenic.  
 28

1           22. Under Proposition 65, an exposure is “knowing” where the party responsible for  
2 such exposure has:

3  
4           Knowledge of the fact that a[n]...exposure to a chemical listed pursuant to [Health & Safety  
5 Code § 25249.8(a)] is occurring. No knowledge that the... exposure is unlawful is required.  
6 27 C.C.R.§ 25102(n). This knowledge may be either actual or constructive. *See, e.g.,* Final  
7 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division  
8 2, § 12201).

9           23. Defendants have been informed of the inorganic arsenic in their Products by the 60-  
10 Day Notice of Violation and accompanying Certificate of Merit served on them.

11           24. Defendants also have constructive knowledge that the Products contain inorganic  
12 arsenic due to the widespread media coverage concerning the problem of inorganic arsenic in  
13 consumer products.

14           25. As entities that manufacture, import, distribute and/or sell the Product for use in the  
15 California marketplace, Defendants know or should know that the Product contains inorganic  
16 arsenic and that individuals who consume the Product will be exposed to inorganic arsenic. The  
17 inorganic arsenic exposures to consumers who consume the Product are a natural and foreseeable  
18 consequence of Defendant’s placing the Product into the stream of commerce.

19           26. Nevertheless, Defendants continue to expose consumers to inorganic arsenic without  
20 prior clear and reasonable warnings regarding the reproductive hazards of inorganic arsenic.

21           27. Plaintiff has engaged in good-faith efforts to resolve the claims alleged herein prior to  
22 filing this Complaint.

23           28. Any person “violating or threatening to violate” Proposition 65 may be enjoined in  
24 any court of competent jurisdiction. Health & Safety Code § 25249.7. “Threaten to violate” is  
25 defined to mean “to create a condition in which there is a substantial probability that a violation will  
26 occur.” Health & Safety Code § 25249.11(e). Proposition 65 provides for civil penalties not to  
27 exceed \$2,500 per day for each violation of Proposition 65.  
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1  
2 **CAUSE OF ACTION**

(Violations of the Health & Safety Code 25249.6)

3 29. Plaintiff realleges and incorporates by reference as if specifically set forth herein  
4 Paragraphs 1 through 27, inclusive.

5 30. By placing the Product into the stream of commerce, each Defendant is a person in  
6 the course of doing business within the meaning of Health & Safety Code § 25249.11.

7 31. Inorganic arsenic is a chemical listed by the State of California as known to cause  
8 cancer and other reproductive harm.

9 32. Defendants know that average use of the Product will expose users of the Product to  
10 inorganic arsenic. Defendants intend that the Product be used in a manner that results in exposures  
11 to inorganic arsenic from the Products.

12 33. Defendants have failed, and continue to fail, to provide clear and reasonable  
13 warnings regarding the reproductive toxicity of inorganic arsenic to users of the Products.

14 34. By committing the acts alleged above, Defendants have at all times relevant to this  
15 Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to inorganic  
16 arsenic without first giving clear and reasonable warnings to such individuals regarding the  
17 reproductive toxicity of inorganic arsenic.

18  
19 **PRAYER FOR RELIEF**

20 Wherefore, Plaintiff prays for judgment against Defendants as follows:

21 1. That the Court, pursuant to Health & Safety Code § 25249.7(b), assess civil penalties  
22 against the Defendants in the amount of \$2,500 per day for each violation of Proposition 65;

23 2. That the Court, pursuant to Health & Safety Code § 25249.7(a), preliminarily and  
24 permanently enjoin Defendants from offering the Product for sale in California without either  
25 reformulating the Products such that no Proposition 65 warnings are required or providing prior  
26 clear and reasonable warnings, as Plaintiff shall specify in further application to the Court;

27 3. That the Court, pursuant to Health & Safety Code § 25249.7(a), order Defendants to  
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take action to stop ongoing unwarranted exposures to inorganic arsenic resulting from use of Product sold, as Plaintiff shall specify in further application to the Court;

4. That the Court, pursuant to Code of Civil Procedure § 1021.5 or any other applicable theory or doctrine, grant Plaintiff her reasonable attorneys' fees and costs of suit; and

5. That the Court grant such other and further relief as may be just and proper.

Dated: April 22, 2024

KJT LAW GROUP, LLP

By: \_\_\_\_\_

Tro Krikorian, Esq.  
Attorneys for Plaintiff  
BERJ PARSEGHIAN