

# SUMMONS (CITACION JUDICIAL)

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

FILED

Superior Court of California  
County of Los Angeles

11/07/2023

David W. Slayton, Executive Officer / Clerk of Court

By: J. Gonzalez Deputy

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

OCM Globe, Inc.; Calco Farm, Inc.; DOES 1 Through 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](http://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](http://www.lawhelpcalifornia.org)), the California Courts Online Self-Help Center ([www.courtinfo.ca.gov/selfhelp](http://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](http://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](http://www.lawhelpcalifornia.org)), en el Centro de Ayuda de las Cortes de California, ([www.sucorte.ca.gov](http://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): ~~Pomona Courthouse South~~

~~400 Civic Center Plaza, Pomona, Ca. 91766~~

West Covina Courthouse  
1427 West Covina Parkway  
West Covina, CA 91790

CASE NUMBER:  
(Número del Caso):

23PSCVD3457

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

DATE:  
(Fecha) 11/07/2023

Clerk, by J. Gonzalez Deputy  
(Secretario) (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)).

[SEAL]



**NOTICE TO THE PERSON SERVED:** You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- 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):
- by personal delivery on (date):

Electronically Received 11/07/2023 10:39 AM

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

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. 23PSCV03457  
13 California Limited Liability )  
14 Company, ) COMPLAINT FOR PENALTY AND  
15 ) INJUNCTION  
16 )  
17 ) PLAINTIFF, )  
18 )  
19 ) vs. ) Violation of Proposition 65,  
20 ) the Safe Drinking Water and  
21 ) Toxic Enforcement Act of 1986  
22 ) (Health & Safety Code Sections  
23 ) 25249.5, et. seq.)  
24 )  
25 ) OCM Globe, Inc.; Calco Farm, ) ACTION IS AN UNLIMITED CIVIL  
26 ) Inc.; DOES 1 Through 100, ) CASE (exceeds \$25,000.00)  
27 )  
28 ) DEFENDANTS. )  
 )  
 )  
 )  
 )

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,  
10 "Korean Style Vermicelli" (UPC 854316006269), "Sweet Potato  
11 Starch Noodles" (UPC 141816200021), "Artificial Hot & Sour Pork  
12 Flavor Soup (UPC 6921555541524), Chinese Gourmet Hot & Sour Pork  
13 Bone" (UPC 692155555279) (hereinafter "Sources or "Products").  
14 Defendants therefore know and intend that customers will ingest  
15 products containing LEAD under California's Safe Drinking Water  
16 and Toxic Enforcement Act of 1986, and California Health and  
17 Safety Code sections 25249.6 et. seq. ("Proposition 65") which  
18 states that "[n]o person in the course of doing business shall  
19 knowingly and intentionally expose any individual to a chemical  
20 known to the state to cause cancer or reproductive toxicity  
21 without first giving clear and reasonable warning to such  
22 individual ..... ." (Health & Safety Code Section 25249.6).  
23

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

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

9 4. Plaintiff seeks injunctive relief compelling Defendants  
10 to sufficiently warn consumers in California before exposing  
11 them to LEAD in Products (Health & Safety Code Section  
12 25249.7(a)). Plaintiff also seeks civil penalties against  
13 Defendants for their violations of Proposition 65 along with  
14 reasonable attorney's fees and legal costs (Health & Safety Code  
15 Section 25249.7(b)).  
16

17 **PARTIES**

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

23 6. Defendant OCM Globe, Inc. ("OCM") is a California,  
24 corporation that either manufactures and/or imports, and/or  
25 sells and/or distributes Products in Los Angeles County and  
26

1 throughout the State of California, within the meaning of Health  
2 & Safety Code Section 25249.11.

3 7. Defendant Calco Farm, Inc. ("CFI") is a business entity,  
4 that either manufactures and/or imports, and/or sells and/or  
5 distributes Products in Los Angeles County and throughout the  
6 State of California, within the meaning of Health & Safety Code  
7 Section 25249.11.

8  
9 8. 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 9. Plaintiff is informed and believes and thereon  
21 alleges, that at all times alleged in this complaint, each  
22 defendant was the agent, alter ego, servant, joint venturer,  
23 joint employer and/or employee, of each of the remaining  
24 defendants, and in doing the things hereinafter alleged, was  
25 acting within the course and scope of said relationships and  
26

1 with the permission and consent of all other co-defendants. All  
2 conduct was also ratified by Defendants and each of them.

3 **JURISDICTION AND VENUE**

4 10. 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 11. 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 12. 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 **FIRST CAUSE OF ACTION**

23 **(Violation of Proposition 65 - Against all Defendants**

24  
25 13. Plaintiff incorporates by reference herein, each and  
26 every allegation set forth above in this complaint.  
27

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

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

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

16 17. At all times relevant herein, Defendants manufactured  
17 and/or imported and/or sold and/or distributed the Products  
18 described in paragraph one of this complaint, containing  
19 LEAD in violation of Health and Safety Code Sections 25249.6 et.  
20 seq. Plaintiff is informed and believes and thereon alleges that  
21 such violations have continued after receipt of the Notices  
22 described above and such conduct will continue to occur into the  
23 future.  
24

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

5 19. The Products exposed individuals to LEAD through  
6 direct ingestion of the products described in paragraph 1 of  
7 this complaint. This exposure is a natural and foreseeable  
8 consequence of Defendants placing the Products into the stream  
9 of commerce. As such Defendants intend that consumers will  
10 ingest said Products, exposing them to LEAD.

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

19 21. 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.



1 22. Defendants are liable for a maximum civil penalty of  
2 \$2,500.00 per day for each violation of Proposition 65 pursuant  
3 to Health and Safety Code Section 252497(b). Injunctive relief  
4 is also appropriate pursuant to Health and Safety Code Section  
5 25249.7(a).

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

15 **PRAYER FOR RELIEF**

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

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

21 2. A preliminary and permanent injunction against Defendants  
22 from manufacturing, and/or importing, and/or selling and/or  
23 distributing Products in California without providing a clear  
24 and reasonable warning as required by Proposition 65 and related  
25 regulations;  
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- 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: November 7, 2023

CLIFFWOOD LAW FIRM,

By: *Elham Shabatian*  
Elham Shabatian  
Attorney for Plaintiff  
Clean Product Advocates LLC