1 2 3 4 5 6	ENTORNO LAW, LLP Noam Glick (SBN 251582) Craig M. Nicholas (SBN 178444) Jake W. Schulte (SBN 293777) Janani Natarajan (SBN 346770) 225 Broadway, Suite 1900 San Diego, California 92101 Tel: (619) 629-0527 Email: noam@entornolaw.com	ELECTRONICALLY FILED Superior Court of California, County of Alameda 10/30/2023 at 05:05:25 PM By: Miagros Cortez, Deputy Clerk	
7 8	Email: craig@entornolaw.com Email: jake@entornolaw.com Email: janani@entornolaw.com		
9	Attorneys for Plaintiff Environmental Health Advocates, Inc.		
10	SUPERIOR COURT OF THE STATE OF CALIFORNIA		
11	IN AND FOR THE COUNTY OF ALAMEDA		
12	ENVIRONMENTAL HEALTH ADVOCATES, INC.,	Case No.: 230V049264	
13 14	Plaintiff,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF (Health & Safety Code § 25249.6 et seq.)	
15	v. IYA FOODS LLC, a Illinois limited liability		
16	company; AMAZON.COM, INC., a Delaware corporation; and DOES 1 through 100, inclusive,		
17 18	Defendants.		
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I.
INTRODUCTION

This Complaint is a representative action brought by Environmental Health Advocates,
 Inc. ("Plaintiff") 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 expose consumers to lead by manufacturing, importing, selling, and/or distributing cassava
 flour including, but not limited to, Iya Foods All-Natural Cassava Flour ("Products"). Defendants know
 and intend that customers will ingest Products containing lead.

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

3. California identified and listed lead as a chemical known to cause cancer as early as
October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February
27, 1987.

4. Defendants 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. This is a violation of Proposition 65.

Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
 in California before exposing them to lead in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney's fees
 and costs. (Health & Safety Code, § 25249.7(b).)

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II. PARTIES

6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. ("Plaintiff") is a
corporation 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 and Safety Code, section 25249.7.

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7. Defendant Iya Foods LLC ("Iya") is a limited liability company organized and existing
 under the laws of Illinois. Iya is registered to do business in California, and does business in the County
 of Alameda, within the meaning of Health and Safety Code, section 25249.11. Iya manufactures,
 imports, sells, or distributes the Products in California and Alameda County.

8. Defendant Amazon.com, Inc. ("Amazon") is a corporation organized and existing under
the laws of Delaware. Amazon is registered to do business in California, and does business in the County
of Alameda, within the meaning of Health and Safety Code, section 25249.11. Amazon manufactures,
imports, sells, or distributes the Products in California and Alameda County.

9 9. Plaintiff does not know the true names and/or capacities, whether individual, partners, 10 or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues 11 said Defendants under fictitious names. Plaintiff will seek leave to amend this Complaint when the true 12 names and capacities of these Defendants have been ascertained. Plaintiff is informed and believes and 13 thereon alleges that these Defendants are responsible in whole or in part for the remedies and penalties 14 sought herein.

15 10. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,
ioint employers, or employees for each other. Defendants acted with the consent of the other CoDefendants and acted within the course, purpose, and scope of their agency, service, or employment.
All conduct was ratified by Defendants, and each of them.

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III. VENUE AND JURISDICTION

21 11. California Constitution Article VI, Section 10 grants the Superior Court original
22 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code
23 statute upon which this action is based does not give jurisdiction to any other court. As such, this Court
24 has jurisdiction.

25 12. Venue is proper in Alameda County Superior Court pursuant to Code of Civil
26 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this
27 County. Defendants conducted and continue to conduct business in this County as it relates to Products.
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1 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
 be consistent with traditional notions of fair play and substantial justice.

IV. CAUSES OF ACTION

FIRST CAUSE OF ACTION (Violation of Proposition 65 – Against all Defendants)

14. Plaintiff incorporates by reference each and every allegation contained above.

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

16. Defendants manufactured, imported, sold, and/or distributed Products containing lead in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the future.

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

18. Products expose individuals to lead through direct ingestion. This exposure is a natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As such, Defendants intend that consumers will ingest Products, exposing them to lead.

19. Defendants knew or should have known that the Products contained lead and exposed individuals to lead in the ways provided above. The Notice informed Defendants of the presence of lead in the Products. Likewise, media coverage concerning lead and related chemicals in consumer products provided constructive notice to Defendants.

20. Defendants' actions in this regard were deliberate and not accidental.

21. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff provided the Notice to the various required public enforcement agencies along with a certificate of merit.

1	The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in			
2	California of the health hazards associated with exposures to lead contained in the Products.			
3	22. The appropriate public enforcement agencies provided with the Notice failed to			
4	commence and diligently prosecute a cause of action against Defendants.			
5	23. Ir	23. Individuals exposed to lead contained in Products through direct ingestion resulting		
6	from reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm.			
7	There is no other plain, speedy, or adequate remedy at law.			
8	24. Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation			
9	of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also			
10	appropriate pursuant to Health and Safety Code, section 25249.7(a).			
11	PRAYER FOR RELIEF			
12	Wherefore, Plaintiff prays for judgment against Defendants as follows:			
13	1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that			
14	damages total a minimum of \$1,000,000;			
15	2. A preliminary and permanent injunction against Defendants from manufacturing,			
16	importing, selling, and/or distributing Products in California without providing a clear and reasonable			
17	warning as required by Proposition 65 and related Regulations;			
18	3. R	easonable attorney's fees and cost	ts of suit; and	
19	4. Such other and further relief as may be just and proper.			
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21	Respectfully submitted:			
22	Dated: October 3	30, 2023	ENTORNO LAW, LLP	
23			Noam Slick	
24		By:	Noam Glick	
25			Craig M. Nicholas Jake W. Schulte	
26			Janani Natarajan	
27			Attorneys for Plaintiff	
28			Environmental Health Advocates, Inc.	
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