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

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES

10 APS&EE, LLC, a limited liability company, )  
11 Plaintiff, )  
12 v. )  
13 JMLE, LLC, a limited liability company, )  
14 ROSS STORES, INC., a corporation, and )  
15 DOES 1 through 100, inclusive, )  
16 Defendants. )  
17 )

CASE NO. 24STCV00027  
**PLAINTIFF'S COMPLAINT FOR  
CIVIL PENALTIES AND INJUNCTIVE  
RELIEF**

(Health & Safety Code § 25249.6 et seq.)

Judge:  
Dept.:  
Compl. Filed:

Unlimited Jurisdiction

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**INTRODUCTION**

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2           1.       This Complaint is brought by Plaintiff, APS&EE, LLC (“Plaintiff”) in the public  
3 interest of the citizens of the State of California, a representative action to enforce the People’s  
4 right to be informed of the presence of Perfluorooctanoic Acid (“PFOA”), a chemical known to  
5 the State of California to cause cancer and birth defects or other reproductive harm, in the  
6 “PerfectCuisine” brand of nonstick fry pans, including but not limited to 7.75” (20cm) fry pan,  
7 400254216842, sold by Defendants.

8           2.       The purpose of this Complaint is to remedy Defendants’ continuing failure to  
9 warn California residents about the risk of exposure to PFOA in the fry pans manufactured,  
10 distributed, sold, and/or offered for sale to consumers in California.

11           3.       Defendants have and continue to manufacture, distribute, sell, and/or offer to sell  
12 the “PerfectCuisine” brand of nonstick fry pans, including but not limited to 7.75” (20cm) fry  
13 pan, 400254216842. The products described in this paragraph shall hereinafter be referred to as  
14 the “Products”.

15           4.       Children and adults are exposed to PFOA when they use, touch, mouth, purchase,  
16 handle, play with, repair, maintain, clean, cook with, and/or eat from the Products.

17           5.       Hazardous levels of PFOA are found in the accessible surface areas of the  
18 Products manufactured, distributed, sold, and/or offered for sale by Defendants to consumers in  
19 California.

20           6.       California Health and Safety Code section 25249.6 et seq. (“Proposition 65”)  
21 provides in pertinent part: “[n]o person in the course of doing business shall knowingly and  
22 intentionally expose any individual to a chemical known to the state to cause cancer or  
23 reproductive toxicity without first giving clear and reasonable warning to such individual...”

24           7.       Studies repeatedly conclude that exposure to PFOA is hazardous to the health of  
25 children and adults. On November 10, 2017, the State of California officially listed PFOA as  
26 known to cause reproductive toxicity. PFOA is specifically identified as a developmental  
27 toxicant, meaning it can cause harm to the developing fetus. 27 Cal. Code Regs. (“C.C.R.”)  
28 §27001(c). On February 25, 2022, the State of California also listed PFOA as a chemical known

1 to cause cancer.

2 8. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell  
3 the Products without the required warnings. Defendants' conduct violates the warning  
4 requirements of Proposition 65.

5 **PARTIES**

6 9. Plaintiff is an organization based in California acting in the public interest.  
7 Plaintiff brings this action in the public interest pursuant to California Health and Safety Code  
8 section 25249.7(d).

9 10. Defendant, JMLE, LLC is a person in the course of doing business within the  
10 meaning of California Health and Safety Code section 25249.11. JMLE, LLC manufactures,  
11 distributes, and/or sells the Products for sale and use in California.

12 11. Defendant, ROSS STORES, INC. is a person in the course of doing business  
13 within the meaning of California Health and Safety Code section 25249.11. ROSS STORES,  
14 INC. manufactures, distributes, and/or sells the Products for sale and use in California.

15 12. DOES 1 through 100 are each a person in the course of doing business within the  
16 meaning of California Health and Safety Code section 25249.11. DOES 1 through 100  
17 manufacture, distribute, and/or sell the Products for sale and use in California. The true names of  
18 DOES 1 through 100 are unknown to Plaintiff at this time. When their identities are discovered,  
19 Plaintiff's Complaint shall be amended to reflect their true names.

20 13. The defendants identified in paragraphs 10-12 shall collectively be referred to  
21 herein as "Defendants".

22 **JURISDICTION AND VENUE**

23 14. This Court has jurisdiction over this action pursuant to California Health and  
24 Safety Code section 25249.7, which allows enforcement in any court of competent jurisdiction,  
25 and pursuant to California Constitution Article VI, Section 10, because this lawsuit is based on a  
26 cause not given by statute to other trial courts. Moreover, this action belongs in unlimited  
27 jurisdiction since the amount in controversy exceeds \$35,000 and Plaintiff seeks permanent  
28 injunctive relief.



1 provides that it is a fluoropolymer-based industrial coating similar to Teflon. Defendants, who  
2 are in the business of marketing consumer goods such as cookware, also should have known or  
3 have constructive knowledge that the Products contain PFOA from widespread media coverage  
4 and/or other channels of information concerning the presence of PFOA in similar products.

5 23. PFOA is a chemical listed by the State of California as known to cause cancer and  
6 birth defects or other reproductive harm.

7 24. Defendants' Products contain sufficient quantities of PFOA such that consumers,  
8 including children, who use, touch, mouth, purchase, handle, play with, repair, maintain, clean,  
9 cook with, and/or eat from the Products are exposed to unsafe levels of PFOA. PFOA is present  
10 in the Products in such a way as to expose individuals to PFOA, as exposure is defined by 27  
11 CCR section 25600.1(e): "...that results from a person's acquisition, purchase, storage,  
12 consumption, or any reasonably foreseeable use..." Direct and indirect exposure occurs through  
13 inhalation, ingestion and/or dermal contact during the reasonably foreseeable use of the Products.  
14 For example, cooking with the Products will result in PFOA release into the food, and consumers  
15 will subsequently ingest PFOA in that food.

16 25. Defendants knew or should have known that the reasonably foreseeable use of the  
17 Products exposes individuals to PFOA through inhalation, ingestion and/or dermal contact.

18 26. Defendants failed to provide a "clear and reasonable warning" to individuals in  
19 the State of California who were or could become exposed to PFOA during the reasonably  
20 foreseeable use of the Products.

21 27. By committing the acts alleged in this Complaint, Defendants have violated  
22 California Health & Safety Code section 25249.6 et seq. by knowingly and intentionally  
23 exposing individuals to PFOA without first giving clear and reasonable warnings to such  
24 individuals regarding the toxicity of PFOA.

25 28. As a result of Defendants' wrongful conduct, individuals in the State of California  
26 have been exposed to PFOA through the inhalation, ingestion and/or dermal contact during the  
27 reasonably foreseeable use of the Products without a "clear and reasonable warning", and have  
28 suffered and continue to suffer harm, each and every day since at least October 19, 2022.

1 **PRAYER FOR RELIEF**

2 **WHEREFORE**, Plaintiff prays for judgment against Defendants as follows:

3 1. That the Court, pursuant to California Health & Safety Code section 25249.7(b),  
4 assess civil penalties against Defendants in the amount of \$2,500 per day for each violation  
5 alleged herein;


6 2. That the Court, pursuant to California Health & Safety Code section 25249.7(a),  
7 preliminarily and permanently enjoin Defendants from manufacturing, distributing, or offering  
8 the Products for sale in California without providing “clear and reasonable warnings” as defined  
9 by 27 CCR section 25601;

10 3. That the Court, pursuant to California Health & Safety Code section 25249.7(a),  
11 order Defendants to take action to stop ongoing unwarned exposures to PFOA resulting from use  
12 of Products sold by Defendants;

13 4. That the Court, pursuant to California Code of Civil Procedure section 1021.5, or  
14 any other applicable theory, grant Plaintiff’s reasonable attorneys’ fees and costs of suit; and  
15 Such other and further relief as may be just and proper.

16  
17 Dated: January 2, 2024

LAW OFFICES OF LUCAS T. NOVAK

18  
19 By:   
20 LUCAS T. NOVAK  
21 Attorney for Plaintiff, APS&EE, LLC  
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