

**SUMMONS  
(CITACION JUDICIAL)**

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

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

Osso Good Life, LLC.; Lazy Acres Natural Market; DOES 1 - 100

Electronically FILED by  
Superior Court of California,  
County of Los Angeles  
12/14/2023 4:17 PM  
David W. Slayton,  
Executive Officer/Clerk of Court,  
By Y. Ayala, Deputy Clerk

**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): Los Angeles County Superior Court  
111 North Hill Street, Los Angeles, California 90012

CASE NUMBER:  
(Número del Caso):

23STCV30547

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):  
Elham Shabatian SBN 221953, Cliffwood Law Firm; 12100 Wilshire Blvd., Suite 800, Los Angeles, Ca. 90025; (310) 200-3227

DATE: 12/14/2023 Clerk, by David W. Slayton, Executive Officer/Clerk of Court, Deputy (Secretario) Y Ayala (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)).



**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):

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

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12/14/2023 4:17 PM  
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Executive Officer/Clerk of Court,  
By Y. Ayala, Deputy Clerk

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 **23STCV30547**

13 Clean Product Advocates LLC, a )  
14 California Limited Liability ) COMPLAINT FOR PENALTY AND  
15 Company, ) INJUNCTION  
16 )  
17 PLAINTIFF, ) Violation of Proposition 65,  
18 ) the Safe Drinking Water and  
19 vs. ) Toxic Enforcement Act of 1986  
20 ) (Health & Safety Code Sections  
21 Osso Good Life, LLC; Lazy ) 25249.5, et. seq.)  
22 Acres Natural Market; DOES 1 - )  
23 100 ) ACTION IS AN UNLIMITED CIVIL  
24 ) CASE (exceeds \$25,000.00)  
25 )  
26 DEFENDANTS. )  
27 )  
28 )

**INTRODUCTION**

1. This Complaint is a representative action brought by Clean Product Advocates, LLC ("Plaintiff" or "CPA") 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 Cadmium, a known carcinogen. Defendants continue to expose consumers to Cadmium by

1 manufacturing, and/or importing, and/or selling and/or  
2 distributing food products including, but not limited to, Bone  
3 Broth Based Sippable Soup("Source" or "Products)"). Defendants  
4 therefore know and intend that customers will ingest products  
5 containing Cadmium.

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

14         3. California has identified and listed Cadmium as a  
15 chemical known to cause cancer as early as on or about October  
16 1, 1992, and as a chemical known to cause developmental and/or  
17 reproductive toxicity as early as on or about February 27, 1987.

18         4. Defendants have failed to sufficiently warn consumers and  
19 individuals in California about potential exposure to Cadmium  
20 in connection with Defendants' manufacture, import, sale, or  
21 distribution of Products in violation of Proposition 65.

22         5. Plaintiff seeks injunctive relief compelling Defendants  
23 to sufficiently warn consumers in California before exposing  
24 them to Cadmium in Products (Health & Safety Code Section  
25 25249.7(a)). Plaintiff also seeks civil penalties against  
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1 Defendants for their violations of Proposition 65 along with  
2 reasonable attorney's fees and legal costs (Health & Safety Code  
3 Section 25249.7(b)).

4 **PARTIES**

5 6. Plaintiff CPA is a LLC operating in the State of California  
6 dedicated to protecting the health of California citizens  
7 through the elimination or reduction of toxic exposure from  
8 consumer products. It brings this action in the public interest  
9 pursuant to Health & Safety Code Section 25249.7.

10 7. Defendant Osso Good Life, LLC or ("Defendant") is a business  
11 entity existing under the laws of the State of California and  
12 either manufacturers and/or imports, and/or sells and/or  
13 distributes Products in Los Angeles County and throughout the  
14 State of California, within the meaning of Health & Safety Code  
15 Section 25249.11. Defendant is also qualified to do business in  
16 California. Plaintiff is informed and believes and thereon  
17 alleges that Defendant has conducted business within California  
18 at all relevant times herein.

19 20 8. Defendant Lazy Acres Natural Market or ("Defendant") is a  
21 business entity organized and existing under the laws of the  
22 State of California and either manufacturers and/or imports,  
23 and/or sells and/or distributes Products in Los Angeles County  
24 and throughout the State of California, within the meaning of  
25 Health & Safety Code Section 25249.11. Defendant is also  
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1 qualified to do business in California. Plaintiff is informed  
2 and believes and thereon alleges that Defendant has conducted  
3 business within California at all relevant times herein.

4 9. 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.

15 10. 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.

24 **JURISDICTION AND VENUE**

25 11. 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 12. 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 13. Defendants have sufficient minimum contacts in the  
11 State of California or otherwise purposefully avail themselves  
12 of the California market. Exercising jurisdiction over  
13 Defendants would therefore be consistent with traditional  
14 notions of fair play and substantial justice.

15 **CAUSES OF ACTION**

16 **FIRST CAUSE OF ACTION**

17 **Violation of Proposition 65 - Against All Defendants**

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

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

23 16. More than sixty days prior to the filing of this  
24 lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice  
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1 Of Violation ("Notice") as required by and in compliance with  
2 Proposition 65. Plaintiff provided said Notice to the various  
3 required public enforcement agencies along with a Certificate of  
4 Merit. The Notice alleged that Defendants violated Proposition  
5 65 by failing to sufficiently warn consumers in California of  
6 the health hazards associated with exposure to Cadmium contained  
7 in their Products.

8  
9 17. The appropriate public enforcement agencies provided  
10 with the Notice failed to commence and diligently prosecute a  
11 cause of action against Defendants.

12 18. At all times relevant herein, Defendants manufactured  
13 and/or imported and/or sold and/or distributed Products  
14 containing Cadmium in violation of Health and Safety Code  
15 Sections 25249.6 et. seq. Plaintiff is informed and believes and  
16 thereon alleges that such violations have continued after  
17 receipt of the Notice described above and such conduct will  
18 continue to occur into the future.

19  
20 19. In manufacturing, importing, selling and/or  
21 distributing Products, Defendants failed to provide a clear and  
22 reasonable warning to consumers in the State of California who  
23 may be exposed to Cadmium through reasonably foreseeable use  
24 of the Products.

25  
26 20. The Products exposed individuals to Cadmium through  
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1 Direct ingestion. This exposure is a natural and foreseeable  
2 consequence of Defendants placing the Products into the stream  
3 of commerce. As such Defendants intend that consumers will  
4 ingest said Products, exposing them to Cadmium.

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

14 22. Individuals exposed to Cadmium contained in  
15 Defendants' Products through direct ingestion resulting from  
16 reasonably foreseeable use of the Products have suffered and  
17 continue to suffer irreparable harm. There is no other plain,  
18 speedy or adequate remedy at law other than the relief requested  
19 in this complaint.

21 23. Defendants are liable for a maximum civil penalty of  
22 \$2,500.00 per day for each violation of Proposition 65 pursuant  
23 to Health and Safety Code Section 252497(b). Injunctive relief  
24 is also appropriate pursuant to Health and Safety Code Section  
25 25249.7(a).



PRAYER FOR RELIEF

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

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


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

- 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: December 14, 2023

CLIFFWOOD LAW FIRM,

By:   
Elham Shabatian  
Attorney for Plaintiff