<ul> <li>Superior Court of California, County of Alameda</li> <li>Noam Glick (SBN 251582) Craig M. Nicholas (SBN 178444) Jake W. Schulte (SBN 293777) Janani Natarajan (SBN 346770)</li> <li>225 Broadway, Suite 1900 San Diego, California 92101 Tet: (c19) 629-0527</li> <li>Email: noam@entornolaw.com</li> <li>Email: jake@entornolaw.com</li> <li>Environmental Health Advocates, Inc.</li> <li>Invc., Delaware corporation; and DOES 1</li> <li>Ihrough 100, inclusive,</li> <li>Defendants.</li> <li>Defendants.</li> <li>Jake Delaware corporation; and DOES 1</li> <li>Investi 1900, inclusive,</li> <li>Defendants.</li> <li>Jake Delaware corporation; and DOES 1</li> <li>Investi 1900, inclusive,</li> <li>Defendants.</li> <li>Jake Delaware corporation; and DOES 1</li> <li>Investi 1900, inclusive,</li> <li>Jake Delaware corporation; and DOES 1</li> <li>Investi 1900, inclusive,</li> <li>Investi 1900, inclusive,</li> <li>Investi 1900, inclusive,</li> <li>Investi 1900, inclusive,</li> <li>Investi 1900, inclusi</li></ul>			ELECTRONICALLY FILED	
1       ENTORNO LAW, LLP       County of Alameda         2       Noam Glick (SBN 251582)       Craig M. Nicholas (SBN 178444)       Jake W. Schulte (SBN 293777)         3       Jake W. Schulte (SBN 293777)       Jamin Matarajan (SBN 346770)       Deputy Clek         4       225 Broadway, Suite 1900       San Diego, California 92101       Tet: (619) 629-0527         6       Email: noam@entornolaw.com       Email: jake@entornolaw.com         7       Email: jake@entornolaw.com         8       Attorneys for Plaintiff         9       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.,         14       v.         15       KHAN E-COMMERCE LLC, a Wyoming Imitice liability company; AMAZON.COM, INC., a Delaware corporation; and DOES 1 through 100, inclusive,         16       Defendants.         19			Superior Court of California.	
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Janani Natarajan (SBN 346770)     Ueputy Uerk       225 Broadway, Suite 1900 San Diego, California 92101     Tel: (619) 629-0527       Email: noam@entornolaw.com     Email: raig@entornolaw.com       Email: iake@entornolaw.com     Email: iake@entornolaw.com       8     Attorneys for Plaintiff       9     Attorneys for Plaintiff       10     SUPERIOR COURT OF THE STATE OF CALIFORNIA       11     IN AND FOR THE COUNTY OF ALAMEDA       12     ENVIRONMENTAL HEALTH ADVOCATES, NC.,       13     Plaintiff, v.       14     v.       15     KHAN E-COMMERCE LLC, a Wyoming limited liability company; AMAZON.COM, INC., a Delaware corporation; and DOES 1 through 100, inclusive,       16     Defendants.       17     Defendants.       18     Defendants.       19     Environ Defendants.       11     Image: Defendants.       12     Image: Defendants.       13     Image: Defendants.       14     Image: Defendants.       15     Image: Defendants.       16     Image: Defendants.       17     Defendants.       18     Defendants.       19     Image: Defendants.       11     Image: Defendants.       12     Image: Defendants.       13     Image: Defendants.       14 <td></td> <td></td> <td>By: Danielle Harbour,</td>			By: Danielle Harbour,	
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<ul> <li>INC.,</li> <li>Plaintiff,</li> <li>V.</li> <li>KHAN E-COMMERCE LLC, a Wyoming limited liability company; AMAZON.COM, INC., a Delaware corporation; and DOES 1 through 100, inclusive,</li> <li>Defendants.</li> <li>Defendants.</li> <li>12</li> <li>23</li> <li>24</li> <li>25</li> <li>26</li> <li>27</li> </ul>	11	IN AND FOR THE COUNTY OF ALAMEDA		
13       Plaintiff,         14       v.         15       KHAN E-COMMERCE LLC, a Wyoming limited liability company; AMAZON.COM, INC., a Delaware corporation; and DOES 1 through 100, inclusive,       (Health & Safety Code § 25249.6 et seq.)         18       Defendants.         19	12		<sup>Case No.:</sup> 240V084966	
14       v.         15       KHAN E-COMMERCE LLC, a Wyoming limited liability company; AMAZON.COM, INC., a Delaware corporation; and DOES 1 through 100, inclusive,       (Health & Safety Code § 25249.6 et seq.)         17       Defendants.         19	13			
<ul> <li>KHAN E-COMMERCE LLC, a Wyoming limited liability company; AMAZON.COM, INC., a Delaware corporation; and DOES 1 through 100, inclusive,</li> <li>Defendants.</li> <li>Defendants.</li> <li>4</li> <li>4</li> <li>4</li> <li>4</li> <li>5</li> <li>4</li> <li>5</li> <li>4</li> <li>5</li> <li>4</li> <li>5</li> <li>5<!--</td--><td>14</td><td></td><td>AND INJUNCTIVE RELIEF</td></li></ul>	14		AND INJUNCTIVE RELIEF	
Initial lability company: AMAZON.COM, INC., a Delaware corporation; and DOES 1 through 100, inclusive, Defendants.	15		(Health & Safety Code § 25249.6 et seq.)	
16       INC., a Delaware corporation; and DOES 1         17       through 100, inclusive,         18       Defendants.         19	15	KHAN E-COMMERCE LLC, a Wyoming limited liability company: AMAZON.COM.		
17     Defendants.       18     Defendants.       19	16	INC., a Delaware corporation; and DOES 1		
18         19         20         21         22         23         24         25         26         27	17	through 100, inclusive,		
19         20         21         22         23         24         25         26         27	18	Defendants.		
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## I. INTRODUCTION

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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 and
 developmental/reproductive toxin. Defendants expose consumers to lead by manufacturing, importing,
 selling, and/or distributing dietary supplement powder including, but not limited to, USA Flava Organic
 Hibiscus Powder ("Products"). Defendants know and intend that customers will ingest Products
 containing lead.

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

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.

17 4. Defendants failed to sufficiently warn consumers and individuals in California about
18 potential exposure to lead in connection with Defendants' manufacture, import, sale, or distribution of
19 Products. This is a violation of Proposition 65.

5. 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).)

## 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.

7. Defendant KHAN E-COMMERCE LLC ("Khan") is a limited liability company
 organized and existing under the laws of Wyoming. Khan 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. Khan 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. Plaintiff does not know the true names and/or capacities, whether individual, partners, or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues said Defendants under fictitious names. Plaintiff will seek leave to amend this Complaint when the true names and capacities of these Defendants have been ascertained. Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or in part for the remedies and penalties sought herein.

16 10. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,
17 joint employers, or employees for each other. Defendants acted with the consent of the other Co18 Defendants and acted within the course, purpose, and scope of their agency, service, or employment.
19 All conduct was ratified by Defendants, and each of them.

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## III. VENUE AND JURISDICTION

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

12. Venue is proper in Alameda County Superior Court pursuant to Code of Civil Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this County. Defendants conducted and continue to conduct business in this County as it relates to Products.

1 13. Defendants have sufficient minimum contacts in the State of California or otherwise 2 purposefully avail themselves of the California market. Exercising jurisdiction over Defendants would 3 be consistent with traditional notions of fair play and substantial justice. 4 IV. **CAUSES OF ACTION** 5 FIRST CAUSE OF ACTION 6 (Violation of Proposition 65 – Against all Defendants) 7 14. Plaintiff incorporates by reference each and every allegation contained above. 8 15. Proposition 65 mandates that citizens be informed about exposures to chemicals that 9 cause cancer, birth defects, and other reproductive harm. 10 16. Defendants manufactured, imported, sold, and/or distributed Products containing lead 11 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such 12 violations have continued after receipt of the Notice (defined infra) and will continue to occur into the 13 future. 14 17. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to 15 provide a clear and reasonable warning to consumers and individuals in California who may be exposed 16 to lead through reasonably foreseeable use of the Products. 17 18. Products expose individuals to lead through direct ingestion. This exposure is a natural 18 and foreseeable consequence of Defendants placing Products into the stream of commerce. As such, 19 Defendants intend that consumers will ingest Products, exposing them to lead. 20 19. Defendants knew or should have known that the Products contained lead and exposed 21 individuals to lead in the ways provided above. The Notice informed Defendants of the presence of 22 lead in the Products. Likewise, media coverage concerning lead and related chemicals in consumer 23 products provided constructive notice to Defendants. 24 20. Defendants' actions in this regard were deliberate and not accidental. 25 ///

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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.
 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in
 California of the health hazards associated with exposures to lead contained in the Products.

6 22. The appropriate public enforcement agencies provided with the Notice failed to
7 commence and diligently prosecute a cause of action against Defendants.

8 23. Individuals exposed to lead contained in Products through direct ingestion resulting
9 from reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm.
10 There is no other plain, speedy, or adequate remedy at law.

Defendants are liable for a maximum civil penalty of \$2,500 per day for each violation
 of Proposition 65 pursuant to Health and Safety Code, section 252497(b). Injunctive relief is also
 appropriate pursuant to Health and Safety Code, section 25249.7(a).

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1	PRAYER FOR RELIEF		
2	Wherefore, Plaintiff prays for judgment against Defendants as follows:		
3	1. Civil penalties in the amount of \$2,500 per day for each violation. Plaintiff alleges that		
4	damages total a m	ninimum of \$1,000,000;	
5	2. A preliminary and permanent injunction against Defendants from manufacturing,		
6	importing, selling, and/or distributing Products in California without providing a clear and reasonable		
7	warning as required by Proposition 65 and related Regulations;		
8	3. Reasonable attorney's fees and costs of suit; and		
9	4. Such other and further relief as may be just and proper.		
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11	Respectfully sub	mitted:	
12	Dated: July 26, 2	:024	ENTORNO LAW, LLP
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14		By:	Noam Glick
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16			Craig M. Nicholas
17			Jake W. Schulte Janani Natarajan
18			Attorneys for Plaintiff
19			Environmental Health Advocates, Inc.
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