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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By M. Elder, Deputy Clerk

Attorneys for Plaintiff
Clean Product Advocates, LLC

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

Clean Product Advocates LLC, a)	Case No. 24SMCV05756
California Limited Liability)	
Company,)	COMPLAINT FOR PENALTY AND
)	INJUNCTION
PLAINTIFF,)	
)	Violation of Proposition 65,
vs.)	the Safe Drinking Water and
)	Toxic Enforcement Act of 1986
Tai Foong USA, Inc.; Tawa)	(<i>Health & Safety Code Sections</i>
Supermarket, Inc. DBA Ranch)	25249.5, et. seq.)
Market; DOES 1 Through 100,)	
)	ACTION IS AN UNLIMITED CIVIL
DEFENDANTS.)	CASE (exceeds \$25,000.00)
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2. California has identified and listed Cadmium as a chemical known to cause cancer as early as on or about October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on or about February 27, 1987.

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

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

13 **PARTIES**

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

19 6. Defendant Tai Foong USA, Inc. is a corporation that
20 either manufactures and/or imports, and/or sells and/or
21 distributes Products in Los Angeles County and throughout the
22 State of California, within the meaning of Health & Safety Code
23 Section 25249.11.

24 7. Defendant Tawa Supermarket, Inc. DBA 99 Ranch Market is
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1 a corporation that either manufactures and/or imports, and/or
2 sells and/or distributes Products in Los Angeles County and
3 throughout the State of California, within the meaning of Health
4 & Safety Code Section 25249.11.

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6 8. Defendants DOES 1 through 100, inclusive, are sued
7 herein under fictitious names. Their true names and capacities
8 are unknown to Plaintiff. When their true names and capacities
9 are ascertained, plaintiff will amend this complaint by
10 inserting their true names and capacities herein. Plaintiff is
11 informed and believes and thereon alleges, that each of the
12 fictitiously named defendants is responsible in some manner for
13 the occurrences alleged in this complaint and that Plaintiff's
14 damages as alleged in this complaint were proximately caused by
15 such defendants.
16

17 9. Plaintiff is informed and believes and thereon
18 alleges, that at all times alleged in this complaint, each
19 defendant was the agent, alter ego, servant, joint venturer,
20 joint employer and/or employee, of each of the remaining
21 defendants, and in doing the things hereinafter alleged, was
22 acting within the course and scope of said relationships and
23 with the permission and consent of all other co-defendants. All
24 conduct was also ratified by Defendants and each of them.
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JURISDICTION AND VENUE

10. 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 statutes upon which this action is based does not give jurisdiction to any other Court. As such, this Court has jurisdiction over this action.

11. Venue is proper in Los Angeles County Superior Court pursuant to Code of Civil Procedure Sections 394, 395 and 395.5 as wrongful conduct as alleged in this complaint has occurred and continues to occur in this County.

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

CAUSES OF ACTION

FIRST CAUSE OF ACTION

(Violation of Proposition 65 - Against all Defendants)

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

14. Proposition 65 mandates that California citizens be

1 informed about exposures to chemicals that cause cancer, birth
2 defects, and other reproductive harm.

3 15. More than sixty days prior to the filing of this
4 lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice
5 Of Violation dated January 19, 2024 ("Notice") as required by
6 and in compliance with Proposition 65. Plaintiff provided said
7 Notice to the various required public enforcement agencies along
8 with a Certificate of Merit. The Notice alleged that Defendants
9 violated Proposition 65 by failing to sufficiently warn
10 consumers in California of the health hazards associated with
11 exposure to Cadmium contained in their Products.

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

15 17. At all times relevant herein, Defendants manufactured
16 and/or imported and/or sold and/or distributed Products,
17 including "Sea Salt & Pepper Calamari", containing
18 Cadmium in violation of Health and Safety Code Sections 25249.6
19 et. seq. Plaintiff is informed and believes and thereon alleges
20 that such violations have continued after receipt of the Notice
21 described above and such conduct will continue to occur into the
22 future.
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24 18. In manufacturing, and/or importing, and/or selling
25 and/or distributing Products, Defendants failed to provide a
26 clear and reasonable warning to consumers in the State of
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1 California who may be exposed to Cadmium through reasonably
2 foreseeable use of the Products.

3 19. The Products exposed individuals to Cadmium through
4 direct ingestion of the product described in paragraph 17 of
5 this complaint. This exposure is a natural and foreseeable
6 consequence of Defendants placing the Products into the stream
7 of commerce. As such Defendants intend that consumers will
8 ingest said Products, exposing them to Cadmium.
9

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

19 21. Individuals exposed to Cadmium 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.

25 22. Defendants are liable for a maximum civil penalty of
26 \$2,500.00 per day for each violation of Proposition 65 pursuant
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1 to Health and Safety Code Section 252497(b). Injunctive relief
2 is also appropriate pursuant to Health and Safety Code Section
3 25249.7(a).

4 **PRAYER FOR RELIEF**

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

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

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

16 3. Reasonable attorney's fees and costs of suit;

17 4. Pre-Judgement interest as allowed by law; and

18 5. Such other and further relief as may be just and proper.
19

20 Respectfully Submitted:

21 Dated: November 20, 2024

CLIFFWOOD LAW FIRM,

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23 By: Elham Shabatian
24 Elham Shabatian
25 Attorney for Plaintiff
26 Clean Product Advocates LLC
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