

1 **ENTORNO LAW, LLP**  
2 Noam Glick (SBN 251582)  
3 Craig M. Nicholas (SBN 178444)  
4 Jake W. Schulte (SBN 293777)  
5 Janani Natarajan (SBN 346770)  
6 225 Broadway, Suite 1900  
7 San Diego, California 92101  
8 Tel: (619) 629-0527  
9 Email: noam@entornolaw.com  
10 Email: craig@entornolaw.com  
11 Email: jake@entornolaw.com  
12 Email: janani@entornolaw.com

13 Attorneys for Plaintiff  
14 Environmental Health Advocates, Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

16 **IN AND FOR THE COUNTY OF ALAMEDA**

17 ENVIRONMENTAL HEALTH ADVOCATES,  
18 INC.,

19 Plaintiff,

20 v.

21 HIMALAYAN TREASURES LLC, a  
22 California limited liability company; and DOES  
23 1 through 100, inclusive,

24 Defendants.

Case No.: 24CV095417

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Alameda

**10/11/2024 at 02:16:35 PM**

By: Abdul Kargbo,  
Deputy Clerk

**I.**  
**INTRODUCTION**

1  
2           1.       This Complaint is a representative action brought by Environmental Health Advocates,  
3 Inc. (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff  
4 seeks to remedy Defendants’ failure to inform the People of exposure to lead, a known carcinogen,  
5 developmental toxin, and reproductive toxin. Defendants expose consumers to lead by manufacturing,  
6 importing, selling, and/or distributing bowls including, but not limited to, Mental Clarity Kit  
7 (“Products”). Defendants know and intend that customers will use 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.)

13           3.       California identified and listed lead as a chemical known to cause cancer as early as  
14 October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February  
15 27, 1987.

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

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

**II.**  
**PARTIES**

23  
24           6.       Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a  
25 corporation in the State of California dedicated to protecting the health of California citizens through  
26 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public  
27 interest pursuant to Health and Safety Code, section 25249.7.

28 ///



1 **IV.**  
2 **CAUSES OF ACTION**

3 **FIRST CAUSE OF ACTION**

4 **(Violation of Proposition 65 – Against all Defendants)**

5 13. Plaintiff incorporates by reference each and every allegation contained above.

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

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

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

15 17. Products expose individuals to lead through indirect ingestion through hand to mouth  
16 exposure. This exposure is a natural and foreseeable consequence of Defendants placing Products into  
17 the stream of commerce. As such, Defendants intends that consumers will use Products, exposing them  
18 to lead.

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

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

24 20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a  
25 60-Day Notice of Violation (“Notice”) as required by and in compliance with Proposition 65. Plaintiff  
26 provided the Notice to the various required public enforcement agencies along with a certificate of merit.  
27 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in  
28 California of the health hazards associated with exposures to lead contained in the Products.

///

1           21.    The appropriate public enforcement agencies provided with the Notice failed to  
2 commence and diligently prosecute a cause of action against Defendants.

3           22.    Individuals exposed to lead contained in Products through indirect ingestion through  
4 hand to mouth exposure resulting from reasonably foreseeable use of the Products have suffered and  
5 continue to suffer irreparable harm. There is no other plain, speedy, or adequate remedy at law.

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

9 *[Rest of page intentionally left blank.]*

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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 minimum 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.
- 10

11 Respectfully submitted:

12 Dated: October 11, 2024

**ENTORNO LAW, LLP**

13  
14 By:   
Noam Glick

15  
16 Craig M. Nicholas  
17 Jake W. Schulte  
18 Janani Natarajan

19 Attorneys for Plaintiff  
20 Environmental Health Advocates, Inc.

21  
22  
23  
24  
25  
26  
27  
28