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Clean Product Advocates, LLC

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Clean Product Advocates LLC, a)	Case No. 25STCV02918
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
Abbot's Butcher, Inc.; DOES 1)	(Health & Safety Code Sections
Through 100,)	25249.5, et. seq.)
)	
DEFENDANTS.)	ACTION IS AN UNLIMITED CIVIL
)	CASE (exceeds \$25,000.00)
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3. Defendants have failed to sufficiently warn consumers and individuals in California about potential exposure to lead in connection with Defendants' manufacture and/or import, and/or sale, and/or distribution of Products in violation of Proposition 65.

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

PARTIES

5. Plaintiff CPA is an LLC operating 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 & Safety Code Section 25249.7.

6. Defendant Abbot's Butcher, Inc. is a corporation that either manufactures and/or imports, and/or sells and/or distributes Products in Los Angeles County and throughout the State of California, within the meaning of Health & Safety Code Section 25249.11.

7. Defendants DOES 1 through 100, inclusive, are sued

1 herein under fictitious names. Their true names and capacities
2 are unknown to Plaintiff. When their true names and capacities
3 are ascertained, plaintiff will amend this complaint by
4 inserting their true names and capacities herein. Plaintiff is
5 informed and believes and thereon alleges, that each of the
6 fictitiously named defendants is responsible in some manner for
7 the occurrences alleged in this complaint and that Plaintiff's
8 damages as alleged in this complaint were proximately caused by
9 such defendants.
10

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

22 9. California Constitution Article VI, Section 10, grants
23 the Superior Court original jurisdiction in all cases except
24 those given by statute to other trial courts. The Health and
25 Safety Code statutes upon which this action is based do not give
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1 jurisdiction to any other Court. As such, this Court has
2 jurisdiction over this action.

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

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

13 **CAUSES OF ACTION**

14 **FIRST CAUSE OF ACTION**

15 **(Violation of Proposition 65 - Against all Defendants**

16
17 12. Plaintiff incorporates by reference herein, each and
18 every allegation set forth above in this complaint.

19 13. Proposition 65 mandates that California citizens be
20 informed about exposures to chemicals that cause cancer, birth
21 defects, and other reproductive harm.
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23 14. More than sixty days prior to the filing of this
24 lawsuit naming each Defendant, Plaintiff issued 60-Day Notices
25 Of Violation dated March 15, 2024 for Plant Based Chorizo and
26 March 26, 2024 for Plant Based Ground Beef ("Notices") as
27 required by and in compliance with Proposition 65. Plaintiff
28

1 provided said Notices to the various required public enforcement
2 agencies along with Certificates of Merit. The Notices alleged
3 that Defendants violated Proposition 65 by failing to
4 sufficiently warn consumers in California of the health hazards
5 associated with exposure to lead in their products.

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

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

16 17. In manufacturing, and/or importing, and/or selling
17 and/or distributing Products, Defendants failed to provide a
18 clear and reasonable warning to consumers in the State of
19 California who may be exposed to lead through reasonably
20 foreseeable use of the Products.

21 18. The Products exposed individuals to lead through direct
22 ingestion of the products described above in this complaint.
23 This exposure is a natural and foreseeable consequence of
24 Defendants placing the Products into the stream of commerce.
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1 As such Defendants intend that consumers will ingest said
2 Products, exposing them to lead.

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

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

19 21. Defendants are liable for a maximum civil penalty of
20 \$2,500.00 per day for each violation of Proposition 65 pursuant
21 to Health and Safety Code Section 252497(b). Injunctive relief
22 is also appropriate pursuant to Health and Safety Code Section
23 25249.7(a).
24

25 **PRAYER FOR RELIEF**

26 Wherefore, Plaintiff prays for judgment against Defendants,
27 and each of them, as follows pursuant to all causes of action:
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1 1. Civil penalties in the amount of \$2,500.00 per day for
2 each violation of the law as described above in this complaint.
3 Plaintiff alleges that damages total a minimum of \$1,000,000.00;

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

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

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

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

12 Respectfully Submitted:

13 Dated: January 27, 2025

CLIFFWOOD LAW FIRM,

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16 By: 151 Elham Shabatian
17 Elham Shabatian
18 Attorney for Plaintiff
19 Clean Product Advocates LLC
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