

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Alameda

**09/20/2024 at 03:16:07 PM**

By: Damaree Franklin,  
Deputy Clerk

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  
0 Email: craig@entornolaw.com  
1 Email: jake@entornolaw.com  
2 Email: janani@entornolaw.com

3 Attorneys for Plaintiff  
4 Environmental Health Advocates, Inc.

5 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

7 ENVIRONMENTAL HEALTH ADVOCATES,  
8 INC.,

9 Plaintiff,

10 v.

11 WORLD MARKET, LLC, a California limited  
12 liability company; and DOES 1 through 100,  
13 inclusive,

14 Defendants.

Case No.: **24CV092518**

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

**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, cadmium, and mercury,  
5 known carcinogens and/or reproductive/developmental toxins. Defendants expose consumers to lead,  
6 cadmium, and mercury by manufacturing, importing, selling, and/or distributing risotto including, but  
7 not limited to, World Market Porcini Mushroom Risotto Mix (“Products”). Defendants know and intend  
8 that customers will ingest Products containing lead, cadmium, and mercury.

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.)

14           3.       California identified and listed lead as a chemical known to cause cancer as early as  
15 October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February  
16 27, 1987. California identified and listed cadmium as a chemical known to cause cancer on October 1,  
17 1987 and as a chemical known to cause developmental/reproductive toxicity on May 1, 1997. California  
18 identified and listed Mercury as a chemical known to cause developmental/reproductive toxicity on July  
19 1, 1990.

20           4.       Defendants failed to sufficiently warn consumers and individuals in California about  
21 potential exposure to lead, cadmium, or mercury in connection with Defendants’ manufacture, import,  
22 sale, or distribution of Products. This is a violation of Proposition 65.

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

27 ///

28 ///

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22

**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 WORLD MARKET, LLC ("World Market") is a limited liability company organized and existing under the laws of California. World Market 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. World Market manufactures, imports, sells, or distributes the Products in California and Alameda County.

8. 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.

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

23  
24  
25  
26  
27  
28

**III.  
VENUE AND JURISDICTION**

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 statute upon which this action is based does not give jurisdiction to any other court. As such, this Court has jurisdiction.

///

///

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

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

7 **IV.**  
8 **CAUSES OF ACTION**

9 **FIRST CAUSE OF ACTION**

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

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

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

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

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

21 17. Products expose individuals to lead, cadmium, and mercury through direct ingestion.  
22 This exposure is a natural and foreseeable consequence of Defendants placing Products into the stream  
23 of commerce. As such, Defendants intend that consumers will ingest Products, exposing them to lead,  
24 cadmium, and mercury.

25 18. Defendants knew or should have known that the Products contained lead, cadmium, and  
26 mercury and exposed individuals to lead, cadmium, and mercury in the ways provided above. The  
27 Notice informed Defendants of the presence of lead, cadmium, and mercury in the Products. Likewise,  
28 media coverage concerning lead, cadmium, and mercury and related chemicals in consumer products  
provided constructive notice to Defendants.

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

2           20. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a  
3 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff  
4 provided the Notice to the various required public enforcement agencies along with a certificate of merit.  
5 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in  
6 California of the health hazards associated with exposures to lead, cadmium, and mercury contained in  
7 the Products.

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

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

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

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

12 Respectfully submitted:

13 Dated: September 20, 2024

**ENTORNO LAW, LLP**

14 By:   
15 Noam Glick

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