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FILED
Superior Court of California
County of Los Angeles
11/22/2024

David W. Slayton, Executive Officer / Clerk of Court
By: R. Lozano Deputy

4 Attorneys for Plaintiff
5 SENGBE GROUP LLC

6 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
7 **IN AND FOR THE COUNTY OF LOS ANGELES**

9 SENGBE GROUP LLC,
10 Plaintiff,

Case No.: 24STCV30608

11 vs.

FIRST AMENDED COMPLAINT

12 HERBAL RELIEF CAREGIVERS, INC.,
13 A CALIFORNIA CORPORATION, AND
14 DOES 1 THROUGH 100, INCLUSIVE,

15 Defendant

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27 *Plaintiff amends this complaint to correct a typographical error in the defendant’s legal entity designation, based on
recently confirmed information from public records.
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I.
INTRODUCTION

1. This action arises from Defendants’ failure to comply with California’s Proposition 65, which requires businesses to provide clear and reasonable warnings about exposures to chemicals known to the state to cause cancer, birth defects, or other reproductive harm. Specifically, Defendants manufacture, sell, and distribute cannabis products, including Smoke Weed LA Pre-Roll – 2G Pack and Hybrid Pre-Roll Pack 1G, that expose consumers to Delta-9-THC and Cannabis (Marijuana) Smoke without providing the required warnings."

2. The legal cannabis market in California, including the products at issue in this case, is increasingly recognized as posing significant risks to public health. Investigative reports from the Wall Street Journal and Los Angeles Times reveal that many cannabis products, including pre-roll joints, are contaminated with mold, pesticides, and other toxic substances. These contaminants, combined with exposure to Delta-9-THC and Cannabis (Marijuana) Smoke, exacerbate the risks of cancer, reproductive harm, and respiratory illnesses.

3. Defendants’ conduct is particularly egregious given the direct method of exposure. Smoking or inhaling cannabis products delivers these harmful chemicals directly into the bloodstream, compounding the health risks for consumers. Vulnerable populations, including medical cannabis users and young adults, are disproportionately affected, relying on these products for therapeutic relief while unknowingly exposing themselves to harmful and unregulated chemicals.

4. Despite California’s stringent labeling and safety requirements, Defendants have intentionally and knowingly sold these products without providing clear and reasonable warnings about the risks of Delta-9-THC and Cannabis (Marijuana) Smoke. This lack of compliance endangers consumers and undermines the state’s public health goals.

5. This action seeks to hold Defendants accountable for their ongoing violations of Proposition 65 and to protect California consumers from the substantial health risks associated with Defendants’ products. Through this enforcement action, Plaintiff seeks injunctive relief, civil penalties, and other remedies to ensure compliance with the law and safeguard the public from

1 preventable harm. This Complaint is a representative action brought by Sengbe Group LLC
2 (“Plaintiff”) in the public interest of the citizens of the State of California (“the People”). Plaintiff
3 seeks to remedy Defendants’ failure to inform the People of exposure to Δ⁹-Tetrahydrocannabinol
4 (also known as “Delta-9-Tetrahydrocannabinol or “THC”) and Cannabis (Marijuana) Smoke,
5 known carcinogens. Defendants expose consumers to THC and Cannabis (Marijuana) Smoke by
6 manufacturing, importing, selling, and/or distributing Smoke Weed LA Pre-Roll – 2G Pack and
7 Hybrid Pre-Roll Pack 1G (the “Products”). Defendants know and intend that customers will ingest
8 the Products containing THC and be exposed to Cannabis (Marijuana) Smoke.

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

14 7. California identified and listed THC as a chemical known to cause
15 developmental/reproductive toxicity on January 3, 2020.

16 8. California identified and listed Cannabis (Marijuana) Smoke as a chemical known
17 to cause cancer on June 19, 2009.

18 9. Defendants failed to sufficiently warn consumers and individuals in California about
19 potential exposure to THC and Cannabis (Marijuana) Smoke in connection with Defendants’
20 manufacture, import, sale, or distribution of the Products. Representative images of the Products,
21 including their labeling and packaging, are attached hereto as Exhibit C. This is a violation of
22 Proposition 65.

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

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II.
PARTIES

11. Plaintiff SENGBE GROUP LLC (“Plaintiff”) is a Delaware limited liability company, with an interest in 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.

12. Defendant HERBAL RELIEF CAREGIVERS, INC. (“HRC”) is a corporation incorporated and existing under the laws of California. HRC is registered to do business in California, and does business in the County of Los Angeles, within the meaning of Health and Safety Code, section 25249.11. HRC manufactures, imports, sells, or distributes the Products in California and Los Angeles County.

13. 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 Plaintiff’s damages.

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III.
VENUE AND JURISDICTION

14. 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.

15. Venue is proper in Los Angeles 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 continues to conduct business in this County as it relates to the Products.

1 court of competent jurisdiction. (Id., § 25249.7, subd. (a)). Violators are liable for civil penalties of
2 up to \$2,500 per day for each violation. (Id., § 25249.7, subd. (b)).

3 **B. The Unfair Competition Law**

4 22. California Business and Professions Code section 17200 provides that "unfair
5 competition shall mean and include any unlawful, unfair or fraudulent business act or practice."
6 Section 17203 of the Business and Professions Code provides that "[a]ny person who engages, has
7 engaged or proposes to engage in unfair competition may be enjoined in any court of competent
8 jurisdiction." Actions for relief under the Unfair Competition Law may be prosecuted by the Attorney
9 General in a court of competent jurisdiction. (Bus. & Prof. Code, § 17204).

10 23. Section 17206, subdivision (a) of the Business and Professions Code provides that
11 "[a]ny person who engages, has engaged, or proposes to engage in unfair competition shall be liable
12 for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) for each violation, which
13 shall be assessed and recovered in a civil action brought in the name of the people of the State of
14 California by the Attorney General, or by any district attorney." These penalties are cumulative to
15 each other and to the remedies or penalties available under all other laws of this state. (Id., § 17205).

16 **V.**
17 **FACTS**

18 **A. Defendants' Failure to Provide Proposition 65 Warnings for Their Products and Unfair**
19 **Business Practices**

20 24. The Office of Environmental Health Hazard Assessment ("OEHHA") is the State of
21 California's lead agency for implementing Proposition 65 and is the agency in charge of listing
22 chemicals pursuant to Proposition 65. OEHHA listed Delta-9-THC under Proposition 65 as a
23 chemical known to cause developmental harm (harm to the developing fetus), a form of reproductive
24 toxicity, on January 3, 2020. (Cal. Code Regs., tit. 27, § 27001, subd. (c)).

25 25. Defendants know and have known that their Products contain Delta-9-THC and
26 expose consumers to Cannabis (Marijuana) Smoke. Representative images of the Products, including
27 packaging demonstrating inadequate warnings, are attached as Exhibit C. Defendants also know that
28 California consumers who purchase the Products are exposed to Delta-9-THC and Cannabis

1 (Marijuana) Smoke through inhalation, ingestion, and/or application to the skin. Despite this
2 knowledge, Defendants have intentionally sold the Products without providing a clear and reasonable
3 warning that the Products contain Delta-9-THC and expose consumers to Cannabis (Marijuana)
4 Smoke, both of which are chemicals known to the state of California to cause cancer and birth defects
5 or other reproductive harm.

6 **VI.**
7 **CAUSES OF ACTION**

8 **FIRST CAUSE OF ACTION**

9 **FAILURE TO WARN**

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

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

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

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

18 29. In manufacturing, importing, selling, and/or distributing the Products, Defendants
19 failed to provide a clear and reasonable warning to consumers and individuals in California who may
20 be exposed to THC and Cannabis (Marijuana) Smoke through reasonably foreseeable use of the
21 Products. See Exhibit C for representative images of the Products, which lack Proposition 65-
22 compliant warnings.

23 30. The Products expose individuals to THC through ingestion and to Cannabis
24 (Marijuana) Smoke through inhalation. These exposures are natural, foreseeable consequences of
25 Defendants placing the Products into the stream of commerce

26 31. Defendants knew or should have known that the Products contained THC and
27 produced Cannabis (Marijuana) Smoke, and that they exposed individuals to THC and Cannabis
28 (Marijuana) Smoke as described above. The Notice informed Defendants of the presence of THC in

1 the Products and the risk of exposure to Cannabis (Marijuana) Smoke resulting from the use of the
2 Products. Additionally, media coverage regarding THC, Cannabis (Marijuana) Smoke, and related
3 chemicals in consumer products provided Defendants with constructive notice. Defendants' action
4 in this regard were deliberate and not accidental.

5 32. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued
6 a 60-Day Notice of Violation ('Notice') as required by and in compliance with Proposition 65. A copy
7 of the Notice of Violation is attached hereto as Exhibit A. Plaintiff provided the Notice to the various
8 required public enforcement agencies along with a certificate of merit. The Notice alleged that
9 Defendants violated Proposition 65 by failing to sufficiently warn consumers in California of the
10 health hazards associated with exposures to THC and Cannabis (Marijuana) Smoke through the
11 Products.

12 33. The appropriate public enforcement agencies provided with the Notice failed to
13 commence and diligently prosecute a cause of action against Defendants. The Notice was served on
14 these agencies and Defendants via certified mail, as evidenced by the certified mail receipts and
15 USPS delivery confirmations attached hereto as Exhibit B, and included a certificate of merit, as
16 attached hereto in Exhibit A.

17 34. Individuals exposed to THC and Cannabis (Marijuana) Smoke produced by the
18 Products through direct ingestion, as a result of reasonably foreseeable use, have suffered and
19 continue to suffer irreparable harm. There is no other plain, speedy, or adequate remedy at law.

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

23 **SECOND CAUSE OF ACTION**
24 **UNFAIR BUSINESS PRACTICES**
25 **(Violations of Business and Professions Code Sections 17200 et seq. - Against All Defendants)**

26 36. Plaintiff realleges and incorporates herein by reference all paragraphs above as
27 though set forth herein.

28 37. Defendants have engaged, and continue to engage, in acts or practices that are

1 unlawful, unfair, or fraudulent, and which constitute unfair competition within the meaning of section
2 17200 of the Business and Professions Code. These acts or practices include, but are not limited to,
3 violating Proposition 65 as alleged in the First Cause of Action.

4 38. By committing the acts alleged, Defendants are liable to plaintiff for civil penalties
5 of up to \$2,500 for each violation.

6 **VII.**
7 **PRAYER FOR RELIEF**

8 Wherefore, Plaintiff prays for judgment against Defendants as follows:

9 39. Pursuant to Health and Safety Code section 25249.7 and other applicable laws, enter
10 such preliminary injunctions, permanent injunctions, or other orders as Plaintiff shall specify in
11 further application to the court prohibiting Defendants, their successors, agents, representatives,
12 employees, and all persons acting in concert with them, from exposing persons within the State of
13 California to **Delta-9-THC and Cannabis (Marijuana) smoke** from marijuana pre-roll joints
14 without providing clear and reasonable warnings.

15 40. A preliminary and permanent injunction against Defendants, enjoining them from
16 manufacturing, importing, selling, and/or distributing the Products in California without providing a
17 clear and reasonable warning as required by Proposition 65 and related regulations, and requiring
18 Defendants to:

- 19 • Cease the sale or distribution of any Products in California that do not comply with
20 Proposition 65 warning requirements within 15 days of the Court's order.
- 21 • Provide clear and reasonable warnings on all Products in both physical and online stores that
22 expose consumers to THC and Cannabis (Marijuana) Smoke within 30 days of the Court's
23 order.
- 24 • Notify past purchasers of the Products about their potential exposure to these chemicals
25 through direct communication or in-store signage within 30 days of the Court's order.
- 26 • Recall non-compliant products or work with retailers to display appropriate warnings for
27 Products already in the market within 30 days of the Court's order.

- 1 • Provide a report to the Court detailing past sales of Products sold without compliant
2 Proposition 65 warnings within 30 days of the Court's order.
- 3 • Certify compliance with these actions within 45 days of the Court's order and submit a
4 compliance report to the Court.

5 41. That the Court imposes additional penalties or sanctions if Defendants fail to comply
6 with any of the required actions within the specified deadlines or fail to submit the required
7 compliance certification.

8 42. Pursuant to Health and Safety Code section 25249.7(b)(1), assess a civil penalty of
9 \$2,500 per violation per day, which equates to at least **\$1,652,000** based on Defendants' ongoing
10 violations of Health and Safety Code section 25249.6, as proved at trial.

11 43. Pursuant to Business and Professions Code sections 17203 and 17206, that the
12 Court:

- 13 • Make such orders or judgments necessary to prevent the use or employment by Defendants,
14 their successors, agents, representatives, employees, and all persons acting in concert with
15 Defendants, of any practice constituting unfair competition, as proved at trial.
- 16 • Enter all orders or judgments as may be necessary to restore to any person in interest any
17 money or other property acquired by means of unfair competition, as proved at trial.
- 18 • Assess a civil penalty of \$2,500 against Defendants for each violation of Business and
19 Professions Code sections 17200 et seq., as proved at trial.

20 44. Award Plaintiff reasonable attorney's fees and costs of suit pursuant to Health and
21 Safety Code section 25249.7 and other applicable laws.

22 45. Grant such other and further relief as the Court deems just and proper.

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24 Respectfully submitted:

25 Dated: November 22, 2024

ROBINSON ZERMAY LLP

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27 By: 

Alexander K. Robinson

28 Attorney for Plaintiff
SENGBE GROUP LLC

EXHIBIT A

60-Day Notice of Violation Under Proposition 65

This exhibit contains the 60-Day Notice of Violation sent to Herbal Relief Caregivers, Inc and public enforcement agencies pursuant to Proposition 65.

The contents of this exhibit include:

1. **Notice of Violation:** Details the alleged violations, including the chemicals at issue (Delta-9-THC and marijuana smoke) and the consumer products involved (Smoke Weed LA Pre-Roll – 2G Pack and Hybrid Pre-Roll Pack 1G).
2. **Certificate of Merit:** Demonstrates compliance with California Health and Safety Code § 25249.7(d)(1).
3. **Certificate of Service:** Confirms proper service of the 60-Day Notice to the defendants and relevant public enforcement agencies on **September 18, 2024**.

This exhibit is submitted to demonstrate compliance with the statutory requirements for filing a private enforcement action under Proposition 65.

September 18, 2024

**NOTICE OF VIOLATION OF CALIFORNIA
HEALTH AND SAFETY CODE SECTION 25249.6
(Proposition 65)**

Sent by USPS Postage Fully Prepaid

Herbal Relief Caregivers, Inc
7648 Clybourn Ave.
Sun Valley, California 91352

We represent the Sengbe Group LLC, a Delaware limited liability company (the “Claimant”), acting in the interest of the general public. This letter serves as notice that Herbal Relief Caregivers, Inc (“Violator”) is in violation of “Proposition 65,” which is otherwise known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and is codified at California Health & Safety Code section 25249.5 *et seq.* Specifically, this notice is being sent in regard to a violation of section 25249.6, which provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without giving clear and reasonable warning to such individual”.

The Claimant has identified that the Violator has violated (and continues to violate) section 25249.6 by exposing consumers within the State of California to the chemicals listed below (which are present at unsafe levels in the products listed below) without providing proper warnings about exposure to those chemicals or the toxic effects of exposure to those chemicals, which are known to the state to cause cancer or reproductive toxicity.

This letter serves as notice to both the Violator and the appropriate public enforcement agencies that the Claimant intends to file a private enforcement action, pursuant to section 25249.7(d) 60 days after effective service of this notice (the “Notice”) unless the public enforcement agencies have commenced and are earnestly prosecuting an action in regard to the violation alleged herein.

Violator:

Herbal Relief Caregivers, Inc
7648 Clybourn Ave.
Sun Valley, California 91352

Violation:

The Violator knowingly and intentionally exposed and continues to expose consumers within the State of California to the chemicals listed below without providing clear and reasonable warning of the exposure while employing more than 9 employees.¹

Consumer Product(s) in Violation of 25249.6 (the “Products”):

- Smoke Weed LA Pre-Roll – 2G Pack
- Hybrid Pre-Roll Pack 1G

¹ Employees of the Violator include all persons who are employees of the organization under 27 Cal. Code Regs. § 25102(h), which includes the officers of the organization and all members of the organization who are compensated, directly or indirectly, for their services to the organization—including, without limitation, any member compensated for cultivating, purchasing, possessing, transporting or distributing medical cannabis.

Listed Chemical(s):

- Cannabis/marijuana smoke;
- THC (Δ^9 -Tetrahydrocannabinol or Delta-9-Tetrahydrocannabinol)

Route of Exposure:

Each of the products listed above is a marijuana product, designed to be consumed recreationally or for relief from issues such as stress, pain, or discomfort. The primary routes of exposure to the chemicals in these pre-rolled joints are inhalation or ingestion. While consumers may believe these products are safe and healthy, they actually contain unsafe levels of chemicals that the state has identified as dangerous.

Number and Duration of Violations

Each and every instance where a Product is offered for sale to a customer within the State of California without an appropriate clear and reasonable warning, in the format required by California statute and regulations, constitutes a separate violation of Proposition 65. This includes transactions made in-person, via catalog, over the phone, and over the internet by the recipients of this Notice as well as by any other sellers of the Products. Please note that the Products specifically identified in this Notice are not an exhaustive list of products that violate Proposition 65 and for which a penalty may apply.

Approximate Time of Violations:

The violations in this case are ongoing and will continue to occur until the Products are no longer sold to customers within California, or are sold with appropriate warnings. These violations have been occurring since at least March 1, 2024 in one case and May 2, 2024, in the other, as well as every day since the Products were introduced into commerce within California.

Resolution of Noticed Claims

Based on the information contained herein and in the Certificate of Merit provided to the Attorney General, we intend to file a citizen enforcement action on behalf of the Claimant against Violator sixty (60) days after effective service of this Notice unless the relevant public enforcement agencies have commenced and are earnestly prosecuting an action against Violator to redress the violations discussed in this Notice; or, unless Violator enters into a binding written agreement that addresses said violations by either recalling any Products which have already been sold or taking steps to provide warnings to consumers who have purchased the Products, adding the appropriate warning to Products that will be sold in the future, and paying an appropriate civil penalty.

If Violator desires to resolve this dispute without resorting to costly and time-consuming litigation, I welcome the opportunity to discuss a potential settlement that serves the public's interest in preventing exposure to toxic chemicals. Please direct all such communications to my office at the address below. Settlements can be finalized once the 60-day notice period has elapsed.

Preservation of Evidence

This Notice serves as a respectful demand to preserve and maintain all relevant evidence pending resolution of this matter. Such relevant evidence includes but is not limited to any information relating to the presence or potential presence of the Listed Chemicals in the Products (such as Certificates of Analysis (COAs) and other laboratory test results); purchase and sales information for any of the Products sold within California; any efforts to comply with Proposition 65 with respect to the Products; communications relating to the presence or potential presence of the Listed Chemicals in Products (such as statements on Violator's packaging or website); and representative exemplars of each specific product falling within the Products.

This demand applies to all relevant evidence for Products sold in the State of California, as far back as when the Products were first produced or sold by Violator, through the date of the resolution of the claims alleged in this Notice.

Responsibility to Provide Consumer Product Exposure Warnings

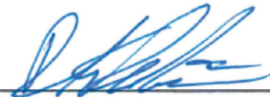
In accordance with Title 27, Cal. Code of Regs. Section 25600.2(g), please promptly answer the questions on Exhibit B, and return with receipt confirmation to the mailing and/or email address listed below within fifteen (15) calendar days of receipt of this letter.

Contact Information:

Please direct all questions concerning this notice to the undersigned attorney at the following address:

Robinson Zermay LLP
777 S. Alameda St. 2nd Floor
Los Angeles, CA 90021
ak@robinsonzermay.com
269.470.5916

Dated: September 18, 2024



Alexander K. Robinson
Robinson Zermay LLP
777 S. Alameda St. 2nd Floor
Los Angeles, CA 90021
ak@robinsonzermay.com
269.470.5916
Counsel for the Sengbe Group LLC

Attachments:

- A. The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary
- B. Questions related to Title 27, Cal. Code of Regs. Section 25600.2(g).
- C. Certificate of Merit
- D. Additional Supporting Documentation (to AG only)
- E. Proof of Service

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

EXHIBIT B

As it relates to each of the Products, including but not limited to those identified on Exhibit A, provide the full legal entity name and any known contact information for:

1. Any and all manufacturers
2. Any and all producers
3. Any and all packagers
4. Any and all direct vendors
5. Any and all exporters
6. Any and all shippers
7. Any and all distributors
8. Any and all sellers

Please send the above-requested information to Robinson Zermay LLP within fifteen (15) calendar days of receipt of this Notice to the mailing and/or email address listed in the Notice. Thank you for your anticipated cooperation.

CERTIFICATE OF MERIT

I, Alexander K. Robinson, hereby declare:

1. This Certificate of Merit accompanies the 60-day notice in which it is alleged that the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiffs’ case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated September 18, 2024



Alexander K. Robinson
Robinson Zermay LLP
777 S. Alameda St. 2nd Floor
Los Angeles, CA 90021
ak@robinsonzermay.com
269.470.5916

Counsel for the Sengebe Group LLC

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years, and am not a party to the within entitled action. My business address is 777 S. Alameda St. 2nd Floor, Los Angeles, CA 90021. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail in Los Angeles, California.

On September 18, 2024, I served the following documents: **Notice of Violation of California Health and Safety Code Section 25249.6 (Proposition 65); Certificate of Merit; “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at the U.S. Postal Service Office with the postage fully prepaid for delivery by USPS First Class Certified Mail, Return Receipt.

HERBAL RELIEF CAREGIVERS, INC
7648 CLYBOURN AVE.
SUN VALLEY, CALIFORNIA 91352

HENRIK SARGSYAN – CEO / CFO
7648 CLYBOURN AVE
SUN VALLEY, CALIFORNIA 91352

On September 18, 2024, I verified that the following documents: **Notice of Violation of California Health and Safety Code Section 25249.6 (Proposition 65); Certificate of Merit; Additional supporting documents as required by California Health and Safety Code § 25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On September 18, 2024, I served the following documents: **Notice of Violation of California Health and Safety Code Section 25249.6 (Proposition 65); Certificate of Merit** on each of the parties on the Service List attached below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it at the U.S. Postal Service Office with the postage fully prepaid. for delivery by USPS First Class Certified Mail, Return Receipt.

Executed on September 18, 2024 in Los Angeles, California.



Alexander K Robinson

Service List

**Los Angeles County District Attorney
210 W Temple St, 18th Floor
Los Angeles, CA 90012**

**Office of the City Attorney
200 N Main St. #800
Los Angeles, CA 90012
(213) 978-8100**

EXHIBIT B

Proof of Mailing and Delivery Confirmation

This exhibit provides evidence of compliance with the service requirements of Proposition 65, including proof of mailing and delivery of the 60-Day Notice of Violation to Defendants and relevant public enforcement agencies.

1. Certificate of Mailing:

- Confirms that the 60-Day Notice was mailed to Defendants and public enforcement agencies via certified mail.

2. USPS Delivery Confirmations:

- Tracking records showing the delivery of the notice to:
 - **Henrik Sargsyan, Herbal Relief Caregivers, Inc** at 7648 Clybourn Ave, Sun Valley, CA 91352.
 - **Delivery Date:** September 20, 2024, 9:51 AM.
 - **Los Angeles County District Attorney's Office** at 210 W. Temple Street, Los Angeles, CA 90012.
 - **Delivery Date:** September 23, 2024, 3:34 PM.
 - **California Attorney General's Office** at 455 Golden Gate Ave, San Francisco, CA 94102.
 - **Delivery Date:** September 20, 2024, 10:48 AM.

3. California Attorney General Acknowledgment Email:

- Confirmation email from the California Department of Justice acknowledging receipt of the 60-Day Notice and assignment of AG Number **2024-03872** on September 18, 2024.

CERTIFICATE OF MAILING

I, Alexander K. Robinson, declare:

1. On **September 18, 2024**, I served a **60-Day Notice of Violation under Proposition 65** to the following recipients via **Certified Mail** with the United States Postal Service, as evidenced by the attached certified mail receipts:
 - **Recipient:** Henrik Sargsyan, Herbal Relief Caregivers, Inc
Address: 7648 Clybourn Ave, Sun Valley, CA 91352.
Tracking Number: 9589071052701147087975.
 - **Recipient:** California Attorney General's Office.
Address: 455 Golden Gate Ave, San Francisco, CA 94102.
Tracking Number: 9589071052701147087982.
 - **Recipient:** Los Angeles County District Attorney's Office.
Address: 210 W. Temple Street, Los Angeles, CA 90012.
Tracking Number: 9589071052701147087999.

2. Each notice was mailed in compliance with California Health & Safety Code § 25249.7.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on November 20, 2024, at Los Angeles, California.



Alexander K. Robinson
Robinson Zermay LLP
777 S. Alameda St. 2nd Floor
Los Angeles, CA 90021
ak@robinsonzermay.com
269.470.5916
Counsel for the Sengbe Group LLC

USPS Delivery Confirmations

9589 0710 5270 1147 0879 75

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Sun Valley, CA 91352

OFFICIAL USE

Certified Mail Fee	\$4.85	0715
Extra Services & Fees (check box, add fee as appropriate)	\$4.10	28
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.96	09/18/2024

Sent To: Herbal Relief Caregivers, Inc
 Street and Apt. No., or PO Box No.: 7048 Clyburn Ave
 City, State, ZIP+4®: Sun Valley, CA 91352

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1147 0880 02

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
Domestic Mail Only

For delivery information, visit our website at www.usps.com®.

Sun Valley, CA 91352

OFFICIAL USE

Certified Mail Fee	\$4.85	0715
Extra Services & Fees (check box, add fee as appropriate)	\$4.10	28
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.96	09/18/2024

Sent To: Henrik Sargsyan - CEO/CFO
 Street and Apt. No., or PO Box No.: 7048 Clyburn Ave
 City, State, ZIP+4®: Sun Valley, CA 91352

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1147 0879 82

**U.S. Postal Service™
CERTIFIED MAIL® RECEIPT**
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For delivery information, visit our website at www.usps.com®.

Los Angeles, CA 90012

OFFICIAL USE

Certified Mail Fee	\$4.85	0715
Extra Services & Fees (check box, add fee as appropriate)	\$4.10	28
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.96	09/18/2024

Sent To: Office of the City Attorney
 Street and Apt. No., or PO Box No.: 200 N. Main St. #800
 City, State, ZIP+4®: Los Angeles, CA 90012

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

9589 0710 5270 1147 0879 99

**U.S. Postal Service™
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For delivery information, visit our website at www.usps.com®.

Los Angeles, CA 90012

OFFICIAL USE

Certified Mail Fee	\$4.85	0715
Extra Services & Fees (check box, add fee as appropriate)	\$4.10	28
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$1.01	
Total Postage and Fees	\$9.96	09/18/2024

Sent To: Los Angeles County District Attorney
 Street and Apt. No., or PO Box No.: 210 W Temple St 18th Floor
 City, State, ZIP+4®: Los Angeles, CA 90012

PS Form 3800, January 2023 PSN 7530-02-000-9047 See Reverse for Instructions

USPS Tracking®

[FAQs >](#)

Tracking Number:

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Latest Update

Your item was delivered to an individual at the address at 9:51 am on September 20, 2024 in SUN VALLEY, CA 91352.

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Delivered

Delivered, Left with Individual

SUN VALLEY, CA 91352

September 20, 2024, 9:51 am

Arrived at USPS Regional Facility

SANTA CLARITA CA DISTRIBUTION CENTER

September 18, 2024, 11:28 pm

USPS in possession of item

GLENDALE, CA 91202

September 18, 2024, 11:50 am

[Hide Tracking History](#)

Feedback

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

Text & Email Updates



FIRST AMENDED COMPLAINT

Tracking Number:

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Latest Update

Your item was delivered to an individual at the address at 9:50 am on September 20, 2024 in SUN VALLEY, CA 91352.

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Delivered

Delivered, Left with Individual

SUN VALLEY, CA 91352

September 20, 2024, 9:50 am

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[Product Information](#)



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Latest Update

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Delivered

Delivered, Front Desk/Reception/Mail Room

LOS ANGELES, CA 90012

September 20, 2024, 10:48 am

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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Track Another Package

Enter tracking or barcode numbers

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Tracking Number:

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9589071052701147087999

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[Add to Informed Delivery \(https://informedelivery.usps.com/\)](https://informedelivery.usps.com/)

Latest Update

Your item was delivered to the front desk, reception area, or mail room at 3:34 pm on September 23, 2024 in LOS ANGELES, CA 90012.

Get More Out of USPS Tracking:

[USPS Tracking Plus®](#)

Delivered

Delivered, Front Desk/Reception/Mail Room

LOS ANGELES, CA 90012

September 23, 2024, 3:34 pm

[See All Tracking History](#)

[What Do USPS Tracking Statuses Mean? \(https://faq.usps.com/s/article/Where-is-my-package\)](https://faq.usps.com/s/article/Where-is-my-package)

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Feedback

[USPS Tracking Plus®](#)



[Product Information](#)



[See Less ^](#)

Track Another Package

Enter tracking or barcode numbers



September 18, 2024



Thank you for submitting your Prop 65 60-Day Notice

The following information was submitted and will be available to the public after review and publication by the Proposition 65 Coordinator.

AG Number: 2024-03872

Date Filed: 09/18/2024

Noticing Party: Sengbe Group LLC

Plaintiff Attorney: Robinson Zermay LLP

Alleged Violators: Herbal Relief Caregivers, Inc

n/a

Source: Smoke Weed LA Pre-Roll – 2G Pack
Hybrid Pre-Roll Pack 1G



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Please visit the remainder of the Attorney General's site at: <https://oag.ca.gov/>

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CONFIDENTIALITY NOTICE: This communication with its contents may contain confidential and/or legally privileged information. It is solely for the use of the intended recipient(s). Unauthorized interception, review, use or disclosure is prohibited and may violate applicable laws including the Electronic Communications Privacy Act. If you are not the intended recipient, please contact the sender and destroy all copies of the communication.

EXHIBIT C
Representative Images of Products at Issue

This exhibit contains representative images of the products identified in the 60-Day Notice of Violation issued to Defendants under Proposition 65. These images demonstrate the absence of clear and reasonable warnings regarding exposure to Delta-9-THC and marijuana smoke, as required under California Health & Safety Code § 25249.6.

The following products are included in this exhibit:

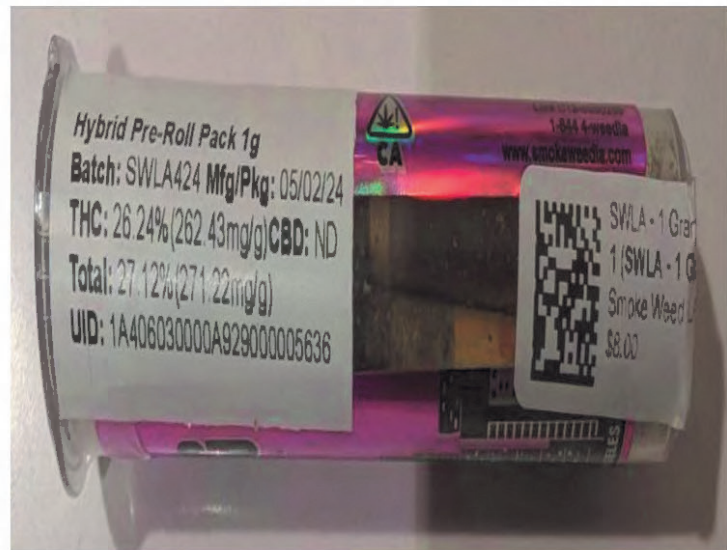
1. Smoke Weed LA Pre-Roll – 2G Pack

- Images of the front and back packaging demonstrating the absence of Proposition 65-compliant warnings.

2. Hybrid Pre-Roll Pack 1G

- Images of the front and back packaging illustrating the failure to provide clear warnings about Delta-9-THC and marijuana smoke exposure.

These images are submitted as evidence to support Plaintiff's claims of non-compliance with Proposition 65 and to demonstrate the need for injunctive relief.



FIRST AMENDED COMPLAINT