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15 Attorneys for Plaintiff
16 Environmental Health Advocates, Inc.

17 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

18 **IN AND FOR THE COUNTY OF SAN FRANCISCO**

19 **CGC-25-631433**

20 ENVIRONMENTAL HEALTH ADVOCATES,
21 INC.,

22 Plaintiff,

23 v.

24 THE HAPPY CAN, LLC, an Iowa limited
25 liability company; GLOBAL SOURCE
26 DISTRIBUTION, LLC, an Iowa limited
27 liability company; CRESTED RIVER
28 CANNABIS COMPANY, a Minnesota
corporation; FITNESS GRILL, L.L.C. DBA
FIT PHARM NUTRITION, an Iowa limited
liability company; and DOES 1 through 100,
inclusive,

Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

**ELECTRONICALLY
FILED**
*Superior Court of California,
County of San Francisco*

11/21/2025
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

I.
INTRODUCTION

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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 Δ⁹ - Tetrahydrocannabinol (also
5 known as “Delta-9-THC” or “THC”), a known carcinogen and reproductive/developmental toxin.
6 Defendants expose consumers to THC by manufacturing, importing, selling, and/or distributing THC-
7 infused seltzers including, but not limited to, Happy Can D9 Drink- Root Brew (“Products”). Defendants
8 know and intend that customers will ingest Products containing THC.

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 THC as a chemical known to cause
15 developmental/reproductive harm on January 3, 2020.

16 4. Defendants failed to sufficiently warn consumers and individuals in California about
17 potential exposure to THC 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 THC 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

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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.

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1 7. Defendant The Happy Can, LLC ("The Happy Can") is a limited liability company
2 organized and existing under the laws of Iowa. The Happy Can is registered to do business in California,
3 and does business in the County of San Francisco, within the meaning of Health and Safety Code,
4 section 25249.11. The Happy Can manufactures, imports, sells, or distributes the Products in California
5 and San Francisco County.

6 8. Defendant Global Source Distribution, LLC ("GSD") is a limited liability company
7 organized and existing under the laws of Iowa. GSD is registered to do business in California, and does
8 business in the County of San Francisco, within the meaning of Health and Safety Code, section
9 25249.11. GSD manufactures, imports, sells, or distributes the Products in California and San Francisco
10 County.

11 9. Defendant Crested River Cannabis Company ("CRCC") is a corporation organized and
12 existing under the laws of Minnesota. CRCC is registered to do business in California, and does business
13 in the County of San Francisco, within the meaning of Health and Safety Code, section 25249.11. CRCC
14 manufactures, imports, sells, or distributes the Products in California and San Francisco County.

15 10. Defendant Fitness Grill, L.L.C. dba Fit Pharm Nutrition ("Fitness Grill") is a limited
16 liability company organized and existing under the laws of Iowa. Fitness Grill is registered to do
17 business in California, and does business in the County of San Francisco, within the meaning of Health
18 and Safety Code, section 25249.11. Fitness Grill manufactures, imports, sells, or distributes the Products
19 in California and San Francisco County.

20 11. Plaintiff does not know the true names and/or capacities, whether individual, partners,
21 or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues
22 said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to
23 amend this Complaint when the true names and capacities of these Defendants have been ascertained.
24 Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or
25 in part for the remedies and penalties sought herein.

26 12. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,
27 joint employers, or employees for each other. Defendants acted with the consent of the other Co-
28

1 Defendants and acted within the course, purpose, and scope of their agency, service, or employment.
2 All conduct was ratified by Defendants, and each of them.

3 **III.**
4 **VENUE AND JURISDICTION**

5 13. California Constitution Article VI, Section 10 grants the Superior Court original
6 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code
7 statute upon which this action is based does not give jurisdiction to any other court. As such, this Court
8 has jurisdiction.

9 14. Venue is proper in San Francisco County Superior Court pursuant to Code of Civil
10 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this
11 County. Defendants conducted and continue to conduct business in this County as it relates to Products.

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

15 **IV.**
16 **CAUSES OF ACTION**

17 **FIRST CAUSE OF ACTION**
18 **(Violation of Proposition 65 – Against all Defendants)**

19 16. Plaintiff incorporates by reference each and every allegation contained above.

20 17. Proposition 65 mandates that citizens be informed about exposures to chemicals that
21 cause cancer, birth defects, and other reproductive harm.

22 18. Defendants manufactured, imported, sold, and/or distributed Products containing THC
23 in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such
24 violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the
25 future.

26 19. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to
27 provide a clear and reasonable warning to consumers and individuals in California who may be exposed
28 to THC through reasonably foreseeable use of the Products.

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1 20. Products expose individuals to THC through direct ingestion or consumption. This
2 exposure is a natural and foreseeable consequence of Defendants placing Products into the stream of
3 commerce. As such, Defendants intend that consumers will ingest Products, exposing them to THC.

4 21. Defendants knew or should have known that the Products contained THC and exposed
5 individuals to THC in the ways provided above. The Notice informed Defendants of the presence of
6 THC in the Products. Likewise, media coverage concerning THC and related chemicals in consumer
7 products provided constructive notice to Defendants.

8 22. Defendants' actions in this regard were deliberate and not accidental.

9 23. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a
10 60-Day Notice of Violation ("Notice") as required by and in compliance with Proposition 65. Plaintiff
11 provided the Notice to the various required public enforcement agencies along with a certificate of merit.
12 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in
13 California of the health hazards associated with exposures to THC contained in the Products.

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

16 25. Individuals exposed to THC contained in Products through direct ingestion or
17 consumption resulting from reasonably foreseeable use of the Products have suffered and continue to
18 suffer irreparable harm. There is no other plain, speedy, or adequate remedy at law.

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

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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.

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11 Respectfully submitted:

12 Dated: November 21, 2025

ENTORNO LAW, LLP

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