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6 CALSAFE RESEARCH CENTER

ELECTRONICALLY

FILED

Superior Court of California,
County of San Francisco

12/31/2025

Clerk of the Court

BY: MARIVIC VIRAY

Deputy Clerk

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

9 **COUNTY OF SAN FRANCISCO**

12 CALSAFE RESEARCH CENTER, a California
non-profit corporation,

13 Plaintiff,

14 v.

16 LUCHI LLC, an Illinois Limited Liability
Company; and DOES 1 to 100,

18 Defendants.

Case No.:

CGC-25-632565

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

Health & Safety Code §25249.5, et seq.

21 **NATURE OF THE ACTION**

22 1. This Complaint is a representative action brought by plaintiff in the public interest
23 of the citizens of the State of California to enforce the People's right to be informed of the health
24 hazards caused by exposure to Lead, a toxic chemical found in the protein supplement products sold
25 by defendant that are purchased by or shipped to citizens in California (the "Products" as defined
26 below). By this Complaint, plaintiff seeks to remedy defendants' continuing failure to warn
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1 consumers and businesses not covered by California’s Occupational Safety Health Act, *Labor Code*
2 §§ 6300 *et seq.* about the risks of exposure to Lead defendants knew or should have known are
3 present in the Products that are manufactured, distributed, and offered for sale or use throughout the
4 State of California.

5 **THE PARTIES**

6 2. Plaintiff, CALSAFE RESEARCH CENTER, is a California Nonprofit Corporation
7 (hereinafter "CRC" or "Plaintiff"). CRC brings this action as a private attorney general pursuant to
8 *Health & Safety Code* § 25249.7(d). Individuals, consumers and businesses not covered by
9 California’s Occupational Safety Health Act, *Labor Code* §§ 6300 *et seq.* who purchase, use or
10 handle the Products are referred to hereinafter as “consumers.”

11 3. Defendant LUCHI LLC is an Illinois Limited Liability Company, doing business in
12 the State of California at all relevant times herein (hereinafter "SUPPLIER" or "Defendant").

13 4. Plaintiff is presently unaware of the true names and capacities of defendants DOES
14 1-100, and therefore sues these defendants by such fictitious names. Plaintiff will amend this
15 Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes,
16 and thereon alleges that each fictitiously named defendant is responsible in some manner for the
17 occurrences herein alleged and the damages caused thereby.

18 5. On information and belief, (i) at all times relevant to this action, each of the
19 Defendants, including DOES 1-100, was an agent, servant, or employee of each of the other
20 Defendants; (ii) in conducting the activities alleged in this Complaint, each of the Defendants was
21 acting within the course and scope of this agency, service, or employment, and was acting with the
22 consent, permission, and authorization of each of the other Defendants; (iii) all actions of each of
23 the Defendants alleged in this Complaint were ratified and approved by every other Defendant or
24 their officers or managing agents; and/or (iv) each of the Defendants aided, conspired with and/or
25 facilitated the alleged wrongful conduct of each of the other Defendants.

1 1986, codified at *Health & Safety Code* § 25249.5, *et seq.* (“Proposition 65”), helps to allow
2 consumers to make informed choices about the products they buy and to enable persons to protect
3 themselves from toxic chemicals as they see fit.

4 11. Proposition 65 requires the Governor of California to publish a list of chemicals
5 known to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code*
6 § 25249.8. The list, which the Governor updates at least once a year, contains over 900 chemicals
7 and chemical families. Proposition 65 imposes warning requirements and other controls that apply
8 to Proposition 65-listed chemicals.

9 12. All businesses with ten (10) or more employees that operate or sell products in
10 California must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited
11 from knowingly discharging Proposition 65-listed chemicals into sources of drinking water (*Health*
12 *& Safety Code* § 25249.5), and (2) required to provide “clear and reasonable” warnings before
13 exposing a person, knowingly and intentionally, to a Proposition 65-listed chemical (*Health &*
14 *Safety Code* § 25249.6).

15 13. Proposition 65 provides that any person "violating or threatening to violate" the
16 statute may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7.
17 "Threaten to violate" means "to create a condition in which there is a substantial probability that a
18 violation will occur." *Health & Safety Code* § 25249.11(e). Defendants are also liable for civil
19 penalties of up to \$2,500.00 per day per violation, recoverable in a civil action. *Health & Safety*
20 *Code* § 25249.7(b).

21 14. On October 1, 1992, the Governor of California added Lead and Lead Compounds
22 (“Lead”) to the list of chemicals known to the State to cause cancer (*Cal. Code Regs.* tit. 27, §
23 27001(b)). Pursuant to *Health & Safety Code* §§ 25249.9 and 25249.10, twenty (20) months after
24 addition of Lead to the list of chemicals known to the State to cause cancer, Lead became fully
25 subject to Proposition 65 warning requirements and discharge prohibitions.

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1 The attorney for Plaintiff attached to the Certificate of Merit served on the Attorney General the
2 confidential factual information sufficient to establish the basis of the Certificate of Merit.

3 24. Plaintiff's notice of alleged violations also included a Certificate of Service and a
4 document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65) A
5 Summary." *Health & Safety Code* § 25249.7(d).

6 25. Plaintiff is commencing this action more than sixty (60) days from the dates that
7 Plaintiff gave notice of the alleged violations to the named Defendants and the public prosecutors
8 referenced above.

9 26. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General,
10 nor any applicable district attorney or city attorney has commenced and is diligently prosecuting an
11 action against the Defendants.

12 **FIRST CAUSE OF ACTION**

13 (By CRC against Defendants and DOES 1 - 100)

14 Violations of *Health & Safety Code*, §§ 2524 9.5, *et seq. Proposition 65*

15 27. Plaintiff repeats and incorporates by reference paragraphs 1 through 26 of this
16 complaint as though fully set forth herein

17 28. Plaintiff is informed, believes, and thereon alleges that between October 4, 2024, and
18 January 17, 2025, and the present, each of the Defendants knowingly and intentionally exposed
19 California consumers and users of the Products to Lead in excess of legal limits, which Defendants
20 manufactured, distributed, or sold as mentioned above, without first providing any type of clear and
21 reasonable warning of such to the exposed persons before the time of exposure.

22 29. Defendants have manufactured, produced, package, imported, supplied, distributed
23 and/or sold the Products in California and know and intend that consumers will use and consume
24 the Products, thereby exposing them to Lead in excess of legally permissible Lead exposure.
25 Defendants knew or should have known that Lead has been identified by the State of California as

1 a chemical known to cause cancer and reproductive toxicity and therefore was subject to Proposition
2 65 warning requirements.

3 30. Contrary to the express policy and statutory prohibition of Proposition 65 enacted
4 directly by California voters, consumers exposed to lead, through dermal contact, ingestion and/or
5 inhalation as a result of their use of the Products that Defendants sold without a “clear and
6 reasonable” health hazard warning, have suffered, and continue to suffer, irreparable harm for which
7 they have no plain, speedy, or adequate remedy at law.

8 31. Plaintiff is informed, believes, and thereon alleges that each of Defendants’
9 violations of Proposition 65 as to the Products have been ongoing and continuous, as Defendants
10 engaged and continue to engage in conduct which violates *Health and Safety Code* § 25249.6,
11 including the manufacture, distribution, promotion, and/or sale of the Products, so that a separate
12 and distinct violation of Proposition 65 occurred each and every time a person was exposed to Lead
13 by the Products as mentioned herein.

14 32. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition
15 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations
16 alleged herein will continue to occur into the future.

17 33. Based on the allegations herein, Defendants are liable for civil penalties of up to
18 \$2,500.00 per day per individual exposure to Lead from the Products, pursuant to *Health and Safety*
19 *Code* § 25249.7(b).

20 34. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior
21 to filing this Complaint.

22 35. Defendants knew or should have known that the Products contained Lead in amounts
23 sufficient to implicate the requirements of Proposition 65. Defendants’ failure to warn consumers
24 and other individuals in California of the health hazards associated with exposures to lead in
25 conjunction with defendants’ sales of the Products are violations of Proposition 65 which subject
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1 defendants, and each of them, to enjoinder of such conduct as well as civil penalties for each
2 violation. *Health & Safety Code* § 25249.7(a) and (b)(1).

3 36. On information and belief, Defendants and their divisions have systems, policies and
4 procedures that evidence awareness of Proposition 65 requirements and awareness of products
5 similar to the Products that require Proposition 65 warnings such that they knew or should have
6 known the Products are subject to Proposition 65's notice requirements.

7 37. For defendants' violations and threatened violations of Proposition 65, plaintiff seeks
8 preliminary and permanent injunctive relief to compel defendants to provide purchasers and users
9 of the Products with the required warning regarding specific health hazards associated with
10 exposures to lead. *Health & Safety Code* §25249.7(a).

11 38. Pursuant to *Health & Safety Code* §25249.7(b), plaintiff also seeks civil penalties
12 against defendants for their violations of Proposition 65, some of which are ongoing.


13 **PRAYER FOR RELIEF**

14 Plaintiff demands against each of the Defendants as follows:

- 15 1. That the Court, pursuant to Health and Safety Code section 25249.7(a), preliminarily
16 and permanently enjoin Defendants from importing, manufacturing, distributing,
17 selling, facilitating and/or offering for sale in the State of California Products that
18 contain the Listed Chemical without first providing a "clear and reasonable warning"
19 under Proposition 65;
 - 20 2. That the Court grant Plaintiff's reasonable attorneys' fees and costs of suit;
 - 21 3. That the Court, pursuant to *Health and Safety Code* § 25249.7(b), assess civil penalties
22 against Defendants in such amount as the Court deems appropriate; and,
 - 23 4. For such other and further relief as the Court may deem just and proper.
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1 Dated December 31, 2025

2 **MANNING LAW, A.P.C**

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4 By: 
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6 Michael J. Manning, Esq.
7 Attorneys for Plaintiff

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