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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

8 Attorneys for Plaintiff
9 Clean Product Advocates, LLC

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SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES

Clean Product Advocates LLC,
PLAINTIFF,

vs.

Lucini Italia Company, LLC;
California Olive Ranch, Inc.;
DOES 1 -100,
DEFENDANTS.

) Case No. **26STCV03063**
)
) COMPLAINT FOR PENALTY AND
) INJUNCTION
)
) Violation of Proposition 65,
) the Safe Drinking Water and
) Toxic Enforcement Act of 1986
) (Health & Safety Code Sections
) 25249.5, et. seq.)
)
) ACTION IS AN UNLIMITED CIVIL
) CASE (exceeds \$25,000.00)
)
)
)

1 individuals in California about potential exposure to Lead in
2 connection with Defendants' manufacture and/or import, and/or
3 sale, and/or distribution of the Product in violation of
4 Proposition 65.

5 4. Plaintiff seeks injunctive relief compelling Defendants
6 to sufficiently warn consumers in California before exposing
7 them to Lead in Products (Health & Safety Code Section
8 25249.7(a)). Plaintiff also seeks civil penalties against
9 Defendants for their violations of Proposition 65 along with
10 reasonable attorney's fees and legal costs (Health & Safety Code
11 Section 25249.7(b)).
12

13 **PARTIES**

14 5. Plaintiff CPA is an LLC operating in the State
15 of California dedicated to protecting the health of California
16 citizens through the elimination or reduction of toxic exposure
17 from consumer products. It brings this action in the public
18 interest pursuant to Health & Safety Code Section 25249.7.

19 6. Defendant Lucini Italia Company, LLC, is a business
20 entity, that either manufactures and/or imports, and/or sells
21 and/or distributes Products in Los Angeles County and throughout
22 the State of California, within the meaning of Health & Safety
23 Code Section 25249.11.

24 7. Defendant California Olive Ranch, Inc. is a
25 business entity, that either manufactures and/or imports, and/or
26 sells and/or distributes Products in Los Angeles County and
27

1 throughout the State of California, within the meaning of Health
2 & Safety Code Section 25249.11.

3
4 8. Defendants DOES 1 through 100, inclusive, are sued
5 herein under fictitious names. Their true names and capacities
6 are unknown to Plaintiff. When their true names and capacities
7 are ascertained, plaintiff will amend this complaint by
8 inserting their true names and capacities herein. Plaintiff is
9 informed and believes and thereon alleges, that each of the
10 fictitiously named defendants is responsible in some manner for
11 the occurrences alleged in this complaint and that Plaintiff's
12 damages as alleged in this complaint were proximately caused by
13 such defendants.
14

15 9. Plaintiff is informed and believes and thereon alleges,
16 that at all times alleged in this complaint, each defendant was
17 the agent, alter ego, servant, joint venturer, joint employer
18 and/or employee, of each of the remaining defendants, and in
19 doing the things hereinafter alleged, was acting within the
20 course and scope of said relationships and with the permission
21 and consent of all other co-defendants. All conduct was also
22 ratified by Defendants and each of them.
23

24 **JURISDICTION AND VENUE**

25 10. California Constitution Article VI, Section 10, grants
26

1 the Superior Court original jurisdiction in all cases except
2 those given by statute to other trial courts. The Health and
3 Safety Code statutes upon which this action is based does not
4 give jurisdiction to any other Court. As such, this Court has
5 jurisdiction over this action.

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

11 **FIRST CAUSE OF ACTION**

12 **(Violation of Proposition 65 - Against All Defendants**

13
14 12. Plaintiff incorporates by reference herein, each and
15 every allegation set forth above in this complaint.

16 13. Proposition 65 mandates that California citizens be
17 informed about exposures to chemicals that cause cancer, birth
18 defects, and other reproductive harm.

19
20 14. More than sixty days prior to the filing of this
21 lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice
22 Of Violation ("Notice") as required by and in compliance with
23 Proposition 65. Plaintiff also provided said Notice to the
24 various required public enforcement agencies along with a
25 Certificate of Merit. The Notice alleged that Defendants
26 violated Proposition 65 by failing to sufficiently warn
27 consumers in California of the health hazards associated
28

1 with exposure to Lead contained in the product, Smoky Carolina
2 BBQ (UPC 867905000074).

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

6 16. At all times relevant herein, Defendants manufactured
7 and/or imported and/or sold and/or distributed the above
8 described Product, containing Lead in violation of Health and
9 Safety Code Sections 25249.6 et. seq. Plaintiff is informed and
10 believes and thereon alleges that such violation has continued
11 after receipt of the Notice described above and such conduct
12 will continue to occur into the future.

14 17. In manufacturing, and/or importing, and/or selling
15 and/or distributing the above described Product, Defendants
16 failed to provide clear and reasonable warnings to consumers in
17 the State of California who may be exposed to Lead through
18 reasonably foreseeable use of the Product.

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

27 19. Defendants knew or should have known that their

1 Product contained Lead and exposed individuals to Lead as
2 described above in this complaint. The Notice described above
3 informed Defendants of the presence of Lead in their product.
4 Likewise, media coverage concerning Lead related chemicals in
5 consumer products provided "Constructive Notice" to Defendants.
6 Defendants' actions, therefore, were deliberate and not
7 accidental.

8
9 20. Individuals exposed to Lead contained in
10 Defendants' Product through direct ingestion resulting from
11 reasonably foreseeable use of the Product have suffered and
12 continue to suffer irreparable harm. There is no other plain,
13 speedy or adequate remedy at law other than the relief requested
14 in this complaint.

15 21. Defendants are liable for a maximum civil penalty of
16 \$2,500.00 per day for each violation of Proposition 65 pursuant
17 to Health and Safety Code Section 252497(b). Injunctive relief
18 is also appropriate pursuant to Health and Safety Code Section
19 25249.7(a).
20

21 22. Defendants knew or should have known that their
22 Product contained Lead and exposed individuals to Lead as
23 described above in this complaint. Also, the Notice informed
24 Defendants of the presence of Lead in their product. Likewise,
25 media coverage concerning Lead and related chemicals in consumer
26 products provided "Constructive Notice" to Defendants.
27

PRAYER FOR RELIEF

Wherefore, Plaintiff prays for judgment against Defendants, and each of them, as follows:

1. Civil penalties in the amount of \$2,500.00 per day for each violation of the law as described above in this complaint;

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

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

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

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

Respectfully Submitted:

Dated: January 29, 2026

CLIFFWOOD LAW FIRM,

By: Elham Shabatian

Elham Shabatian

Attorney for Plaintiff

Clean Product Advocates LLC