

02/06/2026

David W. Slayton, Executive Officer / Clerk of Court

By: F. Monge Deputy

Electronically Received 02/06/2026 05:31 PM

1 CLIFFWOOD LAW FIRM
2 ELHAM SHABATIAN (SBN 221953)
3 12100 Wilshire Boulevard
4 Suite 800
5 Los Angeles, California 90025
6 Tel: (310) 200-3227
7 Email: ellie@cliffwoodlaw.com
8
9 Attorneys for Plaintiff
10 Clean Product Advocates, LLC

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

10 Clean Product Advocates LLC,) Case No. 26STCV03899
11)
12 PLAINTIFF,) FIRST AMENDED COMPLAINT FOR
13) PENALTY AND INJUNCTION
14 vs.)
15 Ratto Bros. Inc; DOES 1 -100,) Violation of Proposition 65,
16) the Safe Drinking Water and
17) Toxic Enforcement Act of 1986
18) (Health & Safety Code Sections
19) 25249.5, et. seq.)
20)
21) ACTION IS AN UNLIMITED CIVIL
22) CASE (exceeds \$25,000.00)
23)
24)
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26)
27)
28)

1 INTRODUCTION

2 1. This Complaint is a representative action brought by
3 Clean Product Advocates, LLC ("Plaintiff") in the public
4 interest of the citizens of the State of California (the
5 "People"). Plaintiff seeks to remedy Defendants' failure to
6 inform the People of exposure to Lead and/or Cadmium in their
7 Products. Defendants continue to expose consumers to Lead and/or
8 Cadmium by either manufacturing, and/or importing, and/or
9 selling and/or distributing food products, including, but not
10 limited to, Ratto Bros. Chopped Kale (Lead and Cadmium) and
11 Ratto Bros. Fresh Collard (Lead) ("Sources" or "Products").
12 Defendants therefore know and intend that customers will ingest
13 products containing Lead and/or Cadmium under California's Safe
14 Drinking Water and Toxic Enforcement Act of 1986 (Proposition
15 65), and California Health and Safety Code sections 25249.6 et.
16 seq. which states that "[n]o person in the course of doing
17 business shall knowingly and intentionally expose any individual
18 to a chemical known to the state to cause cancer or reproductive
19 toxicity without first giving clear and reasonable warning to
20 such individual " (Health & Safety Code Section 25249.6).

22 2. California has identified and listed Lead as a chemical
23 known to cause cancer as early as on or about October 1, 1992,
24 and Cadmium as a chemical known to cause developmental/
25 reproductive toxicity as of on or about February 27, 1987.

26 3. Defendants have failed to sufficiently warn consumers and
27

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

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

12 **PARTIES**

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

18 6. Defendant Ratto Bros. Inc., is a business entity form
19 unknown, that either manufactures and/or imports, and/or sells
20 and/or distributes Products in Los Angeles County and throughout
21 the State of California, within the meaning of Health & Safety
22 Code Section 25249.11.

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

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

21 **JURISDICTION AND VENUE**

22 9. California Constitution Article VI, Section 10, grants
23 the Superior Court original jurisdiction in all cases except
24 those given by statute to other trial courts. The Health and
25 Safety Code statutes upon which this action is based does not
26
27
28

1 give jurisdiction to any other Court. As such, this Court has
2 jurisdiction over this action.

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

7 11. Defendants have sufficient minimum contacts in the
8 State of California or otherwise purposefully avail themselves
9 of the California market. Exercising jurisdiction over
10 Defendants would therefore be consistent with traditional
11 notions of fair play and substantial justice.
12

13 **FIRST CAUSE OF ACTION**

14 **(Violation of Proposition 65 - Against Defendants Ratto**
15 **Bros., inc. & Does 1 - 100**

16 12. Plaintiff incorporates by reference herein, each and
17 every allegation set forth above in this complaint.

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

22 14. More than sixty days prior to the filing of this
23 lawsuit naming each Defendant, Plaintiff issued 60-Day Notices
24 Of Violation ("Notices") as required by and in compliance with
25 Proposition 65. Plaintiff also provided said Notices to the
26 various required public enforcement agencies along with
27

1 Certificates of Merit. The Notices alleged that Defendants
2 violated Proposition 65 by failing to sufficiently warn
3 consumers in California of the health hazards associated
4 with exposure to Lead and Cadmium contained in Ratto Bros
5 Chopped Kale (Lead and Cadmium) and Ratto Bros. Fresh Collard
6 (Lead).

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

10 16. At all times relevant herein, Defendants manufactured
11 and/or imported and/or sold and/or distributed the above
12 described Products, containing Lead and/or Cadmium in violation
13 of Health and Safety Code Sections 25249.6 et. seq. Plaintiff is
14 informed and believes and thereon alleges that such violations
15 have continued after receipt of the Notices described above and
16 such conduct will continue to occur into the future.

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

22 18. The Products described above exposed individuals to
23 Lead and/or Cadmium through direct ingestion of the products
24 described above in this complaint. This exposure is a natural
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1 and foreseeable consequence of Defendants placing the Products
2 into the stream of commerce. As such Defendants intend that
3 consumers will ingest said Products, exposing them to Lead
4 and/or Cadmium.

5 19. Defendants knew or should have known that their
6 Products contained Lead and/or Cadmium and exposed individuals
7 to Lead and/or Cadmium as described above in this complaint. The
8 Notices informed Defendants of the presence of Lead and/or
9 Cadmium in their products. Likewise, media coverage concerning
10 Lead and/or Cadmium related chemicals in consumer products
11 provided "Constructive Notice" to Defendants. Defendants'
12 actions, therefore, were deliberate and not accidental.

14 20. Individuals exposed to Lead and/or Cadmium contained in
15 Defendants' Products through direct ingestion resulting from
16 reasonably foreseeable use of the Products have suffered and
17 continue to suffer irreparable harm. There is no other plain,
18 speedy or adequate remedy at law other than the relief requested
19 in this complaint.

21 21. Defendants are liable for a maximum civil penalty of
22 \$2,500.00 per day for each violation of Proposition 65 pursuant
23 to Health and Safety Code Section 252497(b). Injunctive relief
24 is also appropriate pursuant to Health and Safety Code Section
25 25249.7(a).

26 22. Defendants knew or should have known that their
27

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

8 **PRAYER FOR RELIEF**

9
10 Wherefore, Plaintiff prays for judgment against Defendants,
11 and each of them, as follows:

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

14 2. A preliminary and permanent injunction against
15 Defendants from manufacturing, and/or importing, and/or selling
16 and/or distributing Products in California without providing
17 clear and reasonable warnings as required by Proposition 65;

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

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

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

21 Dated: February 6, 2026 CLIFFWOOD LAW FIRM,

22
23
24 By: *Elham Shabatian*
25 Elham Shabatian
26 Attorney for Plaintiff
27 Clean Product Advocates LLC
28

ATTORNEY OR PARTY WITHOUT ATTORNEY STATE BAR NUMBER: 221953 NAME: Elham Shabatian FIRM NAME: Cliffwood Law Firm STREET ADDRESS: 12100 Wilshire Boulevard, Suite 800 CITY: Los Angeles STATE: Ca ZIP CODE: 90025 TELEPHONE NO.: 310-200-3227 FAX NO.: EMAIL ADDRESS: ellie@cliffwoodlaw.com ATTORNEY FOR (name): Plaintiff	FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Los Angeles STREET ADDRESS: 111 North Hill Street MAILING ADDRESS: Los Angeles, Ca. 90012 CITY AND ZIP CODE: Central District BRANCH NAME:	
PLAINTIFF/PETITIONER: Clean Product Advocates LLC DEFENDANT/RESPONDENT: Rattb Bros Inc. et. al.	
REQUEST FOR DISMISSAL	CASE NUMBER: 26STCV03899
A conformed copy will not be returned by the clerk unless a method of return is provided with the document.	
This form may not be used for dismissal of a derivative action or a class action or of any party or cause of action in a class action. (Cal. Rules of Court, rules 3.760 and 3.770.)	

1. TO THE CLERK: Please dismiss this action as follows:
- a. (1) With prejudice (2) Without prejudice (3) Without prejudice and with the court retaining jurisdiction (Code Civ. Proc., § 664.6)
 - b. (1) Complaint (2) Petition
 - (3) Cross-complaint filed on (date): by (name):
 - (4) Cross-complaint filed on (date): by (name):
 - (5) Entire action of all parties and all causes of action
 - (6) Other (specify)*: Dismiss defendants Albertson's Companies, Inc. & Stater Bros. Markets from the complaint only

2. (Complete in all cases except family law cases.)
 The court did did not waive court fees and costs for a party in this case. (This information may be obtained from the clerk. If court fees and costs were waived, the declaration on the back of this form must be completed.)

Date: February 6, 2026

Elham Shabatian

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

* If dismissal requested is of specified parties only, of specified causes of action only, or of specified cross-complaints only, so state and identify the parties, causes of action, or cross-complaints to be dismissed

Attorney or party without attorney for

- Plaintiff/Petitioner Defendant/Respondent
- Cross-Complainant

3. TO THE CLERK: Consent to the above dismissal is hereby given.†

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY WITHOUT ATTORNEY)

(SIGNATURE)

† If item 1a(3) is checked, all parties must sign. If a cross-complaint—or Response—Marriage/Domestic Partnership (form FL-120) seeking affirmative relief—is on file, the attorney for cross-complainant (respondent) must sign this consent if required by Code of Civil Procedure section 581(i) or (j).

Attorney or party without attorney for

- Plaintiff/Petitioner Defendant/Respondent
- Cross-Complainant

Check here and use form MC-025 or a separate page for additional signatures. Include date, printed name, and party information.

- 4. Dismissal entered as requested on (date):
- 5. Dismissal entered on (date): as to only (name):
- 6. Dismissal not entered as requested for the following reasons (specify):
- 7. a. Attorney or party without attorney notified on (date):
- b. Attorney or party without attorney not notified. Filing party failed to provide a copy to be conformed means to return conformed copy

Date: _____, Clerk, by _____, Deputy

PLAINTIFF/PETITIONER:
DEFENDANT/RESPONDENT:

CASE NUMBER:

COURT'S RECOVERY OF WAIVED COURT FEES AND COSTS
If a party whose court fees and costs were initially waived has recovered or will recover \$10,000 or more in value by way of settlement, compromise, arbitration award, mediation settlement, or other means, the court has a statutory lien on that recovery. The court may refuse to dismiss the case until the lien is satisfied. (Gov. Code, § 68637.)

Declaration Concerning Waived Court Fees

- 1. The court waived court fees and costs in this action for *(name)*:
- 2. The person named in item 1 is *(check one below)*
 - a. not recovering anything of value by this action.
 - b. recovering less than \$10,000 in value by this action.
 - c. recovering \$10,000 or more in value by this action. *(If item 2c is checked, item 3 must be completed.)*
- 3. All court fees and court costs that were waived in this action have been paid to the court *(check one)*: Yes No

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

Date:

(TYPE OR PRINT NAME OF ATTORNEY PARTY MAKING DECLARATION)

▶ _____
(SIGNATURE)

For your protection and privacy, please press the Clear This Form button after you have printed the form.

Print this form

Save this form

Clear this form

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

Electronically FILED by
Superior Court of California,
County of Los Angeles
2/05/2026 5:53 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By A. Villchis-David, Deputy Clerk

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

Ratto Bros. Inc; Albertson's Companies, Inc.; Stater Bros. Markets; DOES 1 - 100

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

Clean Product Advocates LLC

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

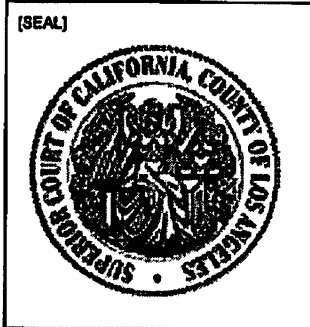
The name and address of the court is:
(El nombre y dirección de la corte es): Los Angeles County Superior Court
111 North Hill Street, Los Angeles, California 90012

CASE NUMBER:
(Número del Caso):
26STCV03899

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Elham Shabatian SBN 221953; 12100 Wilshire Boulevard, Suite 800, Los Angeles, Ca. 90025; 310-200-3227

DATE: 02/05/2026 David W. Slayton, Executive Officer/Clerk of Court A. Villchis-David, Deputy
(Fecha) (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
- by personal delivery on (date):

1 CLIFFWOOD LAW FIRM
2 ELHAM SHABATIAN (SBN 221953)
3 12100 Wilshire Boulevard
4 Suite 800
5 Los Angeles, California 90025
6 Tel: (310) 200-3227
7 Email: ellie@cliffwoodlaw.com

8 Attorneys for Plaintiff
9 Clean Product Advocates, LLC

10
11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
12 **FOR THE COUNTY OF LOS ANGELES**

13 Clean Product Advocates LLC,) Case No. **26STCV03899**
14 PLAINTIFF,)
15 vs.) COMPLAINT FOR PENALTY AND
16 Ratto Bros. Inc; Albertson's) INJUNCTION
17 Companies, Inc.; Stater Bros.)
18 Markets; DOES 1 -100,) Violation of Proposition 65,
19 DEFENDANTS.) the Safe Drinking Water and
20) Toxic Enforcement Act of 1986
21) (Health & Safety Code Sections
22) 25249.5, et. seq.)
23) ACTION IS AN UNLIMITED CIVIL
24) CASE (exceeds \$25,000.00)
25)
26)
27)
28)

1 INTRODUCTION

2 1. This Complaint is a representative action brought by
3 Clean Product Advocates, LLC ("Plaintiff" or "CPA") in the
4 public interest of the citizens of the State of California (the
5 "People"). Plaintiff seeks to remedy Defendants' failure to
6 inform the People of exposure to "LEAD", a known carcinogen.
7 Defendants continue to expose consumers to Lead and Cadmium by
8 either manufacturing, and/or importing, and/or selling and/or
9 distributing food products including, but not limited to, Ratto
10 Bros. Chopped Kale and to Lead, Ratto Bros. Fresh Collard
11 ("Sources" or "Products"). Defendants therefore know and intend
12 that customers will ingest products containing Cadmium and/or
13 Lead under California's Safe Drinking Water and Toxic
14 Enforcement Act of 1986, and California Health and Safety Code
15 sections 25249.6 et. seq. ("Proposition 65") which states that
16 "[n]o person in the course of doing business shall knowingly and
17 intentionally expose any individual to a chemical known to the
18 state to cause cancer or reproductive toxicity without first
19 giving clear and reasonable warning to such individual"
20 (Health & Safety Code Section 25249.6).

22 2. California has identified and listed Lead as a chemical
23 known to cause cancer as early as on or about October 1, 1992,
24 and Cadmium and Lead as chemicals known to cause developmental/
25 reproductive toxicity as of on or about February 27, 1987.

26 3. Defendants have failed to sufficiently warn consumers and
27

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

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

12 **PARTIES**

13
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 Ratto Bros. Inc., is a business
20 Entity form unknown, that either manufactures and/or imports,
21 and/or sells and/or distributes Products in Los Angeles County
22 and throughout the State of California, within the meaning of
23 Health & Safety Code Section 25249.11.

24 7. Defendant Albetson's Companies, Inc. is a business
25 entity, form unknown, that either manufactures and/or imports,
26 and/or sells and/or distributes Products in Los Angeles County
27

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

3 8. Defendant Stater Bros. Markets is a business
4 entity, form unknown, that either manufactures and/or imports,
5 and/or sells and/or distributes Products in Los Angeles County
6 and throughout the State of California, within the meaning of
7 Health & Safety Code Section 25249.11.

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

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

3 **JURISDICTION AND VENUE**

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

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

15 13. Defendants have sufficient minimum contacts in the
16 State of California or otherwise purposefully avail themselves
17 of the California market. Exercising jurisdiction over
18 Defendants would therefore be consistent with traditional
19 notions of fair play and substantial justice.
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21 **FIRST CAUSE OF ACTION**

22 **(Violation of Proposition 65 - Against Defendants Ratto**
23 **Bros., inc.; Albertson's Companies, Inc.; & Does 1 - 100**

24 14. Plaintiff incorporates by reference herein, each and
25 every allegation set forth above in this complaint.

26 15. Proposition 65 mandates that California citizens be
27

1 informed about exposures to chemicals that cause cancer, birth
2 defects, and other reproductive harm.

3 16. More than sixty days prior to the filing of this
4 lawsuit naming each Defendant, Plaintiff issued a 60-Day Notice
5 Of Violation ("Notice") as required by and in compliance with
6 Proposition 65. Plaintiff also provided said Notice to the
7 various required public enforcement agencies along with
8 Certificates of Merit. The Notice alleged that Defendants
9 violated Proposition 65 by failing to sufficiently warn
10 consumers in California of the health hazards associated
11 with exposure to Lead and Cadmium contained in Ratto Bros
12 Chopped Kale.

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

16 18. At all times relevant herein, Defendants manufactured
17 and/or imported and/or sold and/or distributed the above
18 described Product, containing Cadmium and Lead in violation of
19 Health and Safety Code Sections 25249.6 et. seq. Plaintiff is
20 informed and believes and thereon alleges that such violation
21 has continued after receipt of the Notice described above and
22 such conduct will continue to occur into the future.

23
24 19. In manufacturing, and/or importing, and/or selling
25 and/or distributing the above described Product, Defendants
26 failed to provide clear and reasonable warnings to consumers in
27

1 the State of California who may be exposed to Cadmium and Lead
2 through reasonably foreseeable use of the Products.

3 20. The Product described above exposed individuals to
4 Cadmium and Lead through direct ingestion of the product
5 described above in this complaint. This exposure is a natural
6 and foreseeable consequence of Defendants placing the Product
7 into the stream of commerce. As such Defendants
8 intend that consumers will ingest said Product, exposing them to
9 Cadmium and Lead.
10

11 21. Defendants knew or should have known that their
12 Product contained Cadmium and Lead and exposed individuals to
13 Cadmium and Lead as described above in this complaint. The
14 Notice described above in this complaint informed Defendants of
15 the presence of Cadmium and Lead in their product. Likewise,
16 media coverage concerning Cadmium and Lead related chemicals in
17 consumer products provided "Constructive Notice" to Defendants.
18 Defendants' actions, therefore, were deliberate and not
19 accidental.
20

21 22. Individuals exposed to Cadmium and Lead contained in
22 Defendants' Product through direct ingestion resulting from
23 reasonably foreseeable use of the Product have suffered and
24 continue to suffer irreparable harm. There is no other plain,
25 speedy or adequate remedy at law other than the relief requested
26 in this complaint.
27
28

- 1 3. Reasonable attorney's fees and costs of suit;
2 4. Pre-Judgement interest as allowed by law; and
3 5. Such other and further relief as may be just and proper.

4 Respectfully Submitted:

5 Dated: February 5, 2026 CLIFFWOOD LAW FIRM,
6

7 By: *Elham Shabatian*
8 Elham Shabatian
9 Attorney for Plaintiff
Clean Product Advocates LLC
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SUPERIOR COURT OF CALIFORNIA COUNTY OF LOS ANGELES	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Stanley Mosk Courthouse 111 North Hill Street, Los Angeles, CA 90012	FILED Superior Court of California County of Los Angeles 02/05/2026 David W. Slayton, Executive Officer / Clerk of Court By: <u> A. Villchis </u> Deputy
NOTICE OF CASE ASSIGNMENT UNLIMITED CIVIL CASE	
Your case is assigned for all purposes to the judicial officer indicated below.	CASE NUMBER: 26STCV03899

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
✓ Steven A. Ellis	56				

Given to the Plaintiff/Cross-Complainant/Attorney of Record David W. Slayton, Executive Officer / Clerk of Court
on 02/06/2026 (Date) By A. Villchis, Deputy Clerk

INSTRUCTIONS FOR HANDLING UNLIMITED CIVIL CASES

The following critical provisions of the California Rules of Court, Title 3, Division 7, as applicable in the Superior Court, are summarized for your assistance.

APPLICATION

The Division 7 Rules were effective January 1, 2007. They apply to all general civil cases.

PRIORITY OVER OTHER RULES

The Division 7 Rules shall have priority over all other Local Rules to the extent the others are inconsistent.

CHALLENGE TO ASSIGNED JUDGE

A challenge under Code of Civil Procedure Section 170.6 must be made within 15 days after notice of assignment for all purposes to a judge, or if a party has not yet appeared, within 15 days of the first appearance.

TIME STANDARDS

Cases assigned to the Independent Calendaring Courts will be subject to processing under the following time standards:

COMPLAINTS

All complaints shall be served within 60 days of filing and proof of service shall be filed within 90 days.

CROSS-COMPLAINTS

Without leave of court first being obtained, no cross-complaint may be filed by any party after their answer is filed. Cross-complaints shall be served within 30 days of the filing date and a proof of service filed within 60 days of the filing date.

STATUS CONFERENCE

A status conference will be scheduled by the assigned Independent Calendar Judge no later than 270 days after the filing of the complaint. Counsel must be fully prepared to discuss the following issues: alternative dispute resolution, bifurcation, settlement, trial date, and expert witnesses.

FINAL STATUS CONFERENCE

The Court will require the parties to attend a final status conference not more than 10 days before the scheduled trial date. All parties shall have motions in limine, bifurcation motions, statements of major evidentiary issues, dispositive motions, requested form jury instructions, special jury instructions, and special jury verdicts timely filed and served prior to the conference. These matters may be heard and resolved at this conference. At least five days before this conference, counsel must also have exchanged lists of exhibits and witnesses, and have submitted to the court a brief statement of the case to be read to the jury panel as required by Chapter Three of the Los Angeles Superior Court Rules.

SANCTIONS

The court will impose appropriate sanctions for the failure or refusal to comply with Chapter Three Rules, orders made by the Court, and time standards or deadlines established by the Court or by the Chapter Three Rules. Such sanctions may be on a party, or if appropriate, on counsel for a party.

This is not a complete delineation of the Division 7 or Chapter Three Rules, and adherence only to the above provisions is therefore not a guarantee against the imposition of sanctions under Trial Court Delay Reduction. Careful reading and compliance with the actual Chapter Rules is imperative.

Class Actions

Pursuant to Local Rule 2.3, all class actions shall be filed at the Stanley Mosk Courthouse and are randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be a class action it will be returned to an Independent Calendar Courtroom for all purposes.

***Provisionally Complex Cases**

Cases filed as provisionally complex are initially assigned to the Supervising Judge of complex litigation for determination of complex status. If the case is deemed to be complex within the meaning of California Rules of Court 3.400 et seq., it will be randomly assigned to a complex judge at the designated complex courthouse. If the case is found not to be complex, it will be returned to an Independent Calendar Courtroom for all purposes.