

1 **ENTORNO LAW, LLP**
2 Craig M. Nicholas (SBN 178444)
3 Noam Glick (SBN 251582)
4 Jake W. Schulte (SBN 293777)
5 Gianna E. Tirrell (SBN 358788)
6 225 Broadway, Suite 1900
7 San Diego, California 92101
8 Tel: (619) 629-0527
9 Email: craig@entornolaw.com
10 Email: noam@entornolaw.com
11 Email: jake@entornolaw.com
12 Email: gianna@entornolaw.com

13 Attorneys for Plaintiff
14 Environmental Health Advocates, Inc.

15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

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

17 ENVIRONMENTAL HEALTH ADVOCATES,
18 INC.,

19 Plaintiff,

20 v.

21 THE KROGER CO., an Ohio corporation;
22 RALPHS GROCERY COMPANY, an Ohio
23 corporation; and DOES 1 through 100,
24 inclusive,

25 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*

02/24/2026
Clerk of the Court
BY: SHENEQUA GLADNEY
Deputy Clerk

CGC-26-634182

I.
INTRODUCTION

1
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 Bisphenol A (“BPA”), a known
5 reproductive/developmental toxin. Defendants expose consumers to BPA by manufacturing, importing,
6 selling, and/or distributing canned refried beans including, but not limited to, Kroger Refried Beans –
7 Seasoned Black Beans (“Products”). Defendants know and intend that customers will ingest Products
8 containing BPA.

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 BPA as a chemical known to cause reproductive toxicity
15 as early as May 11, 2015, and as a chemical known to cause developmental toxicity on December 18,
16 2020.

17 4. Defendants failed to sufficiently warn consumers and individuals in California about
18 potential exposure to BPA in connection with Defendants’ manufacture, import, sale, or distribution of
19 Products. This is a violation of Proposition 65.

20 5. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
21 in California before exposing them to BPA in Products. (Health & Safety Code, § 25249.7(a).) Plaintiff
22 also seeks civil penalties against Defendants for violations of Proposition 65 along with attorney’s fees
23 and costs. (Health & Safety Code, § 25249.7(b).)

II.
PARTIES

24
25 6. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
26 corporation in the State of California dedicated to protecting the health of California citizens through
27 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public
28 interest pursuant to Health and Safety Code, section 25249.7.

1 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in
2 California of the health hazards associated with exposures to BPA contained in the Products.

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

5 23. Individuals exposed to BPA contained in Products through ingestion resulting from
6 reasonably foreseeable use of the Products have suffered and continue to suffer irreparable harm. There
7 is no other plain, speedy, or adequate remedy at law.

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

11 *[Rest of page left intentionally blank.]*
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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.
- 10
- 11

12 Respectfully submitted:

13 Dated: February 24, 2026

ENTORNO LAW, LLP

14 By: 
15 Noam Glick

16
17 Craig M. Nicholas
18 Jake W. Schulte
19 Gianna E. Tirrell

20 Attorneys for Plaintiff
21 Environmental Health Advocates, Inc.
22
23
24
25
26
27
28