Electronically Received 10/21/2026 11:03 AM

FILED
Superior Court of California
County of Los Angeles
10/21/2026
David W. Slayton, Executive Officer / Clerk of Court
By: I. Marin Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

Clean Product Advocates LLC, PLAINTIFF, vs. Ratto Bros. Inc; DOES 1 -100, DEFENDANTS.	Case No. 26STCV03899 SECOND AMENDED 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)

INTRODUCTION

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

2. California has identified and listed Lead as a chemical known to cause cancer as early as on or about October 1, 1992.

3. Defendants have failed to sufficiently warn consumers and individuals in California about potential exposure to Lead in connection with Defendants' manufacture and/or import, and/or

sale, and/or distribution of Products in violation of Proposition 65.

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

PARTIES

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

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

7. Defendants DOES 1 through 100, inclusive, are sued herein under fictitious names. Their true names and capacities are unknown to Plaintiff. When their true names and capacities are ascertained, plaintiff will amend this complaint by

inserting their true names and capacities herein. Plaintiff is informed and believes and thereon alleges, that each of the fictitiously named defendants is responsible in some manner for the occurrences alleged in this complaint and that Plaintiff's damages as alleged in this complaint were proximately caused by such defendants.

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

JURISDICTION AND VENUE

9. California Constitution Article V1, Section 10, grants the Superior Court original jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code statutes upon which this action is based does not give jurisdiction to any other Court. As such, this Court has jurisdiction over this action.

10. Venue is proper in Los Angeles County Superior Court

pursuant to Code of Civil Procedure Sections 394, 395 and 395.5 as wrongful conduct as alleged in this complaint has occurred and continues to occur in this County.

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

FIRST CAUSE OF ACTION

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

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

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

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

Fresh Collard.

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

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

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

18. The Products described above exposed individuals to Lead through direct ingestion of the products described above in this complaint. This exposure is a natural and foreseeable consequence of Defendants placing the Products into the stream of commerce. As such Defendants intend that consumers will ingest these Products exposing them to Lead.

19. Defendants knew or should have known that their

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

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

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

22. Defendants knew or should have known that their Products contained Lead and exposed individuals to Lead as described above in this complaint. The Notices informed Defendants of the presence of Lead in their products. Likewise, media coverage concerning Lead and related chemicals in consumer products provided "Constructive Notice" to Defendants.

Defendants' actions, therefore, were deliberate and not accidental.

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 clear and reasonable warnings as required by Proposition 65;

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.

Dated: September 23, 2026 CLIFFWOOD LAW FIRM,

By: /s/ Elham Shabatian
Elham Shabatian
Attorney for Plaintiff
Clean Product Advocates LLC

PROOF OF SERVICE

I am employed in the **County of Ventura, State of California.** I am over the age of 18 and not a party to this action; my current business address is **638 Lindero Canyon Road, No. 421, Oak Park, California 91377**

On October 21, 2026, I served the following document(s) described as:

STIPULATION & ORDER TO FILE AMENDED COMPLAINT FOR PENALTY AND INJUNCTION & SECOND AMENDED COMPLAINT

The foregoing documents were served by the following means:

_____ (BY U.S. MAIL) I enclosed the documents in a sealed envelope or package addressed to the person(s) listed below and placed the envelope for collection and mailing following ordinary business practices. I am readily familiar with the with the practice for collection and processing documents for mailing. Under that practice, it would be deposited with the U.S. Postal Service on that same day with postage fully prepaid at Thousand Oaks, California in the ordinary course of business.

___X___ (BY EMAIL) I caused the documents to be sent to the person(s) listed below at the corresponding email address. I did not receive within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

Executed on October 21, 2026 at Oak Park, California.

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

Howard Silver

HOWARD D. SILVER

SERVICE LIST

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