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Attorneys for Plaintiff
Environmental Health Advocates, Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SAN FRANCISCO

CGC-25-630037

ENVIRONMENTAL HEALTH ADVOCATES,
INC.,

Plaintiff,

v.

NUOVO PASTA PRODUCTIONS, LTD., a
Connecticut corporation; and DOES 1 through
100, inclusive,

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*

10/10/2025
Clerk of the Court
BY: BENJAMIN YUST
Deputy Clerk

I.
INTRODUCTION

1. This Complaint is a representative action brought by Environmental Health Advocates, Inc. (“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 and cadmium, known carcinogens and reproductive/developmental toxins. Defendants expose consumers to lead and cadmium by manufacturing, importing, selling, and/or distributing tortellini including, but not limited to, Nuovo Spinach and Cheese Tortellini (“Products”). Defendants know and intend that customers will ingest Products containing lead and cadmium.

2. Under California’s Safe Drinking Water and Toxic Enforcement Act of 1986, California Health and Safety Code, section 25249.6 et seq. (“Proposition 65”), “[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, § 25249.6.)

3. California identified and listed lead as a chemical known to cause cancer as early as October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February 27, 1987.

4. California identified and listed cadmium as a chemical known to cause developmental/reproductive toxicity as early as May 1, 1997.

5. Defendants failed to sufficiently warn consumers and individuals in California about potential exposure to lead and cadmium in connection with Defendants’ manufacture, import, sale, or distribution of Products. This is a violation of Proposition 65.

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

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12. Venue is proper in San Francisco County Superior Court pursuant to Code of Civil Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this County. Defendants conducted and continue to conduct business in this County as it relates to Products.

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

IV.
CAUSES OF ACTION

FIRST CAUSE OF ACTION
(Violation of Proposition 65 – Against all Defendants)

14. Plaintiff incorporates by reference each and every allegation contained above.

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

16. Defendants manufactured, imported, sold, and/or distributed Products containing lead and cadmium in violation of Health and Safety Code, section 25249.6 et seq. Plaintiff is informed and believes such violations have continued after receipt of the Notice (defined *infra*) and will continue to occur into the future.

17. In manufacturing, importing, selling, and/or distributing Products, Defendants failed to provide a clear and reasonable warning to consumers and individuals in California who may be exposed to lead and cadmium through reasonably foreseeable use of the Products.

18. Products expose individuals to lead and cadmium through direct ingestion. This exposure is a natural and foreseeable consequence of Defendants placing Products into the stream of commerce. As such, Defendants intend that consumers will ingest Products, exposing them to lead and cadmium.

19. Defendants knew or should have known that the Products contained lead and cadmium and exposed individuals to lead and cadmium in the ways provided above. The Notice informed Defendants of the presence of lead and cadmium in the Products. Likewise, media coverage concerning lead, cadmium, and related chemicals in consumer products provided constructive notice to Defendants.

1 20. Defendants’ actions in this regard were deliberate and not accidental.

2 21. More than sixty days prior to naming each defendant in this lawsuit, Plaintiff issued a
3 60-Day Notice of Violation (“Notice”) as required by and in compliance with Proposition 65. Plaintiff
4 provided the Notice to the various required public enforcement agencies along with a certificate of merit.
5 The Notice alleged that Defendants violated Proposition 65 by failing to sufficiently warn consumers in
6 California of the health hazards associated with exposures to lead and cadmium contained in the
7 Products.

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

10 23. Individuals exposed to lead and cadmium contained in Products through direct ingestion
11 resulting from reasonably foreseeable use of the Products have suffered and continue to suffer
12 irreparable harm. There is no other plain, speedy, or adequate remedy at law.

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

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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.
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- 11

12 Respectfully submitted:

13 Dated: October 10, 2025

ENTORNO LAW, LLP

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