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8 *Attorneys for Plaintiff*

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**03/11/2026**  
Clerk of the Court  
BY: DAEJA ROGERS  
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN FRANCISCO

11 EMA BELL,

12 Plaintiff,

13 vs.

14 RECREATIONAL EQUIPMENT, INC.,

15 Defendant.

Case No.:

**CGC-26-634781**

**COMPLAINT FOR CIVIL PENALTIES AND  
INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et  
seq.)**

16 Plaintiff Ema Bell (“Plaintiff”), by and through her attorneys, alleges the following cause  
17 of action in the public interest of the citizens of the State of California.

18 **BACKGROUND OF THE CASE**

19 1. Plaintiff brings this representative action on behalf of all California citizens to  
20 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at  
21 the Health and Safety Code § 25249.5 et seq (“Proposition 65”), which reads, in relevant part,  
22 “[n]o person in the course of doing business shall knowingly and intentionally expose any  
23 individual to a chemical known to the state to cause cancer or reproductive toxicity without first  
24 giving clear and reasonable warning to such individual ...”. Health & Safety Code § 25249.6.

25 2. This complaint is a representative action brought by Plaintiff in the public interest  
26 of the citizens of the State of California to enforce the People’s right to be informed of the health  
27 hazards caused by exposure to lead, a toxic chemical found in (a) Farm to Summit three bean chili  
28 and cornbread, and (b) Farm to Summit Thai red curry sold, and/or distributed by defendant  
Recreational Equipment, Inc. (“REI” or “Defendant”) in California and manufactured, sold, and/or  
distributed by Farm to Summit Inc.

1           3.       Lead is a harmful chemical known to the State of California to cause cancer and  
2 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as  
3 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations  
4 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &  
5 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to  
6 cause birth defects or other reproductive harm.

7           4.       Proposition 65 requires all businesses with ten (10) or more employees that operate  
8 within California or sell products therein to comply with Proposition 65 regulations. Included in  
9 such regulations is the requirement that businesses must label any product containing a Proposition  
10 65-listed chemical that will create an exposure above safe harbor levels with a “clear and  
11 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed  
12 chemical.

13          5.       Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation  
14 for up to 365 days to be imposed upon defendants in a civil action for violations of Proposition 65.  
15 Health & Safety Code § 25249.7(b). Proposition 65 also allows for any court of competent  
16 jurisdiction to enjoin the actions of a defendant which “violate or threaten to violate” the statute.  
17 Health & Safety Code § 25249.7.

18          6.       Plaintiff alleges that Defendant distributes and/or offers for sale in California,  
19 without a requisite exposure warning, (a) Farm to Summit three bean chili and cornbread, and (b)  
20 Farm to Summit Thai red curry (collectively, the “Products” and each a “Product”) that expose  
21 persons to lead when consumed for their intended purpose.

22          7.       Defendant’s failure to warn consumers and other individuals in California of the  
23 health hazards associated with exposure to lead in conjunction with the sale and/or distribution of  
24 the Product is a violation of Proposition 65 and subjects Defendant to the enjoinder and civil  
25 penalties described herein.

26          8.       Plaintiff seeks civil penalties against Defendant for its violations of Proposition 65  
27 in accordance with Health and Safety Code § 25249.7(b).



1 with the California Secretary of State as foreign corporations authorized to do business in the State  
2 of California, and/or has otherwise purposefully availed itself of the California market. Such  
3 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and  
4 permissible with traditional notions of fair play and substantial justice.

### 5 STATUTORY BACKGROUND

6 16. The people of the State of California declared in Proposition 65 their right “[t]o be  
7 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive  
8 harm.” (Section 1(b) of Initiative Measure, Proposition 65.)

9 17. To effect this goal, Proposition 65 requires that individuals be provided with a  
10 “clear and reasonable warning” before being exposed to substances listed by the State of California  
11 as causing cancer and birth defects or other reproductive harm. H&S Code § 25249.6 states, in  
12 pertinent part:

13 No person in the course of doing business shall knowingly and intentionally expose any  
14 individual to a chemical known to the state to cause cancer or reproductive toxicity without  
15 first giving clear and reasonable warning to such individual...

16 18. In this case, exposures are caused by consumer products. A “Consumer Product” is  
17 defined as “any article, or component part thereof, including food, that is produced, distributed, or  
18 sold for the personal use, consumption or enjoyment of a consumer.” (Cal. Code Regs., tit. 27, §  
19 25600.1, subd. (d).) Food includes “dietary supplements” as defined in California Code of  
20 Regulations, title 17, section 10200. (*Id.* at subd. (g).) An exposure to a chemical in a Consumer  
21 Product is one “which results from a person’s acquisition, purchase, storage, consumption or other  
22 reasonably foreseeable use of a consumer good, or any exposure that results from receiving a  
23 consumer service.” (27 CCR § 25602, para (b).) H&S Code § 25603(c) states that “a person in the  
24 course of doing business ... shall provide a warning to any person to whom the product is sold or  
25 transferred unless the product is packaged or labeled with a clear and reasonable warning.”

26 19. An exposure to a chemical in a consumer product is one “which results from a  
27 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a  
28 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §

1 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...  
2 shall provide a warning to any person to whom the product is sold or transferred unless the product  
3 is packaged or labeled with a clear and reasonable warning.”

4 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or  
5 more of the following methods individually or in combination:<sup>1</sup>

6 a. A warning that appears on a product’s label or other labeling.

7 b. Identification of the product at the retail outlet in a manner which provides  
8 a warning. Identification may be through shelf labeling, signs, menus, or a combination  
9 thereof.

10 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be  
11 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet  
12 with such conspicuousness, as compared with other words, statements, designs, or devices  
13 in the label, labeling or display as to render it likely to be read and understood by an  
14 ordinary individual under customary conditions of purchase or use.

15 d. A system of signs, public advertising identifying the system and toll-free  
16 information services, or any other system that provides clear and reasonable warnings.

17 21. Proposition 65 provides that any “person who violates or threatens to violate” the  
18 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase  
19 “threaten to violate” is defined to mean creating “a condition in which there is a substantial  
20 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil  
21 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to  
22 365 days.

23 22. Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(e), a retail seller is responsible for  
24 providing the warning required by § 25249.6 of the Act for a consumer product exposure when  
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26  
27 <sup>1</sup> Alternatively, a person in the course of doing business may elect to comply with the warning  
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.*, as amended on August 30,  
2016, and operative on August 30, 2018.

1 one or more of the following circumstances exist: (a) the retailer seller is selling the product under  
2 a brand or trademark that is owned or licensed by the retail seller or an affiliated entity; (b) the  
3 retailer seller has knowingly introduced a listed chemical into the product, or knowingly caused  
4 the listed chemical to be created in the product; (c) the retail seller has covered, obscured or altered  
5 a warning label that has been affixed to the product pursuant to § 25600.2(b); (d) the retail seller  
6 has received a notice and warning materials for the exposure pursuant to § 25600.2(b)-(c) and the  
7 retail seller has sold the product without conspicuously posting or displaying the warning; or (e)  
8 the retailer seller has actual knowledge of the potential consumer product exposure requiring the  
9 warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the  
10 product who: (i) is a “person in the course of doing business under § 25249.11(b) of the Act, and  
11 (ii) has designated an agent for service of process in California, or has a place of business in  
12 California.

### 13 FACTUAL BACKGROUND

14 23. Lead is a harmful chemical known to the State of California to cause cancer and  
15 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as  
16 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations  
17 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &  
18 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to  
19 cause birth defects or other reproductive harm.

20 24. On February 20, 2025, Plaintiff purchased the Products from Defendant. At the  
21 time of the purchase, Defendant did not provide a clear and reasonable exposure warning pursuant  
22 to Cal. Code Regs. Tit. 27, § 25602.

23 25. On April 17, 2025, Plaintiff served notice of alleged violation of Health and Safety  
24 Code § 25249.6 (collectively, the “Notices” and each a “Notice”) to Defendant concerning the  
25 exposure of California citizens to lead from consumption of the Products without proper warning,  
26 subject to a private action to Defendant and to the California Attorney General’s office and the  
27 offices of the County District attorneys and City Attorneys for each city with a population greater  
28 than 750,000 persons wherein the herein violations allegedly occurred. The exposures that are the

1 subject of the Notices result from the purchase, acquisition, handling and recommended  
2 consumption of the Products. The primary route of exposure to lead is through ingestion. When  
3 foods contaminated with lead are consumed, ingestion of lead will occur which will increase blood  
4 lead levels. No clear and reasonable warning is provided with the Products regarding the health  
5 hazards of exposure. A true and correct copy of each Notice is attached at Exhibits A – B.

6         26. Defendant has actual knowledge that sales of the Products in California will result  
7 in an actionable consumer product exposure pursuant to Cal. Health & Safety Code § 25249.5 et  
8 seq.

9         27. Defendant has sold the Products under a brand or trademark that is owned or  
10 licensed by Defendant or an affiliated entity; and/or Defendant has knowingly introduced lead into  
11 the Products, or knowingly caused lead to be created in the Product; and/or Defendant has covered,  
12 obscured or altered a warning label that has been affixed to the Products pursuant to § 25600.2(b);  
13 and/or Defendant has received a notice and warning materials for the exposure pursuant to §  
14 25600.2(b)-(c) and Defendant has sold the Products without conspicuously posting or displaying  
15 the warning; and/or Defendant has actual knowledge of the potential consumer product exposure  
16 requiring the warning, and there is no manufacturer, producer, packager, importer, supplier, or  
17 distributor of the Products who: (i) is a “person in the course of doing business under § 25249.11(b)  
18 of the Act, and (ii) has designated an agent for service of process in California, or has a place of  
19 business in California.

20         28. At all times relevant to this action, Defendant has knowingly and intentionally  
21 exposed consumers of the Products to lead without first giving a clear and reasonable exposure  
22 warning to such individuals. More than five business days after receipt of the Notice of Violation,  
23 Defendant continued to distribute, sell, and/or offer to and sell in California without the requisite  
24 warning information.

25         29. On March 11, 2026, Plaintiff purchased the Products a second time from Defendant.  
26 At the time of the purchase, Defendant did not provide a clear and reasonable exposure warning  
27 pursuant to Cal. Code Regs. Tit. 27, § 25602.



1 offices of the County District attorneys and City Attorneys for each city with a population greater  
2 than 750,000 persons wherein the herein violations allegedly occurred.

3 37. The Notices complied with all procedural requirements of Proposition 65 including  
4 the attachment of a Certificate of Merit affirming that Plaintiff's counsel had consulted with at  
5 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead  
6 exposure, and that counsel believed there was meritorious and reasonable cause for a private  
7 action.

8 38. After receiving the Notices, and to Plaintiff's best information and belief, none of  
9 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a  
10 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are  
11 the subject of the Notices.

12 39. Plaintiff is commencing this action more than sixty (60) days from the date of the  
13 each Notice to Defendant, as required by law.

14 **FIRST CAUSE OF ACTION**

15 **(By Plaintiff against Defendant for the Violation of Proposition 65)**

16 40. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 39 of  
17 this Complaint as though fully set forth herein.

18 41. Defendant has manufactured, processed, marketed, distributed, offered to sell  
19 and/or sold the Products in California since at least February 20, 2025.

20 42. On April 17, 2025, Plaintiff served the Notices on Defendant concerning the  
21 exposure of California citizens to lead from consumption of the Products without proper warning,  
22 subject to a private action to Defendant and to the California Attorney General's office and the  
23 offices of the County District attorneys and City Attorneys for each city with a population greater  
24 than 750,000 persons wherein the herein violations allegedly occurred.

25 43. The Notices give Defendant actual knowledge of the potential consumer product  
26 exposure requiring the warning pursuant to Cal. Code Regs, Tit. 27, § 25600.2. Consumption of  
27 the Products will expose users and consumers thereof to lead, a hazardous chemical found on the  
28 Proposition 65 list of chemicals known to be hazardous to human health.

1 44. The Products do not comply with the Proposition 65 warning requirements.

2 45. Plaintiff, based on her best information and belief, avers that at all relevant times  
3 herein, and at least since April 17, 2025, continuing until the present, that Defendant has continued  
4 to knowingly and intentionally expose California users and consumers of the Products to lead  
5 without providing required warnings under Proposition 65.

6 46. Defendant continues to sell the Products under a brand or trademark that is owned  
7 or licensed by Defendant or an affiliated entity; and/or Defendant has knowingly introduced lead  
8 into the Products, or knowingly caused lead to be created in the Products; and/or Defendant has  
9 covered, obscured or altered a warning label that has been affixed to the Products pursuant to §  
10 25600.2(b); and/or Defendant has received a notice and warning materials for the exposure  
11 pursuant to § 25600.2(b)-(c) and Defendant has sold the Products without conspicuously posting  
12 or displaying the warning; and/or Defendant has actual knowledge of the potential consumer  
13 product exposure requiring the warning, and there is no manufacturer, producer, packager,  
14 importer, supplier, or distributor of the Products who: (i) is a “person in the course of doing  
15 business under § 25249.11(b) of the Act, and (ii) has designated an agent for service of process in  
16 California, or has a place of business in California

17 47. On March 11, 2026, more than five business days after Defendant received the  
18 Notice, Plaintiff purchased the Product from Defendant. At the time of purchase, Defendant did  
19 not provide a Proposition 65 compliant exposure warning.

20 48. The exposures that are the subject of the Notices result from the purchase,  
21 acquisition, handling and recommended consumption of the Products. The primary route of  
22 exposure to lead is through ingestion. When foods contaminated with lead are consumed, ingestion  
23 of lead will occur which will increase blood lead levels. No clear and reasonable warning is  
24 provided with the Products regarding the health hazards of exposure.

25 49. Plaintiff, based on her best information and belief, avers that such exposures will  
26 continue every day until clear and reasonable warnings are provided to purchasers and consumers  
27 or until this known toxic chemical is removed from the Products.



# EXHIBIT “A”

LAW OFFICES  
**BRODSKY SMITH**

9465 WILSHIRE BLVD., STE. 300  
BEVERLY HILLS, CA 90212  
877.534.2590  
www.brodskysmith.com

**NEW JERSEY OFFICE**  
20 BRACE RD., STE. 350  
CHERRY HILL, NJ 08034  
856.795.7250

**NEW YORK OFFICE**  
240 MINEOLA BOULEVARD  
MINEOLA, NY 11501  
516.741.4977

**PENNSYLVANIA OFFICE**  
TWO BALA PLAZA, STE. 805  
BALA CYNWYD, PA 19004  
610.667.6200

April 17, 2025

President/CEO Farm to Summit Inc. c/o Louise Barton 2989 W. 2 <sup>nd</sup> Ave. Durango, CO 81301	President/CEO Farm to Summit Inc. 21770 Highway 160 Durango, CO 81303
President/CEO Recreational Equipment, Inc. c/o Corporation Creations Network Inc. 7801 Folsom Blvd., #202 Sacramento, CA 95826	President/CEO Recreational Equipment, Inc. 1700 45 <sup>th</sup> Street E Sumner, WA 98352
President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network Inc. 707 W. Main Avenue #B1 Spokane, WA 99201	President/CEO Recreational Equipment, Inc. dba REI co op 1700 45 <sup>th</sup> Street E Sumner, WA 98352

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Ema Bell ("Bell"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides 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 providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or

<sup>1</sup> The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

### **I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Ema Bell, 222 S. Figueroa Street, Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Farm to Summit Inc.; Recreational Equipment, Inc.; Recreational Equipment, Inc. dba REI co op
3. **Time Period of Exposure:** Violations have been occurring since at least April 17, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

<b>Product<sup>2</sup></b>	<b>Non- Exclusive Examples of the Product</b>
Chili	Farm to Summit Three Bean Chili & Cornbread UPC# 8 60011 67333 0

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

### **II. PROPOSITION 65 INFORMATION**

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

### **III. RESOLUTION OF THE CLAIMS**

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

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<sup>2</sup> The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

**Bell has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, [esmith@brodskysmith.com](mailto:esmith@brodskysmith.com).**

Sincerely,



Evan J. Smith

**Attachments**

**Certificate of Merit**

**Certificate of Service**

**The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary**

# EXHIBIT “B”

LAW OFFICES  
**BRODSKY SMITH**

9465 WILSHIRE BLVD., STE. 300  
BEVERLY HILLS, CA 90212  
877.534.2590  
www.brodskysmith.com

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<sup>1</sup> The public enforcement agencies that have been served with copies of this Notice are identified in the attached distribution list accompanying the Certificate of Service.

how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

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1. **Enforcer:** Ema Bell, 222 S. Figueroa Street, Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Farm to Summit Inc.; Recreational Equipment, Inc.; Recreational Equipment, Inc. dba REI co op
3. **Time Period of Exposure:** Violations have been occurring since at least April 17, 2025 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

<b>Product<sup>2</sup></b>	<b>Non- Exclusive Examples of the Product</b>
Curry	Farm to Summit Thai Red Curry UPC# 1 98168 83693 4

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

### **II. PROPOSITION 65 INFORMATION**

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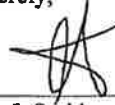
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<sup>2</sup> The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

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Sincerely,



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Evan J. Smith

**Attachments**

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary