

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 GREAT ATLANTIC TRADING INC., a
22 Delaware corporation; GREAT ATLANTIC
23 TRADING COMPANY, a North Carolina
24 corporation; and DOES 1 through 100,
25 inclusive,

26 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*

05/15/2026
Clerk of the Court
BY: JEFFREY FLORES
Deputy Clerk

CGC-26-637033

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 lead and cadmium, known
5 carcinogens and reproductive/developmental toxins. Defendants expose consumers to lead and
6 cadmium by manufacturing, importing, selling, and/or distributing escargots including, but not limited
7 to, Escargots Snails Helix Pomatia, Romanzini de Bourgogne (“Products”). Defendants know and intend
8 that customers will ingest Products containing lead and cadmium.

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 lead as a chemical known to cause cancer as early as
15 October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February
16 27, 1987.

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

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

22 6. Plaintiff seeks injunctive relief compelling Defendants to sufficiently warn consumers
23 in California before exposing them to lead and cadmium in Products. (Health & Safety Code, §
24 25249.7(a).) Plaintiff also seeks civil penalties against Defendants for violations of Proposition 65 along
25 with attorney’s fees and costs. (Health & Safety Code, § 25249.7(b).)

II.
PARTIES

26
27 7. Plaintiff ENVIRONMENTAL HEALTH ADVOCATES, INC. (“Plaintiff”) is a
28 corporation in the State of California dedicated to protecting the health of California citizens through

1 the elimination or reduction of toxic exposure from consumer products. It brings this action in the public
2 interest pursuant to Health and Safety Code, section 25249.7.

3 8. Defendant GREAT ATLANTIC TRADING COMPANY ("Great Atlantic Trading") is
4 a corporation organized and existing under the laws of North Carolina. Great Atlantic is registered to
5 do business in California, and does business in the County of San Francisco, within the meaning of
6 Health and Safety Code, section 25249.11. Great Atlantic manufactures, imports, sells, or distributes
7 the Products in California and San Francisco County.

8 9. Defendant GREAT ATLANTIC TRADING INC. ("Great Atlantic") is a corporation
9 organized and existing under the laws of Delaware. Great Atlantic is registered to do business in
10 California, and does business in the County of San Francisco, within the meaning of Health and Safety
11 Code, section 25249.11. Great Atlantic manufactures, imports, sells, or distributes the Products in
12 California and San Francisco County.

13 10. Plaintiff does not know the true names and/or capacities, whether individual, partners,
14 or corporate, of the Defendants sued herein as DOES 1 through 100, inclusive, and for that reason sues
15 said Defendants under fictitious names pursuant to Cal. Civ. Proc. § 474. Plaintiff will seek leave to
16 amend this Complaint when the true names and capacities of these Defendants have been ascertained.
17 Plaintiff is informed and believes and thereon alleges that these Defendants are responsible in whole or
18 in part for the remedies and penalties sought herein.

19 11. At all times mentioned, Defendants were the agents, alter egos, servants, joint venturers,
20 joint employers, or employees for each other. Defendants acted with the consent of the other Co-
21 Defendants and acted within the course, purpose, and scope of their agency, service, or employment.
22 All conduct was ratified by Defendants, and each of them.

23 **III.**
24 **VENUE AND JURISDICTION**

25 12. California Constitution Article VI, Section 10 grants the Superior Court original
26 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code
27 statute upon which this action is based does not give jurisdiction to any other court. As such, this Court
28 has jurisdiction.

1 lead and cadmium and related chemicals in consumer products provided constructive notice to
2 Defendants.

3 21. Defendants' actions in this regard were deliberate and not accidental.

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

10 23. The appropriate public enforcement agencies provided with the Notice failed to
11 commence and diligently prosecute a cause of action against Defendants.

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

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

18 *[Rest of page left intentionally blank.]*
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: May 15, 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