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**ELECTRONICALLY
FILED**

*Superior Court of California,
County of San Francisco*

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

CGC-26-634181

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 MCCALL FARMS, INC., a South Carolina
22 corporation; FOOD 4 LESS OF CALIFORNIA,
23 INC., a California corporation; and DOES 1
24 through 100, inclusive,

25 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF**

(Health & Safety Code § 25249.6 et seq.)

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 cadmium and lead, known
5 carcinogens and reproductive/developmental toxins. Defendants expose consumers to cadmium and
6 lead by manufacturing, importing, selling, and/or distributing mustard greens including, but not limited
7 to, Seasoned Southern Style Mustard Greens (“Products”). Defendants know and intend that customers
8 will directly ingest Products containing cadmium and lead.

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 cadmium as a chemical known to cause developmental/
15 reproductive toxicity as early as May 1, 1997.

16 4. California identified and listed lead as a chemical known to cause cancer as early as
17 October 1, 1992, and as a chemical known to cause developmental/reproductive toxicity on February
18 27, 1987.

19 5. Defendants failed to sufficiently warn consumers and individuals in California about
20 potential exposure to cadmium and lead 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 cadmium and lead 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 MCCALL FARMS, INC. ("McCall Farms") is a corporation organized and
4 existing under the laws of South Carolina. McCall Farms is registered to do business in California, and
5 does business in the County of San Francisco, within the meaning of Health and Safety Code, section
6 25249.11. McCall Farms manufactures, imports, sells, or distributes the Products in California and San
7 Francisco County.

8 9. Defendant FOOD 4 LESS OF CALIFORNIA, INC. ("Food 4 Less") is a corporation
9 organized and existing under the laws of California. Food 4 Less 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. Food 4 Less 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.**
VENUE AND JURISDICTION

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

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