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Electronically FILED by
Superior Court of California,
County of Los Angeles
2/06/2026 5:15 PM
David W. Slayton,
Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

6 Attorneys for Plaintiff,
7 **BERJ PARSEGHIAN**

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF LOS ANGELES**

12 BERJ PARSEGHIAN, in the public interest,
13 Plaintiff,

14 v.

15 Tru Brands, Inc., Inc.; and DOES 1 through 100,
16 inclusive,

17 Defendants.

Civil Action No.: **26STCV04062**

**COMPLAINT FOR INJUNCTIVE RELIEF AND
CIVIL PENALTIES**

[Cal. Health and Safety Code Sec. 25249.6, *et seq.*]

KJT LAWGROUP LLP
Jivalagian | Thomassian

1 Berj Parseghian, in the public interest, based on information and belief and investigation of
2 counsel, except for information based on knowledge, hereby makes the following allegations.

3
4 **INTRODUCTION**

5 1. This Complaint seeks to remedy Defendant's continuing failure to adequately warn
6 individuals in California that they are being exposed to lead and cadmium, a chemical known to the
7 State of California to cause cancer and other reproductive harm. Such exposures have occurred, and
8 continue to occur, through the manufacture, distribution, sale and consumption of Defendant's
9 Trubar - Plant Based Protein Bar - Oh Oh Cookie Dough; UPC #: 8 59146 00683 0 (the
10 "Product"). The Product is available to consumers in California through a multitude of retail
11 channels including, without limitation (a) third-party traditional brick-and-mortar retail locations; (b)
12 via the internet through Defendant's website; and (c) via the internet through third-party retail
13 websites. Consumers are exposed to lead and cadmium when they consume the Product.

14 2. Under California's Proposition 65, Health and Safety Code § 25249.5, et seq., it is
15 unlawful for businesses to knowingly and intentionally expose individuals in California to chemicals
16 known to the State to cause cancer, birth defects or other reproductive harm without providing clear
17 and reasonable warnings to individuals prior to their exposure. Defendant introduces a product
18 contaminated with significant quantities of lead and cadmium into the California marketplace,
19 exposing consumers of the Product to lead and cadmium.

20 3. A retail seller is responsible for providing the warning required by Section 25249.6 of
21 the Act for a consumer product exposure only when one or more of the following circumstances
22 exist:

23 (1) The retail seller is selling the product under a brand or trademark that is owned or
24 licensed by the retail seller or an affiliated entity;

25 (2) The retail seller has knowingly introduced a listed chemical into the product, or
26 knowingly caused a listed chemical to be created in the product;

27 (3) The retail seller has covered, obscured or altered a warning label that has been affixed to
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1 the product pursuant to subsection (b);

2 (4) The retail seller has received a notice and warning materials for the exposure pursuant to
3 subsections (b) and (c) and the retail seller has sold the product without conspicuously
4 posting or displaying the warning; or

5 (5) The retail seller has actual knowledge of the potential consumer product exposure
6 requiring the warning, and there is no manufacturer, producer, packager, importer, supplier,
7 or distributor of the product who:

8 (A) Is a "person in the course of doing business" under Section 25249.11(b) of the
9 Act, and

10 (B) Has designated an agent for service of process in California, or has a place of
11 business in California.

12 4. Despite the fact that the Defendant exposes consumers to lead and cadmium,
13 Defendant provides no warning, or inadequate warnings about the reproductive hazards associated
14 with lead and cadmium exposure. Defendant's conduct thus violates the warning provision of
15 Proposition 65, Health & Safety Code § 25249.6.

16 **PARTIES**

17 5. Plaintiff brings this enforcement action in the public interest pursuant to Health &
18 Safety Code § 25249.7(d).

19 6. Defendant TRU BRANDS, INC. ("TRU") is a person in the course of doing
20 business within the meaning of Health & Safety Code § 25249.11 TRU manufactures, distributes
21 and/or sells the Product for sale and use in California.

22 7. The true names of DOES 1 through 100 are unknown to Plaintiff at this time. When
23 their identities are ascertained, the Complaint shall be amended to reflect their true names.

24 **JURISDICTION AND VENUE**

25 8. The Court has jurisdiction over this action pursuant to Health & Safety Code §
26 25249.7, which allows enforcement in any court of competent jurisdiction, and pursuant to
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1 California Constitution Article VI, Section 10, because this case is a cause not given by statute to
2 other trial courts.

3 9. This Court has jurisdiction over Defendant as a business entity that does sufficient
4 business, has sufficient minimum contacts in California or otherwise intentionally avails itself of the
5 California market through the sale, marketing or use of the Product in California and/or by having
6 such other contacts with California so as to render the exercise of jurisdiction over them by the
7 California courts consistent with traditional notions of fair play and substantial justice.

8 10. Venue is proper in Los Angeles County Superior Court because one or more of the
9 violations arise in the County of Los Angeles.

10
11 **BACKGROUND FACTS**

12 11. The People of the State of California have declared by initiative under Proposition
13 65 their right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or
14 other reproductive harm.” Proposition 65 § 1(b).

15 12. To effectuate this goal, Proposition 65 prohibits exposing people to chemicals listed
16 by the State of California as known to cause cancer, birth defects or other reproductive harm above
17 certain levels without a “clear and reasonable warning” unless the business responsible for the
18 exposure can prove that it fits within a statutory exemption. Health & Safety Code § 25249.6 states
19 in pertinent part:

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

23 13. The State of California has officially listed lead as a chemical known to cause cancer
24 and reproductive harm.

25 14. The State of California has officially listed cadmium as a chemical known to cause
26 reproductive harm.

27 15. The level of exposure to a chemical causing reproductive toxicity under Proposition
28 65 is determined by multiplying the level in question times the reasonably anticipated rate of

1 exposure for an individual to a given medium. 27 C.C.R. § 25821(b). for exposures to consumer
2 products, the level of exposure is calculated using the reasonably anticipated rate of intake or
3 exposure for average users of the consumer product. 27 C.C.R. § 25821(C)(2).

4 16. Defendant TRU manufactures, distributes and/or sells the Product for sale and use
5 in California.

6 17. Defendant's Product contains sufficient quantities of lead and cadmium such that
7 consumers, including pregnant women, who consume the Product are exposed to lead and
8 cadmium. The primary route of exposure for the violations is direct ingestion when consumers
9 orally ingest the Product. These exposures occur in homes, workplaces and everywhere in
10 California where the Product is consumed.

11 18. During the relevant one-year period herein, no clear and reasonable warning was
12 provided with the Product regarding the reproductive hazards of lead and cadmium.

13 19. Any person acting in the public interest has standing to enforce violations of
14 Proposition 65 provided that such person has supplied the requisite public enforcers with a valid
15 60-Day Notice of Violation and such public enforcers are not diligently prosecuting the action
16 within such time. Health & Safety Code § 25249.7(d).

17 20. More than sixty days prior to naming each Defendant in this lawsuit, Plaintiff
18 provided a 60-Day "Notice of Violation of Proposition 65" to the California Attorney General, the
19 District Attorneys of every county in California, the City Attorneys of every California city with a
20 population greater than 750,000 and to the named Defendants. In compliance with Health & Safety
21 Code § 25249.7(d) and 27 C.C.R. § 25903(b), each Notice included the following information: (1)
22 the name and address of each violator; (2) the statute violated; (3) the time period during which
23 violations occurred; (4) specific descriptions of the violations, including (a) the routes of exposure
24 to lead and cadmium from the Product, and (b) the specific type of Product sold and used in
25 violation of Proposition 65; and (5) the name of the specific Proposition 65-listed chemical that is
26 the subject of the violations described in each Notice.

27 21. Plaintiff also sent a Certificate of Merit for each Notice to the California Attorney
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1 General, the District Attorneys of every county in California, the City Attorneys of every California
2 city with a population greater than 750,000 and to the named Defendants. The Notice of Violation
3 of Proposition 65 was filed on or about September 4, 2025. In compliance with Health & Safety
4 Code § 25249.7(d) and 11 C.C.R. § 3101, each Certificate certified that Plaintiff's counsel: (1) has
5 consulted with one or more persons with relevant and appropriate experience or expertise who
6 reviewed facts, studies or other data regarding the exposures to lead and cadmium alleged in each
7 Notice; and (2) based on the information obtained through such consultations, believes that there is
8 a reasonable and meritorious case for a citizen enforcement action based on the facts alleged in
9 each Notice. In compliance with Health & Safety Code § 25249.7(d) and 11 C.C.R. § 3102, each
10 Certificate served on the Attorney General included factual information-provided on a confidential
11 basis-sufficient to establish the basis for the Certificate, including the identity of the person(s)
12 consulted by the Plaintiff's counsel and the facts, studies or other data reviewed by such persons.

13 22. None of the public prosecutors with the authority to prosecute violations of
14 Proposition 65 has commenced and/or is diligently prosecuting a cause of action against
15 Defendants under Health & Safety Code § 25249.5, *et seq.*, based on the claims asserted in each of
16 Plaintiff's Notices.

17 23. Defendants both know and intend that individuals will consume the Product, thus
18 exposing them to lead and cadmium.

19 24. Under Proposition 65, an exposure is "knowing" where the party responsible for
20 such exposure has:

21
22 Knowledge of the fact that a[n]...exposure to a chemical listed pursuant to [Health & Safety
23 Code § 25249.8(a)] is occurring. No knowledge that the... exposure is unlawful is required.
24 27 C.C.R. § 25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final
25 Statement of Reasons Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division
26 2, § 12201).

26 25. Defendant has been informed of the lead and cadmium in their Products by the 60-
27 Day Notice of Violation and accompanying Certificate of Merit served on them.

1 affiliated entity's brand, if they have intentionally added or caused the creation of a listed chemical
2 in the product, if they have tampered with an existing warning label, if they fail to display a provided
3 warning, or if they are aware of the exposure risk and there is no responsible manufacturer,
4 producer, packager, importer, supplier, or distributor with a business presence or designated agent
5 in California.

6 34. Lead is a chemical listed by the State of California as known to cause cancer and
7 other reproductive harm.

8 35. Cadmium is a chemical listed by the State of California as known to cause
9 reproductive harm.

10 36. Defendant knows that average use of the Product will expose users of the Product to
11 lead and cadmium. Defendant intends that the Product be used in a manner that results in
12 exposures to lead and cadmium from the Products.

13 37. Defendant has failed, and continues to fail, to provide clear and reasonable warnings
14 regarding the reproductive toxicity of lead and cadmium to users of the Products.

15 38. By committing the acts alleged above, Defendant has at all times relevant to this
16 Complaint violated Proposition 65 by knowingly and intentionally exposing individuals to lead and
17 cadmium without first giving clear and reasonable warnings to such individuals regarding the
18 reproductive toxicity of lead and cadmium.

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20 **PRAYER FOR RELIEF**

21 Wherefore, Plaintiff prays for judgment against Defendant as follows:

22 1. That the Court, pursuant to Health & Safety Code § 25249.7(b), assess civil penalties
23 against the Defendant in the amount of \$2,500 per day for each violation of Proposition 65;

24 2. That the Court, pursuant to Health & Safety Code § 25249.7(a), preliminarily and
25 permanently enjoin Defendant from offering the Product for sale in California without either
26 reformulating the Products such that no Proposition 65 warnings are required or providing prior
27 clear and reasonable warnings, as Plaintiff shall specify in further application to the Court;
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3. That the Court, pursuant to Health & Safety Code § 25249.7(a), order Defendant to take action to stop ongoing unwarranted exposures to lead and cadmium resulting from use of Product sold, as Plaintiff shall specify in further application to the Court;

4. That the Court, pursuant to Code of Civil Procedure § 1021.5 or any other applicable theory or doctrine, grant Plaintiff her reasonable attorneys' fees and costs of suit; and

5. That the Court grant such other and further relief as may be just and proper.

Dated: February 6, 2026

KJT LAW GROUP, LLP

By:



Tro/Krikorian, Esq.
Attorneys for Plaintiff
BERJ PARSEGHIAN