

Electronically FILED by
Superior Court of California,
County of Los Angeles
6/30/2026 11:42 AM
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Executive Officer/Clerk of Court,
By Y. Ayala, Deputy Clerk

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

10 THE LIVING GALLERY, LLC, a limited liability company,)
11)
12 Plaintiff,)
13 v.)
14 MATCHABAR, INC., a corporation, and)
15 DOES 1 through 100, inclusive,)
16 Defendants.)
17)

CASE NO. 26STCV20755

**PLAINTIFF'S COMPLAINT FOR
CIVIL PENALTIES AND INJUNCTIVE
RELIEF**

(Health & Safety Code § 25249.6 et seq.)

Judge:
Dept.:
Compl. Filed:

Unlimited Jurisdiction

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INTRODUCTION

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2 1. This Complaint is brought by Plaintiff, The Living Gallery, LLC (“Plaintiff”) in
3 the public interest of the citizens of the State of California, a representative action to enforce the
4 People’s right to be informed of the presence of lead (“Lead”), a chemical known to the State of
5 California to cause cancer and birth defects or other reproductive harm, in MatchBar Instant
6 Lattes sold by Defendants.

7 2. The purpose of this Complaint is to remedy Defendants’ continuing failure to
8 warn California residents about the risk of exposure to the Lead in the products manufactured,
9 distributed, sold, and/or offered for sale to consumers in California.

10 3. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell
11 MatchBar Instant Lattes, including but not limited to Oat Lavender Matcha Latte, X004DHWQrz
12 (the “Products”).

13 4. Children and adults are exposed to the Lead when they consume, ingest, touch,
14 mouth, handle, inhale, or otherwise use the Products.

15 5. Hazardous levels of the Lead are found in the Products manufactured, distributed,
16 sold, and/or offered for sale by Defendants to consumers in California.

17 6. California Health and Safety Code section 25249.6 et seq. (“Proposition 65”)
18 provides in pertinent part: “[n]o person in the course of doing business shall knowingly and
19 intentionally expose any individual to a chemical known to the state to cause cancer or
20 reproductive toxicity without first giving clear and reasonable warning to such individual...”

21 7. Studies repeatedly conclude that exposure to the Lead is hazardous to the health
22 of children and adults. Children are especially vulnerable to the toxic effects of Lead.
23 Accordingly, California has listed the Lead as a chemical known to the state to cause cancer and
24 birth defects or other reproductive harm, and therefore subject to Proposition 65 warning
25 requirements.

26 8. Defendants have and continue to manufacture, distribute, sell, and/or offer to sell
27 the Products without the required warnings. Defendants’ conduct violates the warning
28 requirements of Proposition 65.

1 **PARTIES**

2 9. Plaintiff is an organization based in California acting in the public interest.
3 Plaintiff brings this action in the public interest pursuant to California Health and Safety Code
4 section 25249.7(d).

5 10. Defendant, MATCHABAR INC. is a person in the course of doing business
6 within the meaning of California Health and Safety Code section 25249.11. MATCHABAR
7 INC. manufactures, distributes, and/or sells the Products for sale and use in California.

8 11. DOES 1 through 100 are each a person in the course of doing business within the
9 meaning of California Health and Safety Code section 25249.11. DOES 1 through 100
10 manufacture, distribute, and/or sell the Products for sale and use in California. The true names of
11 DOES 1 through 100 are unknown to Plaintiff at this time. When their identities are discovered,
12 Plaintiff's Complaint shall be amended to reflect their true names.

13 12. The defendants identified in paragraphs 10-11 shall collectively be referred to
14 herein as "Defendants".

15 **JURISDICTION AND VENUE**

16 13. This Court has jurisdiction over this action pursuant to California Health and
17 Safety Code section 25249.7, which allows enforcement in any court of competent jurisdiction,
18 and pursuant to California Constitution Article VI, Section 10, because this lawsuit is based on a
19 cause not given by statute to other trial courts. Moreover, this action belongs in unlimited
20 jurisdiction since the amount in controversy exceeds \$35,000 and Plaintiff seeks permanent
21 injunctive relief.

22 14. This Court has jurisdiction over Defendants because each is a person, firm,
23 corporation, or association with sufficient minimum contacts in the State of California, or
24 otherwise purposefully avails itself to the California market as to render jurisdiction by the
25 California courts consistent with traditional notions of fair play and substantial justice.

26 15. Venue is proper in Los Angeles County Superior Court because one or more
27 occurrences of the wrongful conduct occurred, and continues to occur, in Los Angeles County,
28 and/or because Defendants conducted, and continue to conduct, business in this County with

1 respect to the Products.

2 **FIRST CAUSE OF ACTION**

3 **(Violations of Health & Safety Code Section 25249.6 et seq.)**

4 16. Plaintiff re-alleges and incorporates by reference, as if fully set forth herein,
5 Paragraphs 1 through 15, inclusive.

6 17. On April 7, 2026, Plaintiff served a Sixty-Day Notice of Violation with a
7 Certificate of Merit (the “Notice”), to MATCHABAR INC. and the various public enforcement
8 agencies with respect to the Proposition 65 violations related to Lead in the Products. In addition,
9 on said date, in compliance with Health & Safety Code section 25249.7(d), Plaintiff provided
10 confidential factual information sufficient to establish the basis for the Certificate of Merit to the
11 California Attorney General.

12 18. None of the public prosecutors with the authority to prosecute Proposition 65
13 violations has commenced and/or is diligently prosecuting the causes of action against
14 Defendants based on the claims asserted in Plaintiff’s Notice.

15 19. By placing the Products into the stream of commerce, each Defendant is a person
16 in the course of doing business within the meaning of Health & Safety Code section 25249.11.

17 20. Defendants knew and intended that consumers will consume, ingest, touch,
18 mouth, handle, inhale, or otherwise use the Products.

19 21. The Maximum Allowable Dose Level (“MADL”) for lead as set by the State of
20 California is 0.5 micrograms per day. 27 Cal Code. Regs. Section 25805. Consuming one serving
21 of the Products will result in ingestion of lead that exceeds the MADL.

22 22. Defendants knew that the Products contain Lead. Defendants, who are in the
23 business of marketing foods, drink mixes, and/or dietary supplements, also should have known
24 or have constructive knowledge that the Products contain Lead from testing they completed or
25 should have completed and from widespread media coverage and/or other channels of
26 information concerning the presence of Lead in similar products.

27 23. Lead is a chemical listed by the State of California as known to cause cancer and
28 birth defects or other reproductive harm.

1 the Products for sale in California without providing “clear and reasonable warnings” as defined
2 by 27 CCR section 25601;

3 3. That the Court, pursuant to California Health & Safety Code section 25249.7(a),
4 order Defendants to take action to stop ongoing unwarned exposures to Lead resulting from use
5 of Products sold by Defendants;

6 4. That the Court, pursuant to California Code of Civil Procedure section 1021.5, or
7 any other applicable theory, grant Plaintiff’s reasonable attorneys’ fees and costs of suit; and
8 Such other and further relief as may be just and proper.

9
10 Dated: June 30, 2026

LAW OFFICES OF LUCAS T. NOVAK

11
12 By: 
13 LUCAS T. NOVAK
14 Attorney for Plaintiff, The Living Gallery, LLC