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**ELECTRONICALLY FILED**  
Superior Court of California  
County of Marin  
**06/22/2026**

James M. Kim, Clerk of the Court  
By: C. St. Clair, Deputy

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF MARIN – UNLIMITED CIVIL JURISDICTION

10 BLUE SKY FOREVER,

11 Plaintiff,

12 v.

13 RUSS & DAUGHTERS, LLC; and DOES 1-30,  
14 inclusive,

15 Defendants.

Case No. CV0010439

**COMPLAINT FOR CIVIL PENALTIES  
AND INJUNCTIVE RELIEF**

Violations of Health & Safety Code  
§ 25249.5 *et seq.* (Proposition 65) Warning  
Requirement

16 Plaintiff BLUE SKY FOREVER (“**Plaintiff**”), acting in the public interest, alleges a cause of  
17 action against Defendants RUSS & DAUGHTERS, LLC and DOES 1-30 (“**Defendant**”) for their  
18 alleged violations of Health & Safety Code § 25249.6, *et seq.*, as follows:

19 **INTRODUCTION AND NATURE OF THE ACTION**

20 1. Plaintiff brings this representative action in the public interest on behalf of the citizens  
21 of the State of California. By this action, Plaintiff seeks to enforce the People’s right to be informed  
22 of the health hazards caused by exposures to Lead, a heavy metal found in and on sardines  
23 manufactured, imported, distributed, sold or offered for sale by Defendant in the State of California.

24 2. By this Complaint, plaintiff seeks to remedy Defendant’s failure to warn individuals not  
25 covered by California’s Occupational Safety Health Act, Labor Code § 6300 *et seq.* (“**consumers**”)  
26 before exposure to substances known to cause birth defects or other reproductive harm through  
27 exposures to Lead when they purchase, use or ingest Defendant’s sardines.



1 §§ 25249.6 and 25249.11. MANUFACTURER DEFENDANTS, and each of them, assemble,  
2 fabricate, and manufacture, or each implies by its conduct that it does such for one or more of the  
3 PRODUCTS offered for sale or use in California.

4 10. Defendants DOES 11-20 (“**DISTRIBUTOR DEFENDANTS**”) are each a person in the  
5 course of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6  
6 and 25249.11. DISTRIBUTOR DEFENDANTS, and each of them, distribute, transfer, and transport,  
7 or each impliedly does so by its conduct, one or more of the PRODUCTS to individuals, businesses,  
8 or retailers for sale or use in the State of California

9 11. Defendants DOES 21-30 (“**RETAILER DEFENDANTS**”) are each a person in the  
10 course of doing business within the meaning of and as defined by Health and Safety Code §§ 25249.6  
11 and 25249.11. RETAILER DEFENDANTS, and each of them, by and through their conduct, offer  
12 the PRODUCTS for sale to individuals in the State of California.

13 12. At this time, the true names of Defendants DOES 1 through 30, inclusive, are unknown  
14 to plaintiff, who, therefore, sues said DOES Defendants by their fictitious names, pursuant to Code of  
15 Civil Procedure § 474. Each of the fictitiously named Defendants is responsible in some manner for  
16 the acts and occurrences alleged herein and the damages caused thereby. When ascertained, Plaintiff  
17 will identify these Doe Defendants by their true names in an amendment to this Complaint.

18 13. At all times mentioned herein, RUSS & DAUGHTERS, MANUFACTURER  
19 DEFENDANTS, DISTRIBUTOR DEFENDANTS, and RETAILER DEFENDANTS shall,  
20 hereinafter, where appropriate, be referred to collectively as the “**DEFENDANTS.**”

### 21 **JURISDICTION AND VENUE**

22 14. This Court has jurisdiction over this action, pursuant to Health & Safety Code  
23 § 25249.7, allowing enforcement by any court of competent jurisdiction. The Superior Courts of the  
24 State of California have jurisdiction pursuant to California Constitution Article VI, section 10, which  
25 grants the Superior Court “original jurisdiction in all causes except those given by statute to other  
26 trial courts.” The statute under which this action is brought does not specify any other basis of  
27 subject matter jurisdiction.  
28





1 **FIRST CAUSE OF ACTION**

2 **(Violation of Proposition 65 - Against All DEFENDANTS)**

3 27. Plaintiff realleges and incorporates by reference, as if fully stated herein, the allegations  
4 set forth in Paragraphs 1 through 26, inclusive.

5 28. DEFENDANTS' PRODUCTS contain Lead in levels requiring a clear and reasonable  
6 warning under Proposition 65.

7 29. DEFENDANTS know or should have known the PRODUCTS they manufacture,  
8 process, package, import, distribute, sell, and offer for sale in California contain Lead. As a result of  
9 Plaintiff's Notice, DEFENDANTS now possess actual knowledge of the presence of Lead in the  
10 PRODUCTS.

11 30. DEFENDANTS' PRODUCTS expose consumers in California to Lead by ingestion  
12 during the reasonably foreseeable use of the PRODUCTS.

13 31. The normal and reasonably foreseeable use of the PRODUCTS has caused, and  
14 continues to cause, exposures to Lead.

15 32. DEFENDANTS know or should know the reasonably foreseeable use of the  
16 PRODUCTS exposes individuals to Lead through ingestion.

17 33. DEFENDANTS intend to expose consumers in California exposures to Lead during their  
18 reasonably foreseeable use of the PRODUCTS. Such exposures to Lead occur through  
19 DEFENDANTS deliberate and non-accidental participation in the California market.

20 34. The exposures to Lead, caused by DEFENDANTS and endured by consumers in  
21 California, are not exempt from the "clear and reasonable" warning requirements of Proposition 65.

22 35. DEFENDANTS failed to provide a "clear and reasonable warning" to those consumers  
23 in California exposed to Lead through ingestion during their reasonably foreseeable uses of the  
24 PRODUCTS. DEFENDANTS continue to fail to provide such warning.


25 36. Contrary to the express policy and statutory prohibition of Proposition 65, consumers  
26 are exposed to Lead through ingestion during their use of PRODUCTS DEFENDANTS sold, sell and  
27 offer for sale without a "clear and reasonable" warning. Such consumers suffer irreparable harms for  
28 which they have no plain, speedy, or adequate remedy at law.



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Dated: June 22, 2026

SEVEN HILLS LLP

By:  \_\_\_\_\_  
Laralei Paras  
Attorneys for Plaintiff  
*Blue Sky Forever*