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Superior Court of California,
County of Los Angeles
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David W. Slayton,
Executive Officer/Clerk of Court,
By C. Nava, Deputy Clerk**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

CALSAFE RESEARCH CENTER, a California non-profit corporation,

Plaintiff,

v.

MODERN ALTERNATIVE MAMA, LLC, an Ohio Domestic Limited Liability Company; and DOES 1 to 100,

Defendants.

Case No.: 26TRCV03601

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF

Health & Safety Code §25249.5, *et seq.*

NATURE OF THE ACTION

1. This Complaint is a representative action brought by plaintiff in the public interest of the citizens of the State of California to enforce the People's right to be informed of the health hazards caused by exposure to Lead, a toxic chemical found in the food products identified herein sold by defendant that are purchased by or shipped to citizens in California (the "Products" as

defined below). By this Complaint, plaintiff seeks to remedy defendants' continuing failure to warn consumers and businesses not covered by California's Occupational Safety Health Act, *Labor Code* §§ 6300 *et seq*. about the risks of exposure to Lead defendants knew or should have known are present in the Products that are manufactured, distributed, and offered for sale or use throughout the State of California.

THE PARTIES

2. Plaintiff, CALSAFE RESEARCH CENTER, is a California Nonprofit Corporation (hereinafter "CRC" or "Plaintiff"). CRC brings this action as a private attorney general pursuant to *Health & Safety Code* § 25249.7(d). Individuals, consumers and businesses not covered by California's Occupational Safety Health Act, *Labor Code* §§ 6300 *et seq*. who purchase, use or handle the Products are referred to hereinafter as "consumers."

3. Defendant MODERN ALTERNATIVE MAMA, LLC is an Ohio Domestic Limited Liability Company doing business in the State of California at all relevant times herein (hereinafter "SUPPLIER" or "Defendant").

4. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-100, and therefore sues these defendants by such fictitious names. Plaintiff will amend this Complaint to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and thereon alleges that each fictitiously named defendant is responsible in some manner for the occurrences herein alleged and the damages caused thereby.

5. On information and belief, (i) at all times relevant to this action, each of the Defendants, including DOES 1-100, was an agent, servant, or employee of each of the other Defendants; (ii) in conducting the activities alleged in this Complaint, each of the Defendants was acting within the course and scope of this agency, service, or employment, and was acting with the consent, permission, and authorization of each of the other Defendants; (iii) all actions of each of the Defendants alleged in this Complaint were ratified and approved by every other Defendant or

their officers or managing agents; and/or (iv) each of the Defendants aided, conspired with and/or facilitated the alleged wrongful conduct of each of the other Defendants.

6. Plaintiff is informed, believes, and thereon alleges that at all relevant times, each of the Defendants was a person doing business within the meaning of *Health & Safety Code* § 25249.11(b), and that each of the Defendants had ten (10) or more employees

JURISDICTION

7. The Court has jurisdiction over this lawsuit pursuant to California Constitution Article VI, Section 10, which grants the Superior Court original jurisdiction in all causes except those given by statute to other trial courts. This Court has jurisdiction over this action pursuant to *Health & Safety Code* § 25249.7, which allows enforcement of violations of Proposition 65 in any Court of competent jurisdiction.

8. This Court has jurisdiction over Defendants named herein because Defendants either reside or are located in this State, or are foreign corporations authorized to do business in California, are registered with the California Secretary of State, or do sufficient business in California and have sufficient minimum contacts with California or otherwise intentionally avail themselves of the markets within California through their manufacture, distribution, promotion, marketing, and/or sale of the Products within California to render the exercise of jurisdiction by the California courts permissible under traditional notions of fair play and substantial justice.

9. This Court is the proper venue for the action because the causes of action have arisen in the County of Los Angeles where some of the violations of law have occurred, and will continue to occur, due to the Defendants' ongoing sale of the Products offered for sale throughout the State of California. Furthermore, venue is proper in this Court under *Code of Civil Procedure* § 395.5 and *Health & Safety Code* § 25249.7.

BACKGROUND AND PRELIMINARY FACTS

10. In 1986, California voters approved an initiative to address growing concerns about exposure to toxic chemicals and declared their right "[t]o be informed about exposures to chemicals

that cause cancer, birth defects, or other reproductive harm." Ballot Pamp., Proposed Law, Gen. Elec. (Nov. 4, 1986) at p. 3. The initiative, The Safe Drinking Water and Toxic Enforcement Act of 1986, codified at *Health & Safety Code* § 25249.5, *et seq*. ("Proposition 65"), helps to allow consumers to make informed choices about the products they buy and to enable persons to protect themselves from toxic chemicals as they see fit.

11. Proposition 65 requires the Governor of California to publish a list of chemicals known to the state to cause cancer, birth defects, or other reproductive harm. *Health & Safety Code* § 25249.8. The list, which the Governor updates at least once a year, contains over 900 chemicals and chemical families. Proposition 65 imposes warning requirements and other controls that apply to Proposition 65-listed chemicals.

12. All businesses with ten (10) or more employees that operate or sell products in California must comply with Proposition 65. Under Proposition 65, businesses are: (1) prohibited from knowingly discharging Proposition 65-listed chemicals into sources of drinking water (*Health & Safety Code* § 25249.5), and (2) required to provide "clear and reasonable" warnings before exposing a person, knowingly and intentionally, to a Proposition 65-listed chemical (*Health & Safety Code* § 25249.6).

13. Proposition 65 provides that any person "violating or threatening to violate" the statute may be enjoined in any court of competent jurisdiction. *Health & Safety Code* § 25249.7. "Threaten to violate" means "to create a condition in which there is a substantial probability that a violation will occur." *Health & Safety Code* § 25249.11(e). Defendants are also liable for civil penalties of up to $2,500.00 per day per violation, recoverable in a civil action. *Health & Safety Code* § 25249.7(b).

14. On October 1, 1992, the Governor of California added Lead and Lead Compounds ("Lead") to the list of chemicals known to the State to cause cancer (Cal. *Code Regs*. tit. 27, § 27001(b)). Pursuant to *Health & Safety Code* §§ 25249.9 and 25249.10, twenty (20) months after

addition of Lead to the list of chemicals known to the State to cause cancer, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

15. On February 27, 1987, the Governor of California added Lead to the list of chemicals known to the State to cause developmental and reproductive toxicity (Cal. *Code Regs. tit*. 27, § 27001(c)). Lead is known to the State to cause developmental, female, and male reproductive toxicity. Pursuant to *Health & Safety Code* §§ 25249.9 and 25249.10, twenty (20) months after addition of Lead to the list of chemicals known to the State to cause developmental and reproductive toxicity, Lead became fully subject to Proposition 65 warning requirements and discharge prohibitions.

THE PRODUCTS

16. Each of the Defendants is, and at all times mentioned herein was, a manufacturer, distributor, promoter, importer and/or seller of the following products (hereinafter the "Products"): Earthley, Greens Powder, Net. Wt. 8oz.

17. Each of the Products exposes consumers to Lead in excess of the limits provided by California law. Defendants knew or should have known that Lead has been identified by the State of California as a chemical known to cause cancer and reproductive toxicity and therefore was subject to Proposition 65 warning requirements. Defendants were also informed of the presence of Lead in the Products within Plaintiff's notices of alleged violations further discussed below.

18. Plaintiff's allegations regarding Lead in the Products concerns "[c]onsumer products exposure[s]," which "is an exposure that results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." *Cal. Code Regs*. tit. 27, § 25602(b). Each of the Products is a consumer product, and, as mentioned herein, exposures to Lead took place as a result of such normal and foreseeable consumption and use of the Products.

19. The Products are manufactured, produced, packaged, imported, supplied, sold and/or distributed by SUPPLIER through various retail outlets to consumers.

20. Defendants and DOES 1 through 100 have actual and/or constructive knowledge that the Products contain Lead, that Lead is present in or on the Products in such a way as to expose consumers through dermal contact, ingestion and/or inhalation during reasonably foreseeable use, and that reasonably foreseeable use of the Products has caused and continues to cause consumer product exposure to Lead within an affected area as defined by 27 *California Code of Regulations* § 25600.1(e).

COMPLIANCE WITH NOTICE REQUIREMENTS

21. Attached hereto and incorporated by reference are copies of a letter ("60-Day Notice" or "Notice"), dated May 22, 2026, which Plaintiff sent to Defendants, and California's Attorney General. Identical letters were sent to every District Attorney in the state, to the City Attorneys of every California city with a population greater than 750,000 and to all Defendants. Attached to the 60-Day Notices were Certificates of Merit attesting to the reasonable and meritorious basis for this action, Certificates of Service attesting to service of the letters on each entity described above, and a description of Proposition 65 prepared by the California Office of Environmental Health Hazard Assessment. Furthermore, factual information sufficient to establish the basis of the Certificates of Merit was enclosed with the 60-Day Notices sent to California's Attorney General. The Notices are attached and are herein incorporated by reference.

22. Before sending the notice of alleged violations, Plaintiff investigated the Products, the likelihood that the Products would cause users to suffer significant exposures to Lead in excess of the limits imposed by California law and the corporate structure of each of the named Defendants.

23. Plaintiff's notices of alleged violations each included a Certificate of Merit executed by the attorney for the noticing party, CRC. The Certificate of Merit stated that the attorney for Plaintiff who executed the certificate had consulted with at least one person with relevant and appropriate expertise who reviewed data regarding the exposures to Lead, the subject Proposition 65-listed chemical of this action. Based on that information, the attorney for Plaintiff who executed the Certificate of Merit believed there was a reasonable and meritorious case for this private action.

The attorney for Plaintiff attached to the Certificate of Merit served on the Attorney General the confidential factual information sufficient to establish the basis of the Certificate of Merit.

24. Plaintiff's notice of alleged violations also included a Certificate of Service and a document entitled "The Safe Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65) A Summary." *Health & Safety Code* § 25249.7(d).

25. Plaintiff is commencing this action more than sixty (60) days from the dates that Plaintiff gave notice of the alleged violations to the named Defendants and the public prosecutors referenced above.

26. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor any applicable district attorney or city attorney has commenced and is diligently prosecuting an action against the Defendants.

FIRST CAUSE OF ACTION

(By CRC against Defendants and DOES 1 - 100)

Violations of *Health & Safety Code*, §§ 2524 9.5, *et seq*. *Proposition 65*

27. Plaintiff repeats and incorporates by reference paragraphs 1 through 26 of this complaint as though fully set forth herein

28. Plaintiff is informed, believes, and thereon alleges that between April 21, 2026, and the present, each of the Defendants knowingly and intentionally exposed California consumers and users of the Products to Lead in excess of legal limits, which Defendants manufactured, distributed, or sold as mentioned above, without first providing any type of clear and reasonable warning of such to the exposed persons before the time of exposure.

29. Defendants have manufactured, produced, package, imported, supplied, distributed and/or sold the Products in California and know and intend that consumers will use and consume the Products, thereby exposing them to Lead in excess of legally permissible Lead exposure. Defendants knew or should have known that Lead has been identified by the State of California as

a chemical known to cause cancer and reproductive toxicity and therefore was subject to Proposition 65 warning requirements.

30. Contrary to the express policy and statutory prohibition of Proposition 65 enacted directly by California voters, consumers exposed to lead, through dermal contact, ingestion and/or inhalation as a result of their use of the Products that Defendants sold without a "clear and reasonable" health hazard warning, have suffered, and continue to suffer, irreparable harm for which they have no plain, speedy, or adequate remedy at law.

31. Plaintiff is informed, believes, and thereon alleges that each of Defendants' violations of Proposition 65 as to the Products have been ongoing and continuous, as Defendants engaged and continue to engage in conduct which violates *Health and Safety Code* § 25249.6, including the manufacture, distribution, promotion, and/or sale of the Products, so that a separate and distinct violation of Proposition 65 occurred each and every time a person was exposed to Lead by the Products as mentioned herein.

32. Plaintiff is informed, believes, and thereon alleges that each violation of Proposition 65 mentioned herein is ever continuing. Plaintiff further alleges and believes that the violations alleged herein will continue to occur into the future.

33. Based on the allegations herein, Defendants are liable for civil penalties of up to $2,500.00 per day per individual exposure to Lead from the Products, pursuant to *Health and Safety Code* § 25249.7(b).

34. Plaintiff has engaged in good faith efforts to resolve the claims alleged herein prior to filing this Complaint.

35. Defendants knew or should have known that the Products contained Lead in amounts sufficient to implicate the requirements of Proposition 65. Defendants' failure to warn consumers and other individuals in California of the health hazards associated with exposures to lead in conjunction with defendants' sales of the Products are violations of Proposition 65 which subject

defendants, and each of them, to enjoinment of such conduct as well as civil penalties for each violation. *Health & Safety Code* § 25249.7(a) and (b)(1).

36. On information and belief, Defendants and their divisions have systems, policies and procedures that evidence awareness of Proposition 65 requirements and awareness of products similar to the Products that require Proposition 65 warnings such that they knew or should have known the Products are subject to Proposition 65's notice requirements.

37. For defendants' violations and threatened violations of Proposition 65, plaintiff seeks preliminary and permanent injunctive relief to compel defendants to provide purchasers and users of the Products with the required warning regarding specific health hazards associated with exposures to lead. *Health & Safety Code* §25249.7(a).

38. Pursuant to *Health & Safety Code* §25249.7(b), plaintiff also seeks civil penalties against defendants for their violations of Proposition 65, some of which are ongoing.

PRAYER FOR RELIEF

Plaintiff demands against each of the Defendants as follows:

1. That the Court, pursuant to Health and Safety Code section 25249.7(a), preliminarily and permanently enjoin Defendants from importing, manufacturing, distributing, selling, facilitating and/or offering for sale in the State of California Products that contain the Listed Chemical without first providing a "clear and reasonable warning" under Proposition 65;
2. That the Court grant Plaintiff's reasonable attorneys' fees and costs of suit;
3. That the Court, pursuant to *Health and Safety Code* § 25249.7(b), assess civil penalties against Defendants in such amount as the Court deems appropriate; and,
4. For such other and further relief as the Court may deem just and proper.

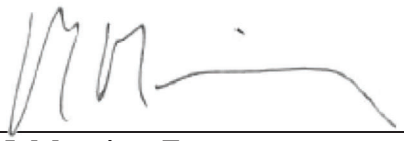
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Dated October 2, 2026

MANNING LAW, A.P.C

By: 

Michael J. Manning, Esq.
Attorneys for Plaintiff