

# Braun, Hagey & Borden LLP Sanctioned in Proposition 65 Litigation

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Noam Glick

(February 2, 2026) Plaintiff Katherine Tyler represented by Entorno Law secured a major victory in coordinated Proposition 65 enforcement actions against B&G Foods, Inc. in the San Francisco Superior Court, prevailing on six motions that underscore the public-interest nature of the litigation and condemn defense counsel's tactics. In Case Nos. CGC-25-626318 and CGC-25-626319, the court granted Plaintiff's motions to strike portions of B&G Foods' Second Amended General Denial, finding that the defense's inflammatory attacks were "legally irrelevant to the germane issues in this case" and "an attempt to sully plaintiff and counsel," and struck those allegations without leave to amend. The court further rejected Defendant's reliance on a purported "public interest" standing requirement, making clear that "while Proposition 65 vindicates public rights, there is no 'public interest' defense nor can relief be denied because plaintiff's counsel allegedly engaged in prior misconduct."

The court also granted Plaintiff's motions for sanctions arising from B&G Foods' refusal to comply with a prior order striking its original General Denial and its continued inclusion of improper, besmirching allegations directed at Plaintiff's counsel. Characterizing Defendant's conduct as "frivolous and a waste of counsel and court resources," the court held that the pleading violated its earlier order and imposed monetary sanctions of \$5,000 against defense counsel David Kwasniewski in each case. The sanctions orders states there was "no legal basis to include the allegations" already found improper and removed from the pleadings. The court ordered David Kwasniewski to self-report the sanctions order to the State Bar.

The court also denied two separate motions to compel brought by B&G Foods seeking to "prove" a nonexistent Proposition 65 standing requirement, and again sanctioned B&G Foods and David Kwasniewski. The court rejected Defendant's theory outright, stating that its contention regarding standing "is incorrect." The court ordered B&G Foods, David Kwasniewski, H. Chelsea Tirgadoon, and Braun, Hagey & Borden LLP, jointly and severally liable to pay \$2,600 and \$2,800 dollars in sanctions.

Entorno Law is a law firm specializing in Prop 65 litigation to remove from consumer products chemicals that cause cancer and reproductive harm. Mr. Glick is available for comment at [noam@entornolaw.com](mailto:noam@entornolaw.com) or (619) 306-6364.

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