

1 RICHARD M. FRANCO (CBN 170970)
2 LAW OFFICE OF RICHARD M. FRANCO
3 6500 Estates Drive
4 Oakland, CA 94611
5 Ph: 510-684-1022
6 Email: rick@rfrancolaw.com

7 Attorney for Plaintiff
8 ENVIRONMENTAL RESEARCH CENTER, INC.

ENDORSED
FILED
ALAMEDA COUNTY

MAY 25 2018

CLERK OF THE SUPERIOR COURT

Anita Dhir

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ALAMEDA

11 ENVIRONMENTAL RESEARCH CENTER,
12 INC., a non-profit California corporation,

13 Plaintiff,

14 vs.

15 GO EPIC HEALTH, INC., a Nevada
16 corporation, and AMERICAN RETAIL
17 ALLIANCE, CORP., a Florida corporation,

18 Defendants.

Case No. *RG18906349*

COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES

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

19 Plaintiff Environmental Research Center, Inc. ("PLAINTIFF" or "ERC") brings this
20 action in the interests of the general public and, on information and belief, hereby alleges:

21 **INTRODUCTION**

22 1. This action seeks to remedy the continuing failure of Defendants GO EPIC
23 HEALTH, INC. and AMERICAN RETAIL ALLIANCE, CORP. ("DEFENDANTS") to
24 warn consumers in California that they are being exposed to lead and/or arsenic, substances
25 known to the State of California to cause cancer, birth defects, and other reproductive harm.
26 DEFENDANTS manufacture, package, distribute, market, and/or sell in California the

1 following product containing lead and arsenic (the "PRODUCT):

2 • **Paratox Flush Diatomaceous Earth (lead and arsenic)**

3 2. Lead and arsenic (hereinafter, the "LISTED CHEMICALS") are substances
4 known to the State¹ of California to cause cancer, birth defects, and other reproductive harm.

5 3. The ingestion of the PRODUCT causes exposure to the LISTED CHEMICALS
6 at levels requiring a "clear and reasonable warning" under California's Safe Drinking Water
7 and Toxic Enforcement Act of 1986, Health & Safety Code ("H&S Code") §25249.5, *et seq.*
8 (also known as "Proposition 65"). DEFENDANTS have failed to provide the health hazard
9 warnings required by Proposition 65.

10 4. DEFENDANTS' past and continued manufacturing, packaging, distributing,
11 marketing, and/or sales of the PRODUCT without the required health hazard warnings, cause
12 or threaten to cause individuals to be involuntarily and unwittingly exposed to levels of the
13 LISTED CHEMICALS that violate or threaten to violate Proposition 65.

14 5. PLAINTIFF seeks injunctive relief enjoining DEFENDANTS from the
15 continued manufacturing, packaging, distributing, marketing, and/or sales of the PRODUCT in
16 California without provision of clear and reasonable warnings regarding the risks of cancer,
17 birth defects, and other reproductive harm posed by exposure to the LISTED CHEMICALS
18 through the ingestion of the PRODUCT. PLAINTIFF seeks an injunctive order compelling
19 DEFENDANTS to bring their business practices into compliance with Proposition 65 by
20 providing a clear and reasonable warning to each individual who has been and who in the
21 future may be exposed to the LISTED CHEMICALS from the ingestion of the PRODUCT.
22 PLAINTIFF also seeks an order compelling DEFENDANTS to identify and locate each
23 individual person who in the past has purchased the PRODUCT, and to provide to each such
24 purchaser a clear and reasonable warning that ingestion of the PRODUCT will cause exposures

25
26 _____
¹ All statutory and regulatory references herein are to California law, unless otherwise specified.

1 to the LISTED CHEMICALS.

2 6. In addition to injunctive relief, PLAINTIFF seeks an assessment of civil
3 penalties up to the maximum civil penalty of \$2,500 per day per exposure authorized by
4 Proposition 65 to remedy DEFENDANTS' failure to provide clear and reasonable warnings
5 regarding exposures to the LISTED CHEMICALS.

6 **JURISDICTION AND VENUE**

7 7. This Court has jurisdiction over this action pursuant to California Constitution
8 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes
9 except those given by statute to other trial courts." The statute under which this action is
10 brought does not specify any other basis for jurisdiction.

11 8. This Court has jurisdiction over DEFENDANTS because, based on information
12 and belief, each DEFENDANT is a business having sufficient minimum contacts with
13 California, or otherwise intentionally availing itself of the California market through the
14 manufacture, distribution and sale of the PRODUCT in the State of California, to render the
15 exercise of jurisdiction over them by the California courts consistent with traditional notions of
16 fair play and substantial justice.

17 9. Venue in this action is proper in the Alameda Superior Court because the
18 DEFENDANTS have violated or threaten to violate California law in the County of Alameda.

19 10. On March 9, 2018, PLAINTIFF sent a 60-Day Notice of Proposition 65
20 Violation regarding lead exposures to the requisite public enforcement agencies and to
21 DEFENDANTS. On March 15, 2018, PLAINTIFF sent a 60-Day Notice of Proposition 65
22 Violation regarding arsenic exposures to the requisite public enforcement agencies and to
23 DEFENDANTS. The Notices were issued pursuant to, and in compliance with, the
24 requirements of H&S Code §25249.7(d) and the statute's implementing regulations regarding
25 the notice of the violations to be given to certain public enforcement agencies and to the
26 violators. The Notices included, *inter alia*, the following information: the name, address, and

1 telephone number of the noticing individuals; the name of the alleged violator; the statute
2 violated; the approximate time period during which violations occurred; and descriptions of the
3 violations, including the chemicals involved, the route of toxic exposure, and the specific
4 product or type of product causing the violations, and were issued as follows:

- 5 a. DEFENDANTS were provided a copy of the Notices by Certified Mail.
- 6 b. DEFENDANTS were provided a copy of a document entitled "The Safe
7 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
8 Summary," which is also known as Appendix A to Title 27 of CCR §25903.
- 9 c. The California Attorney General was provided a copy of the Notices via
10 online submission.
- 11 d. The California Attorney General was provided with a Certificate of Merit by
12 the attorney for the noticing parties, stating that there is a reasonable and
13 meritorious case for this action, and attaching factual information sufficient
14 to establish a basis for the certificate, including the identity of the persons
15 consulted with and relied on by the certifier, and the facts, studies, or other
16 data reviewed by those persons, pursuant to H&S Code §25249.7(h) (2).
- 17 e. The district attorneys, city attorneys or prosecutors of each jurisdiction
18 within which the PRODUCT is offered for sale within California were
19 provided with a copy of the Notices pursuant to H&S Code § 25249.7(d)(1).

20 11. At least 60-days have elapsed since PLAINTIFF sent the Notices to
21 DEFENDANTS. The appropriate public enforcement agencies have failed to commence and
22 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against
23 DEFENDANTS based on the allegations herein.

24 **PARTIES**

25 12. PLAINTIFF ERC is a non-profit corporation organized under California's
26 Corporation Law. ERC is dedicated to, among other causes, reducing the use and misuse of

1 hazardous and toxic substances, consumer protection, worker safety, and corporate
2 responsibility.

3 13. ERC is a person within the meaning of H&S Code §25118 and brings this
4 enforcement action in the public interest pursuant to H&S Code §25249.7(d).

5 14. Defendant GO EPIC HEALTH, INC. is a corporation organized under the
6 laws of the State of Nevada and is a person doing business within the meaning of H&S
7 Code §25249.11.

8 15. Defendant AMERICAN RETAIL ALLIANCE, CORP. is a corporation
9 organized under the laws of the State of Florida and is a person doing business within the
10 meaning of H&S Code §25249.11.

11 16. DEFENDANTS have manufactured, packaged, distributed, marketed, and /or
12 sold the PRODUCT for sale or use in California and the County of Alameda. ERC is informed
13 and believes, and thereupon alleges, that DEFENDANTS continue to manufacture, package,
14 distribute, market and/or sell the PRODUCT for sale or use in California and in Alameda
15 County. DEFENDANTS know and intend that the PRODUCT is distributed, marketed and
16 sold to consumers in California.

17 **STATUTORY BACKGROUND**

18 17. The People of the State of California have declared in Proposition 65 their right
19 "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
20 reproductive harm." (Section 1(b) of Initiative Measure, Proposition 65).

21 18. To effect this goal, Proposition 65 requires that individuals be provided with a
22 "clear and reasonable warning" before being exposed to substances listed by the State of
23 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent
24 part:

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

1 individual....

2 19. "‘Knowingly’ refers only to knowledge of the fact that a discharge of, release of,
3 or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No
4 knowledge that the discharge, release or exposure is unlawful is required." (27 California Code
5 of Regulations ("CCR") § 25102(n).)

6 20. Proposition 65 provides that any "person who violates or threatens to violate" the
7 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The phrase
8 "threaten to violate" is defined to mean creating "a condition in which there is a substantial
9 probability that a violation will occur" (H&S Code §25249.11(e)). Violators are liable for civil
10 penalties of up to \$2,500 per day for each violation of the Act. (H&S Code §25249.7.)

11 **FACTUAL BACKGROUND**

12 21. On February 27, 1987, the State of California officially listed the chemical lead
13 as a chemical known to cause reproductive toxicity. Lead became subject to the warning
14 requirement one year later and was therefore subject to the "clear and reasonable" warning
15 requirements of Proposition 65 beginning on February 27, 1988. (27 CCR § 25000, *et seq.*;
16 H&S Code §25249.5, *et seq.*) Due to the high toxicity of lead, the maximum allowable dose
17 level (MADL) for lead is 0.5 µg/day (micrograms a day) for reproductive toxicity. (27 CCR
18 § 25805(b).)

19 22. On October 1, 1992, the State of California officially listed the chemicals lead
20 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became
21 subject to the warning requirement one year later and were therefore subject to the "clear and
22 reasonable" warning requirements of Proposition 65 beginning on October 1, 1993 (27 CCR §
23 25000, *et seq.*; H&S Code §25249.6 *et seq.*). Due to the carcinogenicity of lead, the no
24 significant risk level (NSRL) for lead is 15 µg/day (micrograms a day). (27 CCR §
25 25705(b)(1).)

26 23. On February 27, 1987, the State of California officially listed the chemical

1 arsenic (inorganic arsenic compounds) as a chemical known to cause cancer. Arsenic became
2 subject to the warning requirement one year later and was therefore subject to the “clear and
3 reasonable” warning requirements of Proposition 65 beginning on February 27, 1988. (27
4 CCR § 25000, *et seq.*; H&S Code §25249.5, *et seq.*). Due to the high toxicity of arsenic, the
5 NSRL for arsenic is 10 µg/day for exposures other than inhalation (e.g., ingestion). (27 CCR
6 § 25805(b).)

7 24. To test DEFENDANTS’ PRODUCT for lead and arsenic, PLAINTIFF hired a
8 well-respected and accredited testing laboratory. The results of testing undertaken by
9 PLAINTIFF of DEFENDANTS’ PRODUCT show that the PRODUCT tested was in violation
10 of both the 0.5 µg/day MADL and the 15 µg/day NSRL for lead, and the 10 µg/day NSRL for
11 arsenic as set forth in Proposition 65’s regulations.

12 25. At all times relevant to this action, DEFENDANTS, therefore, have knowingly
13 and intentionally exposed the consumers of the PRODUCT to the LISTED CHEMICALS
14 without first giving a clear and reasonable warning to such individuals.

15 26. The PRODUCT has allegedly been sold by DEFENDANTS for use in
16 California since at least March 9, 2015. The PRODUCT continues to be distributed and
17 sold in California without the requisite warning information.

18 27. On March 9, 2018, ERC served DEFENDANTS and each of the appropriate
19 public enforcement agencies with a Proposition 65 Notice, a document entitled “Notice of
20 Violations of California Health & Safety Code Section 25249.5” that provided DEFENDANTS
21 and the public enforcement agencies with notice that DEFENDANTS were in violation of
22 Proposition 65 for failing to warn purchasers and individuals using the PRODUCT that the
23 ingestion of the PRODUCT exposes them to lead, a chemical known to the State of California
24 to cause cancer and/or reproductive toxicity (a true and correct copy of the 60-Day Notice is
25 attached hereto as **Exhibit A** and incorporated by reference).

26 28. On March 15, 2018, ERC served DEFENDANTS and each of the appropriate

1 public enforcement agencies with a Proposition 65 Notice, a document entitled "Notice of
2 Violations of California Health & Safety Code Section 25249.5" that provided DEFENDANTS
3 and the public enforcement agencies with notice that DEFENDANTS were in violation of
4 Proposition 65 for failing to warn purchasers and individuals using the PRODUCT that the
5 ingestion of the PRODUCT exposes them to arsenic, a chemical known to the State of
6 California to cause cancer (a true and correct copy of the 60-Day Notice is attached hereto as
7 **Exhibit B** and incorporated by reference).

8 29. As a proximate result of acts by DEFENDANTS, as persons in the course of
9 doing business within the meaning of Health & Safety Code §25249.11, individuals throughout
10 the State of California, including in the County of Alameda, have been exposed to the LISTED
11 CHEMICALS without a clear and reasonable warning. The individuals subject to the illegal
12 exposures include normal and foreseeable consumers of the PRODUCT, as well as all other
13 persons exposed to the PRODUCT.

14 **FIRST CAUSE OF ACTION**
15 **(Injunctive Relief for Violations of Health and Safety Code § 25249.5, et seq. concerning**
16 **the PRODUCT described in the Prop. 65 Notices)**
17 **Against DEFENDANTS**

18 30. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 29,
19 inclusive, as if specifically set forth herein.

20 31. By committing the acts alleged in this Complaint, DEFENDANTS, at all times
21 relevant to this action, and continuing through the present, have violated or threaten to violate
22 H&S Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing
23 individuals who ingest the PRODUCT to the LISTED CHEMICALS, without first providing a
24 clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6 and
25 25249.11(f).

26 32. By the above-described acts, DEFENDANTS have violated or threaten to
violate H&S Code § 25249.6 and are therefore subject to an injunction ordering

1 DEFENDANTS to stop violating Proposition 65, to provide warnings to all present and future
2 customers, and to provide warnings to DEFENDANTS' past customers who purchased or
3 ingested the PRODUCT without receiving a clear and reasonable warning.

4 33. An action for injunctive relief under Proposition 65 is specifically authorized by
5 Health & Safety Code §25249.7(a).

6 34. Continuing commission by DEFENDANTS of the acts alleged above will
7 irreparably harm the citizens of the State of California, for which harm they have no plain,
8 speedy, or adequate remedy at law.

9 Wherefore, PLAINTIFF prays for judgment against DEFENDANTS, as set forth
10 hereafter.

11 **SECOND CAUSE OF ACTION**
12 **(Civil Penalties for Violations of Health and Safety Code § 25249.5, *et seq.* concerning the**
13 **PRODUCT described in PLAINTIFF's Notices)**
14 **Against DEFENDANTS**

15 35. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 34,
16 inclusive, as if specifically set forth herein.

17 36. By committing the acts alleged in this Complaint, DEFENDANTS at all times
18 relevant to this action, and continuing through the present, have violated H&S Code §25249.6
19 by, in the course of doing business, knowingly and intentionally exposing individuals who
20 ingest the PRODUCT set forth in the Notices to the LISTED CHEMICALS, without first
21 providing a clear and reasonable warning to such individuals pursuant to H&S Code §§
22 25249.6 and 25249.11(f).

23 37. By the above-described acts, DEFENDANTS are liable, pursuant to H&S Code
24 §25249.7(b), for a civil penalty of \$2,500 per day per violation for each unlawful exposure to
25 the LISTED CHEMICALS from the PRODUCT.

26 Wherefore, PLAINTIFF prays for judgment against DEFENDANTS, as set forth
hereafter.

1 **THE NEED FOR INJUNCTIVE RELIEF**

2 38. PLAINTIFF re-alleges and incorporates by this reference Paragraphs 1 through
3 37, as if set forth below.

4 39. By committing the acts alleged in this Complaint, DEFENDANTS have caused
5 or threaten to cause irreparable harm for which there is no plain, speedy or adequate remedy at
6 law. In the absence of equitable relief, DEFENDANTS will continue to create a substantial
7 risk of irreparable injury by continuing to cause or threatening to cause consumers to be
8 involuntarily and unwittingly exposed to the LISTED CHEMICALS through the ingestion of
9 the PRODUCT.

10 **PRAYER FOR RELIEF**

11 Wherefore, PLAINTIFF accordingly prays for the following relief:

12 A. a preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),
13 enjoining DEFENDANTS, their agents, employees, assigns, and all persons acting in concert
14 or participating with DEFENDANTS, from distributing or selling the PRODUCT in California
15 without first providing a clear and reasonable warning, within the meaning of Proposition 65,
16 that the consumers of the PRODUCT are exposed to the LISTED CHEMICALS;

17 B. an injunctive order, pursuant to H&S Code §25249.7(b), compelling
18 DEFENDANTS to identify and locate each individual who has purchased the PRODUCT since
19 March 9, 2015, and to provide a warning to such person that ingestion of the PRODUCT will
20 expose the consumer to chemicals known to cause cancer, birth defects and other reproductive
21 harm;

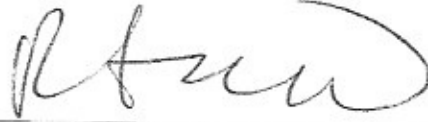
22 C. an assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),
23 against DEFENDANTS in the amount of \$2,500 per day for each violation of Proposition 65;

24 D. an award to PLAINTIFF of its reasonable attorney's fees and costs of suit
25 pursuant to California Code of Civil Procedure §1021.5, as PLAINTIFF shall specify in further
26 application to the Court; and

1 E. such other and further relief as may be just and proper.
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4 DATED: May 25, 2018

LAW OFFICE OF RICHARD M. FRANCO

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8 Richard M. Franco
9 Attorney for Plaintiff
10 Environmental Research Center, Inc.
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EXHIBIT A

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LAW OFFICE OF RICHARD M. FRANCO

**6500 ESTATES DRIVE
OAKLAND, CA 94611
510.684.1022
RICK@RFRANCOLAW.COM**

VIA CERTIFIED MAIL

Current President or CEO
Go Epic Health, Inc.
2979 West Bay Drive, Suite 6
Belleair Bluffs, FL 33770

Current President or CEO
American Retail Alliance, Corp.
2979 West Bay Drive, Suite 6
Belleair Bluffs, FL 33770

Current President or CEO
Go Epic Health, Inc.
1723 Commerce Avenue N
St. Petersburg, FL 33716

Current President or CEO
American Retail Alliance, Corp.
1723 Commerce Avenue N
St. Petersburg, FL 33716

Paracorp Incorporated
(Registered Agent for Go Epic Health, Inc.)
318 North Carson Street, #208
Carson City, NV 89701

Go Epic Health, Inc.
(Registered Agent for Go Epic Health, Inc.)
1723 Commerce Avenue N
St. Petersburg, FL 33716

Daniel J. Grieco
(Registered Agent for American Retail
Alliance, Corp.)
8240 118th Avenue North, Suite 300
Largo, FL 33773

VIA ELECTRONIC MAIL

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

Dije Ndreu, Deputy District Attorney
Monterey County
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney
Napa County
1127 First Street, Suite C
Napa, CA 94559
CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney
Sacramento County
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

VIA ELECTRONIC MAIL

Gregory Alker, Assistant District Attorney
San Francisco County
732 Brannan Street
San Francisco, CA 94103
gregory.alker@sfgov.org

Tori Verber Salazar, District Attorney
San Joaquin County
222 E. Weber Avenue, Room 202
Stockton, CA 95202
DAConsumer.Environmental@sjcda.org

Eric J. Dobroth, Deputy District Attorney
San Luis Obispo County
County Government Center Annex, 4th
Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

Yen Dang, Supervising Deputy District
Attorney
Santa Clara County
70 W Hedding St
San Jose, CA 95110
EPU@da.sccgov.org

Jeffrey S. Rosell, District Attorney
Santa Cruz County
701 Ocean Street
Santa Cruz, CA 95060
Prop65DA@santacruzcounty.us

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Dr
Sonoma, CA 95403
jbarnes@sonoma-county.org

VIA ELECTRONIC MAIL

Phillip J. Cline, District Attorney
Tulare County
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

VIA ONLINE SUBMISSION

Office of the California Attorney General

VIA FIRST CLASS MAIL

District Attorneys of Select California
Counties and Select City Attorneys
(See Attached Certificate of Service)

March 9, 2018

Page 3

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent the Environmental Research Center, Inc. ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The names of the Companies covered by this notice that violated Proposition 65 (hereinafter the "Violators") are:

Go Epic Health, Inc.
American Retail Alliance, Corp.

The product that is the subject of this notice and the chemical in that product identified as exceeding allowable levels are:

Paratox Flush Diato-maceous Earth - Lead

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

This letter is a notice to the Violators and the appropriate governmental authorities of the Proposition 65 violations concerning the listed product. This notice covers all violations of Proposition 65 involving the Violators currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violators.

The Violators have manufactured, marketed, distributed, and/or sold the listed product, which has exposed and continues to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the recommended use of this product by consumers. The route of exposure to lead has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product's label. The Violators violated Proposition 65 because they failed to provide an appropriate warning to persons ingesting this product that they are being exposed to lead. Each of these ongoing violations has occurred on every day since March 9, 2015, as well as every day since the

March 9, 2018

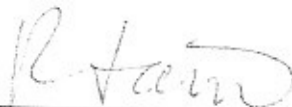
Page 4

product was introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violators agree in an enforceable written instrument to: (1) reformulate the listed product so as to eliminate further exposures to the identified chemical; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above product in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Go Epic Health, Inc., American Retail Alliance, Corp., and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

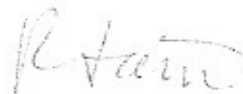
CERTIFICATE OF MERIT

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Go Epic Health, Inc. and American Retail Alliance, Corp.

I, Rick Franco, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged Violators will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 9, 2018



Rick Franco

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On March 9, 2018 between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO
Go Epic Health, Inc.
2979 West Bay Drive, Suite 6
Belleair Bluffs, FL 33770

Paracorp Incorporated
(Registered Agent for Go Epic Health, Inc.)
318 North Carson Street, #208
Carson City, NV 89701

Current President or CEO
American Retail Alliance, Corp.
2979 West Bay Drive, Suite 6
Belleair Bluffs, FL 33770

Go Epic Health, Inc.
(Registered Agent for Go Epic Health, Inc.)
1723 Commerce Avenue N
St. Petersburg, FL 33716

Current President or CEO
Go Epic Health, Inc.
1723 Commerce Avenue N
St. Petersburg, FL 33716

Daniel J. Grieco
(Registered Agent for American Retail
Alliance, Corp.)
8240 118th Avenue North, Suite 300
Largo, FL 33773

Current President or CEO
American Retail Alliance, Corp.
1723 Commerce Avenue N
St. Petersburg, FL 33716

On March 9, 2018, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 9, 2018

Page 7

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Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
mlatimer@co.lassen.ca.us

Dije Ndreu, Deputy District Attorney
Monterey County
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney
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Napa, CA 94559
CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

Anne Marie Schubert, District Attorney
Sacramento County
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

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San Francisco County
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San Francisco, CA 94103
gregory.alker@sfgov.org

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EPU@da.sccgov.org

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Santa Cruz, CA 95060
Prop65DA@santacruzcounty.us

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Sonoma County
600 Administration Dr
Sonoma, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

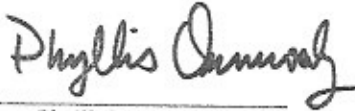
March 9, 2018

Page 8

Service List

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Executed on March 9, 2018, in Fort Oglethorpe, Georgia.



Phyllis Dunwoody

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 9, 2018

Page 9

Service List

District Attorney, Alameda County 1225 Fallon Street, Suite 900 Oakland, CA 94612	District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, San Benito County 419 Fourth Street, 2nd Floor Hollister, CA 95023	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, San Bernardino County 303 West Third Street San Bernardino, CA 92415	San Diego City Attorney's Office 1200 3rd Avenue, Ste 1620 San Diego, CA 92101
District Attorney, Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney, Los Angeles County Hall of Justice 211 West Temple St., Ste 1200 Los Angeles, CA 90012	District Attorney, San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101	San Francisco, City Attorney City Hall, Room 234 1 Dr Carlton B Goodlett PL San Francisco, CA 94102
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney, San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	San Jose City Attorney's Office 200 East Santa Clara Street, 16th Floor San Jose, CA 95113
District Attorney, Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney, Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney, Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	
District Attorney, Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932	District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338	District Attorney, Shasta County 1355 West Street Redding, CA 96001	
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, Sierra County 100 Courthouse Square, 2 nd Floor Downsville, CA 95936	
District Attorney, El Dorado County 515 Main Street Placerville, CA 95667	District Attorney, Merced County 550 W. Main Street Merced, CA 95340	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354	
District Attorney, Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney, Nevada County 201 Commercial Street Nevada City, CA 95959	District Attorney, Sutter County 463 2 nd Street Yuba City, CA 95991	
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Orange County 401 West Civic Center Drive Santa Ana, CA 92701	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080	
District Attorney, Inyo County P.O. Drawer D Independence, CA 93526	District Attorney, Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370	
		District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901	

EXHIBIT B

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LAW OFFICE OF RICHARD M. FRANCO

6500 ESTATES DRIVE
OAKLAND, CA 94611
510.684.1022
RICK@RFRANCOLAW.COM

VIA CERTIFIED MAIL

Current President or CEO
Go Epic Health, Inc.
2979 West Bay Drive, Suite 6
Belleair Bluffs, FL 33770

Current President or CEO
American Retail Alliance, Corp.
2979 West Bay Drive, Suite 6
Belleair Bluffs, FL 33770

Current President or CEO
Go Epic Health, Inc.
1723 Commerce Avenue N
St. Petersburg, FL 33716

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Paracorp Incorporated
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318 North Carson Street, #208
Carson City, NV 89701

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St. Petersburg, FL 33716

Daniel J. Grieco
(Registered Agent for American Retail
Alliance, Corp.)
8240 118th Avenue North, Suite 300
Largo, FL 33773

VIA ELECTRONIC MAIL

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Michelle Latimer, Program Coordinator
Lassen County
220 S. Lassen Street
Susanville, CA 96130
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Monterey County
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

Allison Haley, District Attorney
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1127 First Street, Suite C
Napa, CA 94559
CEPD@countyofnapa.org

Paul E. Zellerbach, District Attorney
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

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Sacramento County
901 G Street
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Gregory Alker, Assistant District Attorney
San Francisco County
732 Brannan Street
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San Luis Obispo County
County Government Center Annex, 4th
Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

Yen Dang, Supervising Deputy District
Attorney
Santa Clara County
70 W Hedding St
San Jose, CA 95110
EPU@da.sccgov.org

Jeffrey S. Rosell, District Attorney
Santa Cruz County
701 Ocean Street
Santa Cruz, CA 95060
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Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Dr
Sonoma, CA 95403
jbarnes@sonoma-county.org

VIA ELECTRONIC MAIL

Phillip J. Cline, District Attorney
Tulare County
221 S Mooney Blvd
Visalia, CA 95370
Prop65@co.tulare.ca.us

Gregory D. Totten, District Attorney
Ventura County
800 S Victoria Ave
Ventura, CA 93009
daspecialops@ventura.org

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

VIA ONLINE SUBMISSION

Office of the California Attorney General

VIA FIRST CLASS MAIL

District Attorneys of Select California
Counties and Select City Attorneys
(See Attached Certificate of Service)

March 15, 2018

Page 3

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent the Environmental Research Center, Inc. ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The names of the Companies covered by this notice that violated Proposition 65 (hereinafter the "Violators") are:

Go Epic Health, Inc.
American Retail Alliance, Corp.

The product that is the subject of this notice and the chemical in that product identified as exceeding allowable levels are:

Paratox Flush Diato-maceous Earth – Arsenic (inorganic arsenic compounds)

On February 27, 1987, the State of California officially listed arsenic (inorganic arsenic compounds) as a chemical known to cause cancer.

This letter is a notice to the Violators and the appropriate governmental authorities of the Proposition 65 violations concerning the listed product. This notice covers all violations of Proposition 65 involving the Violators currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violators.

The Violators have manufactured, marketed, distributed, and/or sold the listed product, which has exposed and continues to expose numerous individuals within California to the identified chemical, arsenic (inorganic arsenic compounds). The consumer exposures that are the subject of this notice result from the recommended use of this product by consumers. The route of exposure to arsenic (inorganic arsenic compounds) has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to arsenic (inorganic arsenic compounds). The method of warning should be a warning that appears on the product's label. The Violators violated Proposition 65 because they failed to provide an appropriate warning to persons ingesting this product that they are being exposed to arsenic (inorganic arsenic compounds). Each of these ongoing violations has occurred on every day since March 15, 2015, as well as every day since the product was introduced in the

March 15, 2018

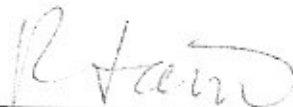
Page 4

California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violators agree in an enforceable written instrument to: (1) reformulate the listed product so as to eliminate further exposures to the identified chemical; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above product in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time-consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Go Epic Health, Inc., American Retail Alliance, Corp., and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

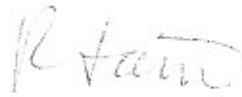
CERTIFICATE OF MERIT

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by Go Epic Health, Inc. and American Retail Alliance, Corp.

I, Rick Franco, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged Violators will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 15, 2018



Rick Franco

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On March 15, 2018 between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current President or CEO
Go Epic Health, Inc.
2979 West Bay Drive, Suite 6
Belleair Bluffs, FL 33770

Paracorp Incorporated
(Registered Agent for Go Epic Health, Inc.)
318 North Carson Street, #208
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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

March 15, 2018

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Yolo County
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cfepd@yolocounty.org

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

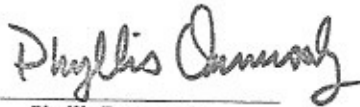
March 15, 2018

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Executed on March 15, 2018, in Fort Oglethorpe, Georgia.



Phyllis Dunwoody

Service List

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1225 Fallon Street, Suite 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street, Suite 202
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive,
Suite 245
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932

District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Los Angeles County
Hall of Justice
211 West Temple St., Ste 1200
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive,
Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Nevada County
201 Commercial Street
Nevada City, CA 95959

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive,
Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
303 West Third Street
San Bernardino, CA 92415

District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

District Attorney, Sierra County
100 Courthouse Square, 2nd Floor
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter County
463 2nd Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113