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11 Ph: 415-826-2770  
12 Email: akeats@centerforfoodsafety.org

11 Attorneys for Plaintiff Center for Food Safety

12  
13 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

14 **COUNTY OF ALAMEDA**

15 CENTER FOR FOOD SAFETY, a non-  
16 profit corporation,

16 Plaintiff,

17 vs.

18 SAFEWAY, INC., a Delaware corporation;  
19 LUCERNE FOODS, INC., a Delaware  
20 corporation; and BETTER LIVING  
21 BRANDS, LLC, a Delaware limited liability  
22 company,

22 Defendants.

Case No.:

RG18918559

COMPLAINT FOR INJUNCTIVE  
RELIEF AND CIVIL PENALTIES

**ENDORSED  
FILED  
ALAMEDA COUNTY**

AUG 28 2018

CLERK OF THE SUPERIOR COURT  
By CURTIYAH GANTER

Deputy

1 Plaintiff Center for Food Safety (“Plaintiff”) brings this action in the interests of the  
2 general public and, on information and belief, hereby alleges:

3 **INTRODUCTION**

4 1. This action seeks to remedy the continuing failure of Defendants Safeway, Inc.,  
5 Lucerne Foods, Inc., and Better Living Brands, LLC (collectively, “Defendants”) to warn  
6 individuals in California that they are being exposed to the chemical acrylamide, a substance  
7 known to the State of California to cause cancer. These exposures have occurred, and continue  
8 to occur through the manufacture, distribution, sale, and consumption of the following peanut  
9 butter and almond butter products, which contain the chemical acrylamide (the “Nut Butter  
10 Products”):

- 11 1. Open Nature Creamy Almond Butter Salted
- 12 2. Signature Select Creamy Peanut Butter
- 13 3. Signature Select Chunky Peanut Butter
- 14 4. Organics No Stir Creamy Organic Peanut Butter Spread
- 15 5. Organics No Stir Crunchy Organic Peanut Butter Spread
- 16 6. Organics Old Fashioned Crunchy Organic Peanut Butter
- 17 7. Organics Old Fashioned Creamy Organic Peanut Butter
- 18 8. Signature Select Creamy Peanut Spread Reduced Fat
- 19 9. Open Nature Old Fashioned Peanut Butter Crunchy
- 20 10. Open Nature Old Fashioned Peanut Butter Creamy

21 11. California’s Proposition 65 (Health & Safety Code § 25249.5, *et seq.*), is a right to  
22 know statute. Under Proposition 65, it is unlawful for businesses to knowingly and  
23 intentionally expose individuals in California to chemicals known to the State to cause cancer,  
24 birth defects, or other reproductive harm without providing clear and reasonable warnings to  
25 individuals prior to exposure.

26 12. When consumers eat the Nut Butter Products, they are exposed to acrylamide at  
27 levels requiring a “clear and reasonable warning” under Proposition 65. Yet Defendants have  
28 failed to provide any warning to consumers that they are being exposed to the carcinogenic

1 chemical acrylamide.

2 13. Defendants' past and continued manufacturing, distribution, and sale of the Nut  
3 Butter Products in California without a clear and reasonable warning causes individuals to be  
4 involuntarily and unwittingly exposed to acrylamide at levels that violate Proposition 65.  
5

6 14. Plaintiff seeks injunctive relief enjoining Defendants from the continued  
7 manufacturing, distribution, and/or sales of the Nut Butter Products in California without  
8 provision of clear and reasonable warnings regarding the risks of cancer posed by exposure to  
9 acrylamide through consumption of the Nut Butter Products. Plaintiff seeks an injunctive order  
10 compelling Defendants to bring their business practices into compliance with Proposition 65 by  
11 providing a clear and reasonable warning to each individual who has been and who in the  
12 future may be exposed to acrylamide from consumption of the Nut Butter Products. Plaintiff  
13 also seeks an order compelling Defendants to identify and locate each individual person who in  
14 the past has purchased the Nut Butter Products, and to provide to each such purchaser a clear  
15 and reasonable warning that use of the Nut Butter Products will cause exposures to acrylamide.  
16

17 **JURISDICTION AND VENUE**

18 15. This Court has jurisdiction over this action pursuant to Health and Safety Code §  
19 25249.8, allowing enforcement of Proposition 65 in any court of competent jurisdiction, and  
20 pursuant to California Constitution Article VI, Section 10, which grants the Superior Court  
21 "original jurisdiction in all causes except those given by statute to other trial courts." The  
22 causes of actions alleged herein are not given by statute to other trial courts.

23 8. This Court has jurisdiction over Defendants because Defendants are businesses  
24 having sufficient minimum contacts with California, or otherwise intentionally availing  
25 themselves of the California market through the distribution and sale of the Nut Butter  
26 Products in the State of California to render the exercise of jurisdiction over Defendants by the  
27 California courts consistent with traditional notions of fair play and substantial justice.

28 9. Venue in this action is proper in the Alameda Superior Court because

1 Defendants have violated or threaten to violate California law in the County of Alameda.

2 **PARTIES**

3 10. Plaintiff Center for Food Safety is a non-profit corporation working to protect  
4 human health and the environment by curbing the use of harmful food production technologies  
5 and by promoting organic and other forms of sustainable agriculture. Plaintiff is Center for  
6 Food Safety is a person within the meaning of Health & Safety Code §25118 and brings this  
7 enforcement action in the public interest pursuant to Health & Safety Code §25249.7(d).  
8

9 11. Defendant Safeway, Inc. is a corporation organized under the State of  
10 Delaware’s corporation law and is a person doing business within the meaning of Health &  
11 Safety Code § 25249.11.

12 12. Defendant Lucerne Foods, Inc. is a corporation organized under the State of  
13 Delaware’s corporation law and is a person doing business within the meaning of Health &  
14 Safety Code § 25249.11.

15 13. Defendant Better Living Brands, LLC is a limited liability company organized  
16 under the State of Delaware’s corporation law and is a person doing business within the  
17 meaning of Health & Safety Code § 25249.11.

18 14. Defendants have manufactured, packaged, distributed, marketed and/or offered  
19 the Nut Butter Products for sale or use in California and the County of Alameda. Plaintiff is  
20 informed and believes, and thereupon alleges, that Defendants continue to manufacture,  
21 package, distribute, market and/or sell the Nut Butter Products in California and in Alameda  
22 County.  
23

24 **STATUTORY BACKGROUND**

25 15. The People of the State of California have declared in Proposition 65 their right  
26 “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other  
27 reproductive harm.” Section 1(b) of Initiative Measure, Proposition 65.

28 16. To effect this goal, Proposition 65 requires that individuals be provided with a

1 “clear and reasonable warning” before being exposed to substances listed by the State of  
2 California as causing cancer or reproductive toxicity. Health & Safety Code § 25249.6 states,  
3 in pertinent part:

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

7 17. “‘Knowingly’ refers only to knowledge of the fact that a discharge of, release of,  
8 or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No  
9 knowledge that the discharge, release or exposure is unlawful is required.” 27 Cal. Code of  
10 Regs. (“CCR”) § 25102(n).

11 18. Proposition 65 provides that any “person who violates or threatens to violate” the  
12 statute may be enjoined in a court of competent jurisdiction. Health & Safety Code § 25249.7.  
13 The phrase “threaten to violate” is defined to mean creating “a condition in which there is a  
14 substantial probability that a violation will occur.” Health & Safety Code § 25249.11(e).  
15 Violators are liable for civil penalties of up to \$2,500 per day for each violation of the Act.  
16 Health & Safety Code § 25249.7.

17 19. On January 1, 1990, the State of California officially listed the chemical  
18 acrylamide as a chemical known to cause cancer. Acrylamide became subject to the warning  
19 requirement one year later and was therefore subject to the “clear and reasonable” warning  
20 requirements of Proposition 65 beginning on January 1, 1991. Health & Safety Code §  
21 25249.6 *et seq.*; 27 Cal. Code Regs. §§ 25000, *et seq.* Due to the carcinogenicity of  
22 acrylamide, the no significant risk level for acrylamide is 0.2 µg/day (micrograms per day). 27  
23 Cal. Code Regs. § 25705(b)(1).

### 24 **FACTUAL BACKGROUND**

25  
26 20. To test Defendants’ Nut Butter Products for acrylamide, Plaintiff hired a well-  
27 respected and accredited testing laboratory. The results of testing undertaken by Plaintiff of  
28 the Nut Butter Products show that they were in violation of the 0.2 microgram per day

1 (“µg/day”) for acrylamide “safe harbor” daily dose limits set forth in Proposition 65’s  
2 regulations.

3  
4 21. Based on the testing results, on June 18, 2018, Plaintiff sent a 60-Day Notice of  
5 Proposition 65 Violations (“Notice”) to the requisite public enforcement agencies, and to  
6 Defendants (a true and correct copy of the 60-Day Notice letter is attached hereto as **Exhibit A**  
7 and is incorporated by reference). The Notice was issued pursuant to, and in compliance with,  
8 the requirements of Health & Safety Code §25249.7(d) and the statute’s implementing  
9 regulations regarding the notice of the violations to be given to certain public enforcement  
10 agencies and to the violators. The Notice included, *inter alia*, the following information: the  
11 name, address, and telephone number of the noticing individuals; the name of the alleged  
12 violator; the statute violated; the approximate time period during which violations occurred;  
13 and descriptions of the violations, including the chemical involved, the routes of toxic  
14 exposure, and the specific product or type of product causing the violations, and was issued as  
15 follows:

- 16 a. Defendants were provided a copy of the Notice by Certified Mail.
- 17 b. Defendants were provided a copy of a document entitled “The Safe Drinking  
18 Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,”  
19 which is also known as Appendix A to Title 27 of Cal. Code Regs. § 25903.
- 20 c. The California Attorney General was provided a copy of the Notice via online  
21 submission.
- 22 d. The California Attorney General was provided with a Certificate of Merit by the  
23 attorney for the noticing party, stating that there is a reasonable and meritorious  
24 case for this action, and attaching factual information sufficient to establish a  
25 basis for the certificate, including the identity of the persons consulted with and  
26 relied on by the certifier, and the facts, studies, or other data reviewed by those  
27 persons, pursuant to Health & Safety Code § 25249.7(h)(2).  
28

1 e. The district attorneys, city attorneys or prosecutors of each jurisdiction within  
2 which the Nut Butter Products are offered for sale within California were  
3 provided with a copy of the Notice pursuant to Health & Safety Code §  
4 25249.7(d)(1).  
5

6 22. At least 60-days have elapsed since Plaintiff sent the Notice to Defendants. The  
7 appropriate public enforcement agencies have failed to commence and diligently prosecute a  
8 cause of action under Health & Safety Code § 25249.5, *et seq.* against Defendants based on the  
9 allegations herein.

10 23. On information and belief, the Nut Butter Products have been manufactured,  
11 distributed, and/or sold by Defendants for consumption in California since at least August 28,  
12 2015. On information and belief, the Nut Butter Products continue to be distributed and sold in  
13 California without the requisite warning information.

14 24. At all times relevant to this action, Defendants have knowingly and  
15 intentionally exposed the users of the Nut Butter Products to acrylamide without first giving a  
16 clear and reasonable warning to such individuals.

17 25. As a proximate result of acts of Defendants, as persons in the course of doing  
18 business within the meaning of Health & Safety Code § 25249.11, individuals throughout the  
19 State of California, including in the County of Alameda, have been exposed to acrylamide  
20 without a clear and reasonable warning. The individuals subject to the illegal exposures  
21 include normal and foreseeable users of the Nut Butter Products, as well as all other persons  
22 exposed to the Nut Butter Products.  
23

24 **FIRST CAUSE OF ACTION**  
25 **(Violations of Health and Safety Code § 25249.5, *et seq.* concerning the Nut Butter**  
**Products described in the June 18, 2018 Prop. 65 Notice)**

26 26. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 24,  
27 inclusive, as if specifically set forth herein.

28 27. Defendants are persons doing business within the meaning of Health & Safety

1 Code § 25249.11.

2 28. Acrylamide is listed by the State of California as a chemical known to cause  
3 cancer.

4 29. Defendants have and continue to knowingly and intentionally expose  
5 individuals who ingest the Nut Butter Products to the chemical acrylamide without first  
6 providing a clear and reasonable warning to such individuals pursuant to Health & Safety Code  
7 §§ 25249.6 and 25249.11(f).

8 30. Continuing commission by Defendants of the acts alleged above will irreparably  
9 harm the citizens of the State of California, for which harm they have no plain, speedy, or  
10 adequate remedy at law.

11 Wherefore, Plaintiff prays for judgment against Defendants, as set forth hereafter.

12 **PRAYER FOR RELIEF**

13 Wherefore, Plaintiff prays for the following relief:

14 1. A preliminary and permanent injunction, pursuant to Health & Safety Code §  
15 25249.7(b), enjoining Defendants, their agents, employees, assigns and all persons acting in  
16 concert or participating with Defendants, from distributing or selling the Nut Butter Products in  
17 California without first providing a clear and reasonable warning that consumers of the Nut  
18 Butter Products are exposed to acrylamide;

19 2. An injunctive order, pursuant to Health & Safety Code § 25249.7(b),  
20 compelling Defendants to identify and locate each individual who has purchased the Nut Butter  
21 Products since August 28, 2015, and to provide a warning to such persons that consumption of  
22 the Nut Butter Products will expose the consumers to a chemical known to cause cancer;

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

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

5. Such other and further relief as may be just and proper.

DATED: August 28, 2018

LOZEAU | DRURY LLP



Rebecca L. Davis  
Attorneys for Plaintiff  
Center for Food Safety

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# EXHIBIT A



T 510.836.4200  
F 510.836.4205

410 12th Street, Suite 250  
Oakland, Ca 94607

www.lozeaudrury.com  
rebecca@lozeaudrury.com

June 18, 2018

To: President or CEO – Safeway, Inc.  
President or CEO – Lucerne Foods, Inc.  
President or CEO – Better Living Brands, LLC  
California Attorney’s Office  
District Attorney’s Office for 58 counties  
City Attorney’s for San Francisco, San Diego, San Jose, and Los Angeles  
(See attached Certificate of Service)

From: Center for Food Safety

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

Dear Addressees:

This firm represents Center for Food Safety 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.* (“Proposition 65”). Center for Food Safety is a national non-profit public interest and environmental advocacy organization working to protect human health and the environment by curbing the use of harmful food production technologies and by promoting organic and other forms of sustainable agriculture. This letter serves to provide notification of these violations to you and to the public enforcement agencies of Proposition 65.

This letter constitutes notice that the entities listed below have violated and continue to violate provisions of Proposition 65. Specifically, the entities listed below have violated and continue to violate the warning requirement at § 25249.6 of the California Health & Safety Code, which provides that “[n]o person in the course of doing business shall knowingly and intentionally 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 individual...”

Violators: The name of the violators covered by this notice that violated Proposition 65 (hereinafter referred to as the “Violators”) are: 1) Safeway, Inc., 2) Lucerne Foods, Inc., and 3) Better Living Brands, LLC.

Listed Chemical: These violations involve exposure to the listed chemical acrylamide. On January 1, 1990, California officially listed acrylamide as a chemical known to the State of California to cause cancer. On February 25, 2011, California officially listed acrylamide as a chemical known to cause reproductive and developmental toxicity.

Consumer Products: The following specific products that are the subject of this notice because are causing exposures in violation of Proposition 65 are:

1. Open Nature Creamy Almond Butter Salted
2. Signature Select Creamy Peanut Butter
3. Signature Select Chunky Peanut Butter
4. Organics No Stir Creamy Organic Peanut Butter Spread
5. Organics No Stir Crunchy Organic Peanut Butter Spread
6. Organics Old Fashioned Crunchy Organic Peanut Butter
7. Organics Old Fashioned Creamy Organic Peanut Butter
8. Signature Select Creamy Peanut Spread Reduced Fat
9. Open Nature Old Fashioned Peanut Butter Crunchy
10. Open Nature Old Fashioned Peanut Butter Creamy

Violation: The alleged Violators knowingly and intentionally exposed and continue to expose consumers within the State of California to acrylamide without providing a Proposition 65 warning. The Violators have manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemical, acrylamide.

Route of Exposure: Use of the products identified in this notice results in human exposures to acrylamide. The primary route of exposure is ingestion.

Duration of Violation: The violations have been occurring since at least June 18, 2017, and are ongoing.

A summary of Proposition 65, prepared by the California Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter sent to the Violators.

Pursuant to California Health & Safety Code § 25249.7(d), Center for Food Safety intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violators agree in an enforceable written agreement to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemicals; (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 products in the last three years. Consistent with the public

Notice of Violation of Cal. Health & Safety Code §§ 25249.5 *et seq.*


June 18, 2018

Page 3

interest goals of Proposition 65 and my client's objectives in pursuing this notice, Center for Food Safety 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.

Adam Keats is a Senior Attorney with Center for Food Safety. Mr. Keats is located at 303 Sacramento St., 2nd Floor, San Francisco, CA 94111, Tel. 415-826-0507. Center for Food Safety has retained my firm in connection with this matter. Please direct all questions concerning this notice to me, Rebecca Davis ([rebecca@lozeaudrury.com](mailto:rebecca@lozeaudrury.com)), Lozeau Drury LLP, 410 12th Street, Suite 250, Oakland, California 94607, (510) 836-4200.

Sincerely,



---

Rebecca L. Davis

**Attachments:**

Certificate of Merit

Certificate of Service

OEHHA Summary (to Violators and their Registered Agents for Service of Process only)

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

**CERTIFICATE OF MERIT**

**Re: Center for Food Safety's Notice of Proposition 65 Violations by  
Safeway, Inc., Lucerne Foods, Inc., and Better Living Brands, LLC**

I, Rebecca Davis, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that 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, Center for Food Safety.
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 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 violator(s) 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, additional factual information sufficient to establish the basis for this certificate has been served on the Attorney General, 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: June 18, 2018

  
\_\_\_\_\_  
Rebecca Davis

### **CERTIFICATE OF SERVICE**

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, over the age of 18 years old, and am not a party to the within action. My business address is 410 12th Street, Suite 250, Oakland, California 94607, in Alameda County, where the mailing occurred.

On June 18, 2018, I served the following documents: **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT; (3) THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** on the following entities by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid for delivery by Certified Mail, addressed to the entity listed below, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Current President or CEO  
Safeway, Inc.  
11555 Dublin Canyon Road  
Pleasanton, CA 94588

CT Corporation System  
(Registered Agent for Service of Process for  
Safeway, Inc.)  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017

Current President or CEO  
Lucerne Foods, Inc.  
5918 Stoneridge Mall Road  
Pleasanton, CA 94588

CT Corporation System  
(Registered Agent for Service of Process for  
Lucerne Foods, Inc.)  
818 West Seventh Street, Suite 930  
Los Angeles, CA 90017

Current President or CEO  
Better Living Brands, LLC  
P.O. Box 99  
Pleasanton, CA 94566

The Corporation Trust Company  
(Registered Agent for Service of Process for  
Better Living Brands, LLC)  
Corporation Trust Center  
1209 Orange St.  
Wilmington, DE 19801

On June 18, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT; (3) ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE § 25249.7(d)(1)** 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

On June 18, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.;** **(2) CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to the party listed below:

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

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

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

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

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

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

Allison Haley, District Attorney  
Napa County  
931 Parkway Mall  
Napa, CA 94559  
CEPD@countyofnapa.org

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

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

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

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

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



Christopher Dalbey  
Deputy District Attorney  
Santa Barbara County  
1112 Santa Barbara St.  
Santa Barbara, CA 93101  
DAProp65@co.santa-barbara.ca.us

Nancy O'Malley, District Attorney  
7776 Oakport Street, Suite 650  
Oakland, CA 94621  
CEPDProp65@acgov.org

Kathryn L. Turner, Chief Deputy City  
Attorney  
1200 Third Ave.  
San Diego, CA 92101  
CityAttyCrimProp65@sandiego.gov

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

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

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

On June 18, 2018, I served the following documents **(1) NOTICE OF VIOLATIONS OF THE CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; (2) CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope with postage fully prepaid for delivery by First Class Mail, addressed to each of the entities on the Service List attached hereto, and placing the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service.

Executed on June 18, 2018, in Oakland, California.



Daniel Charlier-Smith

## Service List

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

District Attorney  
Amador County  
708 Court Street  
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 St.  
Ste 102  
El Centro, CA 92243

District Attorney  
Inyo County  
230 W. Line Street  
Bishop, CA 93514

District Attorney  
Kern County  
1215 Truxtun Avenue  
Bakersfield, CA 93301

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

District Attorney  
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