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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

01/29/2021
Clerk of the Court
BY: ANNIE PASCUAL
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 ANTHONY FERREIRO,
12 Plaintiff,
13 vs.
14 WALMART, INC.,
15 Defendant.

Case No.: CGC-20-584451

**FIRST AMENDED COMPLAINT FOR CIVIL
PENALTIES AND INJUNCTIVE RELIEF**

**(Violation of Health & Safety Code § 25249.5 et
seq.)**

16 Plaintiff Anthony Ferreiro (“Plaintiff”), by and through his attorneys, alleges the following
17 causes of action in the public interest of the citizens of the State of California.

BACKGROUND OF THE CASE

18 1. Plaintiff brings this representative action on behalf of all California citizens to
19 enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at
20 the Health and Safety Code § 25249.5 et seq (“Proposition 65”), which reads, in relevant part,
21 “[n]o person in the course of doing business shall knowingly and intentionally expose any
22 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
23 giving clear and reasonable warning to such individual ...”. Health & Safety Code § 25249.6.

24 2. This first amended complaint is a representative action brought by Plaintiff in the
25 public interest of the citizens of the State of California to enforce the People’s right to be informed
26 of the health hazards caused by exposure to di(2-ethylhexyl) phthalate (DEHP), diisononyl
27 phthalate (DINP), lead and lead compounds (collectively, “Lead”) and/or bisphenol A (BPA), from
28 use of (a) Waccex exercise balls distributed by Taradex, Inc. (DEHP), (b) Holiday Ornament

1 Chests distributed by AB Marketers, LLC / Living Healthy Products, LLC (DEHP), (c) Deluxe
2 Comfort Bath Cushion, Model: BTFM-002-01 distributed by AB Marketers, LLC / Living Healthy
3 Products, LLC (DEHP), (d) SHANY Toiletry Bag & Dopp Kit, UPC# 700645941859 distributed
4 by Shany Enterprises, Inc. (DEHP), (e) Mind Reader jump ropes, UPC# 887530039850 distributed
5 by EMS Mind Reader LLC (DEHP), (f) Adjustable Ball Bearing jump ropes, UPC# 84256902663
6 distributed by BSN Sports, LLC (DEHP), (g) Restaurantware spice shakers, UPC#
7 10810018955677 (BPA), (h) Craig stereo headphones, UPC# 731398450084 (DEHP), (i) iSound
8 Dynamic stereo headphones, UPC# 845620055203 (DEHP), (j) Monster wireless headphones,
9 UPC# 805106890063 distributed by Monster, Inc. (DEHP), (k) Oblanc NC3-1 Shell headphones,
10 UPC# 810154019144 distributed by Syba Multimedia Inc. (DEHP), (l) Reli On Dual Frequency
11 stethoscopes, UPC# 681131235280 distributed by Compass Health Brands (DEHP), (m) SlimFast
12 shake six – Rich Chocolate Royale, UPC# 008346026357 (lead), (n) Better Homes & Gardens
13 storage bags, UPC# 849392010170 distributed by Meredith Corp. (DINP), (o) Teleflex Medical
14 Tap Leg bag & tubing – Tubing, 453932, IPN054586 (DEHP) (collectively, the “Product”) sold
15 and/or distributed by defendant Walmart, Inc. (“Walmart” or the “Defendant”) in California.

16 3. DEHP, DINP, Lead and BPA are harmful chemicals known to the State of
17 California to cause cancer and/or reproductive toxicity. On February 27, 1987 (lead), January 1,
18 1988 (DEHP), and on December 20, 2013 (DINP), the State of California listed Lead, DEHP, and
19 DINP as chemicals known to the State to cause cancer and each chemical has come under the
20 purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health
21 & Safety Code §§ 25249.8 & 25249.10(b). On October 24, 2003 (DEHP) and on May 11, 2015
22 (BPA), the State of California listed DEHP and BPA as chemicals known to cause reproductive
23 toxicity. On February 27, 1987, the State of California listed Lead as a chemical known to cause
24 adverse developmental and reproductive effects in both males and females.

25 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
26 within California or sell products therein to comply with Proposition 65 regulations. Included in
27 such regulations is the requirement that businesses must label any product containing a Proposition
28

1 65-listed chemical with a “clear and reasonable” warning before “knowingly and intentionally”
2 exposing any person to any such listed chemical.

3 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
4 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
5 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
6 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
7 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
8 25249.7.

9 6. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
10 without a requisite exposure warning, the Products, and that use of the Products exposes persons
11 to DEHP, DINP, Lead and/or BPA.

12 7. Defendant’s failure to warn consumers and other individuals in California of the
13 health hazards associated with exposure to DEHP, DINP, Lead, and/or BPA in conjunction with
14 the sale and/or distribution of the Products is a violation of Proposition 65 and subjects Defendant
15 to the enjoinder and civil penalties described herein.

16 8. Plaintiff seeks civil penalties against Defendant for its violations of Proposition 65
17 in accordance with Health and Safety Code § 25249.7(b).

18 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
19 Defendant to provide purchasers or users of the Products with required warnings related to the
20 dangers and health hazards associated with exposure to DEHP, DINP, Lead, and/or BPA pursuant
21 to Health and Safety Code § 25249.7(a).

22 10. Plaintiff further seeks a reasonable award of attorney’s fees and costs.

23 **PARTIES**

24 11. Plaintiff is a citizen of the State of California acting in the interest of the general
25 public to promote awareness of exposures to toxic chemicals in products sold in California and to
26 improve human health by reducing hazardous substances from use of such items. He brings this
27 action in the public interest pursuant to Health and Safety Code § 25249.7(d).

1 12. Defendant Walmart, through its business, effectively imports, distributes, sells,
2 and/or offers the Products for sale or use in the State of California, or it implies by its conduct that
3 it imports, distributes, sells, and/or offers the Products for sale or use in the State of California.

4 13. Plaintiff alleges that defendant Walmart is a “person” in the course of doing
5 business within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

6 **VENUE AND JURISDICTION**

7 14. Venue is proper in the County of San Francisco because one or more of the
8 instances of wrongful conduct occurred, and continue to occur in this county and/or because
9 Defendant conducted, and continues to conduct, business in the County of San Francisco with
10 respect to the Products.

11 15. This Court has jurisdiction over this action pursuant to California Constitution
12 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
13 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
14 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
15 jurisdiction over this lawsuit.

16 16. This Court has jurisdiction over Defendant because Defendant is either a citizen of
17 the State of California, has sufficient minimum contacts with the State of California, is registered
18 with the California Secretary of State as foreign corporations authorized to do business in the State
19 of California, and/or has otherwise purposefully availed itself of the California market. Such
20 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
21 permissible with traditional notions of fair play and substantial justice.

22 **STATUTORY BACKGROUND**

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

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

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

4 19. An exposure to a chemical in a consumer product is one “which results from a
5 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
6 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
7 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
8 shall provide a warning to any person to whom the product is sold or transferred unless the product
9 is packaged or labeled with a clear and reasonable warning.”

10 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
11 more of the following methods individually or in combination:¹

12 a. A warning that appears on a product’s label or other labeling.

13 b. Identification of the product at the retail outlet in a manner which provides
14 a warning. Identification may be through shelf labeling, signs, menus, or a combination
15 thereof.

16 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
17 prominently placed upon a product’s labels or other labeling or displayed at the retail outlet
18 with such conspicuousness, as compared with other words, statements, designs, or devices
19 in the label, labeling or display as to render it likely to be read and understood by an
20 ordinary individual under customary conditions of purchase or use.

21 d. A system of signs, public advertising identifying the system and toll-free
22 information services, or any other system that provides clear and reasonable warnings.

23 21. Proposition 65 provides that any “person who violates or threatens to violate” the
24 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
25 “threaten to violate” is defined to mean creating “a condition in which there is a substantial

26 _____
27 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.* as amended on August 30,
2016, and operative on August 30, 2018.

1 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
2 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
3 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

4 FACTUAL BACKGROUND

5 22. On February 27, 1987 (Lead), January 1, 1988 (DEHP), and on December 20, 2013
6 (DINP), the State of California listed Lead, DEHP, and DINP as chemicals known to the State to
7 cause cancer and each chemical has come under the purview of Proposition 65 regulations since
8 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
9 On October 24, 2003 (DEHP) and on May 11, 2015 (BPA), the State of California listed DEHP
10 and BPA as a chemical known to cause reproductive toxicity. On February 27, 1987, the State of
11 California listed Lead as a chemical known to cause adverse developmental and reproductive
12 effects in both males and females.

13 23. The consumer exposures that are the subject of this first amended complaint result
14 primarily from dermal absorption and/or oral ingestion. Users can be exposed to DEHP, DINP
15 and/or BPA by dermal absorption through direct skin contact with the Products during routine use
16 when contacted with bare hands. Items placed inside the Products can absorb DEHP, DINP and/or
17 BPA that can be subsequently handled, held in direct contact with skin, mouthed, or ingested by
18 the user. Finally, while direct mouthing of the Products does not seem likely, some amount of
19 exposure through ingestion can occur by touching of the user’s hand to mouth. Further, ingestion
20 of BPA and/or Lead will occur when Products containing these chemicals are consumed.

21 24. Defendant has marketed, distributed, offered to sell and/or sold the Products in
22 California since at least May of 2019. The Products continue to be distributed and sold in
23 California without the requisite warning information.

24 25. At all times relevant to this action, Defendant has knowingly and intentionally
25 exposed users and/or consumers of the Products to DEHP, DINP, Lead, and/or BPA without first
26 giving a clear and reasonable exposure warning to such individuals.

27 26. As a proximate result of acts by Defendant, as a person in the course of doing
28 business within the meaning of H&S Code § 25249.11, individuals throughout the State of

1 California, including in San Francisco County, have been exposed to DEHP, DINP, lead, and/or
2 BPA without a clear and reasonable warning on the Products. The individuals subject to the
3 violative exposures include normal and foreseeable users and consumers that use the Products, as
4 well as all others exposed to the Products.

5 **SATISFACTION OF NOTICE REQUIREMENTS**

6 ***The Alleged Violations of Health and Safety Code § 25249.6 to Walmart***

7 27. On May 15, 2019, Plaintiff gave notice of alleged violation of Health and Safety
8 Code § 25249.6 (a “Notice of Violation”) to Defendant concerning the exposure of California
9 citizens to DEHP from use of the Waccess exercise balls, UPC# 856915006008 distributed by
10 Waccess and Taradex Inc., without proper warning, subject to a private action to Defendant and
11 to the California Attorney General’s office and the offices of the County District attorneys and
12 City Attorneys for each city with a population greater than 750,000 persons wherein the herein
13 violations allegedly occurred. See attached at Exhibit “A” a true and correct copy of the May 15,
14 2019 Notice of Violation.

15 28. On May 20, 2019, Plaintiff gave notice of alleged violation of Health and Safety
16 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from use of
17 the Holiday Ornament Chest distributed by AB Marketers, LLC / Living Healthy Products, LLC,
18 without proper warning, subject to a private action to Defendant and to the California Attorney
19 General’s office and the offices of the County District attorneys and City Attorneys for each city
20 with a population greater than 750,000 persons wherein the herein violations allegedly occurred.
21 See attached at Exhibit “B” a true and correct copy of the May 20, 2019 Notice of Violation.

22 29. On January 30, 2020, Plaintiff gave notice of alleged violation of Health and Safety
23 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from use of
24 the Deluxe Comfort Bath Cushion, Model: BTFM-002-01 distributed by AB Marketers, LLC /
25 Living Healthy Products, LLC, without proper warning, subject to a private action to Defendant
26 and to the California Attorney General’s office and the offices of the County District attorneys and
27 City Attorneys for each city with a population greater than 750,000 persons wherein the herein
28

1 violations allegedly occurred. See attached at Exhibit “C” a true and correct copy of the January
2 30, 2020 Notice of Violation.

3 30. On February 21, 2020, Plaintiff gave notice of alleged violation of Health and
4 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from
5 use of the SHANY Toiletry Bag & Dopp Kit, UPC# 700645941859 distributed by SHany
6 Enterprises, Inc., without proper warning, subject to a private action to Defendant and to the
7 California Attorney General’s office and the offices of the County District attorneys and City
8 Attorneys for each city with a population greater than 750,000 persons wherein the herein
9 violations allegedly occurred. See attached at Exhibit “D” a true and correct copy of the February
10 21, 2020 Notice of Violation.

11 31. On May 18, 2020, Plaintiff gave notice of alleged violation of Health and Safety
12 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from use of
13 the Mind Reader Jump Rope, UPC# 887530039850, without proper warning, subject to a private
14 action to Defendant and to the California Attorney General’s office and the offices of the County
15 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
16 wherein the herein violations allegedly occurred. See attached at Exhibit “E” a true and correct
17 copy of the May 18, 2020 Notice of Violation.

18 32. On May 26, 2020, Plaintiff gave notice of alleged violation of Health and Safety
19 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from use of
20 the Adjustable Ball Bearing jump ropes, UPC# 84256902663 distributed by BSN Sports, LLC,
21 without proper warning, subject to a private action to Defendant and to the California Attorney
22 General’s office and the offices of the County District attorneys and City Attorneys for each city
23 with a population greater than 750,000 persons wherein the herein violations allegedly occurred.
24 See attached at Exhibit “FG” a true and correct copy of the May 26, 2020 Notice of Violation.

25 33. On July 30, 2020, Plaintiff gave notice of alleged violation of Health and Safety
26 Code § 25249.6 to Defendant concerning the exposure of California citizens to BPA from use of
27 the Restaurantware Dredge Spice Shaker, UPC# 10810018955677 distributed by RBG Plastic
28 LLC, without proper warning, subject to a private action to Defendant and to the California

1 Attorney General's office and the offices of the County District attorneys and City Attorneys for
2 each city with a population greater than 750,000 persons wherein the herein violations allegedly
3 occurred. See attached at Exhibit "G" a true and correct copy of the July 30, 2020 Notice of
4 Violation.

5 34. On September 18, 2020, Plaintiff gave notice of alleged violation of Health and
6 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from
7 use of the Craig stereo headphones, UPC# 731398450084, without proper warning, subject to a
8 private action to Defendant and to the California Attorney General's office and the offices of the
9 County District attorneys and City Attorneys for each city with a population greater than 750,000
10 persons wherein the herein violations allegedly occurred. See attached at Exhibit "H" a true and
11 correct copy of the September 18, 2020 Notice of Violation.

12 35. On September 21, 2020, Plaintiff gave notice of alleged violation of Health and
13 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from
14 use of the iSound Dynamic stereo headphones, UPC# 845620055203, without proper warning,
15 subject to a private action to Defendant and to the California Attorney General's office and the
16 offices of the County District attorneys and City Attorneys for each city with a population greater
17 than 750,000 persons wherein the herein violations allegedly occurred. See attached at Exhibit "I"
18 a true and correct copy of the September 21, 2020 Notice of Violation.

19 36. On September 21, 2020, Plaintiff gave notice of alleged violation of Health and
20 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from
21 use of the Monster wireless headphones, UPC# 805106890063 distributed by Monster Inc.,
22 without proper warning, subject to a private action to Defendant and to the California Attorney
23 General's office and the offices of the County District attorneys and City Attorneys for each city
24 with a population greater than 750,000 persons wherein the herein violations allegedly occurred.
25 See attached at Exhibit "J" a true and correct copy of the September 21, 2020 Notice of Violation.

26 37. On September 23, 2020, Plaintiff gave notice of alleged violation of Health and
27 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from
28 use of the Oblanc NC3-1 Shell headphones, UPC# 810154019144 distributed by Syba Multimedia,

1 Inc., without proper warning, subject to a private action to Defendant and to the California
2 Attorney General's office and the offices of the County District attorneys and City Attorneys for
3 each city with a population greater than 750,000 persons wherein the herein violations allegedly
4 occurred. See attached at Exhibit "K" a true and correct copy of the September 23, 2020 Notice of
5 Violation.

6 38. On October 12, 2020, Plaintiff gave notice of alleged violation of Health and Safety
7 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from use of
8 the Reli On Dual Frequency stethoscopes, UPC# 681131235280 distributed by Compass Health
9 Brands, without proper warning, subject to a private action to Defendant and to the California
10 Attorney General's office and the offices of the County District attorneys and City Attorneys for
11 each city with a population greater than 750,000 persons wherein the herein violations allegedly
12 occurred. See attached at Exhibit "L" a true and correct copy of the October 12, 2020 Notice of
13 Violation.

14 39. On November 20, 2020, Plaintiff gave notice of alleged violation of Health and
15 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
16 use of the SlimFast Original Meal Replacement Shake Mix – Rich Chocolate Royale, UPC#
17 008346026357, without proper warning, subject to a private action to Defendant and to the
18 California Attorney General's office and the offices of the County District attorneys and City
19 Attorneys for each city with a population greater than 750,000 persons wherein the herein
20 violations allegedly occurred. See attached at Exhibit "M" a true and correct copy of the November
21 20, 2020 Notice of Violation.

22 40. On November 23, 2020, Plaintiff gave notice of alleged violation of Health and
23 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DINP from
24 use of the Better Homes & Gardens storage bags, UPC# 849392010170 distributed by Meredith
25 Corporation, without proper warning, subject to a private action to Defendant and to the California
26 Attorney General's office and the offices of the County District attorneys and City Attorneys for
27 each city with a population greater than 750,000 persons wherein the herein violations allegedly
28

1 occurred. See attached at Exhibit “N” a true and correct copy of the November 23, 2020 Notice of
2 Violation.

3 41. On November 24, 2020, Plaintiff gave notice of alleged violation of Health and
4 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from
5 use of the Teleflex Medical Easy Tap Leg bags extension tubing, 453932, IPN054586, without
6 proper warning, subject to a private action to Defendant and to the California Attorney General’s
7 office and the offices of the County District attorneys and City Attorneys for each city with a
8 population greater than 750,000 persons wherein the herein violations allegedly occurred. See
9 attached at Exhibit “O” a true and correct copy of the November 24, 2020 Notice of Violation.

10 42. The Notices of Violation described herein are collectively referred to as, the
11 “Notices.”

12 43. The Notices complied with all procedural requirements of Proposition 65 including
13 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
14 least one person with relevant and appropriate expertise who reviewed relevant data regarding
15 DEHP, DINP, Lead and/or BPA exposure, and that counsel believed there was meritorious and
16 reasonable cause for a private action.

17 44. After receiving the Notices, and to Plaintiff’s best information and belief, none of
18 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
19 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
20 the subject of the Notices.

21 45. Plaintiff is commencing this action more than sixty (60) days from the date of the
22 Notices to Defendant, as required by law.

23 46. On April 6, the Judicial Council first adopted emergency rule 9 to suspend statutes
24 of limitation on all civil cases until 90 days after Governor Newsom lifts the state of emergency
25 related to the COVID-19 pandemic. On May 29, 2020 the Judicial Council approved a revision to
26 emergency rule 9 regarding the statutes of limitations for filing civil cases during the COVID-19
27 pandemic. The Council amended emergency rule 9 by circulating order so that it is no longer tied
28 to the state of emergency declaration. The new rule suspends from April 6, 2020 to October 1,

1 2020 the statutes of limitations and repose for civil causes of action that exceed 180 days. The rule
2 is broad in scope and applies to all civil causes of action.

3 **FIRST CAUSE OF ACTION**

4 **(By Plaintiff against Defendant for the Violations of Proposition 65)**

5 47. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 46 of
6 this Complaint as though fully set forth herein.

7 48. Defendant has, at all times mentioned herein, acted as distributor and/or retailer of
8 the Product.

9 49. The Products contain DEHP, DINP, Lead, and/or BPA, hazardous chemicals found
10 on the Proposition 65 list of chemicals known to be hazardous to human health.

11 50. The Products do not comply with the Proposition 65 warning requirements.

12 51. Plaintiff, based on his best information and belief, avers that at all relevant times
13 herein, and at least since May 15, 2019, continuing until the present, that Defendant has continued
14 to knowingly and intentionally expose California users and consumers of the Product to DEHP,
15 DINP, Lead and/or BPA without providing required warnings under Proposition 65.

16 52. The exposures that are the subject of the Notices result from the purchase,
17 acquisition, handling and recommended use of the Products. Consequently, the primary route of
18 exposure to these chemicals is through dermal absorption and/or oral ingestion.

19 53. Plaintiff, based on his best information and belief, avers that such exposures will
20 continue every day until clear and reasonable warnings are provided to purchasers and users of the
21 Products or until this known toxic chemical is removed from the Products.

22 54. Defendant has knowledge that the normal and reasonably foreseeable use of the
23 Products will expose individuals to DEHP, DINP, Lead and/or BPA, and Defendant intends that
24 exposures to DEHP, DINP, Lead and/or BPA will occur by its deliberate, non-accidental
25 participation in the importation, distribution, sale and offering of the Products to consumers in
26 California

27 55. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
28 Complaint.

1 56. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
2 described acts, Defendant is liable for a maximum civil penalty of \$2,500 per day per violation.

3 57. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
4 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.

5 **PRAYER FOR RELIEF**

6 WHEREFORE, Plaintiff demands judgment against Defendant and requests the following
7 relief:

8 A. That the court assess civil penalties against each Defendant in the amount of \$2,500
9 per day for each violation for up to 365 days (up to a maximum civil penalty amount per
10 violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);

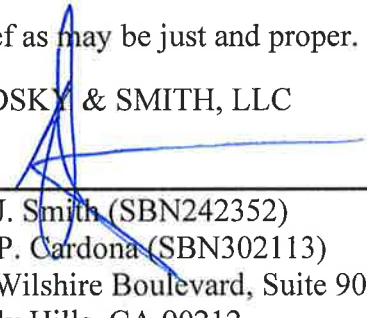
11 B. That the court preliminarily and permanently enjoin Defendant mandating
12 Proposition 65 compliant warnings on the Product;

13 C. That the court grant Plaintiff reasonable attorney's fees and costs of suit, in the
14 amount of \$50,000.00.

15 D. That the court grant any further relief as may be just and proper.

16 Dated: January 29, 2021

BRODSKY & SMITH, LLC

17 By: 
18 Evan J. Smith (SBN242352)
19 Ryan P. Cardona (SBN302113)
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21 Beverly Hills, CA 90212
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23 Facsimile: (310) 247-0160

Attorneys for Plaintiff

EXHIBIT "A"

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May 15, 2019

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President/CEO Taradex, Inc. c/o Mustafa Karyagdi 16 Fenner Pl. Wayne, NJ 07470	President/CEO Walmart, Inc. c/o The Corporation Trust Co. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
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AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Taradex, Inc.
Walmart, Inc.

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Wacces Professional Exercise Ball Kit UPC#856915006008 52L0 Walmart# 564406938 Walmart Order# 3421976475917	Walmart, Inc.	Taradex, Inc.

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Users can be exposed to DEHP by dermal absorption through direct skin contact with the exercise ball during routine use when the exercise ball contacts with bare skin. If the exercise ball is handled with wet hands or comes into contact with wet skin due to perspiration when exercising, DEHP skin permeation rates from aqueous solutions are faster than neat DEHP permeation. When the exercise ball comes into contact with clothing during exercise, DEHP from the exercise ball can absorb to clothes and these clothes will become a source of dermal exposure to DEHP. Finally, while direct mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user’s hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least March 12, 2019; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

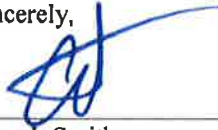
² The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

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 of age, and am not a party to the within action. My business address is 2 Bala Plaza, Suite 510, Bala Cynwyd, Pennsylvania. I am employed in Montgomery County where the mailing occurred.

On May 15, 2019, I served the following documents: **Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary** on the following entities and individuals listed below by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Certified Mail:

President/CEO Taradex, Inc. c/o Mustafa Karyagdi 16 Fenner Pl. Wayne, NJ 07470	President/CEO Walmart, Inc. c/o The Corporation Trust Co. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
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On May 15, 2019, I served the following documents: **Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary** on each of the individuals on the service list attached hereto as Appendix B by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Priority Mail.

Executed on May 15, 2019, in Bala Cynwyd, Pennsylvania.



Evan J. Smith

EXHIBIT “B”

LAW OFFICES
BRODSKY & SMITH, LLC

TWO BALA PLAZA, SUITE 510
BALA CYNWYD, PA 19004

610.667.6200
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856.795.7250

NEW YORK OFFICE
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516.741.4977

CALIFORNIA OFFICE
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BEVERLY HILLS, CA 90212
877.534.2590

May 20, 2019

esmith@brodskysmith.com

President/CEO Walmart, Inc. c/o The Corporation Trust Co. Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	
---	--

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Walmart, Inc.

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Holiday Ornament Chest – Clear Plastic Walmart Order# 3441977390051 Walmart# 550472404 ORDA-551-RED	Walmart, Inc.	Unknown

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least March 12, 2019; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product. Users may be exposed to DEHP by dermal absorption through direct skin contact with the clear plastic during routine use when the ornament chest is manipulated with bare hands. Concentrations of DEHP can be expected to build within the enclosed, interior of the ornament chest. DEHP from the clear plastic can absorb to the surface of contents, including but not limited to ornaments, that are subsequently handled, worn, mouthed, or ingested by the user. Finally, while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user’s hand to mouth.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65); A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Anthony Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “C”

LAW OFFICES
BRODSKY & SMITH, LLC

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CALIFORNIA OFFICE
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877.534.2590

January 30, 2020

esmith@brodskysmith.com

President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
---	--

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC ("Brodsky Smith") represents Anthony Ferreiro ("Ferreiro"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Deluxe Comfort Bath Cushion Model: BTFM-002-01 Walmart Order#6081912-204566 Walmart# 555810020	Walmart, Inc. Walmart Apollo, LLC	Unknown

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Dermal absorption of DEHP can occur through direct skin contact when the white plastic is held in contact with the user’s skin during bathing. DEHP that leaches from the item can accumulate in the bath water that can be absorbed through the user’s skin while bathing. The concentration of DEHP leaching into the water from the bath cushion is dependent on the temperature of the water. Elevated water temperatures can be expected during bathing that will lead to increased kinetics of DEHP leaching from the curtain into the water. If the bath cushion is stored or transported in a carrier, DEHP that leaches from the item may contaminate other articles contained within these closed spaces that are subsequently handled, worn, mouthed, or ingested by the user. Finally, while mouthing of the item does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user’s hand to mouth or through ingestion of DEHP contaminated bath water.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least December 3, 2019; as well as every day since the product was introduced to the California

² The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

~~marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.~~

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “D”

LAW OFFICES
BRODSKY & SMITH, LLC

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877.534.2590

February 21, 2020

esmith@brodskysmith.com

President/CEO SHANY Enterprises, Inc. c/o Kearney, McWilliams & Davis, PLLC 410 Pierce Street, Suite 241 Houston, TX 77002	President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC ("Brodsky Smith") represents Anthony Ferreiro ("Ferreiro"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of

this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter "the Violators") are:

SHANY Enterprises, Inc.
Walmart, Inc.

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
SHANY Toiletry Bag & Dopp Kit – Handle UPC# 7 00645 94185 9 SH-NT1004-BK	Walmart, Inc.	SHANY Enterprises, Inc.

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Dermal absorption of DEHP can occur through direct skin contact when the black faux leather is contacted with bare hands. Concentrations of DEHP can be expected to build within the interior of the toiletry bag. Articles placed in the bag can absorb DEHP that can subsequently be handled, mouthed, or ingested by the user. If the bag is stored or transported in a carrier, DEHP that leaches from the item may contaminate other articles contained within these closed spaces that are subsequently handled, worn, mouthed, or ingested by the user. Finally, while mouthing of the item does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product." Further, it is Ferreiro's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least December 3, 2019; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “E”

LAW OFFICES
BRODSKY & SMITH, LLC

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CALIFORNIA OFFICE
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877.534.2590

May 18, 2020

esmith@brodskysmith.com

President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager EMS Mind Reader LLC c/o Michael Betesh 250 Passaic St. Newark, NJ 07104	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of

this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Walmart, Inc.
Walmart Apollo, LLC
EMS Mind Reader LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Mind Reader Jump Rope UPC# 887530039850 SKIP4-BLK NINO17-20001933 Walmart Order# 3362088531414	Walmart, Inc. Walmart Apollo, LLC	EMS Mind Reader LLC

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Users can be exposed to DEHP by dermal absorption through direct skin contact with the cord during routine use when the cord is handled with bare hands. If the cord is handled with wet hands or comes into contact with wet skin due to perspiration when exercising, DEHP skin permeation rates from aqueous solutions are faster than neat permeation. When the cord comes into contact with bare skin during jump rope exercise, direct dermal exposure to DEHP is possible. When the cord comes into contact with clothing during jump rope exercise, DEHP from the cord can absorb to clothes and these clothes will become a source of DEHP dermal exposure. If the jump rope is stored or transported in a carrier, DEHP that leaches from the cord may contaminate other articles

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

contained within these closed spaces are subsequently handled, worn, mouthed, or consumed. Finally, while direct mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least March 5, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “F”

LAW OFFICES
BRODSKY & SMITH, LLC

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877.534.2590

May 26, 2020

esmith@brodskysmith.com

Member/Manager BSN Sports, LLC c/o Maples Fiduciary Services (Delaware) Inc. 4001 Kennett Pike Suite 302 Wilmington, DE 19807	Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Walmart, Inc. c/o CT Corporation System 124 West Capitol Avenue, Suite 1900 Little Rock, AR 72201	President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Walmart, Inc. 702 S.W. 8 th Street Bentonville, AR 72716	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

BSN Sports, LLC
Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
10ft. Adjustable Ball Bearing Jump Rope UPC# 84256902663 KYSH27-1118 Code No: 17110XXX PO No: KY7162304	Walmart, Inc. Walmart Apollo, LLC	BSN Sports, LLC

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Users can be exposed to DEHP by dermal absorption through direct skin contact with the cord during routine use when the cord is handled with bare hands. If the cord is handled with wet hands or comes into contact with wet skin due to perspiration when exercising, DEHP skin permeation rates from aqueous solutions are faster than neat DEHP permeation.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

When the cord comes into contact with bare skin during jump rope exercise, direct dermal exposure to DEHP is possible. When the cord comes into contact with clothing during jump rope exercise, DEHP from the cord can absorb to clothes and these clothes will become a source of DEHP dermal exposure. If the jump rope is stored or transported in a carrier, DEHP that leaches from the cord may contaminate other articles contained within these closed spaces are subsequently handled, worn, mouthed, or consumed. Finally, while direct mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least March 5, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit
Certificate of Service
The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “G”

LAW OFFICES
BRODSKY & SMITH, LLC

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July 30, 2020

esmith@brodskysmith.com

Member/Manager RBG Plastic, LLC c/o Richard Rinella 360 W. Illinois, Suite 605 Chicago, IL 60654	Member/Manager RBG Plastic, LLC c/o Richard Rinella 1680 Michigan Avenue, Suite 819 Miami Beach, FL 33139
President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Walmart, Inc. 702 S.W. 8 th St. Bentonville, AR 72716
Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC ("Brodsky Smith") represents Anthony Ferreiro ("Ferreiro"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Anthony Ferreiro has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on

whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Anthony Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the company's covered by this notice that Violated Proposition 65 (hereinafter "the Violators") is:

RBG Plastic, LLC
Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Restaurantware Dredge Spice Shaker UPC# 10810018955677 RWP0495 Walmart Order# 3212076-455877	Walmart, Inc. Walmart Apollo, LLC	RBG Plastic, LLC

Listed Chemicals: This violation involves exposure to the chemical Bisphenol A (BPA). On May 11, 2015, the State of California listed BPA as a chemical known to the State to cause female reproductive toxicity. This addition took place more than twelve (12) months before Ferreiro served this Notice.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through oral ingestion. The shaker tested is expected to be in contact with food products, including but not limited to spices, during normal expected use and thus BPA can leach from the plastic into foods or spices that come into contact with the polycarbonate plastic. When BPA contaminated foods due to contact with the product are consumed, oral ingestion of BPA will result. Over time, it is expected that the shaker will be exposed to hot water during washing and future BPA leaching rates can be expected to increase with continued exposure to hot water. Washing the product with hard water and/or dishwashing soaps can increase the pH (alkalinity) and higher extraction rates of BPA into subsequent foods placed in the shaker. Dermal exposure to BPA will occur when the shaker is handled with bare hands during normal expected use and cleaning. Finally, some amount of exposure through ingestion can occur by handling the product, with subsequent touching of the user's hand to mouth.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product." Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least February 19, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Anthony Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Anthony Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “H”

LAW OFFICES
BRODSKY & SMITH, LLC

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September 18, 2020

esmith@brodskysmith.com

President/CEO Craig Electronics, Inc. c/o Michael L. Newman 1160 NW 163 rd Drive Miami, FL 33169	President/CEO Craig Electronics, Inc. 1160 NW 163 rd Drive Miami Gardens, FL 33169-5816
President/CEO Newtech Electronics Industries, Inc. c/o Michael L. Newman 1160 NW 163 rd Drive Miami, FL 33169	President/CEO Newtech Electronics Industries, Inc. 1160 NW 163 rd Drive Miami Gardens, FL 33169-5816
President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Craig Electronics, Inc.
 Newtech Electronics Industries, Inc.
 Walmart, Inc.
 Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Craig Foldable Stereo Headphone – ear cushion cover UPC# 731398450084 CHP5008 GB_E0GG1_A0US Walmart Order# 5032079-643578	Walmart, Inc. Walmart Apollo, LLC	Craig Electronics, Inc. Newtech Electronics Industries, Inc.

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. The ear cushion cover is likely to be in constant contact with the user’s ears and during normal expected use and direct skin exposure is likely to occur.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Skin exposure through direct contact with the user's hands is possible during application, removal, and manipulation of the headphones. Should the wearer's skin perspire underneath the ear cushion, aqueous DEHP skin permeation rates have been reported to be faster than neat DEHP permeation. If the headphones are stored or transported in a carrier, DEHP that leaches from the item may contaminate other articles contained within these closed spaces that are subsequently handled, worn, mouthed, or ingested by the user. Finally, while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least August 19, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT "I"

LAW OFFICES
BRODSKY & SMITH, LLC

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877.534.2590

September 21, 2020

esmith@brodskysmith.com

Member/Manager DreamGear, LLC c/o Richard Weston 20001 S. Western Ave. Torrance, CA 90501	President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of

this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

DreamGear, LLC
Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
iSound Dynamic Stereo Headphones – Ear Covering UPC# 845620055203 Model HM-260 MNO-04 062016 DGHM-5520 Walmart Order# 5032079-643578	Walmart, Inc. Walmart Apollo, LLC	DreamGear, LLC

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. The ear cushion cover is likely to be in constant contact with the use user’s ears and during normal expected use and direct skin exposure is likely to occur. Skin exposure through direct contact with the user’s hands is possible during application, removal, and manipulation of the headphones. Should the wearer’s skin perspire underneath the ear cushion, aqueous DEHP skin permeation rates have been reported to be faster than neat DEHP. If the headphones are stored or transported in a carrier, DEHP that leaches from the item may contaminate other articles contained

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

within these closed spaces that are subsequently handled, worn, mouthed, or ingested by the user. Finally, while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.


Duration of the Violations: Each of these ongoing violations has occurred on every day since at least August 19, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “J”

LAW OFFICES
BRODSKY & SMITH, LLC

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877.534.2590

September 21, 2020

esmith@brodskysmith.com

President/CEO Monster, Inc. c/o Noel Lee 1156 Clement St. San Francisco, CA 94118	President/CEO Monster, Inc. 455 Valley Drive Brisbane, CA 94005
President/CEO Monster, Inc. 280 Old County Road #435 Brisbane, CA 94005	President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on

whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter "the Violators") are:

Monster, Inc.
Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Monster HDTV Wireless Headphones Kit UPC# 805106890063 0420 K-021 MTH9-1001-BLK Walmart Order# 5032079-643578	Walmart, Inc. Walmart Apollo, LLC	Monster, Inc.

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. The ear cushion cover is likely to be in constant contact with the use user's ears and during normal expected use and direct skin exposure is likely to occur.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product." Further, it is Ferreiro's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Skin exposure through direct contact with the user's hands is possible during application, removal, and manipulation of the headphones. Should the wearer's skin perspire underneath the ear cushion, aqueous DEHP skin permeation rates have been reported to be faster than neat DEHP. If the headphones are stored or transported in a carrier, DEHP that leaches from the item may contaminate other articles contained within these closed spaces that are subsequently handled, worn, mouthed, or ingested by the user. Finally, while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least August 19, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “K”

LAW OFFICES
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877.534.2590

September 23, 2020

esmith@brodskysmith.com

President/CEO Syba Multimedia, Inc. c/o Joseph K. Teo 15870 El Prado Road, #A Chino, CA 91708	Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC ("Brodsky Smith") represents Anthony Ferreiro ("Ferreiro"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of

this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Syba Multimedia, Inc.
Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Oblanc NC3-1 Shell Professional Headphones – Ear Covering UPC# 810154019144 Model# OG-AUD63046 SN# OG-AUD63046 Walmart Order# 5032079-643578	Walmart, Inc. Walmart Apollo, LLC	Syba Multimedia, Inc.

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. The ear cushion cover is likely to be in constant contact with the user's ears and during normal expected use and direct skin exposure is likely to occur. Skin exposure through direct contact with the user's hands is possible during application, removal, and manipulation of the headphones. Should the wearer's skin perspire underneath the ear cushion, aqueous DEHP skin permeation rates have been reported to be faster than neat DEHP. If the headphones are stored or transported in a carrier, DEHP that leaches from the item may contaminate other articles contained within these closed spaces that are subsequently handled, worn, mouthed, or ingested by the user. Finally,

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least August 19, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “L”

LAW OFFICES
BRODSKY & SMITH, LLC

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877.534.2590

October 12, 2020

esmith@brodskysmith.com

President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Wal-Mart.com USA, LLC c/o C T Corporation System 124 West Capitol Avenue, Suite 1900 Little Rock, AR 72201	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC ("Brodsky Smith") represents Anthony Ferreiro ("Ferreiro"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of

this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Walmart, Inc.
Walmart Apollo, Inc.
Wal-Mart.com USA, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Reli On Dual Frequency Stethoscope – ear tip covering UPC# 681131235280 036764 Lot# P229RL 20190120 036764 Walmart Order# 4972070-111508	Wal-Mart.com USA, LLC Walmart, Inc.	Walmart, Inc. Walmart Apollo, Inc.

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. The ear tip covers will be in constant contact with the user’s inner ears during normal expected use and direct skin exposure is likely to occur. Skin exposure through direct contact with the user’s hands is possible during application, removal, and manipulation of the stethoscope earpieces. Should the wearer’s skin perspire underneath the ear tips, aqueous DEHP skin permeation rates have been reported to be faster than neat DEHP permeation. If the

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Ferreiro’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

stethoscope is stored or transported in a carrier, DEHP that leaches from the item may contaminate other articles contained within these closed spaces that are subsequently handled, worn, mouthed, or ingested. Finally, while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by handling the product with subsequent touching of the user's hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least August 13, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “M”

LAW OFFICES
BRODSKY & SMITH, LLC

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PENNSYLVANIA OFFICE
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610.667.6200

November 20, 2020

esmith@brodskysmith.com

President/CEO KSF Acquisition Corporation c/o Corporate Creations Network, Inc. 3411 Silverside Road Tatnall Building, Suite 104 Wilmington, DE 19810	President/CEO KSF Acquisition Corporation dba SlimFast c/o Corporate Creations Network, Inc. 3411 Silverside Road Tatnall Building, Suite 104 Wilmington, DE 19810
President/CEO GPN Slimfast Commercial, LLC c/o Corporate Creations Network, Inc. 3411 Silverside Road Tatnall Building, Suite 104 Wilmington, DE 19810	President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on

whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violator and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the company covered by this notice that Violated Proposition 65 (hereinafter "the Violator") is:

KSF Acquisition Corporation
KSF Acquisition Corporation dba SlimFast
GPN Slimfast Commercial, LLC
Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
SlimFast Original Meal Replacement Shake Mix – Rich Chocolate Royale UPC# 008346026357 L-02635-6 Best By 12/17/2021 177203P Walmart Order# 5672010-563721	Walmart, Inc. Walmart Apollo, LLC	KSF Acquisition Corporation KSF Acquisition Corporation dba SlimFast GPN Slimfast Commercial, LLC

Listed Chemicals: This violation involves exposure to the chemicals lead and lead compounds. On February 27, 1987, the State of California listed lead as a chemical known to cause adverse developmental and reproductive effects in both males and females. On October 1, 1992, the state of California listed lead as a chemical known to cause cancer. These additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violator knowingly and intentionally exposed and continues to knowingly and intentionally expose consumers within the State of California to lead at levels that, upon reasonable use of the product, exceed the Maximum Allowable Dose Level (lead) without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains lead a chemical known to the State of California to cause reproductive toxicity.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product." Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Route of Exposure: The exposures that are the subject of this notice result from the purchase and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through ingestion. When foods contaminated with lead due to SlimFast Original Meal Replacement Shake Mix – Rich Chocolate Royale are consumed, ingestion of lead will occur which will increase BLLs.


Duration of the Violations: Each of these ongoing violations has occurred on every day since at least October 22, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of “The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary” is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “N”

LAW OFFICES
BRODSKY & SMITH, LLC

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November 23, 2020

esmith@brodskysmith.com

President/CEO Meredith Corporation c/o John S. Zieser 1716 Locust Street Des Moines, IA 50309-3023	President/CEO Easy Home Organization Manufacturing Co., Ltd. 10/F Tower A Billion Center 1 Wang Kwong Road Kowloon Bay, Kowloon HONG KONG
President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of

this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the company's covered by this notice that Violated Proposition 65 (hereinafter "the Violators") are:

Meredith Corporation
Easy Home Organization Manufacturing Co., Ltd.
Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The specific type of product causing this violation is:

Product²	Retailer(s)	Manufacturer(s)/Distributor(s)
Better Homes & Gardens Underbed Storage Bag UPC# 849392010170 BH18-016-099-09 Walmart Order# 5032079-643578	Walmart, Inc. Walmart Apollo, LLC	Meredith Corporation Easy Home Organization Manufacturing Co., Ltd. Walmart, Inc.

Listed Chemicals: This violation involves exposure to the chemical Diisononyl phthalate (DINP). On December 20, 2013, the State of California listed Diisononyl phthalate (DINP) as a chemical known to cause cancer. This addition took place more than twelve (12) months before Ferreiro served this notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Diisononyl phthalate (DINP) without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause cancer.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Users may potentially be exposed to DINP by dermal absorption through direct skin contact with the bag during routine use when the product is handled with bare hands. Items placed in the bag can absorb DINP and these items can be subsequently handled, held in direct contact with skin, or mouthed. Finally, while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least August 19, 2020 as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product." Further, it is Ferreiro's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

EXHIBIT “O”

LAW OFFICES
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November 24, 2020

esmith@brodskysmith.com

President/CEO Teleflex Medical Inc. 2626 Glenwood Avenue, Suite 550 Raleigh, NC 27608	President/CEO Teleflex Medical, Inc. 3015 Carrington Mill Blvd. Morrisville, PA 27560
Member/Manager Cascade Healthcare Solutions, LLC c/o Casey Fitzwilliam 115 Burnett Avenue S, Suite B Renton, WA 98057-2111	President/CEO Walmart, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager Walmart Apollo, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Willy Rusch GmbH Company Willy-Rüsch-Straße 71394 Kernen im Remstal, Germany

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Anthony Ferreiro (“Ferreiro”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Ferreiro has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute 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 providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on

whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Ferreiro sixty (60) days after effective service of this notice unless the public enforcement agencies¹ have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter "the Violators") are:

Teleflex Medical Inc.
Cascade Healthcare Solutions, LLC
Willy Rusch Gmbh Company
Walmart, Inc.
Walmart Apollo, LLC

Product Category/Type: The type of product causing this violation is:

<i>Product²</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Teleflex Medical Easy Tap Leg Bag & PVC Extension Tubing – Tubing 453932 IPN054586 Lot# 20200510 Item# 549965 Walmart Order# 5542018-551101	Walmart, Inc. Walmart Apollo, LLC Cascade Healthcare Solutions, LLC	Teleflex Medical, Inc. Cascade Healthcare Solutions, LLC Willy Rusch Gmbh Company

Listed Chemicals: This violation involves exposure to the chemical Di(2-ethylhexyl) phthalate (DEHP). On January 1, 1988, the State of California listed DEHP as a chemical known to the State to cause cancer. On October 24, 2003, the State of California listed Di(2-ethylhexyl) phthalate (DEHP) as a chemical known to cause developmental male reproductive toxicity. Both additions took place more than twenty (20) months before Ferreiro served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Di(2-ethylhexyl) phthalate (DEHP) at levels that, upon reasonable use of the product, exceed the No Significant Risk Level and the Maximum Allowable Dose Level without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause both cancer and reproductive toxicity, developmental, male.

¹ The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.

² The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product." Further, it is Ferreiro's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Dermal absorption of DEHP can occur through direct skin contact when the clear PVC tube is contacted with bare hands or rests against bare skin under clothing. If the PVC tube is stored or transported in a carrier, DEHP that leaches from the item may contaminate other articles contained within these closed spaces that are subsequently handled, worn, mouthed, or ingested by the user. Finally, while mouthing of the strap does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user's hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least October 9, 2020; as well as every day since the product was introduced to the California marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Ferreiro is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Ferreiro has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary