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FILED BY FAX
 ALAMEDA COUNTY
 September 25, 2020
 CLERK OF
 THE SUPERIOR COURT
 By Shabra Iyamu, Deputy
 CASE NUMBER:
 RG20075021

8 Attorneys for Plaintiff,
 9 CA Citizen Protection Group, LLC
 10

11 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
 12 **COUNTY OF ALAMEDA**

13 CA CITIZEN PROTECTION GROUP,
 14 LLC,
 15 Plaintiff,
 16 vs.
 17 HOBBY LOBBY STORES, INC.; and
 18 DOES 1 to 50,
 19 Defendants.
 20

CASE NO.
**COMPLAINT FOR INJUNCTIVE
 RELIEF AND CIVIL PENALTIES**
 [Violations of Proposition 65, the Safe
 Drinking Water and Toxic Enforcement
 Act of 1986 (*Health & Safety Code* §§
 25249.5, *et seq.*)]
 UNLIMITED CIVIL
 (Demand exceeds \$25,000)

21
 22 Plaintiff CA CITIZEN PROTECTION GROUP, LLC ("CCPG" or "Plaintiff")
 23 brings this action in the interests of the general public pursuant to California's Safe
 24 Drinking Water and Toxic Enforcement Act of 1986, codified as Cal. Health & Safety
 25 Code ("HSC") § 25249.5 *et seq.* and related statutes (also known and referred to herein as
 26 "Proposition 65") and, based on information and belief, hereby alleges:

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I
THE PARTIES

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3 1. Plaintiff CCPG is dedicated to, among other causes, reducing the amount of
4 chemical toxins in consumer products, the promotion of human health, environmental
5 safety, and improvement of worker and consumer safety.

6 2. Plaintiff is a person within the meaning of HSC § 25249.11(a) and brings
7 this enforcement action in the public interest pursuant to HSC § 25249.7(d).

8 3. Defendant HOBBY LOBBY STORES, INC. (“Hobby Lobby” or
9 “Defendant) is an Oklahoma corporation, and a person doing business in the State of
10 California within the meaning of HSC §25249.11(b) and had ten (10) or more employees
11 at all relevant times.

12 4. Defendant owns, administers, directs, controls, and/or operates facilities
13 and/or agents, distributors, sellers, marketers, or other retail operations who place each of
14 the “Subject Product(s)” (as defined in Paragraph 16, p.5 below) into the stream of
15 commerce in California (including but not limited to Alameda County) which contains
16 Di(2-ethylhexyl) phthalate (“DEHP”) without first giving “clear and reasonable” warnings.

17 5. Defendants DOES 1-50 are named herein under fictitious names, as their true
18 names and capacities are unknown to Plaintiff. Plaintiff is informed and believes, and
19 thereon alleges, that each of said DOES has manufactured, packaged, distributed,
20 marketed, sold and/or has otherwise been involved in the chain of commerce of, and
21 continues to manufacture, package, distribute, market, sell, and/or otherwise continues to
22 be involved in the chain of commerce each of the Subject Product(s) for sale or use in
23 California, and/or is responsible, in some actionable manner, for the events and happenings
24 referred to herein, either through its conduct or through the conduct of its agents, servants
25 or employees, or in some other manner, causing the harms alleged herein. Plaintiff will
26 seek leave to amend this Complaint to set forth the true names and capacities of DOES
27 when ascertained.

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1 6. Upon information and belief, at all times relevant to this action, each of DOES 1-
2 50, was an agent, servant, or employee of the Defendant. In conducting the activities
3 alleged in this Complaint, each of DOES 1-50 was acting within the course and scope of
4 this agency, service, or employment, and was acting with the consent, permission, and
5 authorization of the Defendant. All actions of each of DOES 1-50 alleged in this
6 Complaint were ratified and approved by the Defendant or their officers or managing
7 agents. Alternatively, each of the DOES 1-50 aided, conspired with and/or facilitated the
8 alleged wrongful conduct of the Defendant.

9
10 **II**
11 **JURISDICTION AND VENUE**

12 7. This Court has jurisdiction over this action pursuant to California
13 Constitution Article VI, Section 10, which grants the Superior Court “original jurisdiction
14 in all causes except those given by statute to other trial courts.” This Court has jurisdiction
15 over this action pursuant to HSC § 25249.7, which allows enforcement of violations of
16 Proposition 65 in any Court of competent jurisdiction.

17 8. This Court has jurisdiction over Defendant because, based on information and
18 belief, Defendant is a business entity having sufficient minimum contacts in California, or
19 otherwise intentionally availing itself of the California market through the sale, marketing,
20 distribution and/or use of each of the Subject Product(s) in the State of California, to
21 render the exercise of jurisdiction over Defendant by the California courts consistent with
22 traditional notions of fair play and substantial justice.

23 9. Venue is proper in the Alameda County Superior Court, pursuant to Code of
24 Civil Procedure (“CCP”) §§ 395 and 395.5, because this Court is a court of competent
25 jurisdiction, because one or more instances of wrongful conduct occurred, and continue to
26 occur, in Alameda County, and the cause of action, or part thereof, arises in Alameda
27 County because Defendant’s violations occurred (the Subject Product(s) are marketed,
28 offered for sale, sold, used, and/or consumed without clear and reasonable warnings) in

1 this County. Furthermore, this Court is the proper venue under CCP § 395.5 and HSC §§
2 25249.7(a) and (b), which provide that any person who violates or threatens to violate HSC
3 §§ 25249.5 or 25249.6 may be enjoined in, and civil penalty assessed and recovered in a
4 civil action brought in, any court of competent jurisdiction.

5
6 **III**
7 **STATUTORY BACKGROUND**

8 10. The People of the State of California have declared in Proposition 65 their
9 right “[t]o be informed about exposures to chemicals that cause cancer, birth defects, or
10 other reproductive harm.” (HSC, Div. 20, Ch. 6.6 Note [Section 1, subdivision (b) of
11 Initiative Measure, Proposition 65]). Proposition 65 is classically styled as a “right-to-
12 know” law intended to inform consumers’ choices prior to exposure.

13 11. To affect this goal, Proposition 65 requires that individuals be provided with
14 a “clear and reasonable warning” before being exposed to substances listed by the State of
15 California as causing cancer or reproductive toxicity. HSC § 25249.6, which states, in
16 pertinent part:

17 “No person in the course of doing business shall knowingly and
18 intentionally expose any individual to a chemical known to the state
19 to cause cancer or reproductive toxicity without first giving clear and
20 reasonable warning to such individual...”

21 12. Proposition 65 requires the Governor of California to publish a list of
22 chemicals known to the state to cause cancer, birth defects, or other reproductive harm.
23 See HSC § 25249.8. The list, which the Governor updates at least once a year, contains
24 over 700 chemicals and chemical families. Proposition 65 imposes warning requirements
25 and other controls that apply to Proposition 65-listed chemicals.

26 13. All businesses with ten (10) or more employees that operate or sell products
27 in California must comply with Proposition 65. Under Proposition 65, businesses are: (1)
28 prohibited from knowingly discharging Proposition 65-listed chemicals into sources of

1 drinking water (HSC § 25249.5), and (2) required to provide “clear and reasonable”
2 warnings before exposing a person, knowingly and intentionally, to a Proposition 65-listed
3 chemical (HSC § 25249.6).

4 14. Proposition 65 provides that any person who “violates or threatens to
5 violate” the statute “may be enjoined in any court of competent jurisdiction.” HSC
6 §25249.7(a). “Threaten to violate” is defined to mean creating “a condition in which there
7 is a substantial probability that a violation will occur.” HSC §25249.11(e). Violators are
8 liable for civil penalties of up to \$2,500 per day for each violation of Proposition 65. See
9 HSC §25249.7(b).

10
11 **IV**
12 **BACKGROUND AND PRELIMINARY FACTS**

13 15. This action seeks to remedy the continuing failure of Defendant to clearly
14 and reasonably warn consumers in California that they are being exposed to DEHP, a
15 chemical known to the State of California to cause cancer, developmental toxicity, and
16 male reproductive toxicity.

17 16. Defendant has manufactured, packaged, distributed, marketed, sold and/or
18 has otherwise been involved in the chain of commerce of, and continues to manufacture,
19 distribute, package, promote, market, sell and/or otherwise continues to be
20 involved in the chain of the following consumer products (each referred to as “Subject
21 Product” and collectively, the “Subject Products”), which contain the chemical DEHP:

- 22 (i) Marigold Market __ Doll Shop __ Doll Components __ doll stand
23 with coating gripper;
24 (ii) 5 Piece Set __ glitter paint markers (reusable plastic case); and
25 (iii) Pink Small Backpack with Mermaid/Fish Tail __ Rainbow Sherbet
26 Collection.

27 17. Each Subject Product continues to be offered for sale, sold and/or otherwise
28 provided for use and/or handling to individuals in California.

1 18. The use and/or handling of each Subject Product causes exposures to DEHP
2 at levels requiring a “clear and reasonable warning” under California’s Safe Drinking
3 Water and Toxic Enforcement Act of 1986, codified as Cal. Health & Safety Code
4 (“HSC”) § 25249.5 *et seq.* and related statutes (also known as “Proposition 65”).
5 Defendant exposes consumers of each Subject Product to DEHP and has failed to provide
6 the health hazard warnings required by Proposition 65.

7 19. The past, and continued manufacturing, packaging, distributing, marketing
8 and/or sale of each Subject Product, without the required health hazard warnings, causes
9 individuals to be involuntarily exposed to high levels of DEHP in violation of Proposition
10 65.

11 20. Plaintiff seeks injunctive relief enjoining Defendant from the continued
12 manufacturing, packaging, distributing, marketing and/or selling of each Subject Product
13 in California without first providing clear and reasonable warnings, within the meaning of
14 Proposition 65, regarding the risks of cancer, developmental harm and other reproductive
15 harm posed by exposures to DEHP through the use and/or handling of each Subject
16 Product. Plaintiff seeks an injunctive order compelling Defendant to bring its business
17 practices into compliance with Proposition 65 by providing clear and reasonable warnings
18 to each individual who may be exposed to DEHP from the use and/or handling of each
19 Subject Product. Plaintiff also seeks an order compelling Defendant to identify and locate
20 each individual person who in the past has purchased each Subject Product, and to provide
21 to each such purchaser a clear and reasonable warning that the use of the Subject Products,
22 as applicable, will cause exposure to DEHP.

23 21. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties
24 to remedy Defendant’s failure to provide clear and reasonable warnings regarding
25 exposures to DEHP.

26 22. On January 01, 1988, the State of California officially listed DEHP as a
27 chemical known to cause cancer.

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1 23. The No Significant Risk Level (“NSRL”) for cancer as relating DEHP is 310
2 µg/day for adults.

3 24. The NSRL is calculated based on a body weight of 58 kg for an adult or
4 pregnant woman, 70 kg for an adult male, 40 kg for an adolescent, 20 kg for a child, 10 kg
5 for an infant, and 3.5 kg for a neonate (27 CCR § 25803, subd. (b)).

6 25. The exposure estimates from each Subject Product exceeds the DEHP NSRL
7 set by the California Office of Environmental Health Hazard Assessment (“OEHHA”). As
8 a result, each Subject Product is required to have a clear and reasonable warning under
9 Proposition 65.

10 26. On October 24, 2003, the State of California officially listed DEHP as a
11 chemical known to cause developmental toxicity and male reproductive toxicity.

12 27. The Maximum Allowable Dosage Level (“MADL”) for reproductive harm,
13 and male reproductive harms, as relating DEHP is the following for intravenous exposures:
14 4200 µg/day for adults; 600 µg/day for infant boys, age 29 days to 24 months; and 210 µg/day
15 for neonatal infant boys, age 0 to 28 days; and for oral exposures: 410 µg/day for adults; 58
16 µg/day for infant boys, age 29 days to 24 months; and 20 µg/day for neonatal infant boys, age
17 0 to 28 days.

18 28. The MADL is calculated based on a body weight of 58 kg for an adult or
19 pregnant woman, 70 kg for an adult male, 40 kg for an adolescent, 20 kg for a child, 10 kg
20 for an infant, and 3.5 kg for a neonate (27 CCR § 25803, subd. (b)).

21 29. The exposure estimates from each Subject Product exceeds the DEHP
22 MADL set by the California Office of Environmental Health Hazard Assessment
23 (“OEHHA”). As a result, each Subject Product is required to have a clear and reasonable
24 warning under Proposition 65.

25 30. Plaintiff purchased the Subject Products without a Proposition 65 warning on
26 the Subject Products, or as required by Proposition 65.

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1 31. To test the Subject Products for DEHP, Plaintiff engaged a well-respected
2 and accredited testing laboratory that used the testing protocol used and approved by the
3 California Attorney General.

4 32. The results of testing undertaken by Plaintiff of each Subject Product, shows
5 that each Subject Product tested was in violation of the 310 µg/day NSRL “safe harbor”
6 daily limit for DEHP set forth in Proposition 65’s regulations. As a result, each Subject
7 Product is required to have clear and reasonable warning under Proposition 65.

8 33. The results of testing undertaken by Plaintiff of each Subject Product, shows
9 that each Subject Product tested was in violation of the MADL “safe harbor” daily limits for
10 DEHP set forth in Proposition 65 regulations at: 4200 µg/day for adults; 600 µg/day for
11 infant boys, age 29 days to 24 months; and 210 µg/day for neonatal infant boys, age 0 to 28
12 days, for intravenous exposures; and 410 µg/day for adults; 58 µg/day for infant boys, age 29
13 days to 24 months; and 20 µg/day for neonatal infant boys, age 0 to 28 days 310 µg/day, for
14 oral exposures. As a result, each Subject Product is required to have clear and reasonable
15 warning under Proposition 65.

16 34. The results of testing undertaken by Plaintiff of each Subject Product, shows
17 that each Subject Product tested was in violation of the 310 µg/day NSRL “safe harbor”
18 daily limit for DEHP set forth in Proposition 65’s regulations. As a result, each Subject
19 Product is required to have clear and reasonable warning under Proposition 65.

20 35. As a proximate result of acts by the Defendant, as a person in the course of
21 doing business within the meaning of HSC §25249.11(b), individuals throughout the State
22 of California, including in the County of Alameda, have been exposed to DEHP without
23 clear and reasonable warnings. The individuals subject to exposures to DEHP include
24 normal and foreseeable users of the Subject Products, as well as all other persons exposed
25 to each Subject Product.

26 36. At all times relevant to this action, Defendant has knowingly and
27 intentionally exposed the users of each Subject Product to DEHP without first giving clear
28 and reasonable warnings to such individuals.

1 37. Individuals using each Subject Product are exposed to DEHP in excess of the
2 “maximum allowable daily” levels determined by the State of California, as applicable for
3 DEHP.

4 38. At all times relevant to this action, Defendant has, in the course of doing
5 business, failed to provide individuals using and/or handling each Subject
6 Product with clear and reasonable warnings that each Subject Product exposes individuals
7 to DEHP.

8 V
9 **SATISFACTION OF PRIOR NOTICE**

10 39. On or about January 25, 2020, Plaintiff gave 60-day notice of alleged
11 violations of HSC §25249.6 (the “Notice”), concerning consumer product exposures
12 subject to a private action, to each of Defendant and to the California Attorney General,
13 County District Attorneys, and City Attorneys for each city containing a population of at
14 least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning
15 the Subject Products containing DEHP. A true and correct copy of the Notice is attached
16 hereto as **Exhibit “A”**, is hereby incorporated by reference, and is available on the
17 Attorney General’s website located at <https://oag.ca.gov/prop65>, under AG Number 2019-
18 00189.

19 40. Before sending the Notice of alleged violations, Plaintiff investigated the
20 consumer products involved, the likelihood that each such product would cause users to
21 suffer significant exposures to DEHP and the corporate structure of Defendant.

22 41. The Notice of alleged violations included a Certificate of Merit executed by
23 the attorney for the noticing party, Plaintiff CCPG. The Certificate of Merit states that the
24 attorney for Plaintiff who executed the certificate had consulted with at least one person
25 with relevant and appropriate expertise who reviewed data regarding the exposures to
26 DEHP, the subject Proposition 65-listed chemical related to this action. Based on that
27 information, the attorney for Plaintiff who executed the Certificate of Merit believed there
28 was a reasonable and meritorious case for this private action. The attorney for Plaintiff

1 attached to the Certificate of Merit served on the Attorney General, the confidential factual
2 information sufficient to establish the basis of the Certificate of Merit.

3 42. Plaintiff CCPG's Notice of alleged violations also includes a Certificate of
4 Service and documents entitled "Appendix "A" - The Safe Drinking Water & Toxic
5 Enforcement Act of 1986 (Proposition 65): A Summary", and "Appendix "B" - The Safe
6 Drinking Water & Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance
7 Procedure". HSC §25249.7(d)

8 43. The Notice was issued pursuant to, and in compliance with, the requirements
9 of Health and Safety Code section 25249.7, subdivision (d) and the statute's implementing
10 regulations regarding the notice of the violations to be given to certain public enforcement
11 agencies and to the violator. The Notices included, *inter alia*, the following information:
12 the name, address, and telephone number of the noticing individual; the name of the
13 alleged violator; the statute violated; the approximate time period during which violations
14 occurred; and descriptions of the violations including the chemical involved, the routes of
15 toxic exposure, and the specific product or type of product causing the violations.

16 44. Plaintiff is commencing this action more than sixty (60) days from the date
17 that Plaintiff served the Notice to Defendant and the public prosecutors referenced in the
18 paragraphs above.

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

22 46. Plaintiff and Defendant entered into several statutes of limitations tolling
23 agreements to allow the parties time to discuss resolution of the alleged violations
24 referenced in the Notice. The final Statutes of Limitations Tolling Agreement was fully
25 executed as of August 12, 2020 (the "Tolling Agreement"). Pursuant to Section 2 of the
26 Tolling Agreement, Plaintiff and Hobby Lobby agreed to toll:

27 "each and every: (a) time limit, statute of limitation and/or
28 statute of repose (of any kind or nature, including all statutes

1 of limitations specified within the Prop 65 statute), (b) deadline
2 and/or defense based in whole or in part upon the passage of
3 time from certain events, and (c) contractual provision or
4 deadline, if any, requiring the Parties to institute or assert any
5 claim, right, objection, action, arbitration, administrative
6 proceeding or legal proceeding, or take any step therein, within
7 a specific period of time” . . .
8 during the “Tolling Period” (as defined in Section 3 of the Tolling Agreement). The
9 Tolling Period was defined as commencing on April 22, 2020 and ending on September
10 25, 2020 with respect to the Notice.

11
12 **FIRST CAUSE OF ACTION**
13 **(Injunctive Relief for Violations of Proposition 65, The Safe Drinking Water and**
14 **Toxic Enforcement Act of 1986 (*Health & Safety Code, §§ 25249.5, et seq.*))**
15 **(Against Defendant and Does 1 - 50)**

16 47. Plaintiff repeats and incorporates by reference Paragraphs 1 through 46,
17 inclusive, as if specifically set forth in this cause of action.

18 48. By committing the acts alleged in this Complaint, Defendant at all times
19 relevant to this action, and continuing through the present, has violated and continues to
20 violate HSC §25249.6 by, in the course of doing business, knowingly and intentionally
21 exposing individuals, who use or handle each Subject Product, to the chemical DEHP at
22 levels exceeding allowable exposure levels under Proposition 65 guidelines without
23 Defendant first giving clear and reasonable warnings to such individuals pursuant to HSC
24 §§25249.6 and 25249.11(f).

25 49. Defendant has manufactured, packaged, distributed, marketed, sold and/or
26 has otherwise been involved in the chain of commerce of, and continues to manufacture,
27 package, distribute, market, sell and/or otherwise continues to be involved in the chain of
28 commerce of each Subject Product, which has been, is, and will be used and/or handled by

1 individuals in California, without Defendant providing clear and reasonable warnings,
2 within the meaning of Proposition 65, regarding the risks of cancer, developmental harm
3 and male reproductive harm, posed by exposure to DEHP through the use and/or handling
4 of each Subject Product. Furthermore, Defendant has threatened to violate HSC §25249.6
5 by each Subject Product being marketed, offered for sale, sold and/or otherwise provided
6 for use and/or handling to individuals in California.

7 50. By the above-described acts, Defendant has violated HSC §25249.6 and is
8 therefore subject to an injunction ordering Defendant to stop violating Proposition 65, and
9 to provide warnings to consumers and other individuals who will purchase, use and/or
10 handle each Subject Product.

11 51. An action for injunctive relief under Proposition 65 is specifically authorized
12 by Health & Safety Code §25249.7(a) in any court of competent jurisdiction.

13 52. Continuing commission by Defendant of the acts alleged above will
14 irreparably harm consumers within the State of California, for which harm they have no
15 plain, speedy, or adequate remedy at law. In the absence of equitable relief, Defendant
16 will continue to create a substantial risk of irreparable injury by continuing to cause
17 consumers to be involuntarily and unwittingly exposed to DEHP through the use and/or
18 handling of each Subject Product.

19
20 **SECOND CAUSE OF ACTION**

21 **(Civil Penalties for Violations of Proposition 65, The Safe Drinking Water and Toxic
22 Enforcement Act of 1986 (*Health & Safety Code*, §§ 25249.5, *et seq.*)**

23 **(Against Defendant and Does 1 - 50)**

24 53. Plaintiff repeats and incorporates by reference Paragraphs 1 through 52,
25 inclusive, as if specifically set forth in this cause of action.

26 54. By committing the acts alleged in this Complaint, Defendant at all times
27 relevant to this action, and continuing through the present, has violated and continues to
28 violate HSC §25249.6 by, in the course of doing business, knowingly and intentionally

1 exposing individuals who use or handle each Subject Product to the chemical DEHP at
2 levels exceeding allowable exposure levels without Defendant first giving clear and
3 reasonable warnings to such individuals pursuant to HSC §§25249.6 and 25249.11(f).

4 55. Defendant has manufactured, packaged, distributed, marketed, sold and/or
5 has otherwise been involved in the chain of commerce of, and continues to manufacture,
6 package, distribute, market, sell and/or otherwise continues to be involved in the chain of
7 commerce of each Subject Product, which has been, is, and will be used and/or handled by
8 individuals in California, without Defendant providing clear and reasonable warnings,
9 within the meaning of Proposition 65, regarding the risks of cancer, developmental harm
10 and male reproductive harm, posed by exposure to DEHP through the use and/or handling
11 of each Subject Product. Furthermore, Defendant has threatened to violate HSC §25249.6
12 by each Subject Product being marketed, offered for sale, sold and/or otherwise provided
13 for use and/or handling to individuals in California.

14 56. By the above-described acts, Defendant is liable, pursuant to HSC
15 §25249.7(b), for a civil penalty of up to \$2,500 per day, for each violation of HSC
16 §25249.6 relating to each Subject Product.

17 57. Wherefore, Plaintiff prays judgment against Defendant, as set forth hereafter.
18

19 **PRAYER FOR RELIEF**

20 WHEREFORE, Plaintiff prays for relief against Defendant as follows:

- 21 1. A preliminary and permanent injunction enjoining Defendant, its
22 agents employees, assigns and all persons acting in concert or
23 participating with Defendant, from manufacturing, packaging,
24 distributing, marketing and/or selling each Subject Product for sale or
25 use in California without first providing clear and reasonable
26 warnings, within the meaning of Proposition 65, that the users and/or
27 handlers of each Subject Product are exposed to the chemical DEHP;

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2. An injunctive order, pursuant to HSC § 25249.7(b) and 27 CCR §§ 25603 and 25603.1, compelling Defendant to provide a “clear and reasonable” warning on the label of each Subject Product. The warning should indicate that each Subject Product will expose the user or consumer to chemicals known to the State of California to cause cancer, developmental harm, and male reproductive harm.
3. An assessment of civil penalties against Defendant, pursuant to Health & Safety Code §25249.7(b), in the amount of \$2,500 per day, for each violation of Proposition 65;
4. An award to Plaintiff of its attorneys’ fees pursuant to CCP § 1021.5 or the substantial benefit theory;
5. An award of costs of suit herein pursuant to CCP § 1032 *et seq.* or as otherwise warranted; and
6. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

DATED: September 24, 2020

KHANSARI LAW CORP., APC



Andre A. Khansari, Esq.
Attorneys for Plaintiff,
CA Citizen Protection Group, LLC

EXHIBIT "A"

EXHIBIT "A"



Andre A. Khansari, Esq.
Direct Dial: (424) 248-6610
Email: andre@khansarilaw.com

January 25, 2020

VIA CERTIFIED MAIL

David M. Green, President/CEO
Hobby Lobby Stores, Inc.
7707 SW 44th Street
Oklahoma City, Oklahoma 73179

VIA CERTIFIED MAIL

Hobby Lobby Stores, Inc.
c/o Karen Hurdle
18400 Von Karman Avenue, Suite 800
Irvine, California 92612

VIA U.S. MAIL and EMAIL

District Attorney's Office for all Counties in
California and applicable City Attorneys
(See Attached - Certificate of Service)

VIA ELECTRONIC FILING

State of California Department of Justice
Office of the Attorney General
Proposition 65 Enforcement Reporting
Filing link: oag.ca.gov/prop65

**Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water
and Toxic Enforcement Act of 1986**

(California Health & Safety Code Section 25249.5 et seq.)

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

We represent CA Citizen Protection Group, LLC ("CCPG"), an organization dedicated to reducing the amount of chemical toxins in consumer products, the promotion of human health, environmental safety, and improvement of worker and consumer safety.

Through this Notice of Violations (this "**Notice**"), CCPG is acting "in the public interest" pursuant to "Proposition 65" (as defined below), and seeks to reduce and/or eliminate exposures to toxic chemicals, including Di(2-ethylhexyl) phthalate ("**DEHP**") and Diisononyl Phthalate ("**DINP**"), by consumers and workers from exposure to DEHP and DINP in household goods, and other consumer goods manufactured, produced, distributed and/or sold by Hobby Lobby Stores, Inc., among other distributors and retailers.

This Notice constitutes written notification that Hobby Lobby Stores, Inc. (the "**Noticed Party**") has violated the warning requirements of The Safe Drinking Water and Toxic Enforcement Act (codified at California Health & Safety Code Section 25249.5, *et seq*) ("**Proposition 65**"). The products subject to this Notice (the "**specified products**")

and the chemicals in the specified products identified as exceeding allowable levels are the following:

- **Marigold Market __ Doll Shop __ Doll Components __ doll stand with coating gripper – (DEHP)**
- **5 Piece Set __ glitter paint markers (reusable plastic case) – (DEHP and DINP)**
- **Pink Small Backpack with Mermaid/Fish Tail __ Rainbow Sherbet Collection – (DEHP)**

The Noticed Party has manufactured, marketed, distributed and/or sold the specified products which has exposed and continues to expose numerous individuals within California to DEHP and DINP, as applicable. DEHP was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on January 01, 1988, and reproductive toxicity on October 24, 2003. DINP was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on December 20, 2013.

With respect to each of the specified products listed above, the violations: commenced on the latter of the date that the specified products were first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemicals surpassed by each of the specified products; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until DEHP and DINP are both removed from the specified products, as applicable, reduced to allowable levels, or until a "clear and reasonable" warning is provided to consumers by the Noticed Party in accordance with the law. The primary route of exposure has been through contact with human skin resulting in dermal exposure to plasticizers, and oral exposure from activities involving hand to mouth contact.

Proposition 65 requires that a "clear and reasonable" warning be provided prior to exposure to certain listed chemicals. The Noticed Party is in violation of Proposition 65 because the Noticed Party has failed to provide a warning to consumers that they are being exposed to DEHP and DINP, as applicable. While in the course of doing business, the Noticed Party is "knowingly and intentionally" exposing consumers to DEHP and DINP without first providing a "clear and reasonable" warning. See Cal. Health and Safety Code § 25249.6. The method of warning should be a warning that appears on the product's label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases, as applicable. The Noticed Party has not provided any Proposition 65 warnings on the specified products' labels or any other appropriate warnings that persons handling and/or otherwise using the specified products are being exposed to DEHP and/or DINP, as applicable.

Proposition 65 requires that notice and intent to sue be provided to a violator 60-days before a suit is filed in connection therewith. With this Notice, CCPG gives written notice of the alleged violations to the Noticed Party and the appropriate governmental authorities. This Notice covers all violations of Proposition 65 that are currently known to the noticing party from information now available as specifically related to the specified products sold through the Noticed Party. CCPG is continuing its investigation that may reveal further violations.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the documents entitled (i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", referenced as Appendix "A", and (ii) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure", referenced as Appendix "B", are attached hereto for reference by the Noticed Party.

Pursuant to Title 11, C.C.R. § 3100, a "Certificate of Merit" is attached hereto.

CCPG is interested in a prompt resolution of this matter with an enforceable written agreement by the Noticed Party to (1) eliminate or reduce DEHP to an allowable level in, or provide appropriate warning on the label of, the specified products, as applicable; (2) eliminate or reduce DINP to an allowable level in, or provide appropriate warning on the label of, the specified products, as applicable; and (3) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures and expensive and time-consuming litigation.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, CCPG is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this Notice to my office on behalf of CCPG.

If you have any questions, please contact my office at your earliest convenience. Thank you for your time and consideration with respect to this urgent matter.

Sincerely,
KHANSARI LAW CORP., APC



Andre A. Khansari, Esq.
(Attachments)

Attachments:

1. Certificate of Merit;
2. Certificate of Service;
3. Additional Supporting Information for Certificate of Merit (to Attorney General only); and
4. Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Parties only)

Cc: CA Citizen Protection Group, LLC (via email only)

CERTIFICATE OF MERIT

**Re: CA Citizen Protection Group, LLC's Notice of Proposition 65
Violations by Hobby Lobby Stores, Inc.**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "Certificate") accompanies the attached Notice of Violations dated January 25, 2020 (the "NOV") in which it is alleged that the party identified in the NOV ("alleged violator") has violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party CA Citizen Protection Group, LLC. The NOV alleges that the alleged violator has exposed persons in California to the listed chemicals that are the subject of this Certificate. Please refer to the NOV for additional details regarding the product name and alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposure to the listed chemicals that are the subject of this Certificate. I have reviewed the laboratory testing results for the chemicals subject to the NOV and relied on the results. The testing was conducted by a reputable testing laboratory, with proper accreditation, and by experienced scientists. The facts, studies and other data derived through this investigation demonstrate that the alleged violators expose persons, including workers, to the listed chemicals that are the subject of this Certificate.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that the listed products in the NOV expose individuals to unlawful levels of the specified chemicals, as applicable. Furthermore, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate served on the California Attorney General attaches to it information sufficient to establish the basis for this Certificate, including the information identified in Health & Safety Code Section 25249.7 (h)(2), *i.e.* (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

Dated: January 25, 2020



Andre A. Khansari, Esq.
Attorney for CA Citizen Protection Group, LLC

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical unless an exemption applies. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "No Significant Risk Levels" (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level" divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals In Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a "significant amount" of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" level for chemicals that cause cancer or that is 1,000 times below the "no observable effect" level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

APPENDIX B

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): SPECIAL COMPLIANCE PROCEDURE

This Appendix B contains the notice of special compliance procedure and proof of compliance form prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). Under the Act, a private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. These exposures are:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and

- Notified the private party serving the notice in writing that the violation has been corrected.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

The notice and proof of compliance form is reproduced here:

Date:
Name of Noticing Party or attorney for Noticing Party:
Address:
Phone number:

Page 1

SPECIAL COMPLIANCE PROCEDURE
PROOF OF COMPLIANCE

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY

The alleged violation is for an exposure to: (check one)

___Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

___A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination.

___Environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises.

___Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

IMPORTANT NOTES:

- (1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.
- (2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.

Date:
Name of Noticing Party or attorney for Noticing Party:
Address:
Phone number:

Page 2

PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE

Certification of Compliance

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

- Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;
- Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR
- Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

Certification

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

Signature of alleged violator or authorized representative

Date

Name and title of signatory

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action or process. My business address is **11845 W. Olympic Blvd., Suite 1000, Los Angeles, California 90064.**

On January 25, 2020, I served the following documents:

- (i) **Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water and Toxic Enforcement Act of 1986 by Hobby Lobby Stores, Inc. for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit,**
- (iii) **Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Parties only), and**
- (iv) **Certificate of Service,**

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party below, and causing each envelope to be deposited at a United States Postal Service Office in Los Angeles, California for delivery by Certified Mail:

David M. Green, President/CEO
Hobby Lobby Stores, Inc.
7707 SW 44th Street
Oklahoma City, Oklahoma 73179

Hobby Lobby Stores, Inc.
c/o Karen Hurdle
18400 Von Karman Avenue, Suite 800
Irvine, California 92612

On January 25, 2020, I served the following documents:

- (i) **Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water and Toxic Enforcement Act of 1986 by Hobby Lobby Stores, Inc. for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit,**
- (iii) **Additional Information and Supporting Documentation Required by Title 11, C.C.R. §3102, and**
- (iv) **Certificate of Service,**

on the following party by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at oag.ca.gov/prop65:

State of California Department of Justice
Office of the Attorney General

On January 25, 2020, I served the following documents:

- (i) **Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water and Toxic Enforcement Act of 1986 by Hobby Lobby Stores, Inc. for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**

(iii) **Certificate of Service,**

on each of the parties on the service list attached hereto (see attached "**Service List**") by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed on the attached Service List, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail, except for the Contra Costa County District Attorney, Lassen County District Attorney, Riverside County District Attorney, Sacramento County District Attorney, San Francisco County District Attorney, Napa County District Attorney, San Joaquin County District Attorney, San Luis Obispo County District Attorney, Santa Clara County District Attorney, Sonoma County District Attorney, Tulare County District Attorney, Ventura County District Attorney, Monterey County District Attorney, Yolo County District Attorney, Santa Barbara County District Attorney, Alameda County District Attorney, San Francisco City Attorney, Calaveras County District Attorney, Inyo County District Attorney, Santa Cruz County District Attorney and San Diego City Attorney, all of which have requested electronic service only via the following email addresses: sgrassini@contracostada.org; mlatimer@co.lassen.ca.us; prop65@rivcoda.org; prop65@sacda.org; Gregory.alker@stgov.org; cepd@countyofnapa.org; daconsumer.environmental@sjcda.org; edobroth@co.slo.ca.us; epu@da.sccgov.org; jbarnes@sonoma-county.org; prop65@co.tulare.ca.us; daspecialops@ventura.org; Prop65DA@co.monterey.ca.us; cfepd@yolocounty.org; DAProp65@co.santa-barbara.ca.us; CEPDPop65@acgov.org; Valerie.lopez@sfcityatty.org; Prop65Env@co.calaveras.ca.us; inyoda@inyocounty.org; Prop65DA@santacruzcounty.us; and CityAttyProp65@sandiego.gov.

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct. Executed on January 25, 2020, in the City and County of Los Angeles, California.



Andre A. Khansari

SERVICE LIST

<p>DISTRICT ATTORNEY ALAMEDA COUNTY 1225 FALLON STREET, SUITE 900 OAKLAND, CA 94612 CEPDPProp65@acgov.org</p>	<p>DISTRICT ATTORNEY KERN COUNTY 1215 TRUXTUN AVENUE BAKERSFIELD, CA 93301</p>	<p>DISTRICT ATTORNEY NEVADA COUNTY 201 COMMERCIAL STREET NEVADA CITY, CA 95959</p>
<p>DISTRICT ATTORNEY ALPINE COUNTY P.O. BOX 248 MARKLEEVILLE, CA 96120</p>	<p>DISTRICT ATTORNEY KINGS COUNTY 1400 WEST LACEY BLVD. HANFORD, CA 93230</p>	<p>DISTRICT ATTORNEY ORANGE COUNTY 401 WEST CIVIC CENTER DR. SANTA ANA, CA 92701</p>
<p>DISTRICT ATTORNEY AMADOR COUNTY 708 COURT STREET, SUITE 202 JACKSON, CA 95642</p>	<p>DISTRICT ATTORNEY LAKE COUNTY 255 N. FORBES STREET LAKEPORT, CA 95453</p>	<p>DISTRICT ATTORNEY PLACER COUNTY 10810 JUSTICE CENTER DRIVE, STE. 240 ROSEVILLE, CA 95678</p>
<p>DISTRICT ATTORNEY BUTTE COUNTY 25 COUNTY CENTER DRIVE, STE 245 OROVILLE, CA 95965</p>	<p>DISTRICT ATTORNEY LASSEN COUNTY 220 SOUTH LASSEN STREET, SUITE 8 SUSANVILLE, CA 96130 mlatimer@co.lassen.ca.us</p>	<p>DISTRICT ATTORNEY PLUMAS COUNTY 520 MAIN STREET, ROOM 404 QUINCY, CA 95911</p>
<p>DISTRICT ATTORNEY CALAVERAS COUNTY 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249 Prop65Env@co.calaveras.ca.us</p>	<p>DISTRICT ATTORNEY LOS ANGELES COUNTY 210 WEST TEMPLE STREET, STE 18000 LOS ANGELES, CA 90012</p>	<p>DISTRICT ATTORNEY RIVERSIDE COUNTY 3072 ORANGE STREET RIVERSIDE, CA 92501 Prop65@rivcoda.org</p>
<p>DISTRICT ATTORNEY COLUSA COUNTY 346 FIFTH STREET SUITE 101 COLUSA, CA 95932</p>	<p>DISTRICT ATTORNEY MADERA COUNTY 209 WEST YOSEMITE AVENUE MADERA, CA 93637</p>	<p>DISTRICT ATTORNEY SACRAMENTO COUNTY 901 "G" STREET SACRAMENTO, CA 95814 Prop65@sacda.org</p>
<p>DISTRICT ATTORNEY CONTRA COSTA COUNTY 900 WARD STREET. MARTINEZ, CA 94553 sgrassini@contracostada.org</p>	<p>DISTRICT ATTORNEY MARIN COUNTY 350 CIVIC CENTER DRIVE, RM. 130 SAN RAFAEL, CA 94903</p>	<p>DISTRICT ATTORNEY SAN BENITO COUNTY 419 4TH STREET HOLLISTER, CA 95023</p>
<p>DISTRICT ATTORNEY DEL NORTE COUNTY 450 H STREET SUITE 171 CRESCENT CITY, CA 95531</p>	<p>DISTRICT ATTORNEY MARIPOSA COUNTY POST OFFICE BOX 730 MARIPOSA, CA 95338</p>	<p>DISTRICT ATTORNEY SAN BERNARDINO COUNTY 316 N. MOUNTAIN VIEW AVENUE SAN BERNARDINO, CA 92415</p>
<p>DISTRICT ATTORNEY EL DORADO COUNTY 778 PACIFIC STREET PLACERVILLE, CA 95667</p>	<p>DISTRICT ATTORNEY MENDOCINO COUNTY P. O. BOX 1000 UKIAH, CA 95482</p>	<p>DISTRICT ATTORNEY SAN DIEGO COUNTY 330 WEST BROADWAY, SUITE 1300 SAN DIEGO, CA 92101</p>
<p>DISTRICT ATTORNEY FRESNO COUNTY 2220 TULARE STREET, SUITE 1000 FRESNO, CA 93721</p>	<p>DISTRICT ATTORNEY MERCED COUNTY 550 W. MAIN STREET MERCED, CA 95340</p>	<p>DISTRICT ATTORNEY SAN FRANCISCO COUNTY 732 BRANNAN STREET SAN FRANCISCO, CA 94103 Gregory.alker@sfgov.org</p>

SERVICE LIST

<p>DISTRICT ATTORNEY GLENN COUNTY POST OFFICE BOX 430 WILLOWS, CA 95988</p>	<p>DISTRICT ATTORNEY SAN MATEO COUNTY 400 COUNTY CTR., 3RD FLOOR REDWOOD CITY, CA 94063</p>	<p>DISTRICT ATTORNEY SUTTER COUNTY 446 SECOND STREET YUBA CITY, CA 95991</p>
<p>DISTRICT ATTORNEY HUMBOLDT COUNTY 825 5TH STREET 4TH FLOOR EUREKA, CA 95501</p>	<p>DISTRICT ATTORNEY SANTA BARBARA COUNTY 1112 SANTA BARBARA STREET SANTA BARBARA, CA 93101 DAProp65@co.santa-barbara.ca.us</p>	<p>DISTRICT ATTORNEY TEHAMA COUNTY P.O. BOX 519 RED BLUFF CA 96080</p>
<p>DISTRICT ATTORNEY IMPERIAL COUNTY 940 WEST MAIN STREET, STE 102 EL CENTRO, CA 92243</p>	<p>DISTRICT ATTORNEY SANTA CLARA COUNTY 70 WEST HEDDING STREET SAN JOSE, CA 95110 EPU@da.sccgov.org</p>	<p>DISTRICT ATTORNEY TRINITY COUNTY P. O. BOX 310 WEAVERVILLE, CA 96093</p>
<p>DISTRICT ATTORNEY INYO COUNTY P.O. DRAWER D INDEPENDENCE, CA 93526 inyoda@inyocounty.org</p>	<p>DISTRICT ATTORNEY SANTA CRUZ COUNTY 701 OCEAN STREET, ROOM 200 SANTA CRUZ, CA 95060 Prop65DA@santacruzcounty.us</p>	<p>DISTRICT ATTORNEY TULARE COUNTY 221 S. MOONEY BLVD. VISALIA, CA 95370 Prop65@co.tulare.ca.us</p>
<p>DISTRICT ATTORNEY MODOC COUNTY 204 S. COURT STREET, ROOM 202 ALTURAS, CA 96101</p>	<p>DISTRICT ATTORNEY SHASTA COUNTY 1355 WEST STREET REDDING, CA 96001</p>	<p>DISTRICT ATTORNEY TUOLUMNE COUNTY 423 N. WASHINGTON ST. SONORA, CA 95370</p>
<p>DISTRICT ATTORNEY MONO COUNTY P. O. BOX 617 BRIDGEPORT, CA 93517</p>	<p>DISTRICT ATTORNEY SIERRA COUNTY P.O. BOX 457 DOWNIEVILLE, CA 95936</p>	<p>DISTRICT ATTORNEY VENTURA COUNTY 800 SOUTH VICTORIA AVE, STE 314 VENTURA, CA 93009 daspecialops@ventura.org</p>
<p>SAN FRANCISCO, CITY ATTORNEY CITY HALL, ROOM 234 1 DR. CARLTON B GOODLETT PLACE SAN FRANCISCO, CA 94102 Valerie.lopez@sfcityatty.org.</p>	<p>DISTRICT ATTORNEY SISKIYOU COUNTY P. O. BOX 986 YREKA, CA 96097</p>	<p>BERKELEY CITY ATTORNEY'S OFFICE 2180 MILVIA STREET, 4TH FLOOR BERKELEY, CA 94704</p>
<p>DISTRICT ATTORNEY NAPA COUNTY 1127 First Street, Suite C NAPA, CA 94559 CEPD@countyofnapa.org</p>	<p>DISTRICT ATTORNEY SOLANO COUNTY 675 TEXAS STREET, STE 4500 FAIRFIELD, CA 94533</p>	<p>DISTRICT ATTORNEY YUBA COUNTY 215 FIFTH STREET, SUITE 152 MARYSVILLE, CA 95901</p>
<p>DISTRICT ATTORNEY SAN JOAQUIN COUNTY 222 E. WEBER AVE., RM. 202 STOCKTON, CA 95202 OACConsumer.Environmental@sjcda.org</p>	<p>DISTRICT ATTORNEY SONOMA COUNTY 600 ADMINISTRATIVE DRIVE SONOMA, CA 95403 jbarnes@sonoma-county.org</p>	<p>LOS ANGELES CITY ATTORNEY'S OFFICE CITY HALL EAST 200 N. MAIN STREET, SUITE 800 LOS ANGELES, CA 90012</p>
<p>DISTRICT ATTORNEY SAN LUIS OBISPO COUNTY COUNTY GOVERNMENT CENTER ANNEX SAN LUIS OBISPO, CA 93408 edobroth@co.slo.ca.us</p>	<p>DISTRICT ATTORNEY STANISLAUS COUNTY 83212 STREET, SUITE 300 MODESTO, CA 95354</p>	<p>SAN DIEGO CITY ATTORNEY'S OFFICE 1200 3RD AVENUE, SUITE 1620 SAN DIEGO, CA 92101 CityAttyProp65@sandiego.gov</p>

SERVICE LIST

<p>DISTRICT ATTORNEY MONTEREY COUNTY 1200 AGUAJITO ROAD MONTEREY, CA 93940 Prop65DA@co.monterey.ca.us</p>	<p>DISTRICT ATTORNEY YOLO COUNTY 301 Second Street WOODLAND, CA 95695 cfepd@yolocounty.org</p>	<p>OAKLAND CITY ATTORNEY CITY HALL, 6TH FLOOR 1 FRANK OGAWA PLAZA OAKLAND, CA 94612</p>
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