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8 Attorneys for Plaintiff  
9 CALSAFE RESEARCH CENTER, INC.

10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
11 **COUNTY OF ORANGE-CENTRAL JUDICIAL DISTRICT**

12 CALSAFE RESEARCH CENTER, INC., a  
13 California non-profit corporation

14 Plaintiff,

15 v.

16 MEXICORP LLC. A Texas Limited Liability  
17 Corporation; and DOES 1 to 10,

18 Defendants.

CASE No.: 30-2021-01179086-CU-TT-CXC

**COMPLAINT FOR PERMANENT  
INJUNCTION, CIVIL PENALTIES AND  
OTHER RELIEF**

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

Assigned for All Purposes  
Judge Glenda Sanders

CX-101

19 Plaintiff CALSAFE RESEARCH CENTER, INC. ("PLAINTIFF" or "CRC") brings this  
20 action in the interests of the general public and, on information and belief, hereby alleges:

**INTRODUCTION**

21 1. This action seeks to remedy the continuing failure of Defendants MEXICORP LLC  
22 ("MEXICORP") and DOES 1-10. (hereinafter individually referred to as DEFENDANT" or  
23 collectively as "DEFENDANTS") to warn consumers in California that they are being exposed to  
24 acrylamide, a chemical which is known to the State of California to cause cancer, birth defects and  
25 other reproductive harm. According to the Safe Drinking Water and Toxics Enforcement Act of  
26 1986, Health and Safety Code ("H&S Code") section 25249.5 (also known as and referred to  
27 hereinafter as "Proposition 65"), businesses must provide persons with a "clear and reasonable

1 warning” before exposing individuals to chemicals known to the state to cause cancer or  
2 reproductive harm.

3 2. Defendants manufacture, package, distribute, market, and/or sell in California certain corn  
4 tortilla products containing acrylamide (the “SUBJECT PRODUCTS”). The Subject Products  
5 include Corn Tostada, Tortilla Chips and Taco Shells.

6 3. Lead, cadmium and/or acrylamide (hereinafter, the “LISTED CHEMICALS”) are chemicals  
7 known to the State of California to cause cancer, birth defects and other reproductive harm.

8 4. Consumption of the SUBJECT PRODUCTS causes exposures to the LISTED CHEMICALS  
9 at levels requiring a “clear and reasonable warning” under Proposition 65. Defendants exposed  
10 consumers to the LISTED CHEMICALS and have failed to provide the health hazard warnings  
11 required by Proposition 65.

12 5. Defendants continued manufacturing, packaging, distributing, marketing and/or sales of the  
13 SUBJECT PRODUCTS without the required health hazard warnings, causes, or threatens to cause,  
14 individuals to be involuntarily, unknowingly and unwittingly exposed to levels of the LISTED  
15 CHEMICALS that violate Proposition 65.

16 **PARTIES**

17 6. Plaintiff, CRC is a non-profit corporation organized under California law. CRC is dedicated  
18 to, among other causes, reducing the use and misuse of hazardous and toxic substances, consumer  
19 protection, worker safety, and corporate responsibility.

20 7. CRC is a person within the meaning of H&S Code §25249.11 and brings this enforcement  
21 action in the public interest pursuant to H&S Code §25249.7(d). H&S Code § 25249.7 (d) specifies  
22 that actions to enforce Proposition 65 may be brought by a person in the public interest, provided  
23 certain notice requirements and no other public prosecutor is diligently prosecuting an action for the  
24 same violation(s).

25 8. MEXICORP is now, and was at all times relevant herein, a limited liability corporation  
26 organized under the laws of Texas and is doing business within the meaning of H&S Code  
27 §25249.11.

1 9. Defendants own, administer, direct, control and/or operate facilities and/or agents,  
2 distributors, sellers, marketers or other retail operations who place their SUBJECT PRODUCTS  
3 into the stream of commerce in California (including but not limited to Orange County) under the  
4 brand name Mexicorp, LLC Corn Tostadas and other brand names, which contain the LISTED  
5 CHEMICALS without first giving clear and reasonable warnings.

6 10. Defendants separately and each of them, are or were, at all times relevant to the claims in  
7 this Complaint and continuing through the present, legally responsible for compliance with the  
8 provisions of Proposition 65. Whenever an allegation regarding any act or omission of a Defendant  
9 is made herein, such allegation shall be deemed to mean that Defendant, or its agent, officer,  
10 director, manager, supervisor, or employee did, or so authorized, or failed to do, such acts while  
11 engaged in the affairs of Defendant's business operations and/or while acting within the course and  
12 scope of their employment or while conducting business for Defendant(s) for a commercial purpose.

13 11. In this Complaint, when reference is made to any act or omission of a Defendant, such  
14 allegation shall mean that the owners, officers, directors, agents, employees, contractors, or  
15 representatives of Defendant acted or authorized such actions, and/or negligently failed and omitted  
16 to act or adequately and properly supervise, control or direct its employees and agents while engaged  
17 in the management, direction, operation or control of the affairs of the business organization.  
18 Whenever reference is made to any act or omission of any Defendant, such allegation shall be  
19 deemed to mean the act or omission of each Defendant acting individually, jointly, and severally as  
20 defined by Civil Code Section 1430 *et seq.*

21 12. Plaintiff does not know the true names, capacities and liabilities of Defendants DOES Nos.  
22 1-10, inclusive, and therefore sues them under fictitious names. Plaintiff will amend this Complaint  
23 to allege the true name and capacities of the DOE Defendants upon being ascertained. Each of these  
24 Defendants was in some way legally responsible for the acts, omissions, and/or violations alleged  
25 herein.

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1 **JURISDICTION AND VENUE**

2 13. This Court has jurisdiction over this action pursuant to California Constitution Article VI,  
3 Section 10, which grants the Superior Court “original jurisdiction in all causes except those given  
4 by statute to other trial courts.” The statute under which this action is brought does not specify any  
5 other court with jurisdiction.

6 14. This Court has jurisdiction over Defendants because they are business entities that do  
7 sufficient business, have sufficient minimum contacts in California or otherwise intentionally avail  
8 themselves of the California market, through the sale, marketing and use of their SUBJECT  
9 PRODUCTS in California, to render the exercise of jurisdiction over them by the California courts  
10 consistent with traditional notions of fair play and substantial justice.

11 15. Venue in this action is proper in the Orange County Superior Court because the cause, or  
12 part thereof, arises in the County of Orange since Defendants’ products are marketed, offered for  
13 sale, sold, used, and/or consumed in this county.

14 **STATUTORY BACKGROUND**

15 16. On February 27, 1987, the State of California officially listed lead as a chemical known to  
16 cause reproductive toxicity. Lead became subject to the warning requirement one year later and was  
17 therefore subject to the “clear and reasonable” warning requirements of Proposition 65 beginning  
18 on February 27, 1988. (27 California Code of Regulations (“CCR”) §25000, *et seq.*; H&S Code  
19 §25249.5, *et seq.*).

20 17. On October 1, 1992, the State of California officially listed lead and lead compounds as  
21 chemicals known to cause cancer. Lead and lead compounds became subject to the warning  
22 requirement one year later and were therefore subject to the “clear and reasonable” warning  
23 requirements of Proposition 65 beginning on October 1, 1993. (27 CCR § 25000, *et seq.*; H&S Code  
24 §25249.6, *et seq.*). Due to the high toxicity of lead, the maximum allowable dose level for lead is  
25 0.5 µg/day (micrograms a day) for reproductive toxicity and the no significant risk level for  
26 carcinogens is 15µg/day (oral).

1 18. On May 1, 1997, the State of California officially listed the chemical cadmium as a chemical  
2 known to cause reproductive toxicity. Cadmium became subject to the warning requirement one  
3 year later and was therefore subject to the “clear and reasonable” warning requirements of  
4 Proposition 65 beginning on May 1, 1998. (27 CCR §25000, *et seq.*; H&S Code §25249.5, *et seq.*).  
5 Due to the high toxicity of cadmium, the maximum allowable dose level for cadmium is 4.1 µg/day  
6 (micrograms a day) for reproductive toxicity. (27 CCR § 25805(b).)

7 19. On October 1, 1987, the State of California officially listed the chemicals cadmium and  
8 cadmium compounds as chemicals known to cause cancer. Cadmium and cadmium compounds  
9 became subject to the warning requirement one year later and were therefore subject to the “clear  
10 and reasonable” warning requirements of Proposition 65 beginning on October 1, 1988 (27 CCR  
11 §25000, *et seq.*; H&S Code §25249.6 *et seq.*).

12 20. Acrylamide was officially listed as a chemical known to cause cancer on January 1, 1990.  
13 On February 25, 2011, the State of California officially listed acrylamide as a chemical known to  
14 cause developmental toxicity and male reproductive toxicity. (State of California EPA OEHHA Safe  
15 Drinking Water and Toxic Enforcement Act of 1986 Chemicals Known to the State to Cause Cancer  
16 and Reproductive Toxicity.) The Maximum Allowable Dose Level (“MADL”) for acrylamide as a  
17 chemical known to cause reproductive toxicity is 140 micrograms per day. (Cal. Code Regs., tit. 27,  
18 §25805, subd. (b).) The No Significant Risk Level (“NSRL”) for acrylamide as a chemical known  
19 to cause cancer is 0.2 micrograms per day. (Cal. Code Regs., tit. 27, §25705, subd. (b).)

20 21. To test Defendants’ SUBJECT PRODUCTS for lead, cadmium and acrylamide, Plaintiff  
21 hired a well-respected and accredited testing laboratory. The results of testing undertaken by  
22 Plaintiff of Defendants’ SUBJECT PRODUCTS show that the SUBJECT PRODUCTS tested were  
23 in violation of the 0.5 µg/day “safe harbor” daily dose limits set forth for lead, and/or 4.1 µg/day  
24 “safe harbor” daily dose limits for cadmium, and/or 0.2 µg/day NSRL for acrylamide in Proposition  
25 65’s regulations. Very significant is the fact that people are being exposed to lead, cadmium, and/or  
26 acrylamide through ingestion as opposed to other not as harmful methods of exposure such as dermal

1 exposure. Ingestion of lead, cadmium, and/or acrylamide produces much higher exposure levels and  
2 health risks than dermal exposure to these chemicals.

3 22. At all times relevant to this action, Defendants, therefore, have knowingly and intentionally  
4 exposed the consumers of the SUBJECT PRODUCTS to the LISTED CHEMICALS without first  
5 giving a clear and reasonable warning to such individuals.

6 23. The SUBJECT PRODUCTS have allegedly been sold by Defendants for use in California  
7 since at least July 1, 2018. The SUBJECT PRODUCTS continue to be distributed and sold in  
8 California without the requisite warning information.

9 24. As a proximate result of acts by Defendants, as persons in the course of doing business within  
10 the meaning of Health & Safety Code §25249.11, individuals throughout the State of California,  
11 including in the County of Orange have been exposed to the LISTED CHEMICALS without a clear  
12 and reasonable warning on the SUBJECT PRODUCTS. The individuals subject to the violative  
13 exposures include normal and foreseeable users of the SUBJECT PRODUCTS, as well as all other  
14 persons exposed to the SUBJECT PRODUCTS.

15 25. On July 1, 2020, CRC served MEXICORP and each of the appropriate public enforcement  
16 agencies with documents entitled “Notice of Violations of California Health & Safety Code Section  
17 25249.5” that provided MEXICORP and the public enforcement agencies with notice that 1  
18 MEXICORP was in violation of Proposition 65 for failing to warn purchasers and individuals using  
19 the SUBJECT PRODUCTS that the consumption of the SUBJECT PRODUCTS exposes them to  
20 lead, cadmium and/or acrylamide, chemicals known to the State of California to cause cancer and/or  
21 reproductive toxicity (“Prop. 65 Notices”). True and correct copy of the 60-Day Notice (“NOTICE”)  
22 is attached hereto as **Exhibit “A”** and is incorporated by reference. The NOTICE is also available  
23 on the Attorney General’s website located at <http://oag.ca.gov/prop65>.

24 26. The NOTICE was issued pursuant to, and in compliance with, the requirements of H&S  
25 Code §25249.7(d) and the statute’s implementing regulations regarding the notice of the violations  
26 to be given to certain public enforcement agencies and to the violator. The NOTICE included, *inter*  
27 *alia*, the following information: the name, address, and telephone number of the noticing individual;

1 the name of the alleged violator(s); the statute violated; the approximate time period during which  
2 violations occurred; and descriptions of the violations including the chemicals involved, the routes  
3 of toxic exposure, and the specific product or type of product causing the violations.

4 27. MEXICORP was also provided copies of the document with the NOTICE entitled “The Safe  
5 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary,” which is also  
6 known as Appendix A to Title 27 of CCR §25903, via Certified Mail.

7 28. The California Attorney General was provided copies of the NOTICE and a Certificate of  
8 Merit by the attorney for the noticing party, stating that there is a reasonable and meritorious case  
9 for this action and attaching factual information sufficient to establish a basis for the certificate,  
10 including the identity of the persons consulted with and relied on by the certifier, and the facts,  
11 studies, or other data reviewed by those persons, pursuant to H&S Code §25249.7(h) (2) via online  
12 submission.

13 29. After expiration of the sixty (60) day notice period, the appropriate public enforcement  
14 agencies failed to commence and diligently prosecute a cause of action under H&S Code §25249.5,  
15 et seq. against Defendants based on the allegations herein.

16 **FIRST CAUSE OF ACTION**

17 **For Injunctive Relief for Violations of Health and Safety Code § 25249.5, et seq. concerning**  
18 **the SUBJECT PRODUCTS described in the July 1, 2020 Prop. 65 NOTICE of Violation**  
**(Against Defendants)**

19 30. Plaintiff refers to, and incorporates by reference, the allegations of all preceding Paragraphs  
20 this Complaint, as though fully set forth herein.

21 31. By committing the acts alleged in this Complaint, Defendants at all times relevant to this  
22 action, and continuing through the present, have violated, or threaten to violate, H&S Code §25249.6  
23 by, in the course of doing business, knowingly and intentionally exposing individuals in California  
24 to chemicals known to the State of California to cause cancer or reproductive toxicity without first  
25 giving clear and reasonable warnings to such persons who consume the SUBJECT PRODUCTS  
26 containing the LISTED CHEMICALS, pursuant to H&S Code §§ 25249.6 and 25249.11(f).

1 32. By the above-described acts, Defendants have violated, or threaten to violate, H&S Code  
2 §25249.6 and are therefore subject to preliminary and permanent injunctions ordering Defendants  
3 to stop violating Proposition 65, to provide warnings to all present and future customers, and to  
4 provide warnings to DEFENDANTS' past customers who purchased or used the SUBJECT  
5 PRODUCTS without receiving a clear and reasonable warning.

6 33. An action for injunctive relief under Proposition 65 is specifically authorized by H&S Code  
7 §25249.7(a).

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

11 35. In the absence of preliminary and then permanent injunctive relief, Defendants will continue  
12 to create a substantial risk of irreparable injury by continuing to cause consumers to be involuntarily,  
13 unknowingly and unwittingly exposed to the LISTED CHEMICALS through the consumption of  
14 the SUBJECT PRODUCTS.

15 **SECOND CAUSE OF ACTION**  
16 **For Civil Penalties for Violations of Health and Safety Code § 25249.5, *et seq.* concerning the**  
17 **SUBJECT PRODUCTS described in the July 1, 2020 Prop. 65 NOTICES of Violation)**  
18 **(Against Defendants)**

19 36. Plaintiff refers to, and incorporates by reference, the allegations of all preceding Paragraphs  
20 this Complaint, as though fully set forth herein.

21 37. By committing the acts alleged in this Complaint, Defendants at all times relevant to this  
22 action, and continuing through the present, have violated H&S Code §25249.6 by, in the course of  
23 doing business, knowingly and intentionally exposing individuals in California to chemicals known  
24 to the State of California to cause cancer or reproductive toxicity without first giving clear and  
25 reasonable warnings to such persons who consume the SUBJECT PRODUCTS containing the  
26 LISTED CHEMICALS, pursuant to H&S Code §§ 25249.6 and 25249.11(f).



1 38. By the above-described acts, Defendants are liable, pursuant to H&S Code §25249.7(b), for  
2 a civil penalty of up to \$2,500 per day per violation for each unlawful exposure to the LISTED  
3 CHEMICALS from the SUBJECT PRODUCTS, in an amount in excess of \$1,000,000.00

4 **THE NEED FOR INJUNCTIVE RELIEF**

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6 39. Plaintiff refers to, and incorporates by reference, the allegations of all preceding Paragraphs  
7 this Complaint, as though fully set forth herein.

8 40. By committing the acts alleged in this Complaint, Defendants have caused or threaten to  
9 cause irreparable harm for which there is no plain, speedy or adequate remedy at law. In the absence  
10 of equitable relief, Defendants will continue to create a substantial risk of irreparable injury by  
11 continuing to cause consumers to be involuntarily and unwittingly exposed to the LISTED  
12 CHEMICALS through the consumption of the SUBJECT PRODUCTS.

13 **PRAYER FOR RELIEF**

14 WHEREFORE, PLAINTIFF prays for judgment against Defendants, and each of them, and  
15 DOES 1 through 10, as follows:

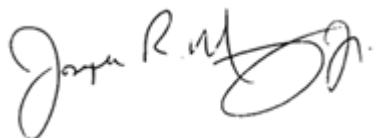
- 16 A. A preliminary and permanent injunction, pursuant to H&S Code §25249.7(b), enjoining  
17 Defendants, their agents, employees, assigns and all persons acting in concert or  
18 participating with DEFENDANTS, from manufacturing, distributing, marketing or selling  
19 the SUBJECT PRODUCTS in California without first providing a clear and reasonable  
20 warning, within the meaning of Proposition 65, that the consumers of the SUBJECT  
21 PRODUCTS are exposed to the LISTED CHEMICALS;
- 22 B. An injunctive order, pursuant to H&S Code §25249.7(b), compelling DEFENDANTS to  
23 identify and locate each individual who has purchased the SUBJECT PRODUCTS since  
24 April 20, 2015, and to provide a warning to such person that the consumption of the  
25 SUBJECT PRODUCTS will expose the consumer to chemicals known to cause cancer, birth  
26 defects, and other reproductive harm;

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- C. An assessment of civil penalties pursuant to Health & Safety Code §25249.7(b), against DEFENDANTS in the amount of \$2,500 per day for each violation of Proposition 65, in an amount in excess of \$1,000,000.00, according to proof;
- D. An award to PLAINTIFF of its reasonable attorney’s fees and costs of suit pursuant to California Code of Civil Procedure §§ 1032 *et. seq* and 1021.5, as PLAINTIFF shall specify in further applications to the Court; and,
- E. For such other and further relief as the Court may deem just and proper.

Dated January 14, 2021

**MANNING LAW, A.P.C**



By: \_\_\_\_\_  
Joseph R. Manning, Jr., Esq.  
Babak Hashemi, Esq.  
Attorneys for Plaintiff



EXHIBIT "A"  
MANNING LAW<sub>APC</sub>

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Newport Beach, CA 92660  
Office: 949.200.8755  
Facsimile: 866.843.8308  
P65@manninglawoffice.com

CONSUMER ATTORNEYS

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July 1, 2020

NOTICE OF VIOLATION OF  
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 *ET SEQ.*  
(PROPOSITION 65)

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent CalSafe Research Center, Inc. ("CRC"), 4533 MacArthur Blvd., Ste. 230, Newport Beach, CA 92660; Tel. (949) 630-0413. CRC's Executive Director is Eric Fairon. CRC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

CRC has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65"), which is codified at California Health & Safety Code §25249.5 et seq., with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Health and Safety Code Section 25249.7(d), CRC intends to pursue a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

**General Information about Proposition 65.** A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with this letter served to the alleged Violators identified below.

**Alleged Violators.** The names of the person/company covered by this notice that violated Proposition 65 (hereinafter the "Violators") are:

Mexicorp, LLC  
52 Sugar Creek Center Blvd #125  
Sugar Land, TX 77478



## CONSUMER ATTORNEYS

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99 Cents Only Store  
4000 Union Pacific Avenue  
City Of Commerce, CA 90023

**Consumer Products and Listed Chemical.** The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

***Mexicorp, LLC Corn Tostadas***

On February 25, 2011, the State of California officially listed acrylamide as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On January 1, 1990, the State of California officially listed acrylamide as a chemical known to cause cancer.

It should be noted that CRC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

**Route of Exposure.** The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to this chemical has been and continues to be through ingestion.

**Approximate Time Period of Violations.** Ongoing violations have occurred every day since at least March 4, 2020 as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemical. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons ingesting these products with appropriate warnings that they are being exposed to this chemical.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, CRC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemical, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with



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## CONSUMER ATTORNEYS

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Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemical, as well as an expensive and time-consuming litigation.

CRC has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violation to my attention at the law office address and telephone number indicated on the letterhead or at P65@ManningLawOffice.com.**

Sincerely,

/s/ Joseph R. Manning Jr.  
Joseph R. Manning, Jr.  
P65@ManningLawOffice.com

### Attachments

- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to Alleged Violators only)
- Factual Information in Support of Certificate of Merit (to AG only)



## CONSUMER ATTORNEYS

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### CERTIFICATE OF MERIT

**Re: Calsafe Research Center, Inc.'s Notice of Proposition 65 Violations by Mexicorp, LLC and 99 Cents Only Store.**

I, Joseph R. Manning, Jr., declare:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged that the parties identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultations, and on other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and that the information did not prove that the alleged Violators will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: July 1, 2020

/s/ Joseph R. Manning Jr.

Joseph R. Manning, Jr.  
P65@ManningLawOffice.com

EXHIBIT "A"



MANNING LAW<sub>APC</sub>

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Facsimile: 866.843.8308  
P65@manninglawoffice.com

## CONSUMER ATTORNEYS

### CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

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

I am a citizen of the United States and over the age of 18 years of age. My business address is 20062 S.W. Birch, Newport Beach, CA 92660. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Newport Beach, California.

On July 1, 2020, between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, 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 ACT OF 1986 (PROPOSITION 65): A SUMMARY”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Pedro Tonda, CEO  
Mexicorp, LLC  
52 Sugar Creek Center Blvd #125  
Sugar Land, TX 77478

Barry J. Feld, CEO  
99 Cents Only Store  
4000 Union Pacific Avenue  
City Of Commerce, CA 90023

On July 1, 2020, between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General

**EXHIBIT "A"**



## CONSUMER ATTORNEYS

Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On July 1, 2020, between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Nancy O'Malley, District Attorney Alameda County 7677 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	Barbara Yook, District Attorney Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249 Prop65Env@co.calaveras.ca.us
Stacey Grassini, Deputy District Attorney Contra Costa County 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org	Thomas L. Hardy, District Attorney Inyo County 168 North Edwards Street Independence, CA 93526 inyoda@inyocounty.us
Michelle Latimer, Program Coordinator Lassen County 220 S. Lassen Street Susanville, CA 96130 mlatimer@co.lassen.ca.us	Dije Ndreu, Deputy District Attorney Monterey County 1200 Aguajito Road Monterey, CA 93940 Prop65DA@co.monterey.ca.us
Allison Haley, District Attorney Napa County 1127 First Street, Suite C Napa, CA 94559 CEPD@countyofnapa.org	Michael Hestrin, District Attorney Riverside County 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org
Anne Marie Schubert, District Attorney Sacramento County 901 G Street Sacramento, CA 95814 Prop65@sacda.org	Mark Ankcorn, Deputy City Attorney San Diego City Attorney 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov
Gregory Alker, Assistant District Attorney	Valerie Lopez, Deputy City Attorney





CONSUMER ATTORNEYS

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On July 1, 2020, between 8:00 a.m. and 5:00 p.m. Pacific Standard Time, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by First Class Mail.

Executed on July 1, 2020, in Newport Beach, California.

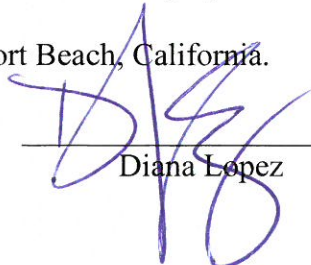
  
\_\_\_\_\_  
Diana Lopez

EXHIBIT "A"



## CONSUMER ATTORNEYS

### Service List

District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney, San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101
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District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338	District Attorney, Shasta County 1355 West Street Redding, CA 96001
District Attorney, Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, Sierra County 100 Courthouse Square, 2 <sup>nd</sup> Floor Downieville, CA 95936
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