

**SUMMONS
(CITACION JUDICIAL)**

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

ENCHANTE ACCESSORIES, INC.; and DOES 1 to 50

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

CA CITIZEN PROTECTION GROUP, LLC

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ELECTRONICALLY FILED
Superior Court of California
County of Alameda

01/27/2022

Chad Finke, Executive Officer / Clerk of the Court

By: C. Clark Deputy

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Alameda County Superior Court
Oakland, Rene C. Davidson Alameda County Courthouse
1225 Fallon Street, Oakland, California 94612

CASE NUMBER:
(Número del Caso)

22CV006164

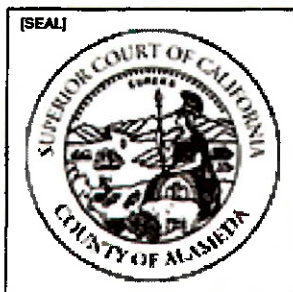
The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Andre A. Khansari, Khansari Law Corp., 16133 Ventura Blvd. Suite 1200, Encino, CA 91436; (818) 650-6444

Chad Finke, Executive Officer / Clerk of the Court
Clerk, by C. Clark Deputy
(Secretario) (Adjunto)

DATE: 01/27/2022
(Fecha)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

1 Andre A. Khansari, Esq. (SBN 223528)
2 KHANSARI LAW CORPORATION
3 16133 Ventura Blvd., Suite 1200
4 Encino, California 91436
5 Telephone: (818) 650-6444
6 Facsimile: (818) 650-6445
7 Email: andre@khansarilaw.com

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 ENCHANTE ACCESSORIES, INC.; and
18 DOES 1 to 50,

19 Defendants.

CASE NO. 22CV006164

**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)

20
21 Plaintiff CA CITIZEN PROTECTION GROUP, LLC ("CCPG" or "Plaintiff")
22 brings this action in the interests of the general public pursuant to California's Safe
23 Drinking Water and Toxic Enforcement Act of 1986, codified as Cal. Health & Safety
24 Code ("HSC") § 25249.5 *et seq.* and related statutes (also known and referred to herein as
25 "Proposition 65") and, based on information and belief, hereby alleges:

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28

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

01/27/2022 at 08:33:56 PM

By: Cheryl Clark, Deputy Clerk

I
THE PARTIES

1
2
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. Upon information and belief, Defendant ENCHANTE ACCESSORIES,
9 INC. (“ENCHANTE” or “Defendant”) is a New York corporation, and a person doing
10 business in the State of California within the meaning of HSC §25249.11(b) and had ten
11 (10) or more employees 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 placed the
14 “Subject Product(s)” (as defined in Paragraph 16, p.5 below) into the stream of commerce
15 in California which contains Di(2-ethylhexyl) phthalate (“DEHP”) without first giving
16 “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 Products 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**
JURISDICTION AND VENUE

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

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

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

1 25249.7(a) and (b), which provide that any person who violates or threatens to violate HSC
2 §§ 25249.5 or 25249.6 may be enjoined in, and civil penalty assessed and recovered in a
3 civil action brought in, any court of competent jurisdiction.

4 **III**
5 **STATUTORY BACKGROUND**

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

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

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

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

24 13. All businesses with ten (10) or more employees that operate or sell products
25 in California must comply with Proposition 65. Under Proposition 65, businesses are: (1)
26 prohibited from knowingly discharging Proposition 65-listed chemicals into sources of
27 drinking water (HSC § 25249.5), and (2) required to provide “clear and reasonable”

28 ////

1 warnings before exposing a person, knowingly and intentionally, to a Proposition 65-listed
2 chemical (HSC § 25249.6).

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

9 **IV**
10 **BACKGROUND AND PRELIMINARY FACTS**

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

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

- 21 (i) Beauty Concepts Cuticle Nipper (with clear plastic reusable Case or
22 Protector); and
23 (ii) Pretty Little Things Jewelry Hanging Organizer.

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

26 18. The use and/or handling of each Subject Product causes exposures to DEHP
27 at levels requiring a “clear and reasonable warning” under Proposition 65. Defendant

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1 exposes consumers of each Subject Product to DEHP and has failed to provide the health
2 hazard warnings required by Proposition 65.

3 19. The past, and continued manufacturing, packaging, distributing, marketing
4 and/or sale of each Subject Product, without the required health hazard warnings, causes
5 individuals to be involuntarily exposed to high levels of DEHP in violation of Proposition
6 65.

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

19 21. In addition to injunctive relief, Plaintiff seeks an assessment of civil penalties
20 to remedy Defendant's failure to provide clear and reasonable warnings regarding
21 exposures to DEHP.

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

24 23. The No Significant Risk Level ("NSRL") for cancer as relating DEHP is 310
25 µg/day for adults.

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

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

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

7 27. The Maximum Allowable Dosage Level (“MADL”) for reproductive harm,
8 and male reproductive harms, as relating DEHP is the following for intravenous exposures:
9 4200 µg/day for adults; 600 µg/day for infant boys, age 29 days to 24 months; and 210 µg/day
10 for neonatal infant boys, age 0 to 28 days; and for oral exposures: 410 µg/day for adults; 58
11 µg/day for infant boys, age 29 days to 24 months; and 20 µg/day for neonatal infant boys, age
12 0 to 28 days.

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

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

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

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

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

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

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

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

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

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

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

V
**SATISFACTION OF PRIOR NOTICES OF PROPOSITION 65 VIOLATIONS
AND SIXTY (60) DAY INTENT TO SUE**

39. On or about June 24, 2021, Plaintiff gave 60-day notice of alleged violations of HSC §25249.6 (the “June Notice”), concerning consumer product exposures subject to a private action, to each of Defendant, other noticed parties, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the “Beauty Concepts Cuticle Nipper (with clear plastic reusable Case or Protector)” Subject Product, containing DEHP. A true and correct copy of the June Notice is attached hereto as **Exhibit “A”**, is hereby incorporated by reference, and is available on the Attorney General’s website located at <https://oag.ca.gov/prop65>, under **AG Number 2021-01492**.

40. On or about November 11, 2021, Plaintiff gave 60-day notice of alleged violations of HSC §25249.6 (the “November Notice”, and together with the June Notice, collectively referred to as the “Notices”), concerning consumer product exposures subject to a private action, to each of Defendant, other noticed parties, and to the California Attorney General, County District Attorneys, and City Attorneys for each city containing a population of at least 750,000 people in whose jurisdictions the violations allegedly occurred, concerning the “Pretty Little Things Jewelry Hanging Organizer” Subject Product, containing DEHP. A true and correct copy of the November Notice is attached hereto as **Exhibit “B”**, is hereby incorporated by reference, and is available on the Attorney General’s website located at <https://oag.ca.gov/prop65>, under **AG Number 2021-02790**.

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

1 42. Each of the Notices of alleged violations included a Certificate of Merit
2 executed by the attorney for the noticing party, Plaintiff CCPG. The Certificates of Merit
3 state that the attorney for Plaintiff who executed the certificates had consulted with at least
4 one person with relevant and appropriate expertise who reviewed data regarding the
5 exposures to DEHP, the subject Proposition 65-listed chemical related to this action.
6 Based on that information, the attorney for Plaintiff who executed the Certificates of Merit
7 believed there were reasonable and meritorious cases for this private action. The attorney
8 for Plaintiff attached to the Certificates of Merit served on the Attorney General, the
9 confidential factual information sufficient to establish the basis of the Certificates of Merit.

10 43. Plaintiff's Notices of alleged violations also include Certificates of Service
11 and documents entitled "Appendix "A" - The Safe Drinking Water & Toxic Enforcement
12 Act of 1986 (Proposition 65): A Summary", and "Appendix "B" - The Safe Drinking
13 Water & Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance
14 Procedure". HSC §25249.7(d)

15 44. The Notices were issued pursuant to, and in compliance with, the
16 requirements of HSC § 25249.7, subdivision (d) and the statute's implementing regulations
17 regarding the notice of the violations to be given to certain public enforcement agencies
18 and to the violator. The Notices included, *inter alia*, the following information: the name,
19 address, and telephone number of the noticing individual; the name of the alleged violator;
20 the statute violated; the approximate time period during which violations occurred; and
21 descriptions of the violations including the chemical involved, the routes of toxic exposure,
22 and the specific product(s) or type of product(s) causing the violations.

23 45. Plaintiff is commencing this action more than sixty (60) days from the date
24 that Plaintiff served the Notices to Defendant and the public prosecutors referenced in the
25 paragraphs above.

26 46. Plaintiff is informed, believes, and thereon alleges that neither the Attorney
27 General, nor any applicable district attorney or city attorney has commenced an action or is
28 diligently prosecuting an action against Defendant or any other noticed party.

1 47. Plaintiff and Defendant entered into several statutes of limitations tolling
2 agreements to allow the parties time to discuss resolution of the alleged violations
3 referenced in the June Notice. The final Statutes of Limitations Tolling Agreement was
4 fully executed as of January 03, 2022 (the “Tolling Agreement”). Pursuant to Section 2 of
5 the Tolling Agreement, Plaintiff and ENCHANTE agreed to toll:

6 “each and every: (a) time limit, statute of limitation and/or
7 statute of repose (of any kind or nature, including all statutes
8 of limitations specified within the Prop 65 statute), (b) deadline
9 and/or defense based in whole or in part upon the passage of
10 time from certain events, and (c) contractual provision or
11 deadline, if any, requiring the Parties to institute or assert any
12 claim, right, objection, action, arbitration, administrative
13 proceeding or legal proceeding, or take any step therein, within
14 a specific period of time” . . .

15 during the “Tolling Period” (as defined in Section 3 of the Tolling Agreement). The
16 Tolling Period was defined as commencing on September 20, 2021 and ending on January
17 28, 2022 with respect to the June Notice.

18
19 **FIRST CAUSE OF ACTION**

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

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

23 48. Plaintiff repeats and incorporates by reference Paragraphs 1 through 47,
24 inclusive, as if specifically set forth in this cause of action.

25 49. By committing the acts alleged in this Complaint, Defendant at all times
26 relevant to this action, and continuing through the present, has violated and continues to
27 violate HSC § 25249.6 by, in the course of doing business, knowingly and intentionally
28 exposing individuals, who use or handle each Subject Product, to the chemical DEHP at

1 levels exceeding allowable exposure levels under Proposition 65 guidelines without
2 Defendant first giving clear and reasonable warnings to such individuals pursuant to HSC
3 §§ 25249.6 and 25249.11(f).

4 50. 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 51. By the above-described acts, Defendant has violated HSC § 25249.6 and is
15 therefore subject to an injunction ordering Defendant to stop violating Proposition 65, and
16 to provide warnings to consumers and other individuals who will purchase, use and/or
17 handle each Subject Product.

18 52. An action for injunctive relief under Proposition 65 is specifically authorized
19 by HSC § 25249.7(a) in any court of competent jurisdiction.

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

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1 **SECOND CAUSE OF ACTION**

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

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

5 54. Plaintiff repeats and incorporates by reference Paragraphs 1 through 53,
6 inclusive, as if specifically set forth in this cause of action.

7 55. By committing the acts alleged in this Complaint, Defendant at all times
8 relevant to this action, and continuing through the present, has violated and continues to
9 violate HSC § 25249.6 by, in the course of doing business, knowingly and intentionally
10 exposing individuals who use or handle each Subject Product to the chemical DEHP at
11 levels exceeding allowable exposure levels without Defendant first giving clear and
12 reasonable warnings to such individuals pursuant to HSC §§ 25249.6 and 25249.11(f).

13 56. Defendant has manufactured, packaged, distributed, marketed, sold and/or
14 has otherwise been involved in the chain of commerce of, and continues to manufacture,
15 package, distribute, market, sell and/or otherwise continues to be involved in the chain of
16 commerce of each Subject Product, which has been, is, and will be used and/or handled by
17 individuals in California, without Defendant providing clear and reasonable warnings,
18 within the meaning of Proposition 65, regarding the risks of cancer, developmental harm
19 and male reproductive harm, posed by exposure to DEHP through the use and/or handling
20 of each Subject Product. Furthermore, Defendant has threatened to violate HSC § 25249.6
21 by each Subject Product being marketed, offered for sale, sold and/or otherwise provided
22 for use and/or handling to individuals in California.

23 57. By the above-described acts, Defendant is liable, pursuant to HSC §
24 25249.7(b), for a civil penalty of up to \$2,500 per day, for each violation of HSC §
25 25249.6 relating to each Subject Product.

26 58. Wherefore, Plaintiff prays judgment against Defendant, as set forth hereafter.

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1 **PRAYER FOR RELIEF**

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

- 3 1. A preliminary and permanent injunction enjoining Defendant, its
4 agents employees, assigns and all persons acting in concert or
5 participating with Defendant, from manufacturing, packaging,
6 distributing, marketing and/or selling each Subject Product for sale or
7 use in California without first providing clear and reasonable
8 warnings, within the meaning of Proposition 65, that the users and/or
9 handlers of each Subject Product are exposed to the chemical DEHP;
- 10 2. An injunctive order, pursuant to HSC § 25249.7(b) and 27 CCR §§
11 25603 and 25603.1, compelling Defendant to provide a “clear and
12 reasonable” warning on the label of each Subject Product. The
13 warning should indicate that each Subject Product will expose the user
14 or consumer to chemicals known to the State of California to cause
15 cancer, developmental harm, and male reproductive harm.
- 16 3. An assessment of civil penalties against Defendant, pursuant to HSC
17 § 25249.7(b), in the amount of \$2,500 per day, for each violation of
18 Proposition 65;
- 19 4. An award to Plaintiff of its attorneys’ fees pursuant to CCP § 1021.5
20 or the substantial benefit theory;
- 21 5. An award of costs of suit herein pursuant to CCP § 1032 *et seq.* or as
22 otherwise warranted; and

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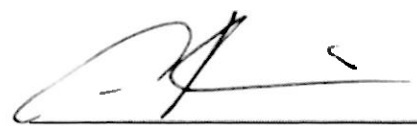
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6. Such other and further relief as the Court may deem just and proper.

Respectfully submitted,

DATED: January 27, 2022

KHANSARI LAW CORPORATION



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

EXHIBIT “A”

EXHIBIT “A”

June 24, 2021

VIA CERTIFIED MAIL

Ezra Erani, CEO/President
Enchante Accessories, Inc.
16 East 34th Street, 16th Floor
New York, New York 10016

T.J. Maxx of CA, LLC, Manager
c/o CT Corporation System
330 N. Brand Blvd.
Glendale, California 91203

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 CERTIFIED MAIL

Enchante Accessories, Inc., CEO/President
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833

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”), by consumers and workers from exposure to DEHP in household goods, and other consumer goods manufactured, produced, distributed and/or sold by Enchante Accessories, Inc. and T.J. Maxx of CA, LLC (collectively, the “Noticed Parties”), among other retailers, distributors and/or sellers.

This Notice constitutes written notification that the Noticed Parties have 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 product subject to this Notice (the “**specified product**”) and the chemical in the specified product identified as exceeding allowable levels are the following:

- **Beauty Concepts Cuticle Nipper (with clear plastic reusable Case or Protector) – (DEHP)**

The Noticed Parties have manufactured, marketed, distributed and/or sold the specified product, as applicable, which has exposed and continues to expose numerous individuals within California to DEHP. 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.

With respect to the specified product listed above, the violation: commenced on the later of the date that the specified product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical surpassed by the specified product; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until DEHP is removed from the specified product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties in accordance with the law.

The primary route of exposure has been through contact with human skin in handling the product in the course of using it or transporting it, 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 Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to DEHP. While in the course of doing business, the Noticed Parties are “knowingly and intentionally” exposing consumers to DEHP 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 Parties have not provided any Proposition 65 warnings on the specified product’s label or any other appropriate warnings that persons handling and/or otherwise using the specified product are being exposed to DEHP.

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 Parties 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 product sold through the Noticed Parties. 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 Parties, as applicable. Please review for applicability, however, note the "Special Compliance Procedure" is only available for certain products and under certain conditions as explained in Appendix B.

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 Parties to (1) eliminate or reduce DEHP to an allowable level in, or provide appropriate warning on the label of, the specified product; and (2) 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 Enchante Accessories, Inc. and T.J. Maxx of CA,
LLC**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "Certificate") accompanies the attached Notice of Violations dated June 24, 2021 (the "NOV") in which it is alleged that the party identified in the NOV ("alleged violators") have 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 violators have exposed persons in California to the listed chemical that is 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 chemical that is the subject of this Certificate. I have reviewed the laboratory testing results for the chemical 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 chemical that is 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 product in the NOV exposes individuals to unlawful levels of the specified chemical. 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: June 24, 2021



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:

Page 1

Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

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:

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 June 24, 2021, 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 Enchante Accessories, Inc. and T.J. Maxx of CA, LLC, 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 Party only), and**
- (iv) **Certificate of Service,**

on the following party(ies) 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:

Ezra Erani, CEO/President
Enchante Accessories, Inc.
16 East 34th Street, 16th Floor
New York, NY 10016

Enchante Accessories, Inc., CEO/President
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

T.J. Maxx of CA, LLC, Manager
c/o CT Corporation System
330 N. Brand Blvd.
Glendale, CA 91203

On June 24, 2021, 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 Enchante Accessories, Inc. and T.J. Maxx of CA, LLC, 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 June 24, 2021, 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 Enchante Accessories, Inc. and T.J. Maxx of CA, LLC, 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, San Diego City Attorney, Mariposa County District Attorney, Merced County District Attorney, Nevada County District Attorney, Placer County District Attorney, Plumas County District Attorney, and San Diego County District 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; alethea.sargent.sfgov.org; cepd@countyofnapa.org; daconsumerenvironmental@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; CEPDPProp65@acgov.org; Valerie.lopez@sfcityatty.org; Prop65Env@co.calaveras.ca.us; inyoda@inyocounty.org; Prop65DA@santacruzcounty.us; CityAttyProp65@sandiego.gov; mcda@mariposacounty.org; Prop65@countyofmerced.com; DA.Prop65@co.nevada.ca.us; prop65@placer.ca.gov; davidhollister@countyofplumas.com; and SanDiegoDAProp65@sdcda.org.

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct. Executed on June 24, 2021, 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 CEPDProp65@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 DA.Prop65@co.nevada.ca.us</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 ROSEVILLE, CA 95678 Prop65@placer.ca.gov</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 QUINCY, CA 95911 davidhollister@countyofplumas.com</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 mcda@mariposacounty.org</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 SAN DIEGO, CA 92101 SanDiegoDAProp65@sdacda.org</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 Prop65@countyofmerced.com</p>	<p>DISTRICT ATTORNEY SAN FRANCISCO COUNTY 350 RHODE ISLAND STREET SAN FRANCISCO, CA 94103 Alethea.sargent@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 168 NORTH EDWARDS STREET INDEPENDENCE, CA 93526 inyoda@inyocounty.org</p>	<p>DISTRICT ATTORNEY SANTA CRUZ COUNTY 701 OCEAN STREET 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 VENTURA, CA 93009 daspecialops@ventura.org</p>
<p>SAN FRANCISCO CITY ATTORNEY 1390 MARKET STREET, 7TH FLOOR SAN FRANCISCO, CA 94102 Valeria.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 DAConsumer.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>SAN JOSE CITY ATTORNEY'S OFFICE 200 E. SANTA CLARA STREET, STE 200 SAN JOSE, CA 95113</p>	<p>DISTRICT ATTORNEY STANISLAUS COUNTY 83212 STREET, SUITE 300 MODESTO, CA 95354</p>	<p>SAN DIEGO CITY ATTORNEY'S OFFICE 1200 THIRD AVENUE 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>
<p>DISTRICT ATTORNEY SAN LUIS OBISPO COUNTY COUNTY GOVERNMENT CENTER ANNEX, 4th FLOOR SAN LUIS OBISPO, CA 93408 edobroth@co.slo.ca.us</p>		

EXHIBIT “B”

EXHIBIT “B”

November 11, 2021

VIA CERTIFIED MAIL

Ezra Erani, CEO/President
Enchante Accessories, Inc.
16 East 34th Street, 16th Floor
New York, New York 10016

Barbara Rentler, CEO/President
Ross Stores, Inc.
5130 Hacienda Drive
Dublin, California 94568

VIA CERTIFIED MAIL

Enchante Accessories, Inc., CEO/President
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, California 95833

Ross Stores, Inc.
c/o CT Corporation System (*Reg. Agent*)
330 N. Brand Blvd.
Glendale, California 91203

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**”), by consumers and workers from exposure to DEHP in household goods, and other consumer goods manufactured, produced, distributed and/or sold by Enchante

Accessories, Inc. and Ross Stores, Inc. (collectively, the “**Noticed Parties**”), among other retailers, distributors and/or sellers.

This Notice constitutes written notification that the Noticed Parties have 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 product subject to this Notice (the “**specified product**”) and the chemical in the specified product identified as exceeding allowable levels are the following:

■ **Pretty Little Things Jewelry Hanging Organizer – (DEHP)**

The Noticed Parties have manufactured, marketed, distributed and/or sold the specified product, as applicable, which has exposed and continues to expose numerous individuals within California to DEHP. 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.

With respect to the specified product listed above, the violation: commenced on the latter of the date that the specified product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical surpassed by the specified product; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until DEHP is removed from the specified product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties in accordance with the law.

The primary route of exposure has been through contact with human skin in handling the product in the course of using it or transporting it, 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 Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to DEHP. While in the course of doing business, the Noticed Parties are “knowingly and intentionally” exposing consumers to DEHP 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 Parties have not provided any Proposition 65 warnings on the specified product’s label or any other appropriate warnings that persons handling and/or otherwise using the specified product are being exposed to DEHP.

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 Parties 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 product sold through the Noticed Parties. 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 Parties, as applicable. Please review for applicability, however, note the "Special Compliance Procedure" is only available for certain products and under certain conditions as explained in Appendix B.


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 Parties to (1) eliminate or reduce DEHP to an allowable level in, or provide appropriate warning on the label of, the specified product; and (2) 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 Enchante Accessories, Inc. and Ross Stores, Inc.**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "Certificate") accompanies the attached Notice of Violations dated November 11, 2021 (the "NOV") in which it is alleged that the parties identified in the NOV ("alleged violators") have 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 violators have exposed persons in California to the listed chemical that is 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 chemical that is the subject of this Certificate. I have reviewed the laboratory testing results for the chemical 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 chemical that is 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 product in the NOV exposes individuals to unlawful levels of the specified chemical. 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: November 11, 2021



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:

Page 1

Name of Noticing Party or attorney for Noticing Party:

Address:

Phone number:

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 **16133 Ventura Blvd., Suite 1200, Encino, California 91436.**

On November 11, 2021, 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 Enchante Accessories, Inc. and Ross 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 Party only), and**
- (iv) **Certificate of Service,**

on the following party(ies) 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:

Ezra Erani, CEO/President
Enchante Accessories, Inc.
16 East 34th Street, 16th Floor
New York, NY 10016

Enchante Accessories, Inc., CEO/President
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

Barbara Rentler, CEO/President
Ross Stores, Inc.
5130 Hacienda Drive
Dublin, CA 94568

Ross Stores, Inc.
c/o CT Corporation System (Reg. Agent)
330 N. Brand Blvd.
Glendale, CA 91203

On November 11, 2021, 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 Enchante Accessories, Inc. and Ross 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 November 11, 2021, 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 Enchante Accessories, Inc. and Ross 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, San Diego City Attorney, Mariposa County District Attorney, Merced County District Attorney, Nevada County District Attorney, Placer County District Attorney, Plumas County District Attorney, and San Diego County District Attorney, all of which have requested electronic service only via the following email addresses: sgrassini@contracostada.org; mлатimer@co.lassen.ca.us; prop65@rivcoda.org; prop65@sacda.org; alethea.sargent.sfgov.org; cepd@countyofnapa.org; daconsumer.environmental@sicda.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; CEPDPProp65@acgov.org; Valerie.lopez@sfcityatty.org; Prop65Env@co.calaveras.ca.us; inyoda@inyocounty.org; Prop65DA@santacruzcounty.us; CityAttyProp65@sandiego.gov; mcdam@mariposacounty.org; Prop65@countyofmerced.com; DA.Prop65@co.nevada.ca.us; prop65@placer.ca.gov; davidhollister@countyofplumas.com; and SanDiegoDAProp65@sdccda.org.

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct. Executed on November 11, 2021, 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 CEPDProp65@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 DA.Prop65@co.nevada.ca.us</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 P.O. BOX 808 SANTA ANA, CA 92702</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 ROSEVILLE, CA 95678 Prop65@placer.ca.gov</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 QUINCY, CA 95911 davidhollister@countyofplumas.com</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 mcda@mariposacounty.org</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 SAN DIEGO, CA 92101 SanDiegoDAProp65@sdcca.org</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 Prop65@countyofmerced.com</p>	<p>DISTRICT ATTORNEY SAN FRANCISCO COUNTY 350 RHODE ISLAND STREET SAN FRANCISCO, CA 94103 Alethea.sargent@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 168 NORTH EDWARDS STREET INDEPENDENCE, CA 93526 inyoda@inyocounty.org</p>	<p>DISTRICT ATTORNEY SANTA CRUZ COUNTY 701 OCEAN STREET 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 VENTURA, CA 93009 daspecialops@ventura.org</p>
<p>SAN FRANCISCO CITY ATTORNEY 1390 MARKET STREET, 7TH FLOOR 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 DAConsumer.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>SAN JOSE CITY ATTORNEY'S OFFICE 200 E. SANTA CLARA STREET, STE 200 SAN JOSE, CA 95113</p>	<p>DISTRICT ATTORNEY STANISLAUS COUNTY 83212 STREET, SUITE 300 MODESTO, CA 95354</p>	<p>SAN DIEGO CITY ATTORNEY'S OFFICE 1200 THIRD AVENUE 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>
<p>DISTRICT ATTORNEY SAN LUIS OBISPO COUNTY COUNTY GOVERNMENT CENTER ANNEX, 4th FLOOR SAN LUIS OBISPO, CA 93408 edobroth@co.slo.ca.us</p>		

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Andre A. Khansari, Esq. (SBN 223528) KHANSARI LAW CORPORATION 16133 Ventura Blvd., Suite 1200 Encino, California 91436 TELEPHONE NO.: (818) 650-6444 FAX NO.: (818) 650-6445 ATTORNEY FOR (Name): CA CITIZEN PROTECTION GROUP, LLC	FOR COURT USE ONLY ELECTRONICALLY FILED Superior Court of California, County of Alameda 01/27/2022 at 08:33:56 PM By: Cheryl Clark, Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: same CITY AND ZIP CODE: Oakland, 94612 BRANCH NAME: Oakland, Rene C. Davidson Alameda County Courthouse	CASE NUMBER: 22CV006164 JUDGE: DEPT:
CASE NAME: CA Citizen Protection Group, LLC v. Enchante Accessories, Inc.	CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PIPD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PIPD/WD (23) Non-PIP/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PIP/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input checked="" type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 1 (Proposition 65, HSC section 25249.5 et seq.)
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: January 27, 2022
 Andre A. Khansari, Esq.

(TYPE OR PRINT NAME)


 (SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title: CA Citizen Protection Group, LLC vs. Enchante Accessories, Inc. Case Number:

CIVIL CASE COVER SHEET ADDENDUM

THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA

[X] Oakland, Rene C. Davidson Alameda County Courthouse (446) [] Hayward Hall of Justice (447)
 [] Pleasanton, Gale-Schenone Hall of Justice (448)

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	[] 34 Auto tort (G) Is this an uninsured motorist case? [] yes [] no
Other PI /PD / WD Tort	Asbestos (04) Product liability (24) Medical malpractice (45) Other PI/PD/WD tort (23)	[] 75 Asbestos (D) [] 89 Product liability (not asbestos or toxic tort/environmental) (G) [] 97 Medical malpractice (G) [] 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07) Civil rights (08) Defamation (13) Fraud (16) Intellectual property (19) Professional negligence (25) Other non-PI/PD/WD tort (35)	[] 79 Bus tort / unfair bus. practice (G) [] 80 Civil rights (G) [] 84 Defamation (G) [] 24 Fraud (G) [] 87 Intellectual property (G) [] 59 Professional negligence - non-medical (G) [] 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36) Other employment (15)	[] 38 Wrongful termination (G) [] 85 Other employment (G) [] 53 Labor comm award confirmation [] 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wmty (06) Collections (09) Insurance coverage (18) Other contract (37)	[] 04 Breach contract / Wmty (G) [] 81 Collections (G) [] 86 Ins. coverage - non-complex (G) [] 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14) Wrongful eviction (33) Other real property (26)	[] 18 Eminent domain / Inv Cdm (G) [] 17 Wrongful eviction (G) [] 36 Other real property (G)
Unlawful Detainer	Commercial (31) Residential (32) Drugs (38)	[] 94 Unlawful Detainer - commercial [] 47 Unlawful Detainer - residential [] 21 Unlawful detainer - drugs Is the deft. in possession of the property? [] Yes [] No
Judicial Review	Asset forfeiture (05) Petition re: arbitration award (11) Writ of Mandate (02) Other judicial review (39)	[] 41 Asset forfeiture [] 62 Pet. re: arbltration award [] 49 Writ of mandate Is this a CEQA action (Publ.Res.Code section 21000 et seq) [] Yes [] No [] 64 Other judicial review
Provisionally Complex	Antitrust / Trade regulation (03) Construction defect (10) Claims involving mass tort (40) Securities litigation (28) Toxic tort / Environmental (30) Ins covrg from cmplx case type (41)	[] 77 Antitrust / Trade regulation [] 82 Construction defect [] 78 Claims involving mass tort [] 91 Securities litigation [X] 93 Toxic tort / Environmental [] 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	[] 19 Enforcement of judgment [] 08 Confession of judgment
Misc Complaint	RICO (27) Partnership / Corp. governance (21) Other complaint (42)	[] 90 RICO (G) [] 88 Partnership / Corp. governance (G) [] 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	[] 06 Change of name [] 69 Other petition

SUPERIOR COURT OF CALIFORNIA COUNTY OF ALAMEDA	Reserved for Clerk's File Stamp
COURTHOUSE ADDRESS: Hayward Hall of Justice 24405 Amador Street, Hayward, CA 94544	FILED Superior Court of California County of Alameda 01/27/2022
PLAINTIFF(S): CA Citizen Protection Group, LLC	Clerk of the Court / Executive Officer / Clerk of the Court By: <u>Cheryl Clark</u> Deputy C. Clark
DEFENDANT(S): Enchante Accessories, Inc.	
NOTICE OF CASE ASSIGNMENT	CASE NUMBER: 22CV006164

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

Pursuant to Rule 3.734 of the California Rules of Court and Title 3 Chapter 2 of the Local Rules of the Superior Court of California, County of Alameda, this action is hereby assigned by the Presiding Judge for all purposes to:

ASSIGNED JUDGE: Somnath Raj Chatterjee
DEPARTMENT: 517
LOCATION: Hayward Hall of Justice
24405 Amador Street, Hayward, CA 94544
PHONE NUMBER: (510) 690-2726
FAX NUMBER:
EMAIL ADDRESS: Dept517@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedures section 170.6 must be exercised within the time period by law. (See Code of Civ. Proc. §§ 170.6, subd. (a)(2) and 101.3)

NOTICE OF NONAVAILABILITY OF COURT REPORTERS: Effective June 4, 2012, the court will not provide a court reporter for civil law and motion hearings, any other hearing or trial in civil departments, or any afternoon hearing in Department 201 (probate). Parties may arrange and pay for the attendance of a certified shorthand reporter. In limited jurisdiction cases, parties may request electronic recording. Amended Local Rule 3.95 states: "Except as otherwise required by law, in general civil case and probate departments, the services of an official court reporter are not normally available. For civil trials, each party must serve and file a statement before the trial date indicating whether the party requests the presence of an official court reporter."

GENERAL PROCEDURES

Following assignment of a civil case to a specific department, all pleadings, papers, forms, documents and writings can be submitted for filing at either Civil Clerk's Office, located at the Rene C. Davidson Courthouse, Room 109, 1225 Fallon Street, Oakland, California, 94612, and the Hayward Hall of Justice, 24405 Amador Street, Hayward, California, 94544 and through Civil e-filing. Information regarding Civil e-filing can be found on the courts website. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

**ASSIGNED FOR ALL PURPOSES TO
JUDGE Somnath Raj Chatterjee
DEPARTMENT 517**

All parties are expected to know and comply with the Local Rules of this Court, which are available on the court's website at [http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules\(1\)](http://www.alameda.courts.ca.gov/Pages.aspx/Local-Rules(1)) and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

Parties must meet and confer to discuss the effective use of mediation or other alternative dispute processed (ADR) prior to the Initial Case Management Conference. The court encourages parties to file a "Stipulation to Attend ADR and Delay Initial Case Management Conference for 90 Days." The court's website contains this form and other ADR information. If the parties do not stipulate to attend ADR, the parties must be prepared to discuss referral to ADR at the Initial Case Management Conference.

COURT RESERVATIONS

The use of the Court Reservation System (CRS) is now mandated in many civil courtrooms within the Alameda County Superior Court. Instead of calling or emailing the courtroom to make a reservation, parties with a case assigned to a courtroom using CRS are directed to utilize CRS to make and manage their own reservations, within parameters set by the courtrooms. CRS is available 24 hours a day, seven days a week and reservations can be made from a computer or smart phone. Please note, you are prohibited from reserving more than one hearing date for the same motion.

Prior to scheduling any motion on CRS, including any Applications for Orders for Appearance and Examination, or continuing any motion, please review the online information (if any) for the courtroom in which you are reserving. There may be specific and important conditions associated with certain motions and proceedings. Information is available on the court's eCourt Public Portal at www.eportal.alameda.courts.ca.gov.

Chad Finke, Executive Officer / Clerk of the Court

Chad Finke, Executive Officer / Clerk of the Court

By



C. Clark, Deputy Clerk



Superior Court of California, County of Alameda Alternative Dispute Resolution (ADR) Information Packet

The person who files a civil lawsuit (plaintiff) must include the ADR Information Packet with the complaint when serving the defendant. Cross complainants must serve the ADR Information Packet on any new parties named to the action.

The Court *strongly encourages* the parties to use some form of ADR before proceeding to trial. You may choose ADR by:

- Indicating your preference on Case Management Form CM-110;
- Filing the Stipulation to ADR and Delay Initial Case Management Conference for 90 Days (a local form included with the information packet); or
- Agree to ADR at your Initial Case Management Conference.

QUESTIONS? Call (510) 891-6055. Email adrprogram@alameda.courts.ca.gov
Or visit the court's website at <http://www.alameda.courts.ca.gov/adr>

What Are The Advantages Of Using ADR?

- **Faster** – Litigation can take years to complete but ADR usually takes weeks or months.
- **Cheaper** – Parties can save on attorneys' fees and litigation costs.
- **More control and flexibility** – Parties choose the ADR process appropriate for their case.
- **Cooperative and less stressful** – In mediation, parties cooperate to find a mutually agreeable resolution.
- **Preserve Relationships** – A mediator can help you effectively communicate your interests and point of view to the other side. This is an important benefit when you want to preserve a relationship.

What Is The Disadvantage Of Using ADR?

- **You may go to court anyway** – If you cannot resolve your dispute using ADR, you may still have to spend time and money resolving your lawsuit through the courts.

What ADR Options Are Available?

- **Mediation** – A neutral person (mediator) helps the parties communicate, clarify facts, identify legal issues, explore settlement options, and agree on a solution that is acceptable to all sides.
 - **Court Mediation Program:** Mediators do not charge fees for the first two hours of mediation. If parties need more time, they must pay the mediator's regular fees.

Some mediators ask for a deposit before mediation starts which is subject to a refund for unused time.

- **Private Mediation:** This is mediation where the parties pay the mediator's regular fees and may choose a mediator outside the court's panel.
- **Arbitration** – A neutral person (arbitrator) hears arguments and evidence from each side and then decides the outcome of the dispute. Arbitration is less formal than a trial and the rules of evidence are often relaxed. Arbitration is effective when the parties want someone other than themselves to decide the outcome.
 - **Judicial Arbitration Program (non-binding):** The judge can refer a case or the parties can agree to use judicial arbitration. The parties select an arbitrator from a list provided by the court. If the parties cannot agree on an arbitrator, one will be assigned by the court. There is no fee for the arbitrator. The arbitrator must send the decision (award of the arbitrator) to the court. The parties have the right to reject the award and proceed to trial.
 - **Private Arbitration (binding and non-binding)** occurs when parties involved in a dispute either agree or are contractually obligated. This option takes place outside of the courts and is normally binding meaning the arbitrator's decision is final.

Mediation Service Programs In Alameda County

Low cost mediation services are available through non-profit community organizations. Trained volunteer mediators provide these services. Contact the following organizations for more information:

SEEDS Community Resolution Center

2530 San Pablo Avenue, Suite A, Berkeley, CA 94702-1612

Telephone: (510) 548-2377 Website: www.seedsrc.org

Their mission is to provide mediation, facilitation, training and education programs in our diverse communities – **S**ervices that **E**ncourage **E**ffective **D**ialogue and **S**olution-making.

Center for Community Dispute Settlement

291 McLeod Street, Livermore, CA 94550

Telephone: (925) 373-1035 Website: www.trivalleymediation.com

CCDS provides services in the Tri-Valley area for all of Alameda County.

For Victim/Offender Restorative Justice Services

Catholic Charities of the East Bay: Oakland

433 Jefferson Street, Oakland, CA 94607

Telephone: (510) 768-3100 Website: www.cceb.org

Mediation sessions involve the youth, victim, and family members work toward a mutually agreeable restitution agreement.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address) TELEPHONE NO.: _____ FAX NO. (Optional): _____ E-MAIL ADDRESS (Optional): _____ ATTORNEY FOR (Name): _____	FOR COURT USE ONLY CASE NUMBER: _____
SUPERIOR COURT OF CALIFORNIA, ALAMEDA COUNTY STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME	
PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	
STIPULATION TO ATTEND ALTERNATIVE DISPUTE RESOLUTION (ADR) AND DELAY INITIAL CASE MANAGEMENT CONFERENCE FOR 90 DAYS	

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

This stipulation is effective when:

- All parties have signed and filed this stipulation with the Case Management Conference Statement at least 15 days before the initial case management conference.
- A copy of this stipulation has been received by the ADR Program Administrator, 24405 Amador Street, Hayward, CA 94544 or Fax to (510) 267-5727.

1. Date complaint filed: _____ An **Initial Case Management Conference** is scheduled for:

Date: _____ Time: _____ Department: _____

2. Counsel and all parties certify they have met and conferred and have selected the following ADR process (check one):

- Court mediation Judicial arbitration
 Private mediation Private arbitration

3. All parties agree to complete ADR within 90 days and certify that:

- No party to the case has requested a complex civil litigation determination hearing;
- All parties have been served and intend to submit to the jurisdiction of the court;
- All parties have agreed to a specific plan for sufficient discovery to make the ADR process meaningful;
- Copies of this stipulation and self-addressed stamped envelopes are provided for returning endorsed filed stamped copies to counsel and all parties;
- Case management statements are submitted with this stipulation;
- All parties will attend ADR conferences; and,
- The court will not allow more than 90 days to complete ADR.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF PLAINTIFF)

Date:



(TYPE OR PRINT NAME)

(SIGNATURE OF ATTORNEY FOR PLAINTIFF)

ALA ADR-001

PLAINTIFF/PETITIONER:	CASE NUMBER.:
DEFENDANT/RESPONDENT:	

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF DEFENDANT)

Date:

(TYPE OR PRINT NAME)



(SIGNATURE OF ATTORNEY FOR DEFENDANT)