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FILED
Superior Court of California
County of Los Angeles

05/31/2023

David W. Slayton, Executive Officer / Clerk of Court

By: M. Carino Deputy

Attorneys for Plaintiff
The Chemical Toxin Working Group Inc. doing
business as Healthy Living Foundation Inc.

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

THE CHEMICAL TOXIN WORKING
GROUP INC., a California non-profit
corporation, doing business as HEALTHY
LIVING FOUNDATION INC.

Plaintiff,

v.

CALIFORNIA OLIVE RANCH, INC., a
California corporation;
ALBERTSONS COMPANIES, INC., a
Delaware corporation;
ALPHA BETA COMPANY, a California
corporation;
BRISTOL FARMS, a California corporation;
FRED MEYER, INC., a Delaware corporation;
GELSON’S MARKETS, a California
corporation;
HUGHES MARKETS, INC., DBA RALPHS a
California corporation;
MAPLEBEAR INC. DBA INSTACART, a
Delaware corporation;
RALPHS GROCERY COMPANY, a Ohio
corporation;
SAFEWAY INC., a Delaware corporation;
SPROUTS FARMERS MARKET, INC., a
Delaware corporation;
SPROUTS FARMERS MARKET, LLC, a

CASE NO. 22STCV33073

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF, CIVIL
PENALTIES, AND OTHER RELIEF
UNDER HEALTH AND SAFETY CODE
SECTION 25249.5, et seq
(PROPOSITION 65)**

[Assigned for all purposes to the Hon. Tara
Desautels, Dept. 16]

1 California limited liability company;
2 THE KROGER CO., an Ohio corporation;
3 THE VONS COMPANIES, INC., a Michigan
4 corporation;
5 VONS SHERMAN OAKS, LLC, a California
6 limited liability company;
7 WALMART INC., a Delaware corporation;
8 WAL-MART STORES EAST, LP, a Delaware
9 limited partnership;
10 and DOES 1-60,

11 Defendants.

12 Plaintiff The Chemical Toxin Working Group Inc. doing business as Healthy Living
13 Foundation Inc. (“Plaintiff” or “HLF”) hereby alleges the following on information and belief:

14 **INTRODUCTION**

15 1. This action seeks injunctive and declaratory relief and civil penalties to remedy the continuing
16 failure of Defendants California Olive Ranch, Inc., ALBERTSONS COMPANIES, INC.,
17 ALPHA BETA COMPANY, BRISTOL FARMS, FRED MEYER, INC., GELSON’S
18 MARKETS, HUGHES MARKETS, INC., DBA RALPHS, MAPLEBEAR INC. DBA
19 INSTACART, RALPHS GROCERY COMPANY, SAFEWAY INC., SPROUTS
20 FARMERS MARKET, INC., SPROUTS FARMERS MARKET, LLC, THE KROGER CO.,
21 THE VONS COMPANIES, INC., VONS SHERMAN OAKS, LLC, WALMART INC., and
22 WAL-MART STORES EAST, LP to warn consumers in California that they are being
23 exposed to Carbaryl, a chemical known to the State of California to cause cancer and
24 reproductive toxicity found in:

25 2. California Olive Ranch Global Blend Medium Extra Virgin Olive Oil Argentina, Chile,
26 Portugal, California also identified as California Olive Ranch Extra Virgin Olive Oil,
27 Medium, Global Blend, Argentina, Portugal, Chile, 10% California (“Global Blend Oil”);

28 3. California Olive Ranch Reserve Arbosana Extra Virgin Olive Oil (“Arbosana Oil”);

4. California Olive Ranch Extra Virgin Olive Oil Robust Global Blend Argentina, Chile,

1 Portugal, California (“Robust Oil”);

2 5. California Olive Ranch Extra Virgin Olive Oil 100% California (“California Oil”);

3 6. California Olive Ranch Extra Virgin Olive Oil Mild Global Blend Argentina, Chile, Portugal,
4 Califoirnia (“Mild Global Blend”);

5 7. California Olive Ranch Extra Virgin Olive Oil, Reserve, 100% California, Miller's Blend
6 (“Miller’s Blend”);

7 8. The Global Blend Oil, Arbosana Oil, Robust Oil, California Oil, Mild Global Blend, and
8 Miller’s Blend are together referred to as the “Products.”

9 9. This action is brought in the public interest and is based on The Safe Drinking Water and
10 Toxic Enforcement Act of 1986 (Health and Safety Code § 25249.6 et seq.) also known as
11 “Proposition 65.” This statute mandates that any person in the course of doing business must
12 provide a clear and reasonable warning prior to exposing any individual to a chemical known
13 to the state to cause cancer, birth defects or other reproductive harm.

14 **PARTIES**

15 10. HLF is a non-profit consumer health organization that: implements measures to reduce the
16 amount of chemical toxins in foods posing targeted dangers to fetuses, children, pregnant
17 women and women of childbearing age; improves safety for workers by reducing their
18 exposure to chemicals; publishes consumer health periodicals, books, and comparative test
19 results. HLF’s Chief Officer David W. Steinman is a publisher, a health journalist and a
20 bestselling author of Diet For A Poisoned Planet (Crown Ed., 1990, Ballantine 2d Ed., 1992,
21 Running Press 3d Ed., 2007); among his other books are: The Safe Shopper’s Bible
22 (Macmillan Ed., 1995, Wiley 2d Ed., 2000), The Breast Cancer Prevention Program
23 (Macmillan Ed., 1997). Mr. Steinman represented the public interest at the National
24 Academy of Sciences on the Safe Seafood Committee that produced Seafood Safety
25 (Washington, D.C.: National Academies Press, 1991), advised Congress on related
26 legislation, and has testified before Congress as an expert witness on food safety.

- 1 11. HLF is a person within the meaning of Health and Safety Code section 25249.11, subdivision
2 (a). HLF, acting as a private attorney general, brings this action in the public interest as
3 defined under Health and Safety Code section 25249.7, subdivision (d).
- 4 12. Defendant CALIFORNIA OLIVE RANCH, INC. (“OLIVE RANCH”) is a California
5 corporation, doing business in the State of California at all relevant times herein.
- 6 13. Defendant ALBERTSONS COMPANIES, INC. (“ALBERTSONS”) is a Delaware
7 corporation, doing business in the State of California at all relevant times herein.
- 8 14. Defendant ALPHA BETA COMPANY (“ALPHA BETA”) is a California corporation, doing
9 business in the State of California at all relevant times herein.
- 10 15. Defendant BRISTOL FARMS (“BRISTOL”) is a California corporation, doing business in
11 the State of California at all relevant times herein.
- 12 16. Defendant FRED MEYER, INC. (“FRED MEYER”) is a Delaware corporation, doing
13 business in the State of California at all relevant times herein.
- 14 17. Defendant GELSON’S MARKETS (“GELSONS”) is a California corporation, doing
15 business in the State of California at all relevant times herein.
- 16 18. Defendant HUGHES MARKETS, INC. DBA RALPHS (“HUGHES”) is a California
17 corporation, doing business in the State of California at all relevant times herein.
- 18 19. Defendant MAPLEBEAR INC. DBA INSTACART (“INSTACART”) is a Delaware
19 corporation, doing business in the State of California at all relevant times herein.
- 20 20. Defendant RALPHS GROCERY COMPANY (“RALPHS”) is an Ohio corporation, doing
21 business in the State of California at all relevant times herein.
- 22 21. Defendant SAFEWAY INC. (“SAFEWAY”) is a Delaware corporation, doing business in
23 the State of California at all relevant times herein.
- 24 22. Defendant SPROUTS FARMERS MARKET, INC. (“SPROUTS INC.”) is a Delaware
25 corporation, doing business in the State of California at all relevant times herein.
- 26 23. Defendant SPROUTS FARMERS MARKET, LLC (“SPROUTS LLC”) is a California
27

1 limited liability company, doing business in the State of California at all relevant times
2 herein.

3 24. Defendant THE KROGER CO. (“KROGER”) is an Ohio corporation, doing business in the
4 State of California at all relevant times herein.

5 25. Defendant THE VONS COMPANIES, INC. (“VONS”) is a Michigan corporation, doing
6 business in the State of California at all relevant times herein.

7 26. Defendant VONS SHERMAN OAKS, LLC (“VONS SHERMAN OAKS”) is a California
8 limited liability company, doing business in the State of California at all relevant times
9 herein.

10 27. Defendant WALMART INC. (“WALMART”) is a Delaware corporation, doing business in
11 the State of California at all relevant times herein.

12 28. Defendant WAL-MART STORES EAST, LP (“WAL-MART STORES”) is a Delaware
13 limited partnership, doing business in the State of California at all relevant times herein.

14 29. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-60, and
15 therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint
16 to allege their true names and capacities when ascertained. Plaintiff is informed, believes,
17 and thereon alleges that each fictitiously named defendant is responsible in some manner for
18 the occurrences herein alleged and the violations caused thereby. DOES 1-60 are each a
19 person in the course of doing business within the meaning of Health and Safety Code §§
20 25249.6 and 25249.11.

21 30. At all times mentioned herein, the term “Defendants” includes OLIVE RANCH,
22 ALBERTSONS, ALPHA BETA, BRISTOL, FRED MEYER, GELSONS, HUGHES,
23 INSTACART, RALPHS, SAFEWAY, SPROUT INC., SPROUTS LLC, KROGER, VONS,
24 VONS SHERMAN OAKS, WALMART, WAL-MART STORES and DOES 1-60.

25 31. Defendants employ ten or more persons and have employed ten or more persons at all times
26 relevant to this action, and are each a person in the course of doing business within the
27

1 meaning of Health and Safety Code §§ 25249.6 and 25249.11.

2
3 **JURISDICTION AND VENUE**

4 32. This Court has jurisdiction pursuant to California Constitution Article VI, Section 10, which
5 grants the Superior Court original jurisdiction in all causes except those given by statute to
6 other trial courts. The statute under which this action is brought does not specify any other
7 basis for jurisdiction.

8 33. This Court has jurisdiction over this action pursuant to Health and Safety Code section
9 25249.7, which allows enforcement of violations of Proposition 65 in any Court of
10 competent jurisdiction.

11 34. This Court has jurisdiction over Defendants because Defendants either reside or are located
12 in this State or are foreign corporations authorized to do business in California, are registered
13 with the California Secretary of State, or Defendants have sufficient minimum contacts with
14 California, and otherwise intentionally avails itself of the California market through the
15 marketing, distribution, and/or sale of Products in the State of California, so as to render the
16 exercise of jurisdiction over Defendants by the California courts consistent with traditional
17 notions of fair play and substantial justice.

18 35. Venue is proper in the Los Angeles Superior Court because the cause of action arises out of
19 violations in the County of Los Angeles and/or because Defendants conducted, and continue
20 to conduct, business in the County of Los Angeles with respect to the consumer products that
21 are the subject of this action.

22 36. Plaintiffs seek injunctive and declaratory relief and civil penalties from Defendants’
23 violations of the prohibitions of Proposition 65 (Health and Safety Code § §25249.5 et seq.)

24 **STATUTORY BACKGROUND**

25 37. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute passed
26 as “Proposition 65” by close to a two-to-one voting margin. Proposition 65 is referred to as a
27

1 “right-to-know” law intended to inform consumers of the potential for exposure to toxic
2 chemicals and thereby empower them with the information needed to avoid the exposure.

3 38. Proposition 65 requires that individuals be provided with a “clear and reasonable warning”
4 before being exposed to substances listed by the State of California as causing cancer or
5 reproductive toxicity. The warning requirement of Proposition 65 is contained in Health &
6 Safety Code § 25249.6, which provides,

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

10 39. In this case, the exposures are caused by consumer products. “Consumer product” means
11 any article, or component part thereof, including food, that is produced, distributed, or sold
12 for the personal use, consumption or enjoyment of a consumer. (27 California Code of
13 Regulations § 25600.1(d)) “Consumer product exposure” means an exposure that results
14 from a person's acquisition, purchase, storage, consumption, or any reasonably foreseeable
15 use of a consumer product, including consumption of a food. (27 California Code of
16 Regulations § 25600.1(e)).

17 40. Proposition 65 requires the State to publish a list of chemicals known to cause cancer or birth
18 defects or other reproductive harm (Health and Safety Code §25249.8.) This list now
19 comprises over 800 chemicals.

20 41. Proposition 65 establishes a procedure by which the State is to develop a list of chemicals
21 “known to the State to cause cancer or reproductive toxicity.” (Health & Safety, § 25249.8.)

22 42. Carbaryl (“Carbaryl”) is listed as a chemical known to the State of California to cause
23 reproductive toxicity on August 7, 2009. Carbaryl became subject to the warning requirement
24 one year later and was therefore subject to the “clear and reasonable” warning requirements
25 of Proposition 65 beginning on August 7, 2010. (27 California Code of Regulations § 25000,
26 *et seq.*; Health & Safety Code § 25249.5, *et seq.*)

1 43. Carbaryl is listed as a chemical known to the State of California to cause cancer on February
2 5, 2010. Carbaryl became subject to the warning requirement one year later and was
3 therefore subject to the “clear and reasonable” warning requirements of Proposition 65
4 beginning on February 5, 2011. (27 California Code of Regulations § 25000, *et seq.*; Health
5 & Safety Code §25249.5, *et seq.*).

6 44. Proposition 65 provides that any “person who violates or threatens to violate” the statute
7 “may be enjoined in a court of competent jurisdiction.” (Health & Safety Code § 25249.7).
8 Violators are liable for civil penalties of up to \$2,500 per day for each violation of the Act.
9 (Health & Safety Code §25249.7(b)(1).)

10 45. Violations of Proposition 65 may be enforced by any person in the public interest, after
11 providing a 60-day notice of the violations of the Attorney General, appropriate District
12 Attorneys and City Attorneys and the alleged violator. (Health and Safety Code §
13 25249.7(d)(1).) Remedies include injunctive relief to prevent actual or threatened violations,
14 and penalties up to \$2,500 per day per violation. (Health and Safety Code §25249.7(a) and
15 (b).)

16 46. Proposition 65 may be enforced by any person who provides notice sixty days before filing
17 suit to both the violator and designated law enforcement officials. When the law enforcement
18 officials do not file a timely Complaint, this enables a citizen suit to be filed pursuant to
19 Health & Safety Code section 25249.7, subdivisions (c) and (d).

20 **FACTUAL BACKGROUND**

21 47. Defendants are businesses that develop, manufacture, package, distribute, market, offer for
22 sale and/or sell the Products in the State of California.

23 48. Plaintiff hired a well-established and accredited testing laboratory to test Defendants’
24 Products for Carbaryl. The results of the testing show that the Products contain high amounts
25 of Carbaryl.

26 49. Individuals are exposed to the Carbaryl from the reasonable anticipated use of the Products
27

1 or when they ingest the Products.

2 50. The Products continue to be offered for sale, sold and/or otherwise made available for use
3 and/or handling to persons in California.

4 51. At all times relevant to this action, Defendants, therefore, have knowingly and intentionally
5 exposed the users of the Products to Carbaryl without first giving a clear and reasonable
6 warning to such individuals. The Products continue to be distributed and sold in California
7 without providing the requisite warning, and thus the violations are ongoing and continuous
8 and will continue to occur into the future.

9 52. As a proximate result of acts by Defendants, persons in the course of doing business within
10 the meaning of Health & Safety Code § 25249.11(b), individuals throughout the State of
11 California, including in the County of Los Angeles, have been exposed to Carbaryl without a
12 clear and reasonable warning.

13 **SATISFACTION OF 60 DAY NOTICE**

14 53. On November 18, 2021, Plaintiff served Defendants and each appropriate public enforcement
15 agency with a Proposition 65 Notice, a document entitled “Sixty-Day Notice of Intent to Sue
16 for Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986” that provided
17 Defendants and the public enforcement agency with notice that Defendants was in violation
18 of Proposition 65 for failing to warn purchasers and consumers of the Products that ingestion
19 of the Products expose them to Carbaryl, a chemical known to the State of California to
20 cause cancer and reproductive toxicity. The Notice of Violation is designated with Attorney
21 General number 2021-02866. (“Notice 2021-02866”). The Notice 2021-02866 constitutes
22 adequate notice to Defendants because it provided adequate information to allow Defendants
23 to assess the nature of the alleged violations. A certificate of merit and a certificate of service
24 accompanied the Notice 2021-02866, and both certificates comply with Proposition 65 and
25 its implementing regulations. A true and correct copy of the Notice 2021-02866 is attached
26 here as Exhibit A and is incorporated herein by reference.

1 54. On November 30, 2022, Plaintiff served OLIVE RANCH, BRISTOL, and GELSONS and
2 each appropriate public enforcement agency with a Proposition 65 Notice, a document
3 entitled “Sixty-Day Notice of Intent to Sue for Violation of the Safe Drinking Water and
4 Toxic Enforcement Act of 1986” that provided Defendants and the public enforcement
5 agency with notice that Defendants was in violation of Proposition 65 for failing to warn
6 purchasers and consumers of the Products that ingestion of the Global Blend Oil, Mild
7 Global Blend, and Miller’s Blend expose them to Carbaryl, a chemical known to the State of
8 California to cause cancer and reproductive toxicity. The Notice of Violation is designated
9 with Attorney General number 2022-02849. (“Notice 2022-02849”). The Notice 2022-
10 02849 constitutes adequate notice to Defendants because it provided adequate information to
11 allow Defendants to assess the nature of the alleged violations. A certificate of merit and a
12 certificate of service accompanied the Notice 2022-02849, and both certificates comply with
13 Proposition 65 and its implementing regulations. A true and correct copy of the Notice 2022-
14 02849 is attached here as Exhibit A and is incorporated herein by reference.

15 55. The Notice 2021-02866 and Notice 2022-02849 are together referred to herein as the
16 “Notices”.

17 56. More than 60 days have passed since Plaintiff served the Notices and no public enforcement
18 entity has filed a Complaint in this case.

19 57. Plaintiff is commencing this action more than sixty (60) days from the date that Plaintiff
20 served the Notices on the Defendants and the public prosecutors referenced in the paragraphs
21 above.

22 58. Plaintiff is informed, believes, and thereon alleges that neither the Attorney General, nor any
23 applicable district attorney or city attorney has commenced an action or is diligently
24 prosecuting an action against either of the Defendants.

25 //

26 //

1 **FIRST CAUSE OF ACTION**

2 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
3 **Warning under Proposition 65 – Against OLIVE RANCH, ALBERTSONS, ALPHA**
4 **BETA, FRED MEYER, GELSONS, HUGHES, INSTACART, RALPHS, SAFEWAY,**
5 **KROGER, VONS, VONS SHERMAN OAKS, WALMART, WAL-MART STORES and**
6 **DOES 1-10)**

7 59. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 58, inclusive, as if
8 superficially set forth herein.

9 60. By committing the acts alleged above, these defendants have, in the course of doing business,
10 knowingly and intentionally exposed users of the Global Blend Oil to Carbaryl, a chemical
11 known to the State of California to cause cancer and reproductive toxicity without first giving
12 clear and reasonable warning to such individuals within the meaning of Health & Safety
13 Code § 25249.6 and continue to violate the statute as the Global Blend Oil continue to make
14 its way to individuals in California through the chain of commerce.

15 61. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for each
16 violation, and subject these defendants to injunction.

17 **SECOND CAUSE OF ACTION**

18 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
19 **Warning under Proposition 65 – Against OLIVE RANCH, ALBERTSONS,**
20 **INSTACART, SAFEWAY, VONS, VONS SHERMAN OAKS, WALMART, WAL-**
21 **MART STORES and DOES 11-20)**

22 62. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 61, inclusive, as if
23 superficially set forth herein.

24 63. By committing the acts alleged above, these defendants have, in the course of doing business,
25 knowingly and intentionally exposed users of the Arbosana Oil to Carbaryl, a chemical
26 known to the State of California to cause cancer and reproductive toxicity without first giving
27 clear and reasonable warning to such individuals within the meaning of Health & Safety

1 Code § 25249.6 and continue to violate the statute as the Arbosana Oil continue to make its
2 way to individuals in California through the chain of commerce.

3 64. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for each
4 violation, and subject these defendants to injunction.

5 **THIRD CAUSE OF ACTION**

6 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
7 **Warning under Proposition 65 – Against OLIVE RANCH, BRISTOL, INSTACART and**
8 **DOES 21-30)**

9 65. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 64, inclusive, as if
10 superficially set forth herein.

11 66. By committing the acts alleged above, these defendants have, in the course of doing business,
12 knowingly and intentionally exposed users of the Robust Oil to Carbaryl, a chemical known
13 to the State of California to cause cancer and reproductive toxicity without first giving clear
14 and reasonable warning to such individuals within the meaning of Health & Safety Code §
15 25249.6 and continue to violate the statute as the Robust Oil continue to make its way to
16 individuals in California through the chain of commerce.

17 67. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for each
18 violation, and subject these defendants to injunction.

19 **FOURTH CAUSE OF ACTION**

20 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
21 **Warning under Proposition 65 – Against OLIVE RANCH, WALMART, WAL-MART**
22 **STORES and DOES 31-40)**

23 68. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 67, inclusive, as if
24 superficially set forth herein.

25 69. By committing the acts alleged above, these defendants have, in the course of doing business,
26 knowingly and intentionally exposed users of the California Oil to Carbaryl, a chemical
27 known to the State of California to cause cancer and reproductive toxicity without first giving

1 clear and reasonable warning to such individuals within the meaning of Health & Safety
2 Code § 25249.6 and continue to violate the statute as the California Oil continue to make its
3 way to individuals in California through the chain of commerce.

4 70. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for each
5 violation, and subject these defendants to injunction.

6 **FIFTH CAUSE OF ACTION**
7 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
8 **Warning under Proposition 65 – Against OLIVE RANCH, BRISTOL, GELSONS and**
9 **DOES 41-50)**

10 71. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 70, inclusive, as if
11 superficially set forth herein.

12 72. By committing the acts alleged above, these defendants have, in the course of doing business,
13 knowingly and intentionally exposed users of the Mild Global Blend to Carbaryl, a chemical
14 known to the State of California to cause cancer and reproductive toxicity without first giving
15 clear and reasonable warning to such individuals within the meaning of Health & Safety
16 Code § 25249.6 and continue to violate the statute as the Mild Global Blend continue to
17 make its way to individuals in California through the chain of commerce.

18 73. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for each
19 violation, and subject these defendants to injunction.

20 **SIXTH CAUSE OF ACTION**
21 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**
22 **Warning under Proposition 65 – Against OLIVE RANCH, BRISTOL, GELSONS and**
23 **DOES 51-60)**

24 74. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 73, inclusive, as if
25 superficially set forth herein.

26 75. By committing the acts alleged above, these defendants have, in the course of doing business,
27

1 knowingly and intentionally exposed users of the Miller's Blend to Carbaryl, a chemical
2 known to the State of California to cause cancer and reproductive toxicity without first giving
3 clear and reasonable warning to such individuals within the meaning of Health & Safety
4 Code § 25249.6 and continue to violate the statute as the Miller's Blend continue to make its
5 way to individuals in California through the chain of commerce.

6 76. Said violations render Defendants liable for civil penalties, up to \$2,500 per day for each
7 violation, and subject these defendants to injunction.

8
9 **PRAYER**

10 Wherefore, Plaintiff accordingly prays for the following relief:

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

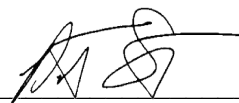
13 78. An injunctive order, pursuant to Health & Safety Code § 25249.7(a), for such temporary
14 restraining orders, preliminary and permanent injunctive orders as are necessary to prevent
15 Defendants from exposing individuals to Carbaryl without providing a clear and reasonable
16 warning for the Product;

17 79. On all Causes of Action, an award to Plaintiff of its reasonable attorneys' fees and costs;

18 80. For such other relief as the Court may deem just and proper.

19 DATED: March 15, 2023

POULSEN LAW P.C.

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22 

23 Aida Poulsen
24 Peter T. Sato
25 Attorneys for Plaintiff
26 The Chemical Toxin Working Group Inc. doing
27 business as Healthy Living Foundation Inc.

EXHIBIT A

VIA CERTIFIED FIRST CLASS MAIL

Michael Fox or Current
Chief Executive Officer or President
California Olive Ranch, Inc.
265 Airpark Boulevard Suite 200
Chico, California 95973

Michael Fox or Current
Chief Executive Officer or President
California Olive Ranch, Inc.
c/o Chris Chediak
400 Capital Mall Suite 1100
Sacramento, CA 95814

William Rodney McMullen, Current
President or CEO
The Kroger Co.
1014 Vine Street
Cincinnati, Ohio 45202

William Rodney McMullen, Current
President or CEO
The Kroger Co.
c/o Corporation Service Company
50 West Broad Street
Suite 1330
Columbus, OH 43215

Christine S. Wheatley, Current President or
CEO
Ralphs Grocery Company
1014 Vine Street
Cincinnati, Ohio 45202

Christine S. Wheatley, Current President or
CEO
Ralphs Grocery Company
c/o Corporation Service Company Which
Will Do Business In California As CSC -
Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

VIA ELECTRONIC FILING

State of California Department of Justice

Office of Attorney General of California
Filing link: oag.ca.gov/prop65

VIA FIRST CLASS MAIL

District Attorneys of California Counties
and City Attorneys, as in the Certificate of
Service

VIA E-MAIL

District Attorneys of California Counties
and City Attorneys, as in the Certificate of
Service



Christine S. Wheatley, Current President or
CEO
Ralphs Grocery Company
c/o Corporation Service Company
50 West Broad Street
Suite 1330
Columbus, OH 43215

Thomas L Schwilke, Current President or
CEO
Hughes Markets, Inc. dba Ralphs
1014 Vine Street
Cincinnati, Ohio 45202

Thomas L Schwilke, Current President or
CEO
Hughes Markets, Inc. dba Ralphs
c/o Corporation Service Company Which
Will Do Business In California As CSC -
Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

Dennis R. Gibson, Current President or
CEO
Fred Meyer, Inc.
PO Box 42121
Portland, OR, 97242

Dennis R. Gibson, Current President or
CEO
Fred Meyer, Inc.
c/o Corporation Service Company
1127 Broadway Street NE Ste 310
Salem, OR 97301

Dennis R. Gibson, Current President or
CEO
Fred Meyer, Inc.
c/o Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808

Christine S. Wheatley, Current President or
CEO
Alpha Beta Company
1014 Vine Street
Cincinnati, Ohio 45202



Christine S. Wheatley, Current President or
CEO
Alpha Beta Company
c/o Corporation Service Company Which
Will Do Business In California As Csc -
Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

Douglass McMillon, Current President or
CEO
Walmart, Inc.
702 SW 8th Street
Bentonville, Arkansas 72716

Douglass McMillon, Current President or
CEO
Walmart, Inc.
c/o C T Corporation System
330 N. Brand Blvd. Ste 700
Glendale, CA 91203

Douglass McMillon, Current President or
CEO
Walmart, Inc.
c/o C T Corporation System
124 West Capitol Ave., Suite 1900
Little Rock, AR 72201

Michelle Garbey, Current President or CEO
Wal-mart Stores East, LP
c/o The Corporation Trust Company
Corporation Trust Center 1209 Orange St.
Wilmington, DE 19801

Michelle Garbey, Current President or CEO
Wal-mart Stores East, LP
702 SW 8TH ST
Bentonville, AR 72716

Michelle Garbey, Current President or CEO
Wal-mart Stores East, LP
c/o C T Corporation System
124 West Capitol Ave., Suite 1900
Little Rock, AR 72201

Adam Caldecott, Current President or CEO
Bristol Farms
915 E. 230th St.,
Carson, CA 90745



Adam Caldecott, Current President or CEO
Bristol Farms
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro
C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Rob McDougall, Current President or CEO
Gelson's Markets
13833 Freeway Dr.
Santa Fe Springs, CA 90670
Rob McDougall, Current President or CEO
Gelson's Markets
c/o Mark Motsenbocker
13833 Freeway Dr.
Santa Fe Springs, CA 90670

Rob McDougall, Current President or CEO
Gelson's Markets
P.O. Box 512256
Los Angeles, CA 90051

Vivek Sankaran or Current Chief Executive
Officer or President
Albertsons Companies, Inc.
PO Box 20
Boise, Idaho 83726

Vivek Sankaran or Current Chief Executive
Officer or President
Albertsons Companies, Inc.
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro
C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Vivek Sankaran or Current Chief Executive
Officer or President
Safeway, Inc.
11555 Dublin Canyon Rd
Pleasanton, CA 94588

Vivek Sankaran or Current Chief Executive
Officer or President
Safeway, Inc.
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro



C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Kevin M. Curry or Current Chief Executive
Officer or President
The Vons Companies, Inc.
11555 Dublin Canyon Rd
Pleasanton, CA 94588

Kevin M. Curry or Current Chief Executive
Officer or President
The Vons Companies, Inc.
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro
C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Current Chief Executive Officer or
President
Vons Sherman Oaks, LLC
PO Box 20, Corp Tax Dept
Boise, ID 83726-0020

Current Chief Executive Officer or
President
Vons Sherman Oaks, LLC
c/o Amanda Garcia, Gabriela Sanchez, or
Daisy Montenegro
C T Corporation System
330 N Brand Blvd Ste 700
Glendale, CA 91203

Jack Sinclair or Current
Chief Executive Officer or President
Sprouts Farmers Market, Inc. and
Sprouts Farmers Market, LLC
5455 E High St Suite 111
Phoenix, AZ 85054

Jack Sinclair or Current
Chief Executive Officer or President
Sprouts Farmers Market, Inc. and
Sprouts Farmers Market, LLC
c/o Corporate Service Company
251 Little Falls Drive
Wilmington, DE 19808

Apoorva Mehta or Current Chief Executive



Officer or President
Maplebear Inc. which will do business in
California as Instacart
50 Beale Street, Suite 600
San Francisco, CA 94105

Apoorva Mehta or Current Chief Executive
Officer or President
Maplebear Inc. which will do business in
California as Instacart
c/o Cogency Global, Inc.
1325 J. Street, Ste 1550
Sacramento, CA 95814

Apoorva Mehta or Current Chief Executive
Officer or President
Maplebear Inc. which will do business in
California as Instacart
c/o Cogency Global, Inc.
850 New Burton Rd., Ste 201
Dover, DE 19904



RE: Carbaryl in

California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson's Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc. products

November 18, 2021

60-DAY NOTICE OF INTENT TO SUE

for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986

Dear alleged violators and public enforcement agencies,

Poulsen Law P.C. represents The Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation Inc. ("HLF," "Noticing Party"), a non-profit consumer health organization engaged in supporting public health, implementing measures reducing the amount of chemical toxins in consumer products, improvement of worker and consumer safety from chemical exposures. as well as publishing comparative results of testing foods and consumer products and educating the public.

HLF has enforced a large number of Cal. Health & Safety Code violations in the public interest and developed an extensive expertise in prosecuting manufacturers and distributors of food and consumer products for violations of health laws and consumer safety. These cases have resulted in significant public benefit, including reformulation of products to remove toxic chemicals to make them safer, and putting label warnings on products tested as contaminated with lead, cadmium, acrylamide, dioxane, or removing them from the California market.

HLF's Chief Officer David Steinman is a journalist, a publisher and an author of a bestseller *Diet For A Poisoned Planet* (Crown ed., 1990, Ballantine 2d ed., 1992, Running Press 3d ed., 2007); his major books also include *The Safe Shopper's Bible* (Macmillan ed., 1995, Wiley 2d ed., 2000), *The Breast Cancer Prevention Program* (Macmillan ed., 1997), *Living Healthy In A Toxic World* (Perseus ed., 1996), *Safe Trip To Eden: Ten Steps To Save The Planet Earth From The Global Warming Meltdown* (Running Press ed., 2007), along with many publications in periodicals and other media.

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, et seq. ("Proposition 65"), requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6.



With this notice of violation (Notice), HLF gives a written notice of the alleged violation, bringing this action in the public interest as defined under the Cal. Health & Safety Code § 25249.7(d), seeking to prosecute the alleged continuing noncompliance and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from product(s) (collectively, the “Specified Products” and each a “Specified Product”) listed in the table below, which are manufactured, distributed and/or sold by: California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc. (referred to collectively as the “Noticed Parties”).

This Notice covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

The Specified Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

Specified Products	Additional Information¹	Violative chemical	Noticed Parties
California Olive Ranch Global Blend Medium Extra Virgin Olive Oil Argentina, Chile, Portugal, California	UPC: 850687100056, 16.9 fl oz	carbaryl	California Olive Ranch, Inc. The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Maplebear Inc.
California Olive Ranch	UPC:	carbaryl	California Olive Ranch, Inc.,

¹ The additional information is not required but is provided to assist the recipients’ investigation of the magnitude of violations. This information is not intended to limit the scope of the alleged violation or Specified Products.





Reserve Arbosana Extra Virgin Olive Oil	850687100018, 16.9 fl oz		Walmart, Inc., Wal-mart Stores East, LP, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Maplebear Inc.
California Olive Ranch Extra Virgin Olive Oil Robust Global Blend Argentina, Chile, Portugal, California	UPC: 850687100230, 16.9 fl oz	Carbaryl	California Olive Ranch, Inc., Bristol Farms, Maplebear Inc.
California Olive Ranch Extra Virgin Olive Oil 100% California	UPC: 850687110505, 16.9 fl oz	Carbaryl	California Olive Ranch, Inc., Walmart, Inc., Wal-mart Stores East, LP

The primary route of exposure has been through ingestion.

Noticed Parties have manufactured, marketed, distributed and/or sold the Specified Products which, according to the test results, have exposed and continue to expose consumers within the State of California to carbaryl.

Carbaryl is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, female and male reproductive toxicity and cancer. Cal. Health & Safety Code § 25249.6 requires that a “clear and reasonable” warning be provided prior to exposure to chemicals listed under Proposition 65. 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 carbaryl. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to carbaryl without first providing a “clear and reasonable” warning.

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 also at the point of sale, as applicable. The Noticed Parties have not provided any Proposition 65 warnings as required by law or any other appropriate warnings that persons handling, ingesting and/or otherwise using the Specified Products are being exposed to carbaryl.

With respect to each 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; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until carbaryl is removed from each Specified Product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law.



Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Notices Parties:

(i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary."

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

HLF intends to file a lawsuit after 60 days based on the facts set forth in this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Parties agree in a written agreement to (1) eliminate or reduce carbaryl to an allowable level in the Specified Products or, as an alternative, (2) provide a Proposition 65-compliant warning on the label of the Specified Products and at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Prompt action of the Noticed Parties on this Notice will prevent further consumer exposures to a dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law and afford the Noticed Parties the opportunity to avoid increasing costs associated with incompliance and costly litigation.

Please direct all communications regarding this Notice to this office.

Sincerely,



Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org

ATTACHMENTS

1. Certificate of Merit;
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service;
4. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary” (to the Noticed Parties only);



To:	California Attorney General
Notice of Violation:	November 18, 2021
Noticing Party:	Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.
Noticed Parties:	California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.

November 18, 2021

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

To the Notice of Violation

I, Aida Poulsen, attorney at law, hereby declare:

This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

I am the attorney for the Noticing Party.

I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the subject of the attached Notice of Violation dated November 18, 2021 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and 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 18, 2021

By:



Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

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

CERTIFICATE OF SERVICE

I, Jonathan Newell, am over the age of eighteen years and am not a party to the action, process or case related to or arising out of the Notice of Violation being served under this Certificate of Service. My address is 18653 Ventura Blvd. Ste. 136, Tarzana, California 91356.

On November 18, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.;
2. Certificate of Merit;
3. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary;”

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

Michael Fox or Current Chief Executive Officer or President California Olive Ranch, Inc. 265 Airpark Boulevard Suite 200 Chico, California 95973	Michael Fox or Current Chief Executive Officer or President California Olive Ranch, Inc. c/o Chris Chediak 400 Capital Mall Suite 1100 Sacramento, CA 95814
William Rodney McMullen, Current President or CEO The Kroger Co.	William Rodney McMullen, Current President or CEO The Kroger Co.

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

1014 Vine Street Cincinnati, Ohio 45202	c/o Corporation Service Company 50 West Broad Street Suite 1330 Columbus, OH 43215
Christine S. Wheatley, Current President or CEO Ralphs Grocery Company 1014 Vine Street Cincinnati, Ohio 45202	Christine S. Wheatley, Current President or CEO Ralphs Grocery Company c/o Corporation Service Company Which Will Do Business In California As CSC - Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833
Christine S. Wheatley, Current President or CEO Ralphs Grocery Company c/o Corporation Service Company 50 West Broad Street Suite 1330 Columbus, OH 43215	Thomas L Schwilke, Current President or CEO Hughes Markets, Inc. dba Ralphs 1014 Vine Street Cincinnati, Ohio 45202
Thomas L Schwilke, Current President or CEO Hughes Markets, Inc. dba Ralphs c/o Corporation Service Company Which Will Do Business In California As CSC - Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833	Dennis R. Gibson, Current President or CEO Fred Meyer, Inc. PO Box 42121 Portland, OR, 97242
Dennis R. Gibson, Current President or CEO Fred Meyer, Inc. c/o Corporation Service Company 1127 Broadway Street NE Ste 310 Salem, OR 97301	Dennis R. Gibson, Current President or CEO Fred Meyer, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808
Christine S. Wheatley, Current President or CEO Alpha Beta Company 1014 Vine Street Cincinnati, Ohio 45202	Christine S. Wheatley, Current President or CEO Alpha Beta Company c/o Corporation Service Company Which Will Do Business In California As CSC - Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

	Sacramento, CA 95833
Douglass McMillon, Current President or CEO Walmart, Inc. 702 SW 8 th Street Bentonville, Arkansas 72716	Douglass McMillon, Current President or CEO Walmart, Inc. c/o C T Corporation System 330 N. Brand Blvd. Ste 700 Glendale, CA 91203
Douglass McMillon, Current President or CEO Walmart, Inc. c/o C T Corporation System 124 West Capitol Ave., Suite 1900 Little Rock, AR 72201	Michelle Garbey, Current President or CEO Wal-mart Stores East, LP c/o The Corporation Trust Company Corporation Trust Center 1209 Orange St. Wilmington, DE 19801
Michelle Garbey, Current President or CEO Wal-mart Stores East, LP 702 SW 8TH ST Bentonville, AR 72716	Michelle Garbey, Current President or CEO Wal-mart Stores East, LP c/o C T Corporation System 124 West Capitol Ave., Suite 1900 Little Rock, AR 72201
Adam Caldecott, Current President or CEO Bristol Farms 915 E. 230th St., Carson, CA 90745	Adam Caldecott, Current President or CEO Bristol Farms c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203
Rob McDougall, Current President or CEO Gelson's Markets 13833 Freeway Dr. Santa Fe Springs, CA 90670	Rob McDougall, Current President or CEO Gelson's Markets P.O. Box 512256 Los Angeles, CA 90051
Rob McDougall, Current President or CEO Gelson's Markets c/o Mark Motsenbocker 13833 Freeway Dr. Santa Fe Springs, CA 90670	

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

<p>Vivek Sankaran or Current Chief Executive Officer or President Albertsons Companies, Inc. PO Box 20 Boise, Idaho 83726</p>	<p>Vivek Sankaran or Current Chief Executive Officer or President Albertsons Companies, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203</p>
<p>Vivek Sankaran or Current Chief Executive Officer or President Safeway, Inc. 11555 Dublin Canyon Rd Pleasanton, CA 94588</p>	<p>Vivek Sankaran or Current Chief Executive Officer or President Safeway, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203</p>
<p>Kevin M. Curry or Current Chief Executive Officer or President The Vons Companies, Inc. 11555 Dublin Canyon Rd Pleasanton, CA 94588</p>	<p>Kevin M. Curry or Current Chief Executive Officer or President The Vons Companies, Inc. c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203</p>
<p>Current Chief Executive Officer or President Vons Sherman Oaks, LLC PO Box 20, Corp Tax Dept Boise, ID 83726-0020</p>	<p>Current Chief Executive Officer or President Vons Sherman Oaks, LLC c/o Amanda Garcia, Gabriela Sanchez, or Daisy Montenegro C T Corporation System 330 N Brand Blvd Ste 700 Glendale, CA 91203</p>
<p>Jack Sinclair or Current Chief Executive Officer or President Sprouts Farmers Market, Inc. and Sprouts Farmers Market, LLC 5455 E High St Suite 111 Phoenix, AZ 85054</p>	<p>Jack Sinclair or Current Chief Executive Officer or President Sprouts Farmers Market, Inc. and Sprouts Farmers Market, LLC c/o Corporate Service Company 251 Little Falls Drive Wilmington, DE 19808</p>



<p>Apoorva Mehta or Current Chief Executive Officer or President Maplebear Inc. which will do business in California as Instacart 50 Beale Street, Suite 600 San Francisco, CA 94105</p>	<p>Apoorva Mehta or Current Chief Executive Officer or President Maplebear Inc. which will do business in California as Instacart c/o Cogency Global, Inc. 1325 J. Street, Ste 1550 Sacramento, CA 95814</p>
<p>Apoorva Mehta or Current Chief Executive Officer or President Maplebear Inc. which will do business in California as Instacart c/o Cogency Global, Inc. 850 New Burton Rd., Ste 201 Dover, DE 19904</p>	

On November 18, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.;
2. Certificate of Merit;
3. Confidential Factual Information and Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following parties 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 of California.

On November 18, 2021, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson’s Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.;

2. Certificate of Merit

on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 West Temple St. Ste 1200 Los Angeles, CA 90012	District Attorney Siskiyou County Courthouse 311 Fourth Street, Room 204 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Colusa County 310 6 th Street Colusa, CA 95932	District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482	District Attorney Sutter County 446 Second Street Yuba City, CA 95991
District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721	District Attorney Orange County 300 N Flower St. Santa Ana, CA 92703	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

District Attorney Glenn County Post Office Box 430 Willows, CA 95988	District Attorney San Benito County 419 4 th Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	San Jose City Attorney's Office 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On November 18, 2021, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., The Kroger Co., Ralph Grocery Company, Hughes Markets, Inc. dba Ralphs, Fred Meyer, Inc., Alpha Beta Company, Walmart, Inc., Wal-mart Stores East, LP, Bristol Farms, Gelson's Markets, Albertsons Companies, Inc., Safeway, Inc., The Vons Companies, Inc., Vons Sherman Oaks, LLC, Sprouts Farmers Market, Inc., Sprouts Farmers Market, LLC, and Maplebear Inc.;
2. Certificate of Merit

on each of the parties below, all of which have requested electronic service only via the following email addresses:

Alameda County District Attorney CEPDProp65@acgov.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us
Contra Costa County District Attorney	Inyo County District Attorney



TOULSEN LAW P.C.

sgrassini@contracostada.org	inyoda@inyocounty.us
Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us
Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org
San Diego City Attorney CityAttyProp65@sandiego.gov	San Diego County District Attorney SanDiegoDAProp65@sdca.org
San Francisco County District Attorney alethea.sargent@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
San Joaquin County District Attorney DA DAConsumer.Environmental@sjcda.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us	Santa Clara County District Attorney EPU@da.sccgov.org
Santa Cruz County District Attorney Prop65DA@santacruzcounty.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org
Yolo County District Attorney cfepd@yolocounty.org	

I, Jonathan Newell, declare under penalty of perjury that the foregoing is true and correct.

Signature

18653 Ventura Blvd. Ste. 136
Tarzana, California 91356

November 18, 2021

EXHIBIT B

VIA CERTIFIED FIRST CLASS MAIL

Michael Fox or Current
Chief Executive Officer or President
California Olive Ranch, Inc.
265 Airpark Boulevard Suite 200
Chico, California 95973

Michael Fox or Current
Chief Executive Officer or President
California Olive Ranch, Inc.
c/o Unisearch, Inc.
4 Venture, Suite 280
Irvine, CA 92618

Adam Caldecott, Current President or CEO
Bristol Farms
915 E. 230th Street
Carson, CA 90745

Adam Caldecott, Current President or CEO
Bristol Farms
c/o CSC – Lawyers Incorporating Service
2710 Gateway Oaks Drive, Suite 150N
Sacramento, CA 95833

G. Robert McDougall, Current President or
CEO
Gelson's Markets
13833 Freeway Dr.
Santa Fe Springs, CA 90670

G. Robert McDougall, Current President or
CEO
Gelson's Markets
c/o Mark Motsenbocker (registered agent)
13833 Freeway Dr.
Santa Fe Springs, CA 90670

G. Robert McDougall, Current President or
CEO
Gelson's Markets
P.O. Box 512256
Los Angeles, CA 90051

VIA ELECTRONIC FILING

State of California Department of Justice

Office of Attorney General of California
Filing link: oag.ca.gov/prop65

VIA FIRST CLASS MAIL

District Attorneys of California Counties
and City Attorneys, as in the Certificate of
Service

VIA E-MAIL

District Attorneys of California Counties
and City Attorneys, as in the Certificate of
Service



RE: Carbaryl in California Olive Ranch, Inc., Bristol Farms, and
Gelson's Markets products

November 30, 2022

60-DAY NOTICE OF INTENT TO SUE

for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986

Dear alleged violators and public enforcement agencies,

Poulsen Law P.C. represents The Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation Inc., 1801 Chart Trail, Topanga, California 90290 ("HLF," "Noticing Party"), a non-profit consumer health organization engaged in supporting public health, implementing measures reducing the amount of chemical toxins in consumer products, improvement of worker and consumer safety from chemical exposures. as well as publishing comparative results of testing foods and consumer products and educating the public.

HLF has enforced a large number of Cal. Health & Safety Code violations in the public interest and developed an extensive expertise in prosecuting manufacturers and distributors of food and consumer products for violations of health laws and consumer safety. These cases have resulted in significant public benefit, including reformulation of products to remove toxic chemicals to make them safer, and putting label warnings on products tested as contaminated with lead, cadmium, acrylamide, dioxane, or removing them from the California market.

HLF's Chief Officer David Steinman is a journalist, a publisher and an author of a bestseller *Diet For A Poisoned Planet* (Crown ed., 1990, Ballantine 2d ed., 1992, Running Press 3d ed., 2007); his major books also include *The Safe Shopper's Bible* (Macmillan ed., 1995, Wiley 2d ed., 2000), *The Breast Cancer Prevention Program* (Macmillan ed., 1997), *Living Healthy In A Toxic World* (Perseus ed., 1996), *Safe Trip To Eden: Ten Steps To Save The Planet Earth From The Global Warming Meltdown* (Running Press ed., 2007), along with many publications in periodicals and other media.

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, et seq. ("Proposition 65"), requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6.

With this notice of violation (Notice), HLF gives a written notice of the alleged violation, bringing this action in the public interest as defined under the Cal. Health & Safety Code § 25249.7(d), seeking to prosecute the alleged continuing noncompliance and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from product(s) (collectively, the "Specified Products" and each a "Specified Product") listed in the table below, which are manufactured, distributed and/or sold by: California Olive Ranch, Inc., Bristol Farms, and Gelson's Markets (referred to collectively as the "Noticed Parties").



This Notice covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

The Specified Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

Specified Products	Additional Information ¹	Violative chemical	Noticed Parties
California Olive Ranch Extra Virgin Olive Oil, Medium, Global Blend, Argentina, Portugal, Chile, 10% California	UPC: 850687100056, 16.9 fl oz	carbaryl	California Olive Ranch, Inc., Gelson’s Markets, and Bristol Farms
California Olive Ranch Extra Virgin Olive Oil Mild Global Blend Argentina, Chile, Portugal, California	UPC: 850687100223, 16.9 fl oz	carbaryl	California Olive Ranch, Inc. and Bristol Farms
California Olive Ranch Extra Virgin Olive Oil, Reserve, 100% California, Miller's Blend	UPC: 850687100032, 16.9 fl oz	carbaryl	California Olive Ranch, Inc. and Bristol Farms

The primary route of exposure has been through ingestion.

Noticed Parties have manufactured, marketed, distributed and/or sold the Specified Products which, according to the test results, have exposed and continue to expose consumers within the State of California to carbaryl.

Carbaryl is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, female and male reproductive toxicity and cancer. Cal. Health & Safety Code § 25249.6 requires that a “clear and reasonable” warning be provided prior to exposure to chemicals listed under Proposition 65. 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 carbaryl. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to carbaryl without first providing a “clear and reasonable” warning.

¹ The additional information is not required but is provided to assist the recipients’ investigation of the magnitude of violations. This information is not intended to limit the scope of the alleged violation or Specified Products.



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 also at the point of sale, as applicable. The Noticed Parties have not provided any Proposition 65 warnings as required by law or any other appropriate warnings that persons handling, ingesting and/or otherwise using the Specified Products are being exposed to carbaryl.

With respect to each 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 November 29, 2019; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until carbaryl is removed from each Specified Product, reduced to allowable levels, or until a "clear and reasonable" warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Noticed Parties:

- (i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary."

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

HLF intends to file a lawsuit after 60 days based on the facts set forth in this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Parties agree in a written agreement to (1) eliminate or reduce carbaryl to an allowable level in the Specified Products or, as an alternative, (2) provide a Proposition 65-compliant warning on the label of the Specified Products and at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Prompt action of the Noticed Parties on this Notice will prevent further consumer exposures to a dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law and afford the Noticed Parties the opportunity to avoid increasing costs associated with noncompliance and costly litigation.

Please direct all communications regarding this Notice to this office.

Sincerely,



Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org



www.PoulsenLaw.org

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New York, New York 10001



Page 5 of 14

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ATTACHMENTS

1. Certificate of Merit;
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service;
4. Appendix "A" - "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary" (to the Noticed Parties only);





To: California Attorney General

Notice of Violation: November 30, 2022

Noticing Party: Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.

Noticed Parties: California Olive Ranch, Inc., Bristol Farms, and Gelson’s Markets

November 30, 2022

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

To the Notice of Violation

I, Aida Poulsen, attorney at law, hereby declare:

This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

I am the attorney for the Noticing Party.

I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the subject of the attached Notice of Violation dated November 30, 2022 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

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Page 7 of 14

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The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and 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 30, 2022

By:

A handwritten signature in blue ink, appearing to read 'Aida Poulsen', is written over a horizontal line.

Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org

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New York, New York 10001



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CERTIFICATE OF SERVICE

I, Jonathan Newell, am over the age of eighteen years and am not a party to the action, process or case related to or arising out of the Notice of Violation being served under this Certificate of Service. My address is 18653 Ventura Blvd. Ste. 136, Tarzana, California 91356.

On November 30, 2022, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., Bristol Farms, and Gelson’s Markets;
2. Certificate of Merit;
3. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary;”

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

Michael Fox or Current Chief Executive Officer or President California Olive Ranch, Inc. 265 Airpark Boulevard Suite 200 Chico, California 95973	Michael Fox or Current Chief Executive Officer or President California Olive Ranch, Inc. c/o Unisearch, Inc. 4 Venture, Suite 280 Irvine, CA 92618
Adam Caldecott, Current President or CEO Bristol Farms 915 E. 230th Street Carson, CA 90745	Adam Caldecott, Current President or CEO Bristol Farms c/o CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833
G. Robert McDougall, Current President or CEO Gelson’s Markets 13833 Freeway Dr. Santa Fe Springs, CA 90670	G. Robert McDougall, Current President or CEO Gelson’s Markets c/o Mark Motsenbocker (registered agent) 13833 Freeway Dr. Santa Fe Springs, CA 90670
G. Robert McDougall, Current President or CEO Gelson’s Markets P.O. Box 512256	

282 11th Avenue, Suite 2612
New York, New York 10001



contact@PoulsenLaw.org

Los Angeles, CA 90051	
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On November 30, 2022, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., Bristol Farms, and Gelson’s Markets;
2. Certificate of Merit;
3. Confidential Factual Information and Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following parties 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 of California.

On November 30, 2022, between 11:00 a.m. and 5:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., Bristol Farms, and Gelson’s Markets;
2. Certificate of Merit

on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 West Temple St. Ste 1200 Los Angeles, CA 90012	District Attorney Siskiyou County Courthouse 311 Fourth Street, Room 204 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Colusa County 310 6 th Street	District Attorney Marin County 3501 Civic Center Drive,	District Attorney Stanislaus County 832 12th Street, Ste 300

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Colusa, CA 95932	Room 130 San Rafael, CA 94903	Modesto, CA 95354
District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482	District Attorney Sutter County 446 Second Street Yuba City, CA 95991
District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721	District Attorney Orange County 300 N Flower St. Santa Ana, CA 92703	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093
District Attorney Glenn County Post Office Box 430 Willows, CA 95988	District Attorney San Benito County 419 4 th Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	San Jose City Attorney's Office 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On November 30, 2022, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by California Olive Ranch, Inc., Bristol Farms, and Gelson's Markets;
2. Certificate of Merit



on each of the parties below, all of which have requested electronic service only via the following email addresses:

Alameda County District Attorney CEPDProp65@acgov.org	Calaveras County District Attorney Prop65Env@co.calaveras.ca.us
Contra Costa County District Attorney sgrassini@contracostada.org	Inyo County District Attorney inyoda@inyocounty.us
Lassen County District Attorney mlatimer@co.lassen.ca.us	Mariposa County District Attorney mcda@mariposacounty.org
Merced County District Attorney Prop65@countyofmerced.com	Monterey County District Attorney Prop65DA@co.monterey.ca.us
Napa County District Attorney CEPD@countyofnapa.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us
Placer County District Attorney Prop65@placer.ca.gov	Plumas County District Attorney davidhollister@countyofplumas.com
Riverside County District Attorney Prop65@rivcoda.org	Sacramento County District Attorney Prop65@sacda.org
San Diego City Attorney CityAttyProp65@sandiego.gov	San Diego County District Attorney SanDiegoDAProp65@sdcdca.org
San Francisco County District Attorney alethea.sargent@sfgov.org	San Francisco City Attorney Valerie.Lopez@sfcityatty.org
San Joaquin County District Attorney DA DAConsumer.Environmental@sjcda.org	San Luis Obispo County District Attorney edobroth@co.slo.ca.us
Santa Barbara County District Attorney DAProp65@co.santa-barbara.ca.us	Santa Clara County District Attorney EPU@da.sccgov.org
Santa Cruz County District Attorney Prop65DA@santacruzcounty.us	Sonoma County District Attorney jbarnes@sonoma-county.org
Tulare County District Attorney Prop65@co.tulare.ca.us	Ventura County District Attorney daspecialops@ventura.org
Yolo County District Attorney cfepd@yolocounty.org	

I, Jonathan Newell, declare under penalty of perjury that the foregoing is true and correct.

Signature

18653 Ventura Blvd. Ste. 136
Tarzana, California 91356

November 30, 2022