

1 Evan J. Smith, Esquire (SBN 242352)
2 Ryan P. Cardona, Esquire (SBN 302113)
3 BRODSKY & SMITH
4 9595 Wilshire Blvd., Ste. 900
5 Beverly Hills, CA 90212
6 Telephone: (877) 534-2590
7 Facsimile: (310) 247-0160

8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

03/14/2022
Clerk of the Court
BY: LAURA SIMMONS
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 EMA BELL,

12 Plaintiff,

13 vs.

14 NORDSTROM, INC.,

15 Defendant.

Case No.:

CGC-22-598649

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

16 Plaintiff Ema Bell (“Plaintiff”), by and through her attorneys, alleges the following cause
17 of action in the public interest of the citizens of the State of California.

BACKGROUND OF THE CASE

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

24 2. This complaint is a representative action brought by Plaintiff in the public interest
25 of the citizens of the State of California to enforce the People’s right to be informed of the health
26 hazards caused by exposure to di(2-ethylhexyl) phthalate (DEHP) and/or bisphenol A (BPA), toxic
27 chemicals found in products sold and/or distributed by defendant Nordstrom, Inc. (“Nordstrom”
28 or “Defendant”) in California.

1 3. DEHP is a harmful chemical known to the State of California to cause cancer and
2 reproductive toxicity. On January 1, 1988, the State of California listed DEHP as a chemical known
3 to the State to cause cancer and it has come under the purview of Proposition 65 regulations since
4 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
5 On October 24, 2003, the State of California listed DEHP as a chemical known to cause
6 reproductive toxicity.

7 4. BPA is a harmful chemical known to the State of California to cause female
8 reproductive toxicity. On May 11, 2015, the State of California listed BPA as a chemical known
9 to the State to cause reproductive toxicity and BPA has come under the purview of Proposition 65
10 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8
11 & 25249.10(b).

12 5. Proposition 65 requires all businesses with ten (10) or more employees that operate
13 within California or sell products therein to comply with Proposition 65 regulations. Included in
14 such regulations is the requirement that businesses must label any product containing a Proposition
15 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
16 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
17 chemical.

18 6. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
19 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
20 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
21 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
22 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
23 25249.7.

24 7. Plaintiff alleges that Defendant distributes, sells and/or offers for sale in California,
25 without a requisite exposure warning, (a) Felony Kaleidoscope iPhone cases, (b) Cowshed Travel
26 Sets, UPC # 5 060630 721169, (c) Janod® Toy Shaving Sets, (d) DUCHAMP Camo 2-in-1 Tech
27 + Travel Kits, and (e) HERON PRESTON Camo iPhone Covers, (collectively, the “Products”)
28 that expose persons to Proposition 65 BPA and/or DEHP when used for their intended purpose.

1 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
2 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
3 jurisdiction over this lawsuit.

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

10 STATUTORY BACKGROUND

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

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

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

20 20. An exposure to a chemical in a consumer product is one “which results from a
21 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
22 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
23 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
24 shall provide a warning to any person to whom the product is sold or transferred unless the product
25 is packaged or labeled with a clear and reasonable warning.”

1 On October 24, 2003, the State of California listed DEHP as a chemical known to cause
2 reproductive toxicity.

3 24. On May 11, 2015, the State of California listed BPA as a chemical known to the
4 State to cause female reproductive toxicity and BPA has come under the purview of Proposition
5 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§
6 25249.8 & 25249.10(b).

7 25. The exposures that are the subject of the Notice result from the purchase,
8 acquisition, handling, and recommended use of the Products.

9 26. The primary route of exposure to DEHP and BPA is through dermal absorption.
10 Dermal absorption can occur through direct skin contact when the Products are contacted with
11 bare hands or exposed skin. Additionally, some amount of exposure through ingestion will occur
12 by touching the Products with subsequent touching of the user's hand to mouth.

13 27. Defendant has marketed, distributed, offered to sell and/or sold the Products in
14 California since at least March 18, 2021. The Products continue to be distributed and sold in
15 California without the requisite warning information.

16 28. At all times relevant to this action, Defendant has knowingly and intentionally
17 exposed users of the Products to BPA and/or DEHP without first giving a clear and reasonable
18 exposure warning to such individuals.

19 29. As a proximate result of acts by Defendant, as a person in the course of doing
20 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
21 California, including in San Francisco County, have been exposed to Proposition 65 listed
22 chemicals without a clear and reasonable warning on the Products. The individuals subject to the
23 violative exposures include normal and foreseeable users and consumers that use the Products, as
24 well as all others exposed to the Products.

25 **SATISFACTION OF NOTICE REQUIREMENTS**

26 *The Alleged Violations of Health and Safety Code § 25249.6 to Nordstrom*

1 30. Plaintiff purchased the Products from Nordstrom². At the time of the purchases,
2 Nordstrom did not provide a Proposition 65 exposure warning for BPA and/or DEHP in a manner
3 consistent with H&S Code § 25603.1 as described *supra*.

4 31. Each Product was sent to a testing laboratory³ to determine the phthalate content of
5 the Product and/or to determine the concentration of BPA present on the surface of the Product.

6 32. The results of these analyses⁴ determined the Products expose users to DEHP
7 and/or BPA (each, a “Chemical Test Report,” collectively, the “Chemical Test Reports”).

8 33. Plaintiff provided each Chemical Test Report and each Product to an analytical
9 chemist to determine if, based on the findings of the Chemical Test Reports and the reasonable
10 and foreseeable use of the Products, exposure to BPA and/or DEHP will occur at levels that require
11 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of
12 the California Code of Regulations.

13 34. Plaintiff received from the analytical chemist an exposure assessment report for
14 each Product which concluded that persons in California who use the Products will be exposed to
15 levels of DEHP or BPA that require a Proposition 65 exposure warning.

18 ² The Felony Kaleidoscope iPhone cases was purchased on January 20, 2021; the Cowshed Travel
19 Sets, UPC # 5 060630 721169 was purchased on April 13, 2021; the Janod® Toy Shaving Sets
20 was purchased on April 13, 2021; the DUCHAMP Camo 2-in-1 Tech + Travel Kits was purchased
21 on November 11, 2021; and the HERON PRESTON Camo iPhone Covers was purchased on
22 November 11, 2021.

23 ³ The Felony Kaleidoscope iPhone Chemical Test Report concluded the presence of BPA at the
24 surface of the Product via wipe testing; the Cowshed Travel Sets Chemical Test Report determined
25 the Product exposes users to DEHP; the Janod® Toy Shaving Sets Chemical Test Report
26 determined the Product exposes users to DEHP; the DUCHAMP Camo 2-in-1 Tech + Travel Kits
27 Chemical Test Report determined the Product exposes users to DEHP; and the HERON PRESTON
28 Camo iPhone Covers Chemical Test Report concluded the presence of BPA at the surface of the
Product via wipe testing.

⁴ The Felony Kaleidoscope iPhone Chemical Test Report was provided to Plaintiff on March 15,
2021; the Cowshed Travel Sets Chemical Test Report Chemical Test Report was provided to
Plaintiff on May 27, 2021; the Janod® Toy Shaving Sets Chemical Test Report was provided to
Plaintiff on May 27, 2021; the DUCHAMP Camo 2-in-1 Tech + Travel Kits Chemical Test Report
was provided to Plaintiff on December 21, 2021; and the HERON PRESTON Camo iPhone Covers
Chemical Test Report was provided to Plaintiff on January 3, 2022.

1 42. The Products do not comply with the Proposition 65 warning requirements.

2 43. Plaintiff, based on her best information and belief, avers that at all relevant times
3 herein, and at least March 18, 2021, continuing until the present, that Defendant has continued to
4 knowingly and intentionally expose California users and consumers of the Products to DEHP or
5 BPA without providing required warnings under Proposition 65.

6 44. The exposures that are the subject of the Notices result from the purchase,
7 acquisition, handling and recommended use of the Products. The primary route of exposure to
8 these chemicals is through dermal absorption. Dermal absorption of DEHP and BPA can occur
9 through direct skin contact when the Products are contacted with bare hands or exposed skin.
10 Finally, some amount of exposure through ingestion will occur by touching the Products with
11 subsequent touching of the user's hand to mouth, or direct contact with the user's mouth.

12 45. Plaintiff, based on her best information and belief, avers that such exposures will
13 continue every day until clear and reasonable warnings are provided to purchasers and users or
14 until this known toxic chemical is removed from the Products.

15 46. Defendant has knowledge that the normal and reasonably foreseeable use of the
16 Products exposes individuals to DEHP or BPA, and Defendant intends that exposures to DEHP or
17 BPA will occur by its deliberate, non-accidental participation in the importation, distribution, sale
18 and offering of the Products to consumers in California

19 47. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
20 Complaint.

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

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

1 **PRAYER FOR RELIEF**

2 WHEREFORE, Plaintiff demands judgment against Defendant and requests the following
3 relief:

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

7 B. That the court preliminarily and permanently enjoin Defendant, mandating
8 Proposition 65 compliant warnings on the Products;

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

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

12 Dated: March 14, 2022

BRODSKY & SMITH

13 By:  _____

14 Evan J. Smith (SBN242352)

Ryan P. Cardona (SBN302113)

15 9595 Wilshire Boulevard, Suite 900

Beverly Hills, CA 90212

16 Telephone: (877) 534-2590

17 Facsimile: (310) 247-0160

18 *Attorneys for Plaintiff*

EXHIBIT A

LAW OFFICES
BRODSKY & SMITH, LLC

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

March 18, 2021

| | |
|--|--|
| Owner K-Pack PO Box 325 Spanaway, WA 98387-0325 | President/CEO Felony Case, Inc. 27 Tecumseth Street Toronto, Ontario CANADA M5V2R7 |
| President/CEO Nordstrom, Inc. c/o Corporate Creations Network, Inc. West 505 Riverside Avenue Suite 500 Spokane, WA 99201 | Preside4nt/CEO NIHC, Inc. c/o Corporate Creations Network, Inc. 5708 SE 136 th Ave., Suite 2 Portland, OR 97236 |

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky & Smith, LLC ("Brodsky Smith") represents Ema Bell ("Bell"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

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

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817
2. **Alleged Violator(s):** K-Pack; Felony Case, Inc.; Nordstrom, Inc.; NIHC, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least January 20, 2021 and are continuing to this day.
4. **Listed Chemical:** Bisphenol A (BPA). BPA is listed under Proposition 65 as a chemical known to the State to cause reproductive toxicity.
5. **Product:**

| Product ² | Non- Exclusive Examples of the Product |
|----------------------|--|
| Felony phone case | Felony phone case UPC# 654329788646 |

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky & Smith, LLC, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT B

LAW OFFICES
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
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MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

June 1, 2021

| | |
|---|---|
| President/CEO Cowshed Products Ltd. 180 The Strand LONDON WC2R 1EA | President/CEO Cowshed Products Limited 72-74 Dean Street London BOLIVIA W1D 3S |
| President/CEO Nordstrom, Inc. c/o Corporate Creations Network West 505 Riverside Ave., Suite 500 Spokane, WA 99201 | President/CEO NIHC, Inc. c/o Corporate Creations Network, Inc. 155 E. Boardwalk #490 Fort Collins, CO 80525 |
| Member/Manager Nordstrom.com, LLC The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 | President/CEO Nordstrom, Inc. 1617 6 th Ave. Seattle, WA 98101-1707 |
| President/CEO Cowshed, LLC c/o Corporate Creations Network, Inc 3411 Silverside Road, Tatnall Building, Ste. 104 Wilmington, DE 19810 | |

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky Smith represents Ema Bell ("Bell"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall

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

knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Cowshed Products Limited; Cowshed, LLC; Nordstrom, Inc.; NIHC, Inc.; Nordstrom.com, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least April 13, 2021 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

| Product ² | Non- Exclusive Examples of the Product |
|----------------------|--|
| Cowshed cosmetic bag | Cowshed cosmetic bag UPC# 5060630721169 |

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user’s hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators’ reference, enclosed is a copy of “Proposition 65: A Summary” that has been prepared by the Office of Environmental Health Hazard Assessment (“OEHHA”). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

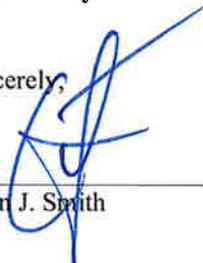
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a

² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT C

LAW OFFICES
BRODSKY SMITH

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BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
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MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

June 2, 2021

| | |
|---|---|
| President/CEO Juratoys US Corp. c/o Jade Associates Miami, Inc. 100 North Biscayne Blvd., Suite 500 Miami, FL 33132 | President/CEO Juratoys US Corp. 2455 E. Sunrise Blvd., Suite 805 Ft. Lauderdale, FL 33304 |
| President/CEO Juratoys SARL 13 Rue De L Industrie Orgelet 39270 FRANCE | President/CEO Nordstrom, Inc. c/o Corporate Creations Network, Inc. West 505 Riverside Ave. Suite 500 Spokane, WA 99201 |
| President/CEO NIHC, Inc. c/o Corporate Creations Network, Inc. 155 E. Boardwalk #490 Fort Collins, CO 80525 | Member/Manager Nordstrom.com, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 |

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

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

how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Juratoys US Corp.; Juratoys SARL; Nordstrom, Inc.; NIHC, Inc.; Nordstrom.com, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least April 13, 2021 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

| Product² | Non- Exclusive Examples of the Product |
|----------------------------------|--|
| Janod children’s toy shaving set | Janod children’s toy shaving set UPC# 3 700217 365486 |

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user’s hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

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III. RESOLUTION OF THE CLAIMS

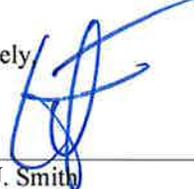
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell’s position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators’ custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Bell has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT D

LAW OFFICES
BRODSKY & SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

December 28, 2021

| | |
|--|---|
| President/CEO Roffe Accessories, Inc. 833 Broadway, 4 th Floor New York, NY 10003 | President/CEO Nordstrom, Inc. c/o Corporate Creations Network, Inc. West 505 Riverside Ave., Suite 500 Spokane, WA 99201 |
| President/CEO NIHC, Inc. c/o Corporate Creations Network, Inc. 155 E. Boardwalk, #490 Fort Collins, CO 80525 | Member/Manager Nordstrom.com, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801 |

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

Brodsky & Smith ("Brodsky Smith") represents Ema Bell ("Bell"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

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

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Roffe Accessories, Inc.; Nordstrom, Inc.; NIHC, Inc.; Nordstrom.com, LLC;
3. **Time Period of Exposure:** Violations have been occurring since at least December 28, 2021 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

| Product ² | Non- Exclusive Examples of the Product |
|----------------------|--|
| Duchamp bag | Duchamp bag UPC# 768133709084 |

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

For the Violators' reference, enclosed is a copy of "Proposition 65: A Summary" that has been prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at 916.445.6900.

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Bell has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky & Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,


Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT E

LAW OFFICES
BRODSKY & SMITH, LLC

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

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MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
BALA CYNWYD, PA 19004
610.667.6200

January 10, 2022

| | |
|--|--|
| President/CEO Heron Preston Srl Via Daniele Manin 13 Milano ITALY 20121 | President/CEO Heron Preston Creative, Inc. c/o Heron Johnson 5 Rivington Street, #12 New York, NY 10002 |
| President/CEO Nordstrom, Inc. c/o Corporate Creations Network, Inc. West 505 Riverside Ave., Suite 500 Spokane, WA 99201 | President/CEO NIHC, Inc. c/o Corporate Creations Network, Inc. 155 E. Boardwalk, #490 Fort Collins, CO 80525 |
| President/CEO Nordstrom, Inc. 1700 7th Ave Seattle, WA 98101 | |

60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act¹

To Whom It May Concern:

This Notice of Violation (the "Notice") is provided to you pursuant to and in compliance with California Health & Safety Code § 25249.7(d).

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With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or

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how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Fma Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817
2. **Alleged Violator(s):** Heron Preston Srl; Heron Preston Creative, Inc.; Nordstrom, Inc.; NIHC, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least January 10, 2022 and are continuing to this day.
4. **Listed Chemical:** Bisphenol A (BPA). BPA is listed under Proposition 65 as a chemical known to the State to cause reproductive toxicity.
5. **Product:**

| Product² | Non- Exclusive Examples of the Product |
|----------------------------|---|
| Iphone case | Heron Preston iPhone Case 8050848136883 |

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Some amount of exposure through ingestion can occur by touching the Product with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

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III. RESOLUTION OF THE CLAIMS

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Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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