

**ELECTRONICALLY FILED**

Superior Court of California,  
County of Alameda

**04/27/2023 at 07:27:10 PM**

By: Lynn Wiley,  
Deputy Clerk

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

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

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

Plaintiff,

vs.

DULCICH, INC. dba PACIFIC SEAFOOD  
GROUP, an Oregon corporation;  
PENN COVE SHELLFISH L.L.C., a  
Washington limited liability company;  
AMAZON.COM, INC. a Delaware  
corporation;  
AMAZON.COM SERVICES LLC a Delaware  
limited liability company;  
and DOES 1-100,

Defendants.

CASE NO. **23CV032035**

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

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

**INTRODUCTION**

1. This action seeks injunctive and declaratory relief and civil penalties to remedy the  
continuing failure of Defendants, DULCICH, INC. dba PACIFIC SEAFOOD GROUP, PENN

1 COVE SHELLFISH L.L.C., AMAZON.COM, INC., and AMAZON.COM SERVICES LLC  
2 (“Defendants”) to warn consumers in California that they are being exposed to lead and  
3 cadmium, chemicals known to the State of California to cause cancer and reproductive toxicity  
4 found in Amazon Fresh Black Mussels, Farm Raised, UPC 027241700260 (“Product” or  
5 “Products”).

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

### 11 PARTIES

12 3. HLF is a California non-profit public benefit corporation dedicated to, among other  
13 causes, reducing the amount of chemical toxins in consumer products, the promotion of human  
14 health, environmental safety, and improvement of worker and consumer safety.

15 4. HLF is a person within the meaning of Health and Safety Code section 25249.11,  
16 subdivision (a). HLF, acting as a private attorney general, brings this action in the public interest  
17 as defined under Health and Safety Code section 25249.7, subdivision (d).

18 5. Defendant, DULCICH, INC. dba PACIFIC SEAFOOD GROUP (“DULCICH”) is an  
19 Oregon corporation, doing business in the State of California at all relevant times herein.

20 6. Defendant PENN COVE SHELLFISH L.L.C. (“PENN”) is a Washington limited liability  
21 company, doing business in the State of California at all relevant times herein.

22 7. Defendant, AMAZON.COM, INC. (“AMAZON”), is a Delaware corporation, doing  
23 business in the State of California at all relevant times herein.

24 8. Defendant, AMAZON.COM SERVICES LLC (“AMAZON LLC”), is a Delaware  
25 limited liability company, doing business in the State of California at all relevant times herein.

26 9. Plaintiff is presently unaware of the true names and capacities of defendants DOES 1-10,  
27 and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint

1 to allege their true names and capacities when ascertained. Plaintiff is informed, believes, and  
2 thereon alleges that each fictitiously named defendant is responsible in some manner for the  
3 occurrences herein alleged and the violations caused thereby. DOES 1-100 are each a person in  
4 the course of doing business within the meaning of Health and Safety Code §§ 25249.6 and  
5 25249.11.

6 10. At all times mentioned herein, the term “Defendants” includes Defendants DULCICH,  
7 PENN, AMAZON, AMAZON LLC and DOES 1-100.

8 11. Defendants employ ten or more persons and have employed ten or more persons at all  
9 times relevant to this action, and are each a person in the course of doing business within the  
10 meaning of Health and Safety Code §§ 25249.6 and 25249.11.

### 11 JURISDICTION AND VENUE

12 12. This Court has jurisdiction pursuant to California Constitution Article VI, Section 10,  
13 which grants the Superior Court original jurisdiction in all causes except those given by statute to  
14 other trial courts. The statute under which this action is brought does not specify any other basis  
15 for jurisdiction.  
16

17 13. This Court has jurisdiction over this action pursuant to Health and Safety Code section  
18 25249.7, which allows enforcement of violations of Proposition 65 in any Court of competent  
19 jurisdiction.

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

27 15. Venue is proper in the Alameda County Superior Court because the cause of action arises  
28

1 out of violations in the County of Alameda and/or because Defendants conducted, and continue  
2 to conduct, business in the County of Alameda with respect to the consumer products that are the  
3 subject of this action.

4 16. Plaintiffs seek injunctive and declaratory relief and civil penalties from Defendants'  
5 violations of the prohibitions of Proposition 65 (Health and Safety Code § §25249.5 et seq.)

6 **STATUTORY BACKGROUND**

7 17. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute  
8 passed as "Proposition 65" by close to a two-to-one voting margin. Proposition 65 is referred to  
9 as a "right-to-know" law intended to inform consumers of the potential for exposure to toxic  
10 chemicals and thereby empower them with the information needed to avoid the exposure.

11 18. Proposition 65 requires that individuals be provided with a "clear and reasonable  
12 warning" before being exposed to substances listed by the State of California as causing cancer  
13 or reproductive toxicity. The warning requirement of Proposition 65 is contained in Health &  
14 Safety Code § 25249.6, which provides,

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

18 19. In this case, the exposures are caused by consumer products. "Consumer product" means  
19 any article, or component part thereof, including food, that is produced, distributed, or sold for  
20 the personal use, consumption or enjoyment of a consumer. (27 California Code of Regulations  
21 § 25600.1(d)) "Consumer product exposure" means an exposure that results from a person's  
22 acquisition, purchase, storage, consumption, or any reasonably foreseeable use of a consumer  
23 product, including consumption of a food. (27 California Code of Regulations § 25600.1(e)).

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

27 21. Proposition 65 establishes a procedure by which the State is to develop a list of chemicals  
28

1 “known to the State to cause cancer or reproductive toxicity.” (Health & Safety, § 25249.8.)

2 22. Lead and lead compounds (“Lead”) were listed as chemicals known to the State of  
3 California to cause reproductive toxicity on February 27, 1987. Lead became subject to the  
4 warning requirement one year later and was therefore subject to the “clear and reasonable”  
5 warning requirements of Proposition 65 beginning on February 27, 1988. (27 California Code of  
6 Regulations § 25000, *et seq.*; Health & Safety Code § 25249.5, *et seq.*) Due to the toxicity of  
7 lead, the maximum allowable dose level is 0.5 micrograms a day. (27 California Code of  
8 Regulations § 25805(b).) As a point of reference, one microgram is equal to one millionth of a  
9 gram (1 microgram = 1/1,000,000 gram).

10 23. Lead and lead compounds were listed as chemicals known to the State of California to  
11 cause cancer on October 1, 1992. Lead became subject to the warning requirement one year later  
12 and was therefore subject to the “clear and reasonable” warning requirements of Proposition 65  
13 beginning on October 1, 1993. (27 California Code of Regulations § 25000, *et seq.*; Health &  
14 Safety Code §25249.5, *et seq.*) Due to the carcinogenicity of lead and lead compounds, the no  
15 significant risk level for lead is 15 micrograms a day. (27 California Code of Regulations §  
16 25705(b)(1)).

17 24. Cadmium (“cadmium”) was listed as a chemical known to the State of California to cause  
18 reproductive toxicity on May 1, 1997. Cadmium became subject to the warning requirement one  
19 year later and was therefore subject to the “clear and reasonable” warning requirements of  
20 Proposition 65 beginning on May 1, 1998. (27 California Code of Regulations § 25000, *et seq.*;  
21 Health & Safety Code § 25249.5, *et seq.*) Due to the toxicity of cadmium, the maximum  
22 allowable dose level is 4.1 micrograms a day. (27 California Code of Regulations § 25805(b)).

23 25. At all times mentioned herein, the term “Listed Chemicals” includes lead and cadmium.

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

1 27. Violations of Proposition 65 may be enforced by any person in the public interest, after  
2 providing a 60-day notice of the violations of the Attorney General, appropriate District  
3 Attorneys and City Attorneys and the alleged violator. (Health and Safety Code § 25249.7(d)(1).)  
4 Remedies include injunctive relief to prevent actual or threatened violations, and penalties up to  
5 \$2,500 per day per violation. (Health and Safety Code §25249.7(a) and (b).)

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

### 10 **FACTUAL BACKGROUND**

11 29. Defendants are businesses that develop, manufacture, package, distribute, market, offer  
12 for sale and/or sell the Product in the State of California.

13 30. Plaintiff hired a well-respected and accredited testing laboratory to test Defendants'  
14 Product for the Listed Chemicals. The results of the testing show that the Product contains the  
15 Listed Chemicals.

16 31. Individuals are exposed to the Listed Chemicals from the reasonable anticipated use of  
17 the Product or when they ingest the Product.

18 32. The Product continues to be offered for sale, sold and/or otherwise made available for use  
19 and/or handling to persons in California.

20 33. At all times relevant to this action, Defendants, therefore, have knowingly and  
21 intentionally exposed the users of the Product to the Listed Chemicals without first giving a clear  
22 and reasonable warning to such individuals. The Product continues to be distributed and sold in  
23 California without providing the requisite warning, and thus the violations are ongoing and  
24 continuous, and will continue to occur into the future.

25 34. As a proximate result of acts by Defendants, persons in the course of doing business  
26 within the meaning of Health & Safety Code § 25249.11(b), individuals throughout the State of  
27 California, including in the County of Alameda, have been exposed to the Listed Chemicals

1 without a clear and reasonable warning.

2 **SATISFACTION OF 60 DAY NOTICE**

3 35. On August 19, 2022, Plaintiff served Defendant and each appropriate public enforcement  
4 agency with a Proposition 65 Notice, a document entitled “Sixty-Day Notice of Intent to Sue for  
5 Violation of the Safe Drinking Water and Toxic Enforcement Act of 1986” (“Notice of  
6 Violation”) that provided Defendant and the public enforcement agency with notice that  
7 Defendant was in violation of Proposition 65 for failing to warn purchasers and consumers of the  
8 Product that ingestion of the Product exposes them to the Listed Chemicals, which are chemicals  
9 known to the State of California to cause cancer and reproductive toxicity. The Notice of  
10 Violation is designated with Attorney General number 2022-01886. The Notice of Violation  
11 constitutes adequate notice to Defendant because it provided adequate information to allow  
12 Defendant to assess the nature of the alleged violations. A certificate of merit and a certificate of  
13 service accompanied the Notice of Violation, and both certificates comply with Proposition 65  
14 and its implementing regulations. A true and correct copy of the Notice of Violation is attached  
15 here as Exhibit A and is incorporated herein by reference.

16 36. More than 60 days have passed since Plaintiff served the Notice of Violation and no  
17 public enforcement entity has filed a Complaint in this case.

18 37. Plaintiff is commencing this action more than sixty (60) days from the date that Plaintiff  
19 served the Notice of Violation on the Defendants and the public prosecutors referenced in the  
20 paragraphs above.

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

24 **FIRST CAUSE OF ACTION**  
25 **(Violation of Health & Safety Code § 25249.6, Failure to Provide Clear and Reasonable**  
26 **Warning under Proposition 65 – Against all Defendants)**

27 39. Plaintiff re-alleges and incorporates by reference Paragraphs 1 through 38, inclusive, as if

1 superficially set forth herein.

2 40. By committing the acts alleged above, Defendants have, in the course of doing business,  
3 knowingly and intentionally exposed users of the Product to the Listed Chemicals, chemicals  
4 known to the State of California to cause cancer and reproductive toxicity without first giving  
5 clear and reasonable warning to such individuals within the meaning of Health & Safety Code §  
6 25249.6, and continue to violate the statute as the Product continues to make its way to  
7 individuals in California through the chain of commerce.

8 41. Said violations render Defendants liable for civil penalties up to \$2,500 per day for each  
9 violation, and subject Defendants to injunction.

10 **PRAYER**

11 Wherefore, Plaintiff accordingly prays for the following relief:

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

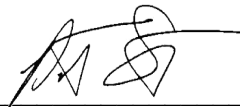
14 43. An injunctive order, pursuant to Health & Safety Code § 25249.7(a), for such temporary  
15 restraining orders, preliminary and permanent injunctive orders as are necessary to prevent  
16 Defendants from exposing individuals to the Listed Chemicals without providing a clear and  
17 reasonable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

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

19 45. For such other relief as the Court may deem just and proper.

20 DATED: April 27, 2023

21 POULSEN LAW P.C.

22 

23 \_\_\_\_\_  
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**

Frank Dulcich or current President or CEO  
Dulcich, Inc. dba Pacific Seafood Group  
16797 SE 130th Ave.  
Clackamas, OR 97015

Frank Dulcich or current President or CEO  
Dulcich, Inc. dba Pacific Seafood Group  
c/o Robert J. Preston (Registered Agent)  
707 S.W. Washington St., Suite 1500  
Portland, OR 97205

Current Manager or Managing Member  
Penn Cove Shellfish, LLC  
106 North Sherman Road  
P.O. Box 148  
Coupeville, WA 98239

Current Manager or Managing Member  
Penn Cove Shellfish, LLC  
c/o Cogency Global, Inc.  
1780 Barnes Blvd. S.W.  
Tumwater, WA, 98512

Current President or CEO  
Amazon.com, Inc. and  
Amazon.com Services LLC  
c/o Corporation Service Company  
251 Little Falls Dr.  
Wilmington, DE 19808

Michael D. Deal or Current Manager or  
Managing Member  
Amazon.com Services LLC  
410 Terry Avenue N.  
Seattle, Washington 98109

**VIA ELECTRONIC FILING**

State of California Department of Justice  
Office of Attorney General of California  
Filing link: [oag.ca.gov/prop65](http://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: Cadmium, Lead and lead compounds in Dulcich, Inc., Penn Cove Shellfish, LLC, Amazon.com, Inc., and Amazon.com Services LLC products

August 19, 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. (“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 Dulcich, Inc., Penn Cove Shellfish, LLC, Amazon.com, Inc., and Amazon.com Services LLC’s products (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:

<b>Specified Products</b>	<b>Violative chemical</b>	<b>Noticed Party</b>
Amazon Fresh Black Mussels, Farm Raised, UPC 027241700260	Cadmium and Lead and lead compounds	Dulcich, Inc., Penn Cove Shellfish, LLC, Amazon.com, Inc., and Amazon.com Services LLC products

The primary route of exposure has been through ingestion.

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

Cadmium is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, reproductive toxicity and cancer.

Lead and lead compounds (“lead”) is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, 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 cadmium and lead. While in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to cadmium and lead 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 Product are being exposed to cadmium and lead.

With respect to the Specified Product listed above, the violation commenced on the latter of the date that the Specified Product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until cadmium and lead are removed from the 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 cadmium and lead 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



## 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: August 19, 2022

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

Noticed Parties: Dulcich, Inc., Penn Cove Shellfish, LLC, Amazon.com, Inc., and Amazon.com Services LLC

August 19, 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 August 19, 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.

www.PoulsenLaw.org

282 11<sup>th</sup> Avenue, Suite 2612  
New York, New York 10001



Page 7 of 14

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contact@PoulsenLaw.org

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: August 19, 2022

By:

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

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





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, CA 91356.

On August 19, 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 Dulcich, Inc., Penn Cove Shellfish, LLC, Amazon.com, Inc., and Amazon.com Services LLC;
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:

Frank Dulcich, or current President or CEO Dulcich, Inc. dba Pacific Seafood Group 16797 SE 130th Ave. Clackamas, OR 97015	Frank Dulcich, or current President or CEO Dulcich, Inc. dba Pacific Seafood Group c/o Robert J. Preston (Registered Agent) 707 S.W. Washington St., Suite 1500 Portland, OR 97205
Current Manager or Managing Member Penn Cove Shellfish, LLC 106 North Sherman Road P.O. Box 148 Coupeville, WA 98239	Current Manager or Managing Member Penn Cove Shellfish, LLC c/o Cogency Global, Inc. 1780 Barnes Blvd. S.W. Tumwater, WA, 98512
Current President or CEO Amazon.com, Inc. and Amazon.com Services LLC c/o Corporation Service Company 251 Little Falls Dr. Wilmington, DE 19808	Michael D. Deal or Current Manager or Managing Member Amazon.com Services LLC 410 Terry Avenue N. Seattle, Washington 98109

On August 19, 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 Dulcich, Inc., Penn Cove Shellfish, LLC, Amazon.com, Inc., and Amazon.com Services LLC;
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](http://oag.ca.gov/prop65):

State of California Department of Justice;  
Office of the Attorney General of California.

On August 19, 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 Dulcich, Inc., Penn Cove Shellfish, LLC, Amazon.com, Inc., and Amazon.com Services LLC;
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's Office 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 <sup>th</sup> 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	District Attorney Modoc County	District Attorney Tehama County



778 Pacific Street Placerville, CA 95667	204 S Court Street, Room 202 Alturas, CA 96101-4020	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 <sup>th</sup> Street Hollister, CA 95023	District Attorney Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5th Street 4 <sup>th</sup> 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 <sup>th</sup> 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 August 19, 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 Dulcich, Inc., Penn Cove Shellfish, LLC, Amazon.com, Inc., and Amazon.com Services LLC;
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@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.secgov.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, CA 91356

August 19, 2022