1 2	Evan J. Smith, Esquire (SBN 242352) Ryan P. Cardona, Esquire (SBN 302113) BRODSKY SMITH		
3	9595 Wilshire Blvd., Ste. 900 Beverly Hills, CA 90212	Superior Court of California, County of San Francisco	
4	Telephone: (877) 534-2590 Facsimile: (310) 247-0160	11/13/2023 Clerk of the Court	
5	Attorneys for Plaintiff	BY: DAEJA ROGERS Deputy Clerk	
6			
7			
8		THE STATE OF CALIFORNIA	
9	COUNTY OF	SAN FRANCISCO CGC-23-610419	
10	GABRIEL ESPINOZA,	Case No.:	
11	Plaintiff,	COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF	
12	vs.	(Violation of Health & Safety Code § 25249.5 et	
13	ADIR INTERNATIONAL, LLC,	seq.)	
14	Defendants.		
15			
16		, by and through his attorneys, alleges the following	
17	cause of action in the public interest of the citi	izens of the State of California.	
18	BACKGROU	ND OF THE CASE	
19	1. Plaintiff brings this representation	ative action on behalf of all California citizens to	
20	enforce relevant portions of Safe Drinking Wa	ater and Toxic Enforcement Act of 1986, codified at	
21	the Health and Safety Code § 25249.5 et seq ("Proposition 65"), which reads, in relevant part,		
22	"[n]o person in the course of doing busine	ess shall knowingly and intentionally expose any	
23	individual to a chemical known to the state to	cause cancer or reproductive toxicity without first	
24	giving clear and reasonable warning to such ir	ndividual". Health & Safety Code § 25249.6.	
25	2. This complaint is a representat	ive action brought by Plaintiff in the public interest	
26	of the citizens of the State of California aga	inst defendant Adir International, LLC ("Adir" or	
27	"Defendant") to enforce the People's right to be informed of the health hazards caused by exposure		
28	to bisphenol A (BPA) from the use of (a) Axessorize ProShield Plus iPhone cases, UPC #		
	-1-		

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF – VIOLATION OF HEALTH & SAFETY CODE §25249.5 680813112307, (b) Torras Upro Clear iPhone cases, UPC # 850044880096, (c) *Hover-1*™
 helmets with detachable visors, UPC # 888255238986, (d) *Skech*® Matrix iPhone cases, UPC #
 811090029129, (e) *Nimbus9*® Vapor Air 2 clear cases, # 811433033165, and/or (f) Incase
 hardshell cases for MacBooks, UPC # 650450139432, with that are manufactured, distributed,
 offered for sale and/or sold by Adir in California.

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

4. Proposition 65 requires all businesses with ten (10) or more employees that operate
within California or sell products therein to comply with Proposition 65 regulations. Included in
such regulations is the requirement that businesses must label any product containing a Proposition
65-listed chemical with a "clear and reasonable" warning before "knowingly and intentionally"
exposing any person to any such listed chemical.

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

6. Plaintiff alleges that Adir distributes and/or offers for sale in California, without a
requisite Proposition 65 exposure warning, (a) Axessorize ProShield Plus iPhone cases, UPC #
680813112307, (b) Torras Upro Clear iPhone cases, UPC # 850044880096, (c) *Hover-1™*helmets with detachable visors, UPC # 888255238986, (d) *Skech*® Matrix iPhone cases, UPC #
811090029129, (e) *Nimbus9*® Vapor Air 2 clear cases, # 811433033165, and/or (f) Incase
hardshell cases for MacBooks, UPC # 650450139432, (the "Products") that expose persons to
BPA when used as intended and/or for its intended purpose.

- 2 -

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF – VIOLATION OF HEALTH & SAFETY CODE §25249.5 7. Adir's failure to warn consumers and other individuals in California of the health
 hazards associated with exposure to BPA from use of the Products in conjunction with the sale
 and/or distribution of the Products is a violation of Proposition 65 and subjects Adir to the
 enjoinment and civil penalties described herein.

8. Plaintiff seeks civil penalties against Adir for its violations of Proposition 65 in
accordance with Health and Safety Code § 25249.7(b).

9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring Adir
to provide purchasers or users of the Products with required warnings related to the dangers and
health hazards associated with exposure to BPA from use of the Products pursuant to Health and
Safety Code § 25249.7(a).

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PARTIES

Plaintiff further seeks a reasonable award of attorney's fees and costs.

13 11. Plaintiff is a citizen of the State of California acting in the interest of the general
public to promote awareness of exposures to toxic chemicals in products sold in California and to
improve human health by reducing hazardous substances contained in such items. He brings this
action in the public interest pursuant to Health and Safety Code § 25249.7(d).

17 12. Defendant Adir, through its business, effectively imports, distributes, sells and/or
18 offers the Products for sale or use in the State of California, or it implies by its conduct that it
19 imports, distributes, sells and/or offers the Products for sale or use in the State of California..

20 13. Plaintiff alleges that defendant Adir is a "person" in the course of doing business
21 within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

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VENUE AND JURISDICTION

14. Venue is proper in the County of San Francisco because one or more of the
instances of wrongful conduct occurred and continues to occur in this county and/or because Adir
conducted, and continues to conduct, business in the County of San Francisco with respect to the
Products.

27 15. This Court has jurisdiction over this action pursuant to California Constitution
28 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those

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

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

10

STATUTORY BACKGROUND

11 17. 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 18. 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 and birth defects or other reproductive harm. H&S Code § 25249.6 states, in
 17 pertinent part:
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No 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 giving clear and reasonable warning to such individual...

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

27 28 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or more of the following methods individually or in combination:¹

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a. A warning that appears on a product's label or other labeling.

b. Identification of the product at the retail outlet in a manner which provides a warning. Identification may be through shelf labeling, signs, menus, or a combination thereof.

c. The warnings provided pursuant to subparagraphs (a) and (b) shall be prominently placed upon a product's labels or other labeling or displayed at the retail outlet with such conspicuousness, as compared with other words, statements, designs, or devices in the label, labeling or display as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.

d. A system of signs, public advertising identifying the system and toll-free information services, or any other system that provides clear and reasonable warnings.

Proposition 65 provides that any "person who violates or threatens to violate" the
statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
"threaten to violate" is defined to mean creating "a condition in which there is a substantial
probability that a violation will occur." (H&S Code § 25249.11(e).) Violators are liable for civil
penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

20

FACTUAL BACKGROUND

21 22. On May 11, 2015, the State of California listed BPA as a chemical known to the
22 State to cause birth defects or other reproductive harm and BPA has come under the purview of
23 Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety
24 Code §§ 25249.8 & 25249.10(b).

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 ¹ Alternatively, a person in the course of doing business may elect to comply with the warning requirements set out in the amended version of 27 CCR 25601, *et.seq.*. as amended on August 30, 2016, and operative on August 30, 2018.

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF – VIOLATION OF HEALTH & SAFETY CODE §25249.5

1 23. The exposures that are the subject of the Notices result from the purchase, 2 acquisition, handling, and recommended use of the Products. The primary route of exposure to 3 BPA is through dermal absorption directly through the skin when consumers use, touch, or handle 4 the Products. Exposure through ingestion will occur by touching the Products with subsequent 5 touching of the user's hand to mouth. No clear and reasonable warning is provided with the 6 Products regarding the health hazards of exposure.

Adir has distributed, offered to sell and/or sold the Products in California since at
least November 28, 2022 with respect to the Axessorize ProShield Plus iPhone cases Product, the
Torras Upro Clear iPhone cases Product, the *Hover-1*TM helmets with detachable visors Product,
and the *Skech*® Matrix iPhone cases Product; and since at least August 29, 2023 with respect to
the *Nimbus9*® Vapor Air 2 clear cases Product and the Incase hardshell cases for MacBooks
Product. The Products continue to be distributed and sold in California without a requisite
Proposition 65 compliant BPA exposure warning.

At all times relevant to this action, Adir has knowingly and intentionally exposed
users, consumers and/or purchasers of the Products to BPA without first providing a clear and
reasonable exposure warning to such individuals.

As a proximate result of Defendant's actions, and as a person in the course of doing
business within the meaning of H&S Code § 25249.11, individuals throughout the State of
California, including in San Francisco County, have been exposed to BPA from use of the Products
without having first been provided a clear and reasonable exposure warning. The individuals
subject to the violative exposures include normal and foreseeable users and consumers that use the
Products.

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SATISFACTION OF NOTICE REQUIREMNTS

24 27. Plaintiff purchased the Products from Adir. At the time of purchase, Adir did not
25 provide a Proposition 65 exposure warning for BPA or any other Proposition 65 listed chemical in
26 a manner consistent with H&S Code § 25603.1 as described *supra*.

27 28. The Products were sent to a testing laboratory to determine if, and what amount of
28 BPA would migrate and/or leach from the Products.

- 6 -

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF – VIOLATION OF HEALTH & SAFETY CODE §25249.5

29. 1 For each Product that was sent to the laboratory, Plaintiff received a chemical test 2 report (collectively, the "Chemical Test Reports" and each a "Chemical Test Report"). The 3 Chemical Test Reports findings determined the Products expose users to BPA.

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30. Plaintiff provided the Chemical Test Report and Products to an analytical chemist 5 to determine if, based on the findings of the Chemical Test Report and the reasonable and 6 foreseeable use of the Products, exposure to BPA will occur at levels that require Proposition 65 7 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California 8 Code of Regulations.

9 31. On November 28, 2022, Plaintiff received from the analytical chemist an exposure 10 assessment report which concluded that persons in California who use the Axessorize ProShield 11 Plus iPhone cases Product, the Torras Upro Clear iPhone cases Product, the Hover-1TM helmets with detachable visors Product, and the Skech® Matrix iPhone cases Product, will be exposed to 12 13 levels of BPA that require a Proposition 65 exposure warning. On August 29, 2023, Plaintiff 14 received from the analytical chemist an exposure assessment report which concluded that persons 15 in California who use the Nimbus9® Vapor Air 2 clear cases Product and the Incase hardshell 16 cases for MacBooks Product will be exposed to levels of BPA that require a Proposition 65 17 exposure warning.

32. 18 On November 28, 2022 (the Axessorize ProShield Plus iPhone cases, the Torras 19 Upro Clear iPhone cases, the *Hover-1*[™] helmets with detachable visors, and the *Skech*® Matrix iPhone cases) and August 29, 2023 (the Nimbus9® Vapor Air 2 clear cases and the Incase hardshell 2021 cases for MacBooks), Plaintiff gave notice of alleged violation of Health and Safety Code § 22 25249.6 (collectively, the "Notices" and each a "Notice") to Defendant concerning the exposure 23 of California citizens to BPA from use of the Products without proper warning, subject to a private 24 action to Defendant and to the California Attorney General's office and the offices of the County 25 District attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein the herein violations allegedly occurred. See attached at Exhibits "A" - "F" a true and 26 27 correct copy of each Notice.

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- 7 -

33. The Notices complied with all procedural requirements of Proposition 65 including
 the attachment of a Certificate of Merit affirming that Plaintiff's counsel had consulted with at
 least one person with relevant and appropriate expertise who reviewed relevant data regarding
 BPA exposure, and that counsel believed there was meritorious and reasonable cause for a private
 action.

34. After receiving the Notices, and to Plaintiff's best information and belief, none of
the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
the subject of the Notices.

10 35. Plaintiff is commencing this action more than sixty (60) days from the date of each
11 Notice to Defendant, as required by law.

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FIRST CAUSE OF ACTION

(By Plaintiff against Defendant for its Violation of Proposition 65)

14 36. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 35 of
15 this complaint as though fully set forth herein.

16 37. Defendant has, at all times mentioned herein, acted as a distributer and/or retailer
17 of the Products.

18 38. Use of the Products will expose users and consumers thereof to BPA, a hazardous
19 chemical found on the Proposition 65 list of chemicals known to be hazardous to human health.

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

21 40. Plaintiff, based on his best information and belief, avers that at all relevant times herein, and since at least November 28, 2022 with respect to the Axessorize ProShield Plus iPhone 22 23 cases Product, the Torras Upro Clear iPhone cases Product, the Hover-1TM helmets with 24 detachable visors Product, and the Skech® Matrix iPhone cases Product; and since at least August 25 29, 2023 with respect to the Nimbus9® Vapor Air 2 clear cases Product and the Incase hardshell 26 cases for MacBooks Product, continuing until the present, that Defendant has continued to 27 knowingly and intentionally expose California users and consumers of the Products to BPA without providing required warnings under Proposition 65. 28

- 8 -

COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF – VIOLATION OF HEALTH & SAFETY CODE §25249.5 41. The exposures that are the subject of the Notices result from the purchase,
acquisition, handling, and recommended use of the Products. The primary route of exposure to
BPA is through dermal absorption directly through the skin when consumers use, touch, or handle
the Products. Exposure through ingestion will occur by touching the Products 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.

7 42. Plaintiff, based on his best information and belief, avers that such exposures will
8 continue every day until clear and reasonable warnings are provided to purchasers and users or
9 until BPA is removed from the Products.

43. Defendant has knowledge that the normal and reasonably foreseeable use of the
Products expose individuals to BPA, and Defendant intends those exposures to BPA will occur by
its deliberate, non-accidental participation in the importation, distribution, sale and offering of the
Products to consumers in California.

14 44. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to the15 filing of the Complaint.

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

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

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COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF – VIOLATION OF HEALTH & SAFETY CODE §25249.5

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1	PRAYER FOR RELIEF	
2	WHEREFORE, Plaintiff demands judgment against Defendant and requests the foll	owing
3	relief:	
4	A. That the court assess civil penalties against Defendant in the amount of \$2,5	00 per
5	day for each violation for up to 365 days (up to a maximum civil penalty amou	int 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 man	dating
8	Proposition 65 compliant warnings on the Product	
9	C. s;	
10	D. That the Court grant Plaintiff reasonable attorney's fees and costs of suit,	in the
11	amount of \$50,000.00.	
12	E. That the Court grant any further relief as may be just and proper.	
13	Dated: November 13, 2023 BRODSKY SMITH	
14	By: Evan J. Smith (SBN242352)	
15 16	Ryan P. Cardona (SBN302113) 9595 Wilshire Boulevard, Suite 900	
17	Beverly Hills, CA 90212 Telephone: (877) 534-2590	
18	Facsimile: (310) 247-0160	
19	Attorneys for Plaintiff	
20		
21		
22		
23		
24		
25		
26		
27		
28		
	- 10 - COMPLAINT FOR CIVIL PENALTIES AND INJUNCTIVE RELIEF – VIOLATION HEALTH & SAFETY CODE §25249.5	OF

EXHIBIT "A"

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

November 28, 2022

President/CEO	President/CEO
MMK Corporation	MMK Corporation
1081 Meyerside, Suite 13 – 1081	3800 St-Patrick, Suite 315
Mississauga, Ontario	Montreal, Quebec
CANADA LST 1M4	CANADA H4E 1A4
Member/Manager	Member/Manager
Adir International, LLC	Adir International, LLC dba curacao
c/o The Corporation Trust Company	c/o The Corporation Trust Company
Corporation Trust Center	Corporation Trust Center
1209 Orange Street	1209 Orange Street
Wilmington, DE 19801	Wilmington, DE 19801
Member/Manager	
Adir International, LLC	
c/o Elizabeth Van Horn	
1605 W. Olympic Blvd., Suite 600	
Los Angeles, CA 90015	

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 Gabriel Espinoza ("Espinoza"), 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, Espinoza 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

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.

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: Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
- 2. Alleged Violator(s): MMK Corporation.; Adir International, LLC; Adir International, LLC dba curacao
- 3. Time Period of Exposure: Violations have been occurring since at least November 28, 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:

Product ²	Non- Exclusive Examples of the Product
iPhone Case	Axessorize Pro Shield Plus iPhone Case
	UPC# 680813112307

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 BPA 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 Espinoza 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 Espinoza'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, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza 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 "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 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

November 28, 2022

President/CEO	President/CEO
Lechuang Tiancheng Inc.	Shenzhen Torras Technology Co. Ltd.
16192 Coastal Hwy.	RM 1215, BLK C
Lewes, DE 19958	Zhantao Technology Bldg.
	Minzhi Avenue
	Minzhi ST
	Longhua Dist.
	Shenzhen
	CHINA
Member/Manager	President/CEO
Adir International, LLC	Shenzhen Torras Technology Co. Ltd.
c/o The Corporation Trust Company	1709, Block C
Corporation Trust Center	Zhantao Technology Mansion
1209 Orange Street	Minzhi Avenue
Wilmington, DE 19801	Longhua New Dist.
	Shenzhen
	CHINA 518000
Member/Manager	Member/Manager
Adir International, LLC	Adir International, LLC dba curacao
c/o Elizabeth Van Horn	c/o The Corporation Trust Company
1605 W. Olympic Blvd., Suite 600	Corporation Trust Center
Los Angeles, CA 90015	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 Gabriel Espinoza ("Espinoza"), 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, Espinoza 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)

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.

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. Enforcer: Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
- 2. Alleged Violator(s): Lechuang Tiancheng Inc.; Shenzhen Torras Technology Co. Ltd.; Adir International, LLC; Adir International, LLC dba curacao
- **3.** Time Period of Exposure: Violations have been occurring since at least November 28, 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:

Product ²	Non- Exclusive Examples of the Product
iPhone Case	Torras Upro Clear iPhone Case
	UPC# 850044880096

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 BPA 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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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

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 Espinoza'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.

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza 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, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza 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

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

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 BALΛ CYNWYD, ΡΛ 19004 610.667.6200

November 28, 2022

President/CEO DGL Group Ltd. 2045 Lincoln Highway, 3 rd Floor Edison, NJ 08817	President/CEO DGL Group Ltd. 195 Raritan Center Parkway Edison, NJ 08837
Member/Manager Adir International, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO DGL Group Ltd. c/o Ezra Zaafarani 2045 Lincoln Highway, 3 rd Floor Edison, NJ 08817
Member/Manager Adir International, LLC c/o Elizabeth Van Horn 1605 W. Olympic Blvd., Suite 600 Los Angeles, CA 90015	Member/Manager Adir International, LLC dba curacao 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 Gabriel Espinoza ("Espinoza"), 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, Espinoza 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

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.

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: Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
- 2. Alleged Violator(s): DGL Group Ltd..; Adir International, LLC; Adir International, LLC dba curacao
- 3. Time Period of Exposure: Violations have been occurring since at least November 28, 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:

Product ²	Non- Exclusive Examples of the Product
Detachable Visor	Hover-1 Helmet w/Detachable Visor
	UPC# 888255238986

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 BPA 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 Espinoza 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

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 Espinoza'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.

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, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza 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

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

November 28, 2022

President/CEO	President/CEO
Uniluv Marketing, Inc.	Uniluv Marketing, Inc. dba Skech
c/o Avishag Ravid	c/o Avishag Ravid
3556 Ruffin Road	3556 Ruffin Road
San Diego, CA 92123	San Diego, CA 92123
President/CEO	President/CEO
Skech Marketing Co. Limited	Skech Marketing Co. Limited
3556 Ruffin Road	Unit 1010, Miramar Tower
San Diego, CA 92123-2596	132 Nathan Road
	TSIM SHA TSUI Kowloon
	HONG KONG
Member/Manager	Member/Manager
Adir International, LLC	Adir International, LLC dba curacao
c/o The Corporation Trust Company	c/o The Corporation Trust Company
Corporation Trust Center	Corporation Trust Center
1209 Orange Street	1209 Orange Street
Wilmington, DE 19801	Wilmington, DE 19801
Member/Manager	
Adir International, LLC	
c/o Elizabeth Van Horn	
1605 W. Olympic Blvd., Suite 600	
Los Angeles, CA 90015	
• ·	

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 Gabriel Espinoza ("Espinoza"), 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.

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.

With respect to the Product herein, Espinoza 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. Enforcer: Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
- 2. Alleged Violator(s): Uniluv Marketing, Inc.; Uniluv Marketing, Inc. dba Skech; Skech Marketing Co. Limited.; Adir International, LLC; Adir International, LLC dba curacao
- 3. Time Period of Exposure: Violations have been occurring since at least November 28, 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:

Product ²	Non- Exclusive Examples of the Product
iPhone Case	Skech Matrix iPhone Case
	UPC#811090029129

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 BPA 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.

IL PROPOSITION 65 INFORMATION

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 Espinoza'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.

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 Espinoza 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, Espinoza is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

Espinoza 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 L

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

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

August 29, 2023

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

President/CEO	President/CEO
Balaji Trading, Inc.	Balaji Trading, Inc.
c/o Lev Zartarian	4850 Eucalyptus Ave.
4300 Campus Drive, Suite 210	Chino, CA 91710
Newport Beach, CA 92660	
Member/Manager	Member/Manager
Adir International, LLC	Adir International, LLC dba Curacao
c/o The Corporation Trust Company	c/o The Corporation Trust Company
Corporation Trust Center	Corporation Trust Center
1209 Orange Street	1209 Orange Street
Wilmington, DE 19801	Wilmington, DE 19801
Member/Manager	
Adir International, LLC	
c/o Elizabeth Van Horn	
1605 W. Olympic Blvd., Suite 600	
Los Angeles, CA 90015	

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 Gabriel Espinoza ("Espinoza"), 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, Espinoza 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

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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: Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
- 2. Alleged Violator(s): Balaji Trading, Inc.; Adir International, LLC; Adir International, LLC dba Curacao
- 3. Time Period of Exposure: Violations have been occurring since at least August 29, 2023 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 birth defects or other reproductive harm.
- 5. Product:

Product ²	Non- Exclusive Examples of the Product
Clear Case	Nimbus 9 Vapor Air 2 Clear Case
	811433033165

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 BPA 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 Espinoza 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

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

Espinoza 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 "F"

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42

LAW OFFICES BRODSKY SMITH

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

August 29, 2023

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

Member/Manager	Member/Manager
Vinci Brands LLC	Vinci Brands LLC
c/o The Corporation Trust Company	c/o National Registered Agents, Inc.
Corporation Trust Center	330 N. Brand Blvd., Suite 700
1209 Orange Street	Glendale, CA 91203
Wilmington, DE 19801	
Member/Manager	Member/Manager
Adir International, LLC	Adir International, LLC dba Curacao
c/o The Corporation Trust Company	c/o The Corporation Trust Company
Corporation Trust Center	Corporation Trust Center
1209 Orange Street	1209 Orange Street
Wilmington, DE 19801	Wilmington, DE 19801
Member/Manager	
Adir International, LLC	
c/o Elizabeth Van Horn	
1605 W. Olympic Blvd., Suite 600	
Los Angeles, CA 90015	

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

To Whom It May Concern:

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Brodsky Smith represents Gabriel Espinoza ("Espinoza"), 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, Espinoza 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

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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: Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 310.863.2852.
- 2. Alleged Violator(s): Vinci Brands LLC; Adir International, LLC; Adir International, LLC dba Curacao
- 3. Time Period of Exposure: Violations have been occurring since at least August 29, 2023 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 birth defects or other reproductive harm.
- 5. Product:

Product ²	Non- Exclusive Examples of the Product
Hardshell Case for MacBook	Incase Hardshell Case for MacBook
	UPC# 650450139432

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 BPA 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 Espinoza 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

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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