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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

08/22/2023
Clerk of the Court

BY: AUSTIN LAM
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO

11 PRECILA BALABBO,

12 Plaintiff,

13 vs.

14 THE TJX COMPANIES, INC.,

15 Defendant.

Case No.:

CGC-23-608550

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

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

18 **BACKGROUND OF THE CASE**

19 1. Plaintiff brings this representative action on behalf of all California citizens to
20 enforce relevant portions of Safe Drinking Water 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 business 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 individual ...”. Health & Safety Code § 25249.6.

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

1 3. DEA¹ is a harmful chemical known to the State of California to cause cancer. Lead²
2 and DEHP³ are harmful chemicals known to the State of California to cause cancer and birth
3 defects or other reproductive harm.

4 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
5 within California or sell products therein to comply with Proposition 65 regulations. Included in
6 such regulations is the requirement that businesses must label any product containing a Proposition
7 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
8 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
9 chemical.

10 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
11 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
12 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
13 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
14 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
15 25249.7.

16 6. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
17 without a requisite exposure warning, (a) *Eaton Fine Dining*® mug and bowl sets, # 1280-
18 105710116-00599-07-6, (lead), (b) *Cupcakes and Cashmere*® trays, # 81-2216-436974-000599-
19

20 _____
21 ¹ On June 22, 2012, the State of California listed DEA as a chemical known to the State to cause
22 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
23 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

24 ² On October 1, 1992, the state of California listed lead as a chemical known to cause cancer and
25 it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit.
26 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27, 1987, the State
27 of California listed lead as a chemical known to cause birth defects or other reproductive harm.

28 ³ . On January 1, 1988, the State of California listed DEHP as a chemical known to the State to
cause cancer and it 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). On October 24,
2003, the State of California listed DEHP as a chemical known to cause birth defects or other
reproductive harm.

1 07-6, (lead), (c) *Empire Australia*® cooling foot balms, UPC # 9348119005822, (DEA), (d) *The*
2 *Memory Company*® ceramic mug and ornament sets, # 65-0746-061343-001299-11-9, (lead), (e)
3 *In Mocean Group*® Snuggle Nation bags, RN # 10358, (DEHP), (f) *Wild Eyes Designs*® brie
4 cheese bakers, # 1282-073080305-01299-11-1, (lead), (g) *FineLife*® pop up play tents for
5 children, UPC # 841437140415, (DEHP), (h) *Posh Home*® bags, UPC # 748279173895, (DEHP),
6 (i) *Spring Collection by CornerRuby*® Easter candy tray, Style # 744327, (lead), and (j) *Martha*
7 *Stewart*® ceramic bath glasses, Style # 345358, (lead) (collectively, the “Products” and each a
8 “Product”) that expose persons to lead, DEA, and/or DEHP when used for their intended purpose.

9 7. Defendant’s failure to warn consumers and other individuals in California of the
10 health hazards associated with exposure to lead, DEA, and/or DEHP in conjunction with the sale
11 and/or distribution of the Products is a violation of Proposition 65 and subjects Defendant to the
12 enjoinder and civil penalties described herein.

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

15 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
16 Defendant to provide purchasers or users of the Products with required warnings related to the
17 dangers and health hazards associated with exposure to lead, DEA, and/or DEHP pursuant to
18 Health and Safety Code § 25249.7(a).

19 10. Plaintiff further seeks a reasonable award of attorney’s fees and costs.

20 **PARTIES**

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

25 12. Defendant TJX, through its business, effectively imports, distributes, sells, and/or
26 offers the Products for sale or use in the State of California, or it implies by its conduct that it
27 imports, distributes, sells, and/or offers the Products for sale or use in the State of California.

1 Plaintiff alleges that defendant TJX is a “person” in the course of doing business within the
2 meaning of Health & Safety Code sections 25249.6 and 25249.11.

3 **VENUE AND JURISDICTION**

4 13. Venue is proper in the County of San Francisco because one or more of the
5 instances of wrongful conduct occurred, and continue to occur in this county and/or because
6 Defendant conducted, and continues to conduct, business in the County of San Francisco with
7 respect to the Products.

8 14. This Court has jurisdiction over this action pursuant to California Constitution
9 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those
10 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
11 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
12 jurisdiction over this lawsuit.

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

19 **STATUTORY BACKGROUND**

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

23 17. To effect this goal, Proposition 65 requires that individuals be provided with a
24 “clear and reasonable warning” before being exposed to substances listed by the State of California
25 as causing cancer and birth defects or other reproductive harm. H&S Code § 25249.6 states, in
26 pertinent part:

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

1
2 18. An exposure to a chemical in a consumer product is one “which results from a
3 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
4 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
5 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
6 shall provide a warning to any person to whom the product is sold or transferred unless the product
7 is packaged or labeled with a clear and reasonable warning.”

8 19. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
9 more of the following methods individually or in combination:⁴

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

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

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

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

21 20. Proposition 65 provides that any “person who violates or threatens to violate” the
22 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
23 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
24 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil

25
26
27 ⁴ Alternatively, a person in the course of doing business may elect to comply with the warning
28 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.

1 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
2 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

3 **FACTUAL BACKGROUND**

4 21. On October 1, 1992, the state of California listed lead as a chemical known to cause
5 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
6 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
7 1987, the State of California listed lead as a chemical known to cause birth defects or other
8 reproductive harm. In summary, lead was listed under Proposition 65 as a chemical known to the
9 State to cause cancer and birth defects or other reproductive harm.

10 22. On June 22, 2012, the State of California listed DEA as a chemical known to the
11 State to cause cancer and it has come under the purview of Proposition 65 regulations since that
12 time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

13 23. On January 1, 1988, the State of California listed DEHP as a chemical known to
14 the State to cause cancer and it has come under the purview of Proposition 65 regulations since
15 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
16 On October 24, 2003, the State of California listed DEHP as a chemical known to cause birth
17 defects or other reproductive harm.

18 24. The exposures that are the subject of the Notices result from the purchase,
19 acquisition, handling, and recommended use of the Products. The primary route of exposure to
20 lead, DEA, and/or DEHP is through dermal absorption directly through the skin when consumers
21 use, touch, or handle the Products. Exposure through ingestion will occur by touching the Product
22 with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided
23 with the Products regarding the health hazards of exposure.

24 25. Defendant has processed, marketed, distributed, offered to sell and/or sold the
25 Products in California since at least August 23, 2022 with respect to the *Eaton Fine Dining*®
26 Product; since at least September 22, 2022 with respect to the *Cupcakes and Cashmere*® Product;
27 since at least October 27, 2022 with respect to the *Empire Australia*® Product; since at least
28 January 12, 2023 with respect to *The Memory Company*® Product; since at least January 20, 2023

1 with respect to the *In Mocean Group*® Product; since at least January 25, 2023 with respect to the
2 *Wild Eyes Designs*® Product; since at least February 17, 2023 with respect to the *FineLife*®
3 Product; since at least March 30, 2023 *Posh Home*® Product; since at least April 17, 2023 with
4 respect to the *Spring Collection by CornerRuby*® Product; and since at least May 16, 2023 with
5 respect to the *Martha Stewart*® Product. The Products continue to be distributed and sold in
6 California without the requisite warning information.

7 26. At all times relevant to this action, Defendant has knowingly and intentionally
8 exposed users and/or consumers of the Products to lead, DEA, and/or DEHP without first giving
9 a clear and reasonable exposure warning to such individuals.

10 27. As a proximate result of acts by Defendant, as a person in the course of doing
11 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
12 California, including in San Francisco County, have been exposed to lead, DEA, and/or DEHP
13 without a clear and reasonable warning on the Products. The individuals subject to the violative
14 exposures include normal and foreseeable users and consumers that use the Products, as well as
15 all others exposed to the Products.

16 **SATISFACTION OF NOTICE REQUIREMENTS**

17 28. Plaintiff purchased the Products from TJX. At the time of purchase, Defendant did
18 not provide a Proposition 65 exposure warning for lead, DEA, DEHP, or any other Proposition 65
19 listed chemical in a manner consistent with H&S Code § 25603.1 as described *supra*.

20 29. The *In Mocean Group*® Product, the *FineLife*® Product, and the *Posh Home*®
21 Product were sent to a testing laboratory for phthalate testing to determine the phthalate content of
22 the Product; the *Empire Australia*® Product was sent to a testing laboratory for diethanolamine
23 testing to determine the DEA content of the Products; and the *Eaton Fine Dining*® Product, the
24 *Cupcakes and Cashmere*® Product, *The Memory Company*® Product, the *Wild Eyes Designs*®
25 Product, the *Spring Collection by CornerRuby*® Product, and the *Martha Stewart*® Product were
26 sent to a testing laboratory to determine if, and what amount of, lead would migrate and/or leach
27 from the Products.

1 30. For each Product that was sent to the laboratory, Plaintiff received a chemical test
2 report (collectively, the “Chemical Test Reports”). The Chemical Test Report findings determined
3 the *In Mocean Group*® Product, the *FineLife*® Product, and the *Posh Home*® Product exposes
4 users to DEHP; the *Empire Australia*® Product exposes users to DEA; and the *Eaton Fine*
5 *Dining*® Product, the *Cupcakes and Cashmere*® Product, *The Memory Company*® Product, the
6 *Wild Eyes Designs*® Product, the *Spring Collection by CornerRuby*® Product, and the *Martha*
7 *Stewart*® Product exposes users to lead.

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

13 32. On August 23, 2022, Plaintiff received from the analytical chemist an exposure
14 assessment report for the *Eaton Fine Dining*® Product that concluded that persons in California
15 who use the *Eaton Fine Dining*® Product will be exposed to levels of lead that require a
16 Proposition 65 exposure warning. On September 22, 2022, Plaintiff received from the analytical
17 chemist an exposure assessment report for the *Cupcakes and Cashmere*® Product that concluded
18 that persons in California who use the *Cupcakes and Cashmere*® Product will be exposed to levels
19 of lead that require a Proposition 65 exposure warning. On October 27, 2022, Plaintiff received
20 from the analytical chemist an exposure assessment report for the *Empire Australia*® Product that
21 concluded that persons in California who use the *Empire Australia*® Product will be exposed to
22 levels of DEA that require a Proposition 65 exposure warning. On January 12, 2023, Plaintiff
23 received from the analytical chemist an exposure assessment report for *The Memory Company*®
24 Product that concluded that persons in California who use *The Memory Company*® Product will
25 be exposed to levels of lead that require a Proposition 65 exposure warning. On January 20, 2023,
26 Plaintiff received from the analytical chemist an exposure assessment report for the *In Mocean*
27 *Group*® Product that concluded that persons in California who use the *In Mocean Group*® Product
28 will be exposed to levels of DEHP that require a Proposition 65 exposure warning. On January 25,

1 2023, Plaintiff received from the analytical chemist an exposure assessment report for the *Wild*
2 *Eyes Designs*® Product that concluded that persons in California who use the *Wild Eyes Designs*®
3 Product will be exposed to levels of lead that require a Proposition 65 exposure warning. On
4 February 17, 2023, Plaintiff received from the analytical chemist an exposure assessment report
5 for the *FineLife*® Product that concluded that persons in California who use the *FineLife*® Product
6 will be exposed to levels of DEHP that require a Proposition 65 exposure warning. On March 30,
7 2023, Plaintiff received from the analytical chemist an exposure assessment report for the *Posh*
8 *Home*® Product that concluded that persons in California who use the *Posh Home*® Product will
9 be exposed to levels of DEHP that require a Proposition 65 exposure warning. On April 17, 2023,
10 Plaintiff received from the analytical chemist an exposure assessment report for the *Spring*
11 *Collection by CornerRuby*® Product that concluded that persons in California who use the *Spring*
12 *Collection by CornerRuby*® Product will be exposed to levels of lead that require a Proposition
13 65 exposure warning. On May 16, 2023, Plaintiff received from the analytical chemist an exposure
14 assessment report for the *Martha Stewart*® Product that concluded that persons in California who
15 use the *Martha Stewart*® Product will be exposed to levels of lead that require a Proposition 65
16 exposure warning.

17 33. On August 23, 2022 (*Eaton Fine Dining*® mug and bowl sets), September 22, 2022
18 (*Cupcakes and Cashmere*® trays), October 27, 2022 (*Empire Australia*® cooling foot balms),
19 January 12, 2023 (*The Memory Company*® ceramic mug and ornament sets), January 20, 2023 (*In*
20 *Mocean Group*® Snuggle Nation bags), January 25, 2023 (*Wild Eyes Designs*® brie cheese
21 bakers), February 17, 2023 (*FineLife*® pop up play tents for children), March 30, 2023 (*Posh*
22 *Home*® bags), April 17, 2023 (*Spring Collection by CornerRuby*® Easter candy tray), and May
23 16, 2023 (*Martha Stewart*® ceramic bath glasses), Plaintiff gave notice of alleged violation of
24 Health and Safety Code § 25249.6 (collectively, the “Notices”) to Defendant concerning the
25 exposure of California citizens to lead, DEA and/or DEHP contained in the Products without
26 proper warning, subject to a private action to Defendant and to the California Attorney General’s
27 office and the offices of the County District attorneys and City Attorneys for each city with a
28

1 population greater than 750,000 persons wherein the herein violations allegedly occurred. See
2 attached at Exhibits “A” – “J” a true and correct copy of the Notices.

3 34. The Notices complied with all procedural requirements of Proposition 65 including
4 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
5 least one person with relevant and appropriate expertise who reviewed relevant data regarding
6 lead, DEA, and/or DEHP exposure, and that counsel believed there was meritorious and reasonable
7 cause for a private action.

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

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

14 **FIRST CAUSE OF ACTION**

15 **(By Plaintiff against Defendant for the Violation of Proposition 65)**

16 37. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 36 of
17 this Complaint as though fully set forth herein.

18 38. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of
19 the Products.

20 39. Use of the Products will expose users to lead, DEA, and/or DEHP, hazardous
21 chemicals found on the Proposition 65 list of chemicals known to be hazardous to human health.

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

23 41. Plaintiff, based on her best information and belief, avers that at all relevant times
24 herein, and at least since at least August 23, 2022 with respect to the *Eaton Fine Dining*® Product;
25 since at least September 22, 2022 with respect to the *Cupcakes and Cashmere*® Product; since at
26 least October 27, 2022 with respect to the *Empire Australia*® Product; since at least January 12,
27 2023 with respect to *The Memory Company*® Product; since at least January 20, 2023 with respect
28 to the *In Mocean Group*® Product; since at least January 25, 2023 with respect to the *Wild Eyes*

1 *Designs*® Product; since at least February 17, 2023 with respect to the *FineLife*® Product; since
2 at least March 30, 2023 *Posh Home*® Product; since at least April 17, 2023 with respect to the
3 *Spring Collection by CornerRuby*® Product; and since at least May 16, 2023 with respect to the
4 *Martha Stewart*® Product, continuing until the present, that Defendant has continued to knowingly
5 and intentionally expose California users and consumers of the Products to lead, DEA, and/or
6 DEHP without providing required warnings under Proposition 65.

7 42. The exposures that are the subject of the Notices result from the purchase,
8 acquisition, handling and recommended use of the Products. The primary route of exposure to
9 lead, DEA, and/or DEHP is through dermal absorption directly through the skin when consumers
10 use, touch, or handle the Products. Exposure through ingestion will occur by touching the Product
11 with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided
12 with the Products regarding the health hazards of exposure.

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

16 44. Defendant has knowledge that the normal and reasonably foreseeable use of the
17 Products expose individuals to lead, DEA, and/or DEHP, and Defendant intends that exposures to
18 lead, DEA, and/or DEHP will occur by its deliberate, non-accidental participation in the
19 importation, distribution, sale and offering of the Products to consumers in California

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

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

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

1 **PRAYER FOR RELIEF**

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

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

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

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

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

12 Dated: August 22, 2023

BRODSKY SMITH

13 By:  _____

14 Evan J. Smith (SBN242352)

15 Ryan P. Cardona (SBN302113)

9595 Wilshire Boulevard, Suite 900

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16 Telephone: (877) 534-2590

17 Facsimile: (310) 247-0160

18 *Attorneys for Plaintiff*

EXHIBIT "A"

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August 23, 2022

President/CEO Eaton Dining Meicheng Holdings Ltd. No. 655-C Lianfeng Middle Road Haishu District Ningbo 315174 P.R. CHINA	President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. dba Marshalls c/o CT Corporation System 155 Federal Street, Suite 700 Boston, MA 02110	

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

To Whom It May Concern:

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

Brodsky & Smith, LLC ("Brodsky Smith") represents Precila Balabbo ("Balabbo"), 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, Balabbo 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.

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.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Eaton Dining; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls
3. **Time Period of Exposure:** Violations have been occurring since at least August 23, 2022 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Bowl	Eaton Fine Dining Mug & Bowl Set

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion and dermal absorption exposure. When used for its intended purpose, the Product will be in contact with foods. The Listed Chemical will leach into the foods it comes into contact with. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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 Balabbo 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, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo'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.

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

Sincerely,

A handwritten signature in blue ink, appearing to be 'Evan J. Smith', written over a horizontal line.

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, LLC

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

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

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

September 22, 2022

Member/Manager Cupcakes and Cashmere LLC c/o Legalzoom.com, Inc. 101 N. Brand Blvd., 11 th Floor Glendale, CA 91203	Member/Manager Cupcakes and Cashmere LLC 101 N. Brand Blvd., 11 th Floor Glendale, CA 91203
President/CEO The TJX Companies, Inc. dba TJ Maxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. 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, LLC ("Brodsky Smith") represents Precila Balabbo ("Balabbo"), 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, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

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

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Cupcakes and Cashmere LLC.; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJMaxx
3. **Time Period of Exposure:** Violations have been occurring since at least September 22, 2022 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Tray	Cupcakes and Cashmere Tray 81-2216-436974-000599-07-6

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion and dermal absorption exposure. When used for its intended purpose, the Product will be in contact with foods. The Listed Chemical will leach into the foods it comes into contact with. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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 Balabbo 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, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo'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.

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

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT “C”

LAW OFFICES
BRODSKY & SMITH

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

October 27, 2022

President/CEO Empirical Products Pty Ltd. Level 2, 339 Ferrars Street South Melbourne, Victoria 3205 AUSTRALIA	President/CEO Empirical Products Pty Ltd. PO Box 236 Albert Park, Victoria 3206 AUSTRALIA
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba TJ Maxx c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Operating Companies, Inc. 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 Precila Balabbo ("Balabbo"), 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, Balabbo 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 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,

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.

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:** Precila Balabbo, 285 W. 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Empirical Products Pty Ltd.; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx; The TJX Operating Companies, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least October 27, 2022 and are continuing to this day.
4. **Product: Listed Chemical:** Diethanolamine (DEA) is listed under Proposition 65 as a chemical known to the State to cause cancer.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Foot Balm	Empire Australia Cooling Foot Balm UPC# 9348119005822

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the Listed Chemical is through dermal exposure. 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.

7.

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 Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

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

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

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

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT "D"

LAW OFFICES
BRODSKY & SMITH, LLC

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

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

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

January 12, 2023

Member/Manager The Memory Company, LLC c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	President/CEO The Memory Company, Inc. c/o Timothy E. Tooker 3406 Sandfort Road Phenix City, AL 36869
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Operating Companies, Inc. 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, LLC ("Brodsky Smith") represents Precila Balabbo ("Balabbo"), 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, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

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

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** The Memory Company; The TJX Companies, Inc.; The TJX Operating Companies, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least January 12, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Mug	Ceramic Mug & Ornament Set

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion and dermal absorption exposure. When used for its intended purpose, the Product will be in contact with foods. The Listed Chemical will leach into the foods it comes into contact with. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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 Balabbo 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, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo'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.

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

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT “E”

LAW OFFICES
BRODSKY & SMITH

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

January 20, 2023

Member/Manager In Mocean Group, LLC 463 Seventh Ave., 21 st Floor New York, NY 10018	President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. dba TJ Maxx 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 Precila Balabbo ("Balabbo"), 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, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

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

1. **Enforcer:** Precila Balabbo, 285 W. 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** In Mocean Group, LLC; The TJX Companies, Inc.; The TJX Companies, Inc. dba TJ Maxx
3. **Time Period of Exposure:** Violations have been occurring since at least January 20 2023 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Bag	In Mocean Group Snuggle Nation Bag RN# 103658

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo'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.

Balabbo 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”

LAW OFFICES
BRODSKY & SMITH, LLC

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

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

NEW YORK OFFICE
 240 MINEOLA BOULEVARD
 MINEOLA, NY 11501
 516.741.4977

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

January 25, 2023

President/CEO Wild Eye Designs Inc. c/o Registered Agents Inc. 7901 4 th St. N, Suite 300 St. Petersburg, FL 33702	President/CEO Wild Eye Designs Inc. 1500 Military Road, 100 Kenmore, NY 14217
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba Marshalls c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO The TJX Companies, Inc. c/o Jay Meltzer 770 Cochituate Road Framingham, MA 01701	

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

To Whom It May Concern:

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

Brodsky & Smith, LLC ("Brodsky Smith") represents Precila Balabbo ("Balabbo"), 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, Balabbo 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

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.

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:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Wild Eye Designs Inc.; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls
3. **Time Period of Exposure:** Violations have been occurring since at least January 25, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Brie Cheese Baker	Wild Eye Designs Brie Cheese Baker

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion and dermal absorption exposure. When used for its intended purpose, the Product will be in contact with foods. The Listed Chemical will leach into the foods it comes into contact with. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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 Balabbo against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the Listed Chemical; and (3) pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code § 25249.7(b). Consistent with the public interest goals of Proposition 65 and the desire to have

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

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

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

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 “G”

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

February 17, 2023

Max Sales Group, Inc. c/o Emin Shahbazian 2529 Foothill Blvd., 212 La Crescenta, CA 91214	President/CEO Max Sales Group, Inc. dba FineLife Products 15250 Nelson Ave. East La Puente, CA 91744
The TJX Companies, Inc. c/o The Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	The TJX Companies, Inc. dba Marshalls c/o The Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
The TJX Companies, Inc. c/o CT Corporation System 101 Federal Street Boston, MA 02110	President/CEO FineLife Products 15250 Nelson Ave. East La Puente, CA 91744

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 Precila Balabbo ("Balabbo"), 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, Balabbo 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.

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.

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 W. 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Max Sales Group, Inc.; Max Sales Group, Inc. dba FineLife Products; The TJX Companies, Inc.; The TJX Companies, Inc. dba Marshalls; FineLife Products
3. **Time Period of Exposure:** Violations have been occurring since at least February 17, 2023 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Tent Case	FineLife Pop Up Play Tent for Children Ages 10 and Under UPC# 841437140415

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo'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.

Balabbo 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 “H”

LAW OFFICES
BRODSKY & SMITH

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

March 30, 2023

Member/Manager Sam Salem & Son, LLC c/o Jess J. Salem 302 5 th Ave., 4 th Floor New York, NY 10001	President/CEO Homegoods, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO TJX Companies, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO TJX Companies, Inc. dba HomeGoods 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 Precila Balabbo ("Balabbo"), 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, Balabbo has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the Product in California. Health & Safety Code § 25249.6 provides that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ..." Without proper warnings regarding the toxic effects of exposures to the Listed Chemical resulting from use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

I. DESCRIPTION OF THE VIOLATION

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

1. **Enforcer:** Precila Balabbo, 285 W. 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Sam Salem & Son, LLC; Homegoods, Inc.; TJX Companies, Inc.; TJX Companies, Inc. dba HomeGoods
3. **Time Period of Exposure:** Violations have been occurring since at least March 30, 2023 and are continuing to this day.
4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Bag	Posh Home Bag UPC# 748279173895

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo'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.

Balabbo 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 “I”

LAW OFFICES
BRODSKY & SMITH, LLC

9595 WILSHIRE BLVD., STE. 900
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516.741.4977

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

April 17, 2023

Member/Manager CornerRuby International LLC c/o Mei Ha Erica Hui 8603 Augustine Road Irving, TX 75063	Member/Manager China Accent (HK) Limited Rm. 2505 25/F Wing Fung Industrial Bldg, 40-50 Sha Tsui Road Tsuen Wan Hong Kong
President/CEO Homegoods, Inc. c/o The Corporation Trust Company 1209 Orange St., Wilmington, DE 19801	President/CEO Homegoods, Inc. 770 Cochituate Rd., Framingham, MA 01701
President/CEO The TJX Companies, Inc. c/o The Corporation Trust Company 1209 Orange St., Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba HomeGoods c/o The Corporation Trust Company 1209 Orange St., 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, LLC ("Brodsky Smith") represents Precila Balabbo ("Balabbo"), 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, Balabbo 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.

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.

I. DESCRIPTION OF THE VIOLATION

- 1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
- 2. **Alleged Violator(s):** CornerRuby International LLC; China Accent (HK) Limited; Homegoods, Inc.; The TJX Companies, Inc. dba HomeGoods; The TJX Companies, Inc.
- 3. **Time Period of Exposure:** Violations have been occurring since at least April 17, 2023 and are continuing to this day.
- 4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
- 5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Tray	CornerRuby Spring Collection Easter Candy Tray

- 6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion and dermal absorption exposure. When used for its intended purpose, the Product will be in contact with foods. The Listed Chemical will leach into the foods it comes into contact with. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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 Balabbo 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, Balabbo is interested in seeking a constructive resolution of the claims in this Notice without engaging in costly and protracted litigation.

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo'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.

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

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 “J”

LAW OFFICES
BRODSKY & SMITH, LLC

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

May 16, 2023

President/CEO Martha Stewart Living Omnimedia, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Martha Stewart Living Omnimedia, Inc. c/o Corporation Service Company Which Will Do Business In California As CSC – Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833
Member/Manager Martha Stewart Living Omnimedia, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Martha Stewart Living Omnimedia, Inc. c/o Corporation Service Company 80 State Street Albany, NY 12207-2543
President/CEO Homegoods, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO The TJX Companies, Inc. dba Homegoods c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Homegoods, Inc. 770 Cochituate Road Framingham, MA 01701	Member/Manager E&E Co., Ltd. and Affiliates c/o Jude Anthony jude.anthony@jlahome.com 45875 Northport Loop East, Fremont, CA 94538

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

To Whom It May Concern:

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

Brodsky & Smith, LLC (“Brodsky Smith”) represents Precila Balabbo (“Balabbo”), 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, Balabbo has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”) codified at Cal. Health & Safety

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.

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:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Martha Stewart Living Omnimedia, Inc.; Martha Stewart Living Omnimedia, LLC; Homegoods, Inc.; The TJX Companies, Inc. dba Homegoods; E&E Co., Ltd. and Affiliates
3. **Time Period of Exposure:** Violations have been occurring since at least May 16, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and reproductive toxicity.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Bath Glass	Martha Stewart Ceramic Bath Glass

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion and dermal absorption exposure. When used for its intended purpose, the Product will be in contact with foods. The Listed Chemical will leach into the foods it comes into contact with. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

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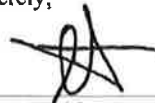
² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Balabbo’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.

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

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

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