

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

8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

11/03/2023
Clerk of the Court
BY: DAEJA ROGERS
Deputy Clerk

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF SAN FRANCISCO

9 GABRIEL ESPINOZA,

10 Plaintiff,

11 vs.

12 DOLLAR KINGS, INC. dba DOLLAR
13 KING,

14 Defendant.

Case No.:

CGC-23-610172

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

15 Plaintiff Gabriel Espinoza (“Plaintiff”), by and through his attorneys, alleges the following
16 cause of action in the public interest of the citizens of the State of California.

17 **BACKGROUND OF THE CASE**

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

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

1 3. DEA¹ is a harmful chemical known to the State of California to cause cancer.
2 DEHP² is a harmful chemical known to the State of California to cause cancer and birth defects or
3 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) Tea Tree facial masks, UPC # 641018313852, (DEA),
18 (b) Lenan cosmetic spa bags, UPC # 757437580031, (DEHP), and (c) *Dowin Enterprises*® ball
19 pump bags, UPC # 897288076014, (DEHP), (collectively, the “Products” and each a “Product”)
20 that expose persons to DEA and/or DEHP when used for their intended purpose.

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

27 ² . On January 1, 1988, the State of California listed DEHP as a chemical known to the State to
28 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 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
2 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
3 jurisdiction over this lawsuit.

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

10 **STATUTORY BACKGROUND**

11 16. 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 17. 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:

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

21 18. An exposure to a chemical in a consumer product is one “which results from a
22 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
23 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
24 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
25 shall provide a warning to any person to whom the product is sold or transferred unless the product
26 is packaged or labeled with a clear and reasonable warning.”
27
28

1 19. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
2 more of the following methods individually or in combination:³

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

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

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

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

14 20. Proposition 65 provides that any "person who violates or threatens to violate" the
15 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
16 "threaten to violate" is defined to mean creating "a condition in which there is a substantial
17 probability that a violation will occur." (H&S Code § 25249.11(e).) Violators are liable for civil
18 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
19 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

20 **FACTUAL BACKGROUND**

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

24
25
26
27 ³ 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 22. On January 1, 1988, the State of California listed DEHP as a chemical known to
2 the State to cause cancer and it has come under the purview of Proposition 65 regulations since
3 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
4 On October 24, 2003, the State of California listed DEHP as a chemical known to cause birth
5 defects or other reproductive harm.

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

12 24. Defendant has processed, marketed, distributed, offered to sell and/or sold the
13 Products in California since at least November 7, 2022 with respect to the Tea Tree facial masks
14 Product; since at least December 1, 2022 with respect to the Lenan cosmetic spa bags Product; and
15 since at least June 23, 2023 with respect to *Dowin Enterprises®* ball pump bags Product. The
16 Products continue to be distributed and sold in California without the requisite warning
17 information.

18 25. At all times relevant to this action, Defendant has knowingly and intentionally
19 exposed users and/or consumers of the Products to DEA and/or DEHP without first giving a clear
20 and reasonable exposure warning to such individuals.

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

1 SATISFACTION OF NOTICE REQUIREMENTS

2 27. Plaintiff purchased the Products from Dollar King. At the time of purchase,
3 Defendant did not provide a Proposition 65 exposure warning for DEA, DEHP, or any other
4 Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described
5 *supra*.

6 28. The Lenan cosmetic spa bags Product and the *Dowin Enterprises*® ball pump bags
7 Product were sent to a testing laboratory for phthalate testing to determine the phthalate content of
8 the Product; and the Tea Tree facial masks Product was sent to a testing laboratory for
9 diethanolamine testing to determine the DEA content of the Products.

10 29. For each Product that was sent to the laboratory, Plaintiff received a chemical test
11 report (collectively, the “Chemical Test Reports” and each a “Chemical Test Report”). The
12 Chemical Test Reports findings determined the Lenan cosmetic spa bags Product and the *Dowin*
13 *Enterprises*® ball pump bags expose users to DEHP; and the Tea Tree facial masks Product
14 exposes users to DEA.

15 30. Plaintiff provided each Chemical Test Report and each Product to an analytical
16 chemist to determine if, based on the findings of the Chemical Test Reports and the reasonable
17 and foreseeable use of the Products, exposure to DEA and/or DEHP will occur at levels that require
18 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of
19 the California Code of Regulations.

20 31. On November 7, 2022, Plaintiff received from the analytical chemist an exposure
21 assessment report for the Tea Tree facial masks Product that concluded that persons in California
22 who use the Tea Tree facial masks Product will be exposed to levels of DEA that require a
23 Proposition 65 exposure warning. On December 1, 2022, Plaintiff received from the analytical
24 chemist an exposure assessment report for the Lenan cosmetic spa bags Product that concluded
25 that persons in California who use the Lenan cosmetic spa bags Product will be exposed to levels
26 of DEHP that require a Proposition 65 exposure warning. On June 23, 2023, Plaintiff received
27 from the analytical chemist an exposure assessment report for the *Dowin Enterprises*® ball pump
28

1 bags Product that concluded that persons in California who use the *Dowin Enterprises*® ball pump
2 bags Product will be exposed to levels of DEHP that require a Proposition 65 exposure warning.

3 32. On November 7, 2022 (Tea Tree facial masks), December 1, 2022 (Lenan cosmetic
4 spa bags), and June 23, 2023 (*Dowin Enterprises*® ball pump bags), Plaintiff gave notice of alleged
5 violation of Health and Safety Code § 25249.6 (collectively, the “Notices”) to Defendant
6 concerning the exposure of California citizens to DEA and/or DEHP contained in the Products
7 without proper warning, subject to a private action to Defendant and to the California Attorney
8 General’s office and the offices of the County District attorneys and City Attorneys for each city
9 with a population greater than 750,000 persons wherein the herein violations allegedly occurred.
10 See attached at Exhibits “A” – “C” a true and correct copy of the Notices.

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

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

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

22 **FIRST CAUSE OF ACTION**

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

24 36. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 35 of
25 this Complaint as though fully set forth herein.

26 37. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of
27 the Products.

1 38. Use of the Products will expose users to DEA and/or DEHP, hazardous chemicals
2 found on the Proposition 65 list of chemicals known to be hazardous to human health.

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

4 40. Plaintiff, based on his best information and belief, avers that at all relevant times
5 herein, and since at least November 7, 2022 with respect to the Tea Tree facial masks Product;
6 since at least December 1, 2022 with respect to the Lenan cosmetic spa bags Product; and since at
7 least June 23, 2023 with respect to *Dowin Enterprises*® ball pump bags Product, continuing until
8 the present, that Defendant has continued to knowingly and intentionally expose California users
9 and consumers of the Products to DEA and/or DEHP without providing required warnings under
10 Proposition 65.

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

17 42. Plaintiff, based on his best information and belief, avers that such exposures will
18 continue every day until clear and reasonable warnings are provided to purchasers and users or
19 until these known toxic chemicals are removed from the Products.

20 43. Defendant has knowledge that the normal and reasonably foreseeable use of the
21 Products expose individuals to DEA and/or DEHP, and Defendant intends that exposures to DEA
22 and/or DEHP will occur by its deliberate, non-accidental participation in the importation,
23 distribution, sale and offering of the Products to consumers in California.

24 44. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
25 Complaint.

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

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

3 **PRAYER FOR RELIEF**

4 WHEREFORE, Plaintiff demands judgment against Defendant and requests the following
5 relief:

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

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

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

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

14 Dated: November 3, 2023

BRODSKY SMITH

15 By: 

16 Evan J. Smith (SBN242352)
17 Ryan P. Cardona (SBN302113)
18 9595 Wilshire Boulevard, Suite 900
19 Beverly Hills, CA 90212
20 Telephone: (877) 534-2590
21 Facsimile: (310) 247-0160

Attorneys for Plaintiff

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 7, 2022

Member/Manager Celavi, LLC c/o Hoon Lee 1585 Rio Vista Avenue Los Angeles, CA 90023	President/CEO No. 1 Beauty & Cosmetic, Inc. c/o Hoon Lee 1585 Rio Vista Ave. Los Angeles, CA 90023
President/CEO/Owner No. 1 Accessory 1585 Rio Vista Ave. Los Angeles, CA 90023-2619	President/CEO/Owner No. 1 Inc. 1585 Rio Vista Ave. Los Angeles, CA 90023
President/CEO Dollar Kings Inc. dba Dollar King c/o Edward Karibyan 10853 Nassau Ave. Sunland, CA 91040	President/CEO Dollar Kings Inc. c/o Edward Karibyan 10853 Nassau Ave. Sunland, CA 91040

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 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

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.

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; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Celavi, LLC; No. 1 Beauty & Cosmetic, Inc.; No. 1 Accessory; No. 1 Inc.; Dollar Kings, Inc.; Dollar Kings, Inc. dba Dollar King
3. **Time Period of Exposure:** Violations have been occurring since at least November 7, 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:**

Product ²	Non- Exclusive Examples of the Product
Facial Mask	Tea Tree Facial Mask UPC# 641018313852

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.

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 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.

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.

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

December 1, 2022

President/CEO American Consumer Products Corp. c/o GKL Corporate/Search, Inc. One Capitol Mall, Suite 660 Sacramento, CA 95814	President/CEO American Consumer Products Corp. 1585 West Mission Blvd. Pomona, CA 91766
President/CEO Lenan Corporation Pty. Ltd. 1-5 Sirett St. Berrinba QLD 4117 AUSTRALIA	President/CEO Lenan Corporation Pty. Ltd. 9/57 Mortimer Road Acacia Ridge QLD 4110 AUSTRALIA
President/CEO Dollar Kings Inc. c/o Edward Karibyan 10853 Nassau Ave. Sunland, CA 91040	President/CEO Dollar Kings Inc. dba Dollar King c/o Edward Karibyan 10853 Nassau Ave. Sunland, CA 91040

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 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:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 424-285-4896.
2. **Alleged Violator(s):** American Consumer Products Corp.; Lenan Corporation Pty. Ltd.; Dollar Kings Inc.; Dollar Kings Inc. dba Dollar King
3. **Time Period of Exposure:** Violations have been occurring since at least December 1, 2022 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	Lenan Cosmetic Spa Bag UPC# 757437580031

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 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

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.

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 “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

June 23, 2023

President/CEO Dowin Enterprises(USA), Inc. c/o Binghua Yu 4500 S. Kolin Ave. Chicago, IL 60632	President/CEO Dowin Enterprises(USA), Inc. c/o Binghua Yu 4500 S. Kolin Ave., Suite 430 Chicago, IL 60632
President/CEO Dowin Enterprises(USA), Inc. 3939 S. Karlov Avenue Chicago, IL 60632	President/CEO Dollar Kings Inc. c/o Edward Karibyan 10853 Nassau Ave. Sunland, CA 91040
President/CEO Dollar Kings Inc. dba Dollar King Burbank c/o Edward Karibyan 10853 Nassau Ave. Sunland, CA 91040	

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 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:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Dowin Enterprises(USA), Inc.; Dollar Kings Inc.; Dollar Kings, Inc. dba Dollar King Burbank
3. **Time Period of Exposure:** Violations have been occurring since at least June 23, 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 birth defect or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Ball Pump Bag	Dowin Enterprises Ball Pump Bag UPC# 897288076014

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.

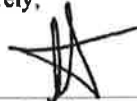
III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of 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.

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.

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,

A handwritten signature in black 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