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8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

09/26/2023
Clerk of the Court
BY: DAEJA ROGERS
Deputy Clerk

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

9 EMA BELL,
10 Plaintiff,
11 vs.
12 KOHL'S, INC., KOHL'S
13 CORPORATION,
14 Defendants.

Case No.: **CGC-23-609327**

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

15 Plaintiff Ema Bell ("Plaintiff"), by and through her attorneys, alleges the following cause
16 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 lead, chromium (hexavalent compounds) (CrVI), and/or di(2-
27 ethylhexyl) phthalate (DEHP), toxic chemicals found in products sold and/or distributed by
28

1 defendants Kohl's, Inc. and/or Kohl's Corporation (collectively, "Kohl's" or "Defendants") in
2 California.

3 3. CrVI¹, Lead² and DEHP³ are harmful chemicals known to the State of California
4 to cause cancer and birth defects or other reproductive harm.

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

11 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
12 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
13 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
14 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
15 actions of a defendant which "violate or threaten to violate" the statute. Health & Safety Code §
16 25249.7.

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20 ¹ On February 27, 1987, the State of California listed chromium (VI) as a chemical known to the
21 State to cause cancer and it has come under the purview of Proposition 65 regulations since that
22 time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On
December 19, 2008, the State of California listed chromium (VI) as a chemical known to cause
birth defects or other reproductive harm.

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

26 ³ . On January 1, 1988, the State of California listed DEHP as a chemical known to the State to
27 cause cancer and it has come under the purview of Proposition 65 regulations since that time. Cal.
28 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 Plaintiff alleges that defendant Kohl's, Inc. is a "person" in the course of doing business within
2 the meaning of Health & Safety Code sections 25249.6 and 25249.11.

3 13. Defendant Kohl's Corporation, through its business, effectively imports,
4 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
5 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
6 State of California. Plaintiff alleges that defendant Kohl's Corporation is a "person" in the course
7 of doing business within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

8 **VENUE AND JURISDICTION**

9 14. Venue is proper in the County of San Francisco because one or more of the
10 instances of wrongful conduct occurred, and continue to occur in this county and/or because
11 Defendants conducted, and continue to conduct, business in the County of San Francisco with
12 respect to the Products.

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

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

24 **STATUTORY BACKGROUND**

25 17. The people of the State of California declared in Proposition 65 their right "[t]o be
26 informed about exposures to chemicals that cause cancer, birth defects, or other reproductive
27 harm." (Section 1(b) of Initiative Measure, Proposition 65.)

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

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

8 19. An exposure to a chemical in a consumer product is one “which results from a
9 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
10 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
11 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
12 shall provide a warning to any person to whom the product is sold or transferred unless the product
13 is packaged or labeled with a clear and reasonable warning.”

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

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

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

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

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

3 21. Proposition 65 provides that any “person who violates or threatens to violate” the
4 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
5 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
6 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
7 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
8 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

9 **FACTUAL BACKGROUND**

10 22. On October 1, 1992, the state of California listed lead as a chemical known to cause
11 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
12 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
13 1987, the State of California listed lead as a chemical known to cause birth defects or other
14 reproductive harm. In summary, lead was listed under Proposition 65 as a chemical known to the
15 State to cause cancer and birth defects or other reproductive harm.

16 23. On February 27, 1987, the State of California listed chromium (VI) as a chemical
17 known to the State to cause cancer and it has come under the purview of Proposition 65 regulations
18 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
19 25249.10(b). On December 19, 2008, the State of California listed chromium (VI) as a chemical
20 known to cause birth defects or other reproductive harm.

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

26 25. The exposures that are the subject of the Notices result from the purchase,
27 acquisition, handling, and recommended use of the Products. The primary route of exposure to
28 lead, CrVI, and/or DEHP is through dermal absorption directly through the skin when consumers

1 use, touch, or handle the Products. Exposure through ingestion will occur by touching the Products
2 with subsequent touching of the user's hand to mouth. No clear and reasonable warning is provided
3 with the Products regarding the health hazards of exposure.

4 26. Defendants have processed, marketed, distributed, offered to sell and/or sold the
5 Products in California since at least September 28, 2022 with respect to the "Plant Your Own
6 Roots" Product and the Southern Charm Product; since at least January 23, 2023 with respect to
7 the *St. Nicholas Square*® Product; since at least July 6, 2023 with respect to the *Karla Hanson*®
8 Product; since at least July 7, 2023 with respect to the *Pulse by Chicago Skates*® Product; and
9 since at least July 17, 2023 with respect to the *United by Blue*® Product. The Products continue to
10 be distributed and sold in California without the requisite warning information.

11 27. At all times relevant to this action, Defendants have knowingly and intentionally
12 exposed users and/or consumers of the Products to lead, CrVI, and/or DEHP without first giving
13 a clear and reasonable exposure warning to such individuals.

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

20 **SATISFACTION OF NOTICE REQUIREMENTS**

21 29. Plaintiff purchased the Products from Kohl's. At the time of purchase, Defendants
22 did not provide a Proposition 65 exposure warning for lead, CrVI, DEHP, or any other Proposition
23 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described *supra*.

24 30. The *Pulse by Chicago Skates*® Product was sent to a testing laboratory for phthalate
25 testing to determine the phthalate content of the Product; the *Karla Hanson*® Product was sent to
26 a testing laboratory for CrVI testing to determine the CrVI content of the Products; and the "Plant
27 Your Own Roots" Product, the Southern Charm Product, the *St. Nicholas Square*® Product, and
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1 the *United by Blue*® Product were sent to a testing laboratory to determine if, and what amount
2 of, lead would migrate and/or leach from the Products.

3 31. For each Product that was sent to the laboratory, Plaintiff received a chemical test
4 report (collectively, the “Chemical Test Reports” and each a “Chemical Test Report”). The
5 Chemical Test Report findings determined the *Pulse by Chicago Skates*® Product exposes users
6 to DEHP; the *Karla Hanson*® Product exposes users to CrVI; and the “Plant Your Own Roots”
7 Product, the Southern Charm Product, the *St. Nicholas Square*® Product, and the *United by Blue*®
8 Product exposes users to lead.

9 32. Plaintiff provided each Chemical Test Report and each Product to an analytical
10 chemist to determine if, based on the findings of the Chemical Test Reports and the reasonable
11 and foreseeable use of the Products, exposure to lead, CrVI, and/or DEHP will occur at levels that
12 require Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title
13 27 of the California Code of Regulations.

14 33. On September 28, 2022, Plaintiff received from the analytical chemist exposure
15 assessment reports for the “Plant Your Own Roots” Product that concluded that persons in
16 California who use the “Plant Your Own Roots” Product will be exposed to levels of lead that
17 require a Proposition 65 exposure warning. On September 28, 2022, Plaintiff received from the
18 analytical chemist an exposure assessment report for the Southern Charm Product that concluded
19 that persons in California who use the Southern Charm Product will be exposed to levels of lead
20 that require a Proposition 65 exposure warning. On January 23, 2023, Plaintiff received from the
21 analytical chemist an exposure assessment report for the *St. Nicholas Square*® Product that
22 concluded that persons in California who use the *St. Nicholas Square*® Product will be exposed
23 to levels of lead that require a Proposition 65 exposure warning. On July 6, 2023, Plaintiff received
24 from the analytical chemist an exposure assessment report for the *Karla Hanson*® Product that
25 concluded that persons in California who use the *Karla Hanson*® Product will be exposed to levels
26 of CrVI that require a Proposition 65 exposure warning. On July 7, 2023, Plaintiff received from
27 the analytical chemist an exposure assessment report for the *Pulse by Chicago Skates*® Product
28 that concluded that persons in California who use the *Pulse by Chicago Skates*® Product will be

1 exposed to levels of DEHP that require a Proposition 65 exposure warning. On July 17, 2023,
2 Plaintiff received from the analytical chemist an exposure assessment report for the *United By*
3 *Blue*® Product that concluded that persons in California who use the *United By Blue*® Product
4 will be exposed to levels of lead that require a Proposition 65 exposure warning.

5 34. On September 28, 2022 (“Plant Your Own Roots” planters and Southern Charm
6 planters), January 23, 2023 (*St. Nicholas Square*® ceramic blessing tree), July 6, 2023 (*Karla*
7 *Hanson*® RFID blocking leather passport holders), July 7, 2023 (*Pulse by Chicago Skates*®
8 rechargeable light up skates), and July 17, 2023 (*United By Blue*® camping mugs), Plaintiff gave
9 notice of alleged violation of Health and Safety Code § 25249.6 (collectively, the “Notices”) to
10 Defendants concerning the exposure of California citizens to lead, CrVI, and/or DEHP contained
11 in the Products without proper warning, subject to a private action to Defendants and to the
12 California Attorney General’s office and the offices of the County District attorneys and City
13 Attorneys for each city with a population greater than 750,000 persons wherein the herein
14 violations allegedly occurred. See attached at Exhibits “A” – “F” a true and correct copy of the
15 Notices.

16 35. The Notices complied with all procedural requirements of Proposition 65 including
17 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
18 least one person with relevant and appropriate expertise who reviewed relevant data regarding
19 lead, CrVI, and/or DEHP exposure, and that counsel believed there was meritorious and reasonable
20 cause for a private action.

21 36. After receiving the Notices, and to Plaintiff’s best information and belief, none of
22 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
23 cause of action against Defendants under Proposition 65 to enforce the alleged violations which
24 are the subject of the Notices.

25 37. Plaintiff is commencing this action more than sixty (60) days from the date of each
26 Notice to Defendants, as required by law.

FIRST CAUSE OF ACTION

(By Plaintiff against Defendants for the Violation of Proposition 65)

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

39. Defendants have, at all times mentioned herein, acted as distributor, and/or retailer of the Products.

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

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

42. Plaintiff, based on her best information and belief, avers that at all relevant times herein, and at since at least September 28, 2022 with respect to the “Plant Your Own Roots” Product and the Southern Charm Product; since at least January 23, 2023 with respect to the *St. Nicholas Square*® Product; since at least July 6, 2023 with respect to the *Karla Hanson*® Product; since at least July 7, 2023 with respect to the *Pulse by Chicago Skates*® Product; and since at least July 17, 2023 with respect to the *United by Blue*® Product, continuing until the present, that Defendants have continued to knowingly and intentionally expose California users and consumers of the Products to lead, CrVI, and/or DEHP without providing required warnings under Proposition 65.

43. The exposures that are the subject of the Notices result from the purchase, acquisition, handling and recommended use of the Products. The primary route of exposure to lead, CrVI, and/or DEHP is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Exposure through ingestion will 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.

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

1 45. Defendants have knowledge that the normal and reasonably foreseeable use of the
2 Products expose individuals to lead, CrVI, and/or DEHP, and Defendants intend that exposures to
3 lead, CrVI, and/or DEHP will occur by its deliberate, non-accidental participation in the
4 importation, distribution, sale and offering of the Products to consumers in California.

5 46. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
6 Complaint.

7 47. Pursuant to Health and Safety Code § 25249.7(b), as a consequence of the above
8 described acts, Defendants are liable for a maximum civil penalty of \$2,500 per day per violation.

9 48. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
10 authorized to grant injunctive relief in favor of Plaintiff and against Defendants.

11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiff demands judgment against Defendants and requests the following
13 relief:

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

17 B. That the court preliminarily and permanently enjoin Defendants mandating
18 Proposition 65 compliant warnings on the Products;

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

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

22 Dated: September 26, 2023

BRODSKY SMITH

23 By:  _____

24 Evan J. Smith (SBN242352)
25 Ryan P. Cardona (SBN302113)
26 9595 Wilshire Boulevard, Suite 900
27 Beverly Hills, CA 90212
28 Telephone: (877) 534-2590
Facsimile: (310) 247-0160

Attorneys for Plaintiff

EXHIBIT “A”

LAW OFFICES
BRODSKY & SMITH, LLC

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877.534.2590
www.brodskysmith.com

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856.795.7250

NEW YORK OFFICE
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MINEOLA, NY 11501
516.741.4977

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

September 28, 2022

President/CEO Kohl's Corporation c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 3411 Silverside Road Tatnall Building Suite 104 Wilmington, DE 19810
President/CEO Kohl's Corporation c/o Corporate Creations Network, Inc. 4650 W. Spencer Street Appleton, WI 54914-9106	

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

To Whom It May Concern:

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

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

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

I. DESCRIPTION OF THE VIOLATION

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

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Kohl's Corporation; Kohl's, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least September 28, 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
Planter	Plant Your Own Roots Planter RN# 73277

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

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

Bell has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky & Smith, 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 “B”

LAW OFFICES
BRODSKY & SMITH, LLC

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PENNSYLVANIA OFFICE
TWO BALA PLAZA, STE. 805
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610.667.6200

September 28, 2022

President/CEO Kohl's Corporation c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 3411 Silverside Road Tatnall Building Suite 104 Wilmington, DE 19810
President/CEO Kohl's Corporation c/o Corporate Creations Network, Inc. 4650 W. Spencer Street Appleton, WI 54914-9106	

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

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

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

I. DESCRIPTION OF THE VIOLATION

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

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Kohl's Corporation; Kohl's, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least September 28, 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
Planter	Southern Charm Planter 400297564337

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.

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

III. RESOLUTION OF THE CLAIMS

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

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

Bell has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky & Smith, 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, 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 23, 2023

President/CEO Kohl's Corporation c/o Corporation Creations Network, Inc. 4650 W. Spencer Street Appleton, WI 54914-9106	President/CEO Kin, Inc. c/o Corporate Creations Network, Inc. 8275 South Eastern Avenue, #200 Las Vegas, NV 89123
Member/Manager Kohl's Holding Company, LLC c/o Corporate Creations Network, Inc. 4650 W. Spencer Street Appleton, WI 54914	

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

To Whom It May Concern:

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

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

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

I. DESCRIPTION OF THE VIOLATION

- 1. Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.

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.

2. **Alleged Violator(s):** Kohl's Corporation; Kin, Inc.; Kohl's Holding Company, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least January 23, 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
Ceramic Tree	St. Nicholas Square Ceramic Blessing Tree UPC# 400750632481

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

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

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

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT “D”

LAW OFFICES
BRODSKY SMITH

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

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

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

July 6, 2023

President/CEO J.Y.S. Enterprise Inc. #264 – 1951 Glen Drive Vancouver, BC V6A 4J6 CANADA	President/CEO J.Y.S. Enterprise Inc. dba Karla Hanson #264 – 1951 Glen Drive Vancouver, BC V6A 4J6 CANADA
Yin Jiang #264 – 1951 Glen Drive Vancouver, BC V6A 4J6 CANADA	President/CEO Kohl's Corporation c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Kohl's Corporation c/o Corporate Creations Network Inc. 4650 W. Spencer Street Appleton, WI 54914-9106	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 3411 Silverside Road Tatnall Building Suite 104 Wilmington, DE 19810
President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 28175 Haggerty Road Novi, MI 48377	

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

To Whom It May Concern:

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

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

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

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. 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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** J.Y.S. Enterprise Inc.; J.Y.S. Enterprise Inc. dba Karla Hanson; Yin Jiang; Kohl’s Corporation; Kohl’s, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least July 6, 2023 and are continuing to this day.
4. **Listed Chemical:** Chromium (VI). Chromium (VI) is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defect or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
RFID Blocking Leather Passport Holder	Karla Hanson RFID Blocking Leather Passport Holder UPC# 628210104907

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.

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

III. RESOLUTION OF THE CLAIMS

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

Bell has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 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

July 7, 2023

President/CEO Nicer Holdings Ltd. 9/F, Full View Factory Building 50-52 Tong Mi Rd., Mong Kok, Hong Kong	President/CEO Kohl's Corporation c/o Corporate Creations Network Inc. 4650 W. Spencer Street Appleton, WI 54914-9106
President/CEO Kohl's Corporation c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 28175 Haggerty Road Novi, MI 48377
President/CEO Kohl's, Inc. N56 W17000 Ridgewood Drive Menomonee Falls, MI 53051	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 3411 Silverside Road Tatnall Building, Suite 104 Wilmington, DE 19810

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

To Whom It May Concern:

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

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

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

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

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Nicer Holdings Ltd.; Kohl's Corporation; Kohl's, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least July 7, 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 defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Skates	Pulse by Chicago Skates Rechargeable Light Up Skates UPC#0 39035 03645 6

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

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

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

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

Sincerely,

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

EXHIBIT “F”

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

July 17, 2023

President/CEO Hilldun Corporation 36 East 31 st Street New York, NY 10016	President/CEO Hilldun Corporation 36 East 31 st Street, 12 th Floor New York, NY 10016
Member/Manager Sand Shack LLC c/o Business Filings Incorporated 108 West 13 th Street Wilmington, DE 19801	President/CEO Kohl's Corporation c/o Corporate Creations Network Inc. 4650 W. Spencer Street Appleton, WI 54914-9106
President/CEO Kohl's Corporation c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 28175 Haggerty Road Novi, MI 48377
President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 3411 Silverside Road Tatnall Building, Suite 104 Wilmington, DE 19810	President/CEO KIN, Inc. c/o Corporate Creations Network Inc. 8275 South Eastern Avenue, #200 Las Vegas, NV 89123

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

To Whom It May Concern:

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

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

With respect to the Product herein, Bell has identified a violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, et seq. This violation has occurred and continues to occur because the alleged Violator(s) failed to

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.

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Hilldun Corporation; Sand Shack LLC; Kohl’s Corporation; Kohl’s, Inc.; KIN, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least July 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
Mug	United By Blue Camping Mug UPC# 192900154874

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.

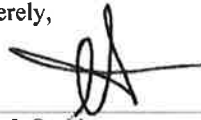
² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive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

III. RESOLUTION OF THE CLAIMS

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

Bell has retained me as legal counsel in connection with this Notice. **Please direct all communications regarding this Notice to my attention at Brodsky Smith, 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