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8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

09/20/2024
Clerk of the Court

BY: AUSTIN LAM
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

CGC-24-618287

11 PRECILA BALABBO,

12 Plaintiff,

13 vs.

14 FOREVER 21, INC., F21 OPCO, LLC,

15 Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

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

18 **BACKGROUND OF THE CASE**

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

25 2. This complaint is a representative action brought by Plaintiff in the public interest
26 of the citizens of the State of California to enforce the People’s right to be informed of the health
27 hazards caused by exposure to lead and/or diethanolamine (“DEA”), toxic chemicals found in
28 products sold and/or distributed by defendants Forever 21, Inc. and F21 OPCO, LLC (collectively,
“Forever 21” or “Defendants” and each a “Defendant”) in California.

1 3. DEA¹ is a harmful chemical know to the State of California to cause cancer. Lead²
2 is a harmful chemical known to the State of California to cause cancer and birth defects or other
3 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 Defendants distribute and/or offer for sale in California,
17 without a requisite exposure warning, (a) On The Nice List ceramic mugs, # 00450821001 (lead),
18 and (b) *Kuromi*TM winter berryface mask sheets, # 004719460101, (DEA) (collectively, the
19 “Products” and each a “Product”) that expose persons to lead and/or DEA when used for their
20 intended purpose.

21 7. Defendants’ failure to warn consumers and other individuals in California of the
22 health hazards associated with exposure to lead and/or DEA in conjunction with the sale and/or
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 October 1, 1992, the state of California listed lead as a chemical known to cause cancer and
28 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 February 27, 1987, the State
of California listed lead as a chemical known to cause birth defects or other reproductive harm.

1 distribution of the Products is a violation of Proposition 65 and subjects Defendants to the
2 enjoinder and civil penalties described herein.

3 8. Plaintiff seeks civil penalties against Defendants for their violations of Proposition
4 65 in accordance with Health and Safety Code § 25249.7(b).

5 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
6 Defendants to provide purchasers, users, or consumers of the Products with required warnings
7 related to the dangers and health hazards associated with exposure to lead and/or DEA pursuant to
8 Health and Safety Code § 25249.7(a).

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

10 PARTIES

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

15 12. Defendant Forever 21, Inc., through its business, effectively imports, distributes,
16 sells, and/or offers the Products for sale or use in the State of California, or it implies by its conduct
17 that it imports, distributes, sells, and/or offers the Products for sale or use in the State of California.
18 Plaintiff alleges that defendant Forever 21, Inc. is a "person" in the course of doing business within
19 the meaning of Health & Safety Code sections 25249.6 and 25249.11.

20 13. Defendant F21 OPCP, LLC, through its business, effectively imports, distributes,
21 sells, and/or offers the Products for sale or use in the State of California, or it implies by its conduct
22 that it imports, distributes, sells, and/or offers the Products for sale or use in the State of California.
23 Plaintiff alleges that defendant F21 OPCP, LLC is a "person" in the course of doing business
24 within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

25 VENUE AND JURISDICTION

26 14. Venue is proper in the County of San Francisco because one or more of the
27 instances of wrongful conduct occurred, and continue to occur in this county and/or because
28

1 Defendants conducted, and continue to conduct, business in the County of San Francisco with
2 respect to the Products.

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

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

14 **STATUTORY BACKGROUND**

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

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

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

24 19. An exposure to a chemical in a consumer product is one “which results from a
25 person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a
26 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
27 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
28

1 shall provide a warning to any person to whom the product is sold or transferred unless the product
2 is packaged or labeled with a clear and reasonable warning.”

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

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

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

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

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

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

22
23
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.

FACTUAL BACKGROUND

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

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

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

16 25. Defendants have processed, marketed, distributed, offered to sell and/or sold the
17 Products in California since at least October 13, 2023 with respect to the On The Nice List ceramic
18 mugs; and since at least December 18, 2023 with respect to the *Kuromi*TM winter berryface mask
19 sheets. The Products continue to be distributed and sold in California without the requisite warning
20 information.

21 26. At all times relevant to this action, Defendants have knowingly and intentionally
22 exposed users of the Products to lead and/or DEA without first giving a clear and reasonable
23 exposure warning to such individuals.

24 27. As a proximate result of acts by Defendants, as a person in the course of doing
25 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
26 California, including in San Francisco County, have been exposed to lead and/or DEA without a
27 clear and reasonable warning on the Products. The individuals subject to the violative exposures
28

1 include normal and foreseeable users and consumers that use the Products, as well as all others
2 exposed to the Products.

3 **SATISFACTION OF NOTICE REQUIREMENTS**

4 28. Plaintiff purchased the Products from Forever 21. At the time of purchase,
5 Defendants did not provide a Proposition 65 exposure warning for lead, DEA, or any other
6 Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described
7 *supra*.

8 29. The *Kuromi*TM winter berryface mask sheets were sent to a testing laboratory for
9 diethanolamine testing to determine the DEA content of the Product; and the On The Nice List
10 ceramic mugs were sent to a testing laboratory to determine if, and what amount of, lead would
11 migrate and/or leach from the Product.

12 30. For each Product that was sent to the laboratory, Plaintiff received a chemical test
13 report (collectively, the “Chemical Test Reports” and each a “Chemical Test Report”). The
14 Chemical Test Reports findings determined the On The Nice List ceramic mugs expose users to
15 lead; and the *Kuromi*TM winter berryface mask sheets expose users to DEA.

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

21 32. On October 13, 2023, Plaintiff received from the analytical chemist an exposure
22 assessment report for the On The Nice List ceramic mugs that concluded that persons in California
23 who use the On The Nice List ceramic mugs will be exposed to levels of lead that require a
24 Proposition 65 exposure warning. On December 18, 2023, Plaintiff received from the analytical
25 chemist an exposure assessment report for the *Kuromi*TM winter berryface mask sheets that
26 concluded that persons in California who use the *Kuromi*TM winter berryface mask sheets will be
27 exposed to levels of DEA that require a Proposition 65 exposure warning.

1 33. On October 13, 2023 (On The Nice List ceramic mugs), and December 18, 2023
2 (*Kuromi*™ winter berryface mask sheets), Plaintiff gave notice of alleged violation of Health and
3 Safety Code § 25249.6 (collectively, the “Notices” and each a “Notice”) to Defendants concerning
4 the exposure of California citizens to lead and/or DEA contained in the Products without proper
5 warning, subject to a private action to Defendants and to the California Attorney General’s office
6 and the offices of the County District attorneys and City Attorneys for each city with a population
7 greater than 750,000 persons wherein the herein violations allegedly occurred. See attached at
8 Exhibits “A” – “B” a true and correct copy of the Notices.

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

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

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

20 **FIRST CAUSE OF ACTION**

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

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

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

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

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

1 41. Plaintiff, based on her best information and belief, avers that at all relevant times
2 herein, and since at least October 13, 2023 with respect to the On The Nice List ceramic mugs;
3 and since at least December 18, 2023 with respect to the *Kuromi*TM winter berryface mask sheets,
4 continuing until the present, that Defendants have continued to knowingly and intentionally expose
5 California users and consumers of the Products to lead and/or DEA without providing required
6 warnings under Proposition 65.

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

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

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

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

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

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

1 **PRAYER FOR RELIEF**

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

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

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

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

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

12 Dated: September 20, 2024

BRODSKY SMITH

13 By:  _____

14 Evan J. Smith (SBN242352)

15 Ryan P. Cardona (SBN302113)

9465 Wilshire Boulevard, Suite 300

Beverly Hills, CA 90212

16 Telephone: (877) 534-2590

17 Facsimile: (310) 247-0160

18 *Attorneys for Plaintiff*

EXHIBIT "A"

LAW OFFICES
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 www.brodskysmith.com

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 856.795.7250

NEW YORK OFFICE
 240 MINEOLA BOULEVARD
 MINEOLA, NY 11501
 516.741.4977

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

October 13, 2023

Member/Manager F21 OPCO, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Member/Manager F21 OPCO, LLC c/o Scott Hampton, General Counsel 110 E. 9 th Street, Suite C910 Los Angeles, CA 90079-6122
Member/Manager F21 OPCO, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	President/CEO Forever 21, Inc. c/o The Corporation Trust Company Corporation trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Forever 21, Inc. c/o CT Corporation System 28 Liberty Street New York, NY 10005	Member/Manager Authentic Brands Group, LLC c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808

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

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

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

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** F21 OPCO, LLC; Forever 21, Inc.; Authentic Brands Group, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least October 13, 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 birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Ceramic Mug	On The Nice List Ceramic Mug 00450821011

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

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

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

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

Sincerely,

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 “B”

LAW OFFICES
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 MINEOLA, NY 11501
 516 741 4977

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

December 18, 2023

President/CEO Sanrio, Inc. c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833	Member/Manager F21 OPCO, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager F21 OPCO, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	President/CEO Forever 21, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
Member/Manager Authentic Brands Group, LLC c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	President/CEO Authentic Brands Group, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808
Member/Manager Authentic Brands LLC c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	

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

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

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.

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Precila Balabbo, 285 W. 6th Street, Unit 209, San Pedro, CA 90731; (Ph) 818-434-4023.
2. **Alleged Violator(s):** Sanrio, Inc.; F21 OPCO, LLC; Forever 21, Inc.; Authentic Brands Group, LLC; Authentic Brands Group, Inc.; Authentic Brands LLC
3. **Time Period of Exposure:** Violations have been occurring since at least December 18, 2023 and are continuing to this day.
4. **Product: Listed Chemical:** Diethanolamine (DEA) is listed under Proposition 65 as a chemical known to the State to cause cancer.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Mask Sheet	Kurorni Winter Berryface Mask Sheet 004719460101

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.

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III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Balabbo against the alleged Violator(s) unless such Violator(s) agree in a

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

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

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