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8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

02/13/2025
Clerk of the Court
BY: SAHAR ENAYATI
Deputy Clerk

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

11 EMA BELL,

12 Plaintiff,

13 vs.

14 AT HOME STORES LLC, AT HOME
15 GROUP, LLC,

16 Defendants.

Case No.:

CGC-25-622328

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

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

19 **BACKGROUND OF THE CASE**

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

26 2. This complaint is a representative action brought by Plaintiff in the public interest
27 of the citizens of the State of California to enforce the People’s right to be informed of the health
28 hazards caused by exposure to lead and/or di(2-ethylhexyl) phthalate (“DEHP”), toxic chemicals
found in products sold and/or distributed by defendants At Home Stores LLC and/or At Home
Group, LLC (collectively, “At Home” or “Defendants” and each a “Defendant”) in California.

1 3. DEHP¹ and lead² are harmful chemicals known to the State of California to cause
2 cancer and birth defects or other reproductive harm.

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

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

15 6. Plaintiff alleges that Defendants distribute and/or offer for sale in California,
16 without a requisite exposure warning, (a) At Home Valentines Day heart mugs (lead), (b) At Home
17 wall organizers (DEHP), (c) At Home x Oh Joy! “You Be You” mugs (lead), and (d) *Couch*
18 *Guard*® bags (DEHP) (collectively, the “Products” and each a “Product”) that expose persons to
19 lead and/or DEHP when used for their intended purpose.

20 7. Defendants’ failure to warn consumers and other individuals in California of the
21 health hazards associated with exposure to lead and/or DEHP in conjunction with the sale and/or

22 _____
23 ¹ . On January 1, 1988, the State of California listed DEHP as a chemical known to the State to
24 cause cancer and it has come under the purview of Proposition 65 regulations since that time. Cal.
25 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.

26 ² On October 1, 1992, the state of California listed lead as a chemical known to cause cancer and
27 it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit.
28 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 DEHP pursuant
8 to 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 At Home Stores LLC, through its business, effectively imports,
16 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
17 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
18 State of California. Plaintiff alleges that defendant At Home Stores LLC is a "person" in the course
19 of doing business within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

20 13. Defendant At Home Group, LLC, through its business, effectively imports,
21 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
22 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
23 State of California. Plaintiff alleges that defendant At Home Group, LLC is a "person" in the
24 course of doing business within the meaning of Health & Safety Code sections 25249.6 and
25 25249.11.

26 **VENUE AND JURISDICTION**

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

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
24 first giving clear and reasonable warning to such individual...

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

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 **FACTUAL BACKGROUND**

23 22. On January 1, 1988, the State of California listed DEHP as a chemical known to
24 the State to cause cancer and it has come under the purview of Proposition 65 regulations since

25
26 _____

27 ³ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et seq.*, as amended on August 30,
2016, and operative on August 30, 2018.

1 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
2 On October 24, 2003, the State of California listed DEHP as a chemical known to cause birth
3 defects or other reproductive harm.

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

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

15 25. Defendants have processed, marketed, distributed, offered to sell and/or sold the
16 Products in California since at least March 13, 2024 with respect to the At Home Valentines Day
17 heart mugs; since at least September 27, 2024 with respect to the At Home wall organizers; since
18 at least September 30, 2024 with respect to the At Home x Oh Joy! "You Be You" mugs; and since
19 at least October 7, 2024 with respect to the *Couch Guard*® bags. The Products continue to be
20 distributed and sold in California without the requisite warning information.

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

24 27. As a proximate result of acts by each Defendant, 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 DEHP 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 At Home. At the time of purchase,
5 Defendants did not provide a Proposition 65 exposure warning for lead, DEHP, 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 At Home wall organizers and the *Couch Guard*® bags were sent to a testing
9 laboratory for phthalate testing to determine the phthalate content of the Product; and the At Home
10 Valentines Day heart mugs and the At Home x Oh Joy! “You Be You” mugs were sent to a testing
11 laboratory to determine if, and what amount of, lead would migrate and/or leach from the Products.

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 At Home Valentines Day heart mugs and the At
15 Home x Oh Joy! “You Be You” mugs expose users to lead; and the At Home wall organizers and
16 the *Couch Guard*® bags expose users to DEHP.

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

22 32. On March 13, 2024, Plaintiff received from the analytical chemist an exposure
23 assessment report for the At Home Valentines Day heart mugs that concluded that persons in
24 California who use the At Home Valentines Day heart mugs will be exposed to levels of lead that
25 require a Proposition 65 exposure warning. On September 27, 2024, Plaintiff received from the
26 analytical chemist an exposure assessment report for the At Home wall organizers that concluded
27 that persons in California who use the At Home wall organizers will be exposed to levels of DEHP
28 that require a Proposition 65 exposure warning. On September 30, 2024, Plaintiff received from

1 the analytical chemist an exposure assessment report for the At Home x Oh Joy! “You Be You”
2 mugs that concluded that persons in California who use the At Home x Oh Joy! “You Be You”
3 mugs will be exposed to levels of lead that require a Proposition 65 exposure warning. On October
4 7, 2024, Plaintiff received from the analytical chemist an exposure assessment report for the *Couch*
5 *Guard*® bags that concluded that persons in California who use the *Couch Guard*® bags will be
6 exposed to levels of DEHP that require a Proposition 65 exposure warning.

7 33. On March 13, 2024 (At Home Valentines Day heart mugs), September 27, 2024
8 (At Home wall organizers), September 30, 2024 (At Home wall organizers), and October 7, 2024
9 (At Home x Oh Joy! “You Be You” mugs), Plaintiff gave notice of alleged violation of Health and
10 Safety Code § 25249.6 (collectively, the “Notices” and each a “Notice”) to Defendants concerning
11 the exposure of California citizens to lead and/or DEHP contained in the Products without proper
12 warning, subject to a private action to Defendants and to the California Attorney General’s office
13 and the offices of the County District attorneys and City Attorneys for each city with a population
14 greater than 750,000 persons wherein the herein violations allegedly occurred. See attached at
15 Exhibits “A” – “D” a true and correct copy of the Notices.

16 34. 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 lead
19 and/or DEHP exposure, and that counsel believed there was meritorious and reasonable cause for
20 a private action.

21 35. 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 36. Plaintiff is commencing this action more than sixty (60) days from the date of each
26 Notice to Defendants, as required by law.

1 **FIRST CAUSE OF ACTION**

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

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

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

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

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

10 41. Plaintiff, based on her best information and belief, avers that at all relevant times
11 herein, and since at least March 13, 2024 with respect to the At Home Valentines Day heart mugs;
12 since at least September 27, 2024 with respect to the At Home wall organizers; since at least
13 September 30, 2024 with respect to the At Home x Oh Joy! “You Be You” mugs; and since at least
14 October 7, 2024 with respect to the *Couch Guard*® bags, continuing until the present, that
15 Defendants have continued to knowingly and intentionally expose California users and consumers
16 of the Products to lead and/or DEHP without providing required warnings under Proposition 65.

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

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

26 44. Defendants have knowledge that the normal and reasonably foreseeable use of the
27 Products expose individuals to lead and/or DEHP, and Defendants intend that exposures to lead
28

1 and/or DEHP will occur by its deliberate, non-accidental participation in the importation,
2 distribution, sale and offering of the Products to consumers in California.

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

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

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

10 **PRAYER FOR RELIEF**

11 WHEREFORE, Plaintiff demands judgment against each Defendant and requests the
12 following relief:

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

16 B. That the court preliminarily and permanently enjoin each Defendant mandating
17 Proposition 65 compliant warnings on the Products;

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

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

21 Dated: February 12, 2025

BRODSKY SMITH

22 By: 

Evan J. Smith (SBN242352)

Ryan P. Cardona (SBN302113)

9465 Wilshire Boulevard, Suite 300

Beverly Hills, CA 90212

25 Telephone: (877) 534-2590

26 Facsimile: (310) 247-0160

27 *Attorneys for Plaintiff*

EXHIBIT “A”

LAW OFFICES
BRODSKY SMITH

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CHERRY HILL, NJ 08934
856.795.7250

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MINEOLA, NY 11501
516.741.4977

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

March 13, 2024

Member/Manager At Home Stores LLC c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	Member/Manager At Home Stores LLC c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833
Member/Manager At Home Stores LLC c/o Corporation Service Company dba CSC- Lawyers Incorporating Service 211 E. 7 th Street, Suite 620 Austin, TX 78701	Member/Manager At Home Group, LLC c/o Alfredo Urias 5001 N. Mesa, No. 1209 El Paso, TX 79912

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

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** At Home Stores LLC; At Home Group, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least March 13, 2024 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
Mug	At Home Valentines Day Heart Mug UPC# 1 97154 15738 1

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.

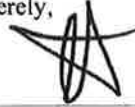
III. RESOLUTION OF THE CLAIMS

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 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, 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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www.brodskysmith.com

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NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

September 27, 2024

Member/Manager At Home Stores LLC c/o Corporation Service Company dba CSC- Lawyers Incorporating Service 211 E. 7 th Street, Suite 620 Austin, TX 78701	Member/Manager At Home Stores LLC 9000 Cypress Waters Blvd. Coppell, TX 75019-5797
Member/Manager At Home Stores LLC c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	President/CEO At Home Procurement Inc. c/o Corporation Service Company dba CSC- Lawyers Incorporating Service 211 E. 7 th Street, Suite 620 Austin, TX 78701
President/CEO At Home Procurement Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	Member/Manager At Home Group, LLC c/o Alfredo Urias 5001 N. Mesa, No. 1209 El Paso, TX 79912

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

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.

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):** At Home Stores LLC; At Home Procurement Inc.; At Home Group, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least September 27, 2024, 2024 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
Wall Organizer	Wall Organizer UPC# 1 91607 86492 5

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

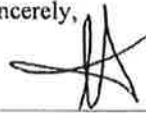
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the

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.

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, 9465 Wilshire Blvd., Ste. 300, 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

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

September 30, 2024

President/CEO Nantaka Joy, Inc. c/o Joy Cho 3108 Glendale Blvd., 504 Los Angeles, CA 90039	Member/Manager At Home Stores LLC c/o Corporation Service Company dba CSC- Lawyers Incorporating Service Company 211 E. 7 th Street, Suite 620 Austin, TX 78701
Member/Manager At Home Stores LLC c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	Member/Manager At Home Group, LLC c/o Alfredo Urias 5001 N. Mesa, No. 1209 El Paso, TX 79912
President/CEO At Home Procurement Inc. c/o Corporation Service Company dba CSC- Lawyers Incorporating Service Company 211 E. 7 th Street, Suite 620 Austin, TX 78701	President/CEO At Home Procurement Inc. 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 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

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.

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):** Nantaka Joy, Inc.; At Home Stores LLC; At Home Procurement Inc.; At Home Group, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least September 30, 2024 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
Mug	Oh Joy! You Be You Mug UPC# 1 97154 27412 5

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

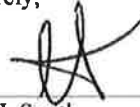
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure warnings for Products sold in the future or reformulate the Products to eliminate exposures to the

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.

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, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT “D”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
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 7, 2024

President/CEO P & A Marketing, Inc. c/o Justin Piscione 230 East Broadway, Suite 2 Long Beach, NY 11561	President/CEO P & A Marketing, Inc. 10 Crescent Drive Albertson, NY 11507-1102
Member/Manager At Home Stores LLC c/o Corporation Service Company dba CSC- Lawyers Incorporating Service 211 E. 7 th Street, Suite 620 Austin, TX 78701	Member/Manager At Home Stores LLC c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808
President/CEO At Home Procurement Inc. c/o Corporation Service Company dba CSC – Lawyers Incorporating Service 211 E 7 th Street, Suite 620 Austin, TX 78701	President/CEO At Home Procurement Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808
Member/Manager At Home Group, LLC c/o Alfredo Urias 5001 N. Mesa, No. 1209 El Paso, TX 79912	

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 §

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.

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.
2. **Alleged Violator(s):** P & A Marketing, Inc.; At Home Stores LLC; At Home Procurement Inc.; At Home Group, LLC
3. **Time Period of Exposure:** Violations have been occurring since at least October 7, 2024 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
Bag	Couch Guard Bag UPC# 8 05635 70018 5

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.

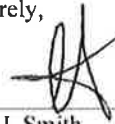
² The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive 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, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.**

Sincerely,



Evan J. Smith

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