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8 *Attorneys for Plaintiff*

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**02/24/2025**  
Clerk of the Court  
BY: SAHAR ENAYATI  
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 **CGC-25-622676**

12 EMA BELL,

13 Plaintiff,

14 vs.

15 LOHO WORLD, INC.,

16 Defendant.

Case No.:

**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 defendant LOHO World, Inc. (“LOHO” or  
“Defendant”) in California.

1           3.       DEHP<sup>1</sup> and lead<sup>2</sup> 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 Defendant distributes and/or offers for sale in California,  
16 without a requisite exposure warning, (a) Sanrio My Melody sticky memo pad pockets (DEHP)  
17 and/or (b) Pokemon mugs (lead) (collectively, the “Products” and each a “Product”) that expose  
18 persons to lead and/or DEHP when used for their intended purpose.

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

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22  
23 <sup>1</sup> . 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 <sup>2</sup> 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 Defendant to the  
2 enjoinder and civil penalties described herein.

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

5 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring  
6 Defendant 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 LOHO World, 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 LOHO World, Inc. is a "person" in the course of doing business  
19 within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

20 **VENUE AND JURISDICTION**

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

25 14. This Court has jurisdiction over this action pursuant to California Constitution  
26 Article VI, § 10, which grants the Superior Court original jurisdiction in all causes except those  
27 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement  
28

1 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has  
2 jurisdiction over this lawsuit.

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

9 **STATUTORY BACKGROUND**

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

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

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

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

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

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

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

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

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

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

20 **FACTUAL BACKGROUND**

21 21. On 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  
25  
26  
27 <sup>3</sup> 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 On October 24, 2003, the State of California listed DEHP as a chemical known to cause birth  
2 defects or other reproductive harm.

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

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

14 24. Defendant has processed, marketed, distributed, offered to sell and/or sold the  
15 Products in California since at least March 20, 2024 with respect to the Sanrio My Melody sticky  
16 memo pad pockets; and since at least August 26, 2024 with respect to the Pokemon mugs. The  
17 Products continue to be distributed and sold in California without the requisite warning  
18 information.

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

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

**SATISFACTION OF NOTICE REQUIREMENTS**

1  
2           27.     Plaintiff purchased the Products from LOHO. At the time of purchase, Defendant  
3 did not provide a Proposition 65 exposure warning for lead, DEHP, or any other Proposition 65  
4 listed chemical in a manner consistent with H&S Code § 25603.1 as described *supra*.

5           28.     The Sanrio My Melody sticky memo pad pockets were sent to a testing laboratory  
6 for phthalate testing to determine the phthalate content of the Product; and the Pokemon mugs  
7 were sent to a testing laboratory to determine if, and what amount of, lead would migrate and/or  
8 leach from the Products.

9           29.     For each Product that was sent to the laboratory, Plaintiff received a chemical test  
10 report (collectively, the “Chemical Test Reports” and each a “Chemical Test Report”). The  
11 Chemical Test Reports findings determined the Pokemon mugs expose users to lead; and the  
12 Sanrio My Melody sticky memo pad pockets expose users to DEHP.

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

18           31.     On March 20, 2024, Plaintiff received from the analytical chemist an exposure  
19 assessment report for the Sanrio My Melody sticky memo pad pockets that concluded that persons  
20 in California who use the Sanrio My Melody sticky memo pad pockets will be exposed to levels  
21 of DEHP that require a Proposition 65 exposure warning. On August 26, 2024, Plaintiff received  
22 from the analytical chemist an exposure assessment report for the Pokemon mugs that concluded  
23 that persons in California who use the Pokemon mugs will be exposed to levels of lead that require  
24 a Proposition 65 exposure warning

25           32.     On March 20, 2024 (Sanrio My Melody sticky memo pad pockets) and August 26,  
26 2024 (Pokemon mugs), Plaintiff gave notice of alleged violation of Health and Safety Code §  
27 25249.6 (collectively, the “Notices” and each a “Notice”) to Defendant concerning the exposure  
28 of California citizens to lead and/or DEHP contained in the Products without proper warning,

1 subject to a private action to Defendant and to the California Attorney General's office and the  
2 offices of the County District attorneys and City Attorneys for each city with a population greater  
3 than 750,000 persons wherein the herein violations allegedly occurred. See attached at Exhibits  
4 "A" – "B" a true and correct copy of the Notices.

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

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

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

16 **FIRST CAUSE OF ACTION**

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

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

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

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

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

25 40. Plaintiff, based on her best information and belief, avers that at all relevant times  
26 herein, and since at least March 20, 2024 with respect to the Sanrio My Melody sticky memo pad  
27 pockets; and since at least August 26, 2024 with respect to the Pokemon mugs, continuing until  
28 the present, that Defendant has continued to knowingly and intentionally expose California users



1 and consumers of the Products to lead and/or DEHP without providing required warnings under  
2 Proposition 65.

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

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

12 43. Defendant has knowledge that the normal and reasonably foreseeable use of the  
13 Products expose individuals to lead and/or DEHP, and Defendant intends that exposures to lead  
14 and/or DEHP will occur by its deliberate, non-accidental participation in the importation,  
15 distribution, sale and offering of the Products to consumers in California.

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

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

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

1 **PRAYER FOR RELIEF**

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

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

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

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

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

12 Dated: February 24, 2025

BRODSKY SMITH

13 By:  \_\_\_\_\_

14 Evan J. Smith (SBN242352)  
15 Ryan P. Cardona (SBN302113)  
16 9465 Wilshire Boulevard, Suite 300  
17 Beverly Hills, CA 90212  
18 Telephone: (877) 534-2590  
19 Facsimile: (310) 247-0160

*Attorneys for Plaintiff*

# EXHIBIT “A”

LAW OFFICES  
**BRODSKY SMITH**

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 www.brodskysmith.com

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 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

March 20, 2024

President/CEO Sanrio, Inc. c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833	President/CEO Sanrio, Inc. 2050 West 190 <sup>th</sup> Street, Suite 205 Torrance, CA 90504
President/CEO Sanrio Company, Ltd. 1-6-1 Osaki Shinagawa-ku Tokyo, JAPAN 141	Member/Manager LOHO, LLC c/o Ji Young Hyun 24201 Valencia Blvd., Suite 129 Valencia, CA 91355
Shirley Joung 4495 Runway Street Simi Valley, CA 93063	President/CEO LOHO Land, Inc. c/o Shirley Sunmi Joung 2711 Stearns Street, Unit 4 Simi Valley, CA 93063
President/CEO LOHO Land, Inc. 6000 Sepulveda Blvd., #2561 Culver City, CA 90230	President/CEO LOHO World, Inc. c/o Shirley S. Joung 2711 Stearns Street, Unit 4 Simi Valley, CA 93063
President/CEO LOHO World, Inc. 1816 Angus Avenue, Suite A Simi Valley, CA 93063	Owner LOHO Love & Hope 551 Collection Blvd. Oxnard, CA 93036

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

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.

<sup>1</sup> 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.

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.
2. **Alleged Violator(s):** Sanrio, Inc.; Sanrio Company, Ltd.; LOHO, LLC; Shirley Joung; LOHO Land, Inc.; LOHO World, Inc.; LOHO Love & Hope
3. **Time Period of Exposure:** Violations have been occurring since at least March 20, 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 <sup>2</sup>	Non- Exclusive Examples of the Product
Memo Pad Pocket	Sanrio My Melody Sticky Memo Pad Pocket UPC# 8 809394 878965

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.

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<sup>2</sup> 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 “B”

LAW OFFICES  
**BRODSKY SMITH**

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**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

August 26, 2024

President/EO Lilfant Co., Ltd. 726-14 Opo-ro Opo-eup, Gwangju-si Gyeonggi-do KOREA 12790	President/CEO LOHO World, Inc. c/o Shirley S. Joung 2711 Stearns Street, Unit 4 Simi Valley, CA 93063
President/CEO LOHO World, Inc. 1816 Angus Avenue, Suite A Simi Valley, CA 93063	President/CEO LOHO World, Inc. 4495 Runway Street Simi Valley, CA 93063

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

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.

<sup>1</sup> 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):** Lilfant Co., Ltd.; LOHO World, Inc.
- 3. **Time Period of Exposure:** Violations have been occurring since at least August 26, 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:**

Product <sup>2</sup>	Non- Exclusive Examples of the Product
Mug	Pokemon Mug UPC# 8 809639 581322

- 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.

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<sup>2</sup> 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, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, [esmith@brodskysmith.com](mailto:esmith@brodskysmith.com).

Sincerely,



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Evan J. Smith

**Attachments**

Certificate of Merit

Certificate of Service

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