

1 Evan J. Smith, Esquire (SBN 242352)
2 Ryan P. Cardona, Esquire (SBN 302113)
3 BRODSKY SMITH
4 9465 Wilshire Blvd., Ste. 300
5 Beverly Hills, CA 90212
6 Telephone: (877) 534-2590
7 Facsimile: (310) 247-0160

8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

01/15/2025
Clerk of the Court
BY: SAHAR ENAYATI
Deputy Clerk

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

11 GABRIEL ESPINOZA,

12 Plaintiff,

13 vs.

14 H MART COMPANIES, INC.,

15 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

CGC-25-621458

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

16 Plaintiff Gabriel Espinoza (“Plaintiff”), by and through his 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 di(2-ethylhexyl) phthalate (“DEHP”), lead, and/or
28 perfluorooctanoic acid (“PFOA”), toxic chemicals found in products sold and/or distributed by
defendant H Mart Companies, Inc. (“H Mart” or “Defendant”) in California.

1 3. DEHP¹, PFOA², and lead³ are harmful chemicals known to the State of California
2 to cause 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) My Buddy “Take Your Time” mugs manufactured,
17 distributed, and/or sold by E2 Collection Co., Ltd. (lead), (b) Living Zone strainers manufactured,
18 distributed, and/or sold by Grand Supercenter Inc. (DEHP), and (c) Artbox umbrellas
19

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

23 ² On November 10, 2017, the State of California listed PFOA as a chemical known to the State to
24 cause birth defects or other reproductive harm and it has come under the purview of Proposition
25 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§
25249.8 & 25249.10(b). On February 25, 2022, the State of California listed PFOA as a chemical
known to cause cancer.

26 ³ 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 manufactured, distributed, and/or sold by Artbox Co. Ltd. (PFOA) (collectively, the “Products”
2 and each a “Product”) that expose persons to DEHP, lead, and/or PFOA when used for their
3 intended purpose.

4 7. Defendant’s failure to warn consumers and other individuals in California of the
5 health hazards associated with exposure to DEHP, lead, and/or PFOA in conjunction with the sale
6 and/or distribution of the Products is a violation of Proposition 65 and subjects Defendant to the
7 enjoinder and civil penalties described herein.

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

10 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
11 Defendant to provide purchasers, users, or consumers of the Products with required warnings
12 related to the dangers and health hazards associated with exposure to DEHP, lead, and/or PFOA
13 pursuant to Health and Safety Code § 25249.7(a).

14 10. Plaintiff further seeks a reasonable award of attorney’s fees and costs.

15 **PARTIES**

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

20 12. Defendant H Mart Companies, Inc., 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 H Mart Companies, Inc. 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 13. 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 Defendant conducted, and continues to conduct, business in the County of San Francisco with
2 respect to the Products.

3 14. 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 15. This Court has jurisdiction over Defendant because Defendant is either a citizen of
9 the State of California, has sufficient minimum contacts with the State of California, is registered
10 with the California Secretary of State as foreign corporations authorized to do business in the State
11 of California, and/or has otherwise purposefully availed itself of the California market. Such
12 purposeful availment has rendered the exercise of jurisdiction by California courts consistent and
13 permissible with traditional notions of fair play and substantial justice.

14 **STATUTORY BACKGROUND**

15 16. 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 17. 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 18. 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 19. 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:⁴

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 20. 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 21. 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 ⁴ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.* as amended on August 30,
2016, and operative on August 30, 2018.

1 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 22. On November 10, 2017, the State of California listed PFOA as a chemical known
5 to the State to cause birth defects or other reproductive harm and it has come under the purview of
6 Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety
7 Code §§ 25249.8 & 25249.10(b). On February 25, 2022, the State of California listed PFOA as a
8 chemical known to cause cancer.

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

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

20 25. Defendant has processed, marketed, distributed, offered to sell and/or sold the
21 Products in California since at least July 24, 2024 with respect to the My Buddy "Take Your Time"
22 mugs; since at least August 1, 2024 with respect to the Living Zone strainers; and since at least
23 August 5, 2024 with respect to the Artbox umbrellas. The Products continue to be distributed and
24 sold in California without the requisite warning information.

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

1 foreseeable use of the Product, exposure to DEHP will occur at levels that require Proposition 65
2 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
3 Code of Regulations. On August 1, 2024, Plaintiff received from the analytical chemist an
4 exposure assessment report for the Living Zone strainers that concluded that persons in California
5 who use the Living Zone strainers will be exposed to levels of DEHP that require a Proposition 65
6 exposure warning.

7 31. The Artbox umbrellas were sent to a testing laboratory to determine the PFOA
8 content the Product. For the Artbox umbrellas, Plaintiff received a Chemical Test Report. The
9 Chemical Test Report findings determined the Artbox umbrellas expose users to PFOA. Plaintiff
10 provided the Chemical Test Report and Product to an analytical chemist to determine if, based on
11 the findings of the Chemical Test Report and the reasonable and foreseeable use of the Product,
12 exposure to PFOA will occur at levels that require Proposition 65 warnings under the Clear and
13 Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On August
14 5, 2024, Plaintiff received from the analytical chemist an exposure assessment report for the
15 Artbox umbrellas that concluded that persons in California who use the Artbox umbrellas will be
16 exposed to levels of PFOA that require a Proposition 65 exposure warning.

17 **NOTICES OF VIOLATION**

18 32. On July 24, 2024, Plaintiff gave notice of alleged violation of Health and Safety
19 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
20 the My Buddy “Take Your Time” mugs without proper warning, subject to a private action to
21 Defendant and to the California Attorney General’s office and the offices of the County District
22 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
23 the herein violations allegedly occurred. See attached at Exhibit “A” a true and correct copy of the
24 July 24, 2024 notice of violation.

25 33. On August 1, 2024, Plaintiff gave notice of alleged violation of Health and Safety
26 Code § 25249.6 to Defendant concerning the exposure of California citizens to DEHP from use of
27 the Living Zone strainers without proper warning, subject to a private action to Defendant and to
28 the California Attorney General’s office and the offices of the County District attorneys and City

1 Attorneys for each city with a population greater than 750,000 persons wherein the herein
2 violations allegedly occurred. See attached at Exhibit “B” a true and correct copy of the August 1,
3 2024 notice of violation.

4 34. On August 5, 2024, Plaintiff gave notice of alleged violation of Health and Safety
5 Code § 25249.6 to Defendant concerning the exposure of California citizens to PFOA from use of
6 the Artbox umbrellas without proper warning, subject to a private action to Defendant and to the
7 California Attorney General’s office and the offices of the County District attorneys and City
8 Attorneys for each city with a population greater than 750,000 persons wherein the herein
9 violations allegedly occurred. See attached at Exhibit “C” a true and correct copy of the August 5,
10 2024 notice of violation.

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

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

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

22 **FIRST CAUSE OF ACTION**

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

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

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

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

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

4 42. Plaintiff, based on his best information and belief, avers that at all relevant times
5 herein, and since at least July 24, 2024 with respect to the My Buddy “Take Your Time” mugs;
6 since at least August 1, 2024 with respect to the Living Zone strainers; and since at least August
7 5, 2024 with respect to the Artbox umbrellas, continuing until the present, that Defendant has
8 continued to knowingly and intentionally expose California users and consumers of the Products
9 to DEHP, lead, and/or PFOA without providing required warnings under Proposition 65.

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

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

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

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

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

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

PRAYER FOR RELIEF

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

- A. That the court assess civil penalties against Defendant in the amount of \$2,500 per day for each violation for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) in accordance with Health and Safety Code § 25249.7(b);
- B. That the court preliminarily and permanently enjoin Defendant mandating Proposition 65 compliant warnings on the Products;
- C. That the court grant Plaintiff reasonable attorney’s fees and costs of suit, in the amount of \$50,000.00.
- D. That the court grant any further relief as may be just and proper.

Dated: January 15, 2025

BRODSKY SMITH

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

Attorneys for Plaintiff

EXHIBIT “A”

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

July 24, 2024

President/CEO E2 Collection Co., Ltd. 192 Daemyeongnam-ro Nam-gu Daegu Daegu 42489 REPUBLIC OF KOREA	President/CEO H Mart Companies, Inc. c/o Woojin Choi 300 Chubb Avenue Lyndhurst, NJ 07071
President/CEO H Mart, Inc. c/o Sangchul Lee 8550 Chetle Ave., Unit B Whittier, CA 90606	President/CEO H Mart, Inc. c/o The Company Corporation 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 Gabriel Espinoza ("Espinoza"), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals from use of consumer products sold in California and to improve human health and the environment by reducing hazardous substances.

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

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

I. DESCRIPTION OF THE VIOLATION

- 1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
- 2. **Alleged Violator(s):** E2 Collection Co., Ltd.; H Mart Companies, Inc.; H Mart, Inc.
- 3. **Time Period of Exposure:** Violations have been occurring since at least July 24, 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, birth defects or other reproductive harm.
- 5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Mug	My Buddy "Take Your Time" Mug UPC# 8809851604823

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

II. PROPOSITION 65 INFORMATION

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

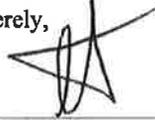
III. RESOLUTION OF THE CLAIMS

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

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

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

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

August 1, 2024

President/CEO Grand Supercenter Inc. c/o Woojin Choi 300 Chubb Ave. Lyndhurst, NJ 07071	President/CEO H Mart Companies, Inc. c/o Woojin Choi 300 Chubb Avenue Lyndhurst, NJ 07071
President/CEO H Mart Companies, Inc. c/o Sangchul Lee 8550 Chetle Ave., Unit B Whittier, CA 90606	

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

To Whom It May Concern:

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

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

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

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Grand Supercenter Inc.; H Mart Companies, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least August 1, 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 defect or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Strainer	Living Zone Strainer UPC# 8 46034 09017 0

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

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

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

August 5, 2024

President/CEO Artbox Co. Ltd. 41, Banpo-daero 12-gil Seocho-gu Seoul 06653 REPUBLIC OF KOREA	President/CEO Artbox Co. Ltd. 1516-2, Seocho-dong Seocho-gu Seoul 137-070 REPUBLIC OF KOREA
President/CEO H Mart Companies, Inc. c/o Woojin Choi 300 Chubb Avenue Lyndhurst, NJ 07071	President/CEO H Mart, Inc. c/o Sangchul Lee 8550 Chetle Ave., Unit B Whittier, CA 90606

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

To Whom It May Concern:

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

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

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

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Artbox Co. Ltd.; H Mart Companies, Inc.; H Mart, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least August 5, 2024 and are continuing to this day.
4. **Listed Chemical:** Perfluorooctanoic Acid (PFOA). PFOA 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
Umbrella	Artbox Umbrella 8809880911855

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

II. PROPOSITION 65 INFORMATION

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

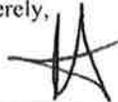
III. RESOLUTION OF THE CLAIMS

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

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

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