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8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

12/06/2024
Clerk of the Court
BY: AUSTIN LAM
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

CGC-24-620365

10 COUNTY OF SAN FRANCISCO

11 GABRIEL ESPINOZA,

12 Plaintiff,

13 vs.

14 ROSS STORES, INC.,

15 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

**(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 lead and/or perfluorooctanoic acid (“PFOA”), toxic chemicals
28 found in products sold and/or distributed by defendant Ross Stores, Inc. (“Ross” or “Defendant”) in California.

1 3. PFOA¹ 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 Defendant distributes and/or offers for sale in California,
16 without a requisite exposure warning, (a) North Spruce Lane Santa mugs manufactured,
17 distributed, and/or sold by Sunsmile Industry Co., Ltd. (lead), (b) Peppermint Place 2 pc. salt &
18 pepper shakers manufactured, distributed, and/or sold by Sunsmile Industry Co., Ltd. (lead), (c)
19 Coveted Home indoor/outdoor pillows manufactured, distributed, and/or sold by JMLE, LLC
20 and/or ID Home Fashions (PFOA), (d) Talavera serving sets manufactured, distributed, and/or
21 sold by Housewares International, Inc. (lead), and (e) Spooky Hollow gold organic spider bowls
22

23 ¹ . On November 10, 2017, the State of California listed PFOA as a chemical known to the State
24 to 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 §§
26 25249.8 & 25249.10(b). On February 25, 2022, the State of California listed PFOA as a chemical
27 known to cause cancer.

28 ² On October 1, 1992, the state of California listed lead as a chemical known to cause cancer and
it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit.
27 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 JMLE, LLC (lead) (collectively, the “Products” and each
2 a “Product”) that expose persons to lead and/or PFOA when used for their intended purpose.

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

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

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

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

14 **PARTIES**

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

19 12. Defendant Ross Stores, Inc., through its business, effectively imports, distributes,
20 sells, and/or offers the Products for sale or use in the State of California, or it implies by its conduct
21 that it imports, distributes, sells, and/or offers the Products for sale or use in the State of California.
22 Plaintiff alleges that defendant Ross Stores, Inc. is a “person” in the course of doing business
23 within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

24 **VENUE AND JURISDICTION**

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

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:³

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

26
27 ³ Alternatively, a person in the course of doing business may elect to comply with the warning
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.*, as amended on August 30,
2016, and operative on August 30, 2018.

1 Code §§ 25249.8 & 25249.10(b). On February 25, 2022, the State of California listed PFOA as a
2 chemical known to cause cancer.

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 PFOA 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 December 8, 2023 with respect to the North Spruce Lane Santa
16 mugs; since at least December 14, 2023 with respect to the Peppermint Place 2 pc. salt & pepper
17 shakers; since at least July 22, 2024 with respect to the Coveted Home indoor/outdoor pillows;
18 since at least August 23, 2024, with respect to the Talavera serving sets; and since at least
19 September 30, 2024 with respect to the Spooky Hollow gold organic spider bowls. The Products
20 continue to be distributed and sold in California without the requisite warning information.

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

24 26. As a proximate result of acts by 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 PFOA 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 27. Plaintiff purchased the Products from Ross Stores, Inc. At the time of purchase,
5 Defendant did not provide a Proposition 65 exposure warning for lead, PFOA, or any other
6 Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described
7 *supra*.

8 28. The North Spruce Lane Santa mugs were sent to a testing laboratory to determine
9 if, and what amount of, lead would migrate and/or leach from the Product. For the North Spruce
10 Lane Santa mugs, Plaintiff received a Chemical Test Report. The Chemical Test Report findings
11 determined the North Spruce Lane Santa mugs expose users to lead. Plaintiff provided the
12 Chemical Test Report and Product to an analytical chemist to determine if, based on the findings
13 of the Chemical Test Report and the reasonable and foreseeable use of the Product, exposure to
14 lead will occur at levels that require Proposition 65 warnings under the Clear and Reasonable
15 Warnings section 25601 of Title 27 of the California Code of Regulations. On December 8, 2023,
16 Plaintiff received from the analytical chemist an exposure assessment report for the North Spruce
17 Lane Santa mugs that concluded that persons in California who use the North Spruce Lane Santa
18 mugs will be exposed to levels of lead that require a Proposition 65 exposure warning.

19 29. The Peppermint Place 2 pc. salt & pepper shakers were sent to a testing laboratory
20 to determine if, and what amount of, lead would migrate and/or leach from the Product. For the
21 Peppermint Place 2 pc. salt & pepper shakers, Plaintiff received a Chemical Test Report. The
22 Chemical Test Report findings determined the Peppermint Place 2 pc. salt & pepper shakers
23 expose users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical
24 chemist to determine if, based on the findings of the Chemical Test Report and the reasonable and
25 foreseeable use of the Product, exposure to lead will occur at levels that require Proposition 65
26 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
27 Code of Regulations. On December 14, 2023, Plaintiff received from the analytical chemist an
28 exposure assessment report for the Peppermint Place 2 pc. salt & pepper shakers that concluded

1 that persons in California who use the Peppermint Place 2 pc. salt & pepper shakers will be exposed
2 to levels of lead that require a Proposition 65 exposure warning.

3 30. The Coveted Home indoor/outdoor pillows were sent to a testing laboratory to
4 determine the PFOA content the Product. For the Coveted Home indoor/outdoor pillows, Plaintiff
5 received a Chemical Test Report. The Chemical Test Report findings determined the Coveted
6 Home indoor/outdoor pillows expose users to PFOA. Plaintiff provided the Chemical Test Report
7 and Product to an analytical chemist to determine if, based on the findings of the Chemical Test
8 Report and the reasonable and foreseeable use of the Product, exposure to PFOA will occur at
9 levels that require Proposition 65 warnings under the Clear and Reasonable Warnings section
10 25601 of Title 27 of the California Code of Regulations. On July 22, 2024, Plaintiff received from
11 the analytical chemist an exposure assessment report for the Coveted Home indoor/outdoor pillows
12 that concluded that persons in California who use the Coveted Home indoor/outdoor pillows will
13 be exposed to levels of PFOA that require a Proposition 65 exposure warning.

14 31. The Talavera serving sets were sent to a testing laboratory to determine if, and what
15 amount of, lead would migrate and/or leach from the Product. For the Talavera serving sets,
16 Plaintiff received a Chemical Test Report. The Chemical Test Report findings determined the
17 Talavera serving sets expose users to lead. Plaintiff provided the Chemical Test Report and Product
18 to an analytical chemist to determine if, based on the findings of the Chemical Test Report and the
19 reasonable and foreseeable use of the Product, exposure to lead 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. On August 23, 2024, Plaintiff received from the analytical
22 chemist an exposure assessment report for the Talavera serving sets that concluded that persons in
23 California who use the Talavera serving sets will be exposed to levels of lead that require a
24 Proposition 65 exposure warning.

25 32. The Spooky Hollow gold organic spider bowls were sent to a testing laboratory to
26 determine if, and what amount of, lead would migrate and/or leach from the Product. For the
27 Spooky Hollow gold organic spider bowls, Plaintiff received a Chemical Test Report. The
28 Chemical Test Report findings determined the Spooky Hollow gold organic spider bowls expose

1 users to lead. Plaintiff provided the Chemical Test Report and Product to an analytical chemist to
2 determine if, based on the findings of the Chemical Test Report and the reasonable and foreseeable
3 use of the Product, exposure to lead will occur at levels that require Proposition 65 warnings under
4 the Clear and Reasonable Warnings section 25601 of Title 27 of the California Code of
5 Regulations. On September 30, 2024, Plaintiff received from the analytical chemist an exposure
6 assessment report for the Spooky Hollow gold organic spider bowls that concluded that persons in
7 California who use the Spooky Hollow gold organic spider bowls will be exposed to levels of lead
8 that require a Proposition 65 exposure warning.

9 **NOTICES OF VIOLATION**

10 33. On December 8, 2023, Plaintiff gave notice of alleged violation of Health and
11 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
12 use of the North Spruce Lane Santa mugs without proper warning, subject to a private action to
13 Defendant and to the California Attorney General’s office and the offices of the County District
14 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
15 the herein violations allegedly occurred. On March 15, 2024, Plaintiff gave additional notice of
16 alleged violation of Health and Safety Code § 25249.6 to Defendant concerning the exposure of
17 California citizens to lead from use of the Product without proper warning, subject to a private
18 action to Defendant and to the California Attorney General’s office and the offices of the County
19 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
20 wherein the herein violations allegedly occurred. See attached at Exhibit “A” a true and correct
21 copy of the December 8, 2023 notice of violation.

22 34. On December 14, 2023, Plaintiff gave notice of alleged violation of Health and
23 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
24 use of the Peppermint Place 2 pc. salt & pepper shakers without proper warning, subject to a private
25 action to Defendant and to the California Attorney General’s office and the offices of the County
26 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
27 wherein the herein violations allegedly occurred. On March 15, 2024, Plaintiff gave additional
28 notice of alleged violation of Health and Safety Code § 25249.6 to Defendant concerning the

1 exposure of California citizens to lead from use of the Product without proper warning, subject to
2 a private action to Defendant and to the California Attorney General’s office and the offices of the
3 County District attorneys and City Attorneys for each city with a population greater than 750,000
4 persons wherein the herein violations allegedly occurred. See attached at Exhibit “B” a true and
5 correct copy of the December 14, 2023 notice of violation.

6 35. On July 22, 2024, Plaintiff gave notice of alleged violation of Health and Safety
7 Code § 25249.6 to Defendant concerning the exposure of California citizens to PFOA from use of
8 the Coveted Home indoor/outdoor pillows without proper warning, subject to a private action to
9 Defendant and to the California Attorney General’s office and the offices of the County District
10 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
11 the herein violations allegedly occurred. On October 30, 2024, Plaintiff gave additional notice of
12 alleged violation of Health and Safety Code § 25249.6 to Defendant concerning the exposure of
13 California citizens to PFOA from use of the Product without proper warning, subject to a private
14 action to Defendant and to the California Attorney General’s office and the offices of the County
15 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
16 wherein the herein violations allegedly occurred. See attached at Exhibit “C” a true and correct
17 copy of the July 22, 2024 notice of violation.

18 36. On August 23, 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 Talavera serving sets without proper warning, subject to a private action to Defendant and to
21 the California Attorney General’s office and the offices of the County District attorneys and City
22 Attorneys for each city with a population greater than 750,000 persons wherein the herein
23 violations allegedly occurred. See attached at Exhibit “D” a true and correct copy of the August
24 23, 2024 notice of violation.

25 37. On September 30, 2024, Plaintiff gave notice of alleged violation of Health and
26 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from
27 use of the Spooky Hollow gold organic spider bowls without proper warning, subject to a private
28 action to Defendant and to the California Attorney General’s office and the offices of the County

1 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
2 wherein the herein violations allegedly occurred. See attached at Exhibit “E” a true and correct
3 copy of the September 30, 2024 notice of violation.

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

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

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

15 **FIRST CAUSE OF ACTION**

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

17 41. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 40 of
18 this Complaint as though fully set forth herein.

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

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

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

24 45. Plaintiff, based on his best information and belief, avers that at all relevant times
25 herein, and since at least December 8, 2023 with respect to the North Spruce Lane Santa mugs;
26 since at least December 14, 2023 with respect to the Peppermint Place 2 pc. salt & pepper shakers;
27 since at least July 22, 2024 with respect to the Coveted Home indoor/outdoor pillows; since at
28 least August 23, 2024, with respect to the Talavera serving sets; and since at least September 30,

1 2024 with respect to the Spooky Hollow gold organic spider bowls, continuing until the present,
2 that Defendant has continued to knowingly and intentionally expose California users and
3 consumers of the Products to lead and/or PFOA without providing required warnings under
4 Proposition 65.

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

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

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

18 49. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
19 Complaint.

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

22 51. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
23 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: December 6, 2024

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”

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

December 8, 2023

President/CEO Ross Stores, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Ross Stores, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
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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) 310.863.2852.
2. **Alleged Violator(s):** Ross Stores, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least December 8, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Mug	North Spruce Lane Santa Mug 400260591674

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.

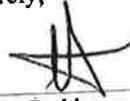
III. RESOLUTION OF THE CLAIMS

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, 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
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610.667.6200

December 14, 2023

Member/Manager JMLE, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	Member/Manager JMLE, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
President/CEO Ross Stores, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	President/CEO Ross Stores, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801

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) 310.863.2852.
2. **Alleged Violator(s):** JMLE, LLC; Ross Stores, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least December 14, 2023 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Salt & Pepper Shaker	Peppermint Place 2 pc. Salt & Pepper Shaker 400260591599

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, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.

Sincerely,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT “C”

LAW OFFICES
BRODSKY SMITH

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 22, 2024

Member/Manager JMLE, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	Member/Manager JMLE, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Ross Stores, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Ross Stores, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203

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) 310.863.2852.
2. **Alleged Violator(s):** JMLE, LLC; Ross Stores, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least July 22, 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:**

Product ²	Non- Exclusive Examples of the Product
Decorative Pillow	Coveted Home Indoor/Outdoor Decorative Pillow 400270244546

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.

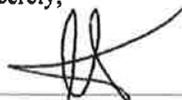
III. RESOLUTION OF THE CLAIMS

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,

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 “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

August 23, 2024

President/CEO Housewares International, Inc. c/o Kamyar Solouki 1933 S. Broadway, Suite 867 Los Angeles, CA 90007	President/CEO Ross Stores, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Ross Stores, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	

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) 310.863.2852.
2. **Alleged Violator(s):** Housewares International, Inc.; Ross Stores, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least August 23, 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 ²	Non- Exclusive Examples of the Product
Serving Set	Talavera Serving Set 400271644017

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 “E”

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

Member/Manager JMLE, LLC c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Ross Stores, Inc. c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Ross Stores, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	

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):** JMLE, LLC; Ross Stores, Inc.
- 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, birth defects or other reproductive harm.
- 5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Bowl	Spooky Hollow Gold Organic Spider Bowl 400272601224

- 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