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*Attorneys for Plaintiff*

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

**01/21/2025**  
Clerk of the Court  
BY: SAHAR ENAYATI  
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

GABRIEL ESPINOZA,

Plaintiff,

vs.

PETRAGEOUS DESIGNS, LIMITED,  
CENTINELA FEED, INC.,

Defendants.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND  
INJUNCTIVE RELIEF**

**CGC-25-621600**

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

Plaintiff Gabriel Espinoza ("Plaintiff"), by and through his attorneys, alleges the following  
cause of action in the public interest of the citizens of the State of California.

**BACKGROUND OF THE CASE**

1. Plaintiff brings this representative action on behalf of all California citizens to  
enforce relevant portions of Safe Drinking Water and Toxic Enforcement Act of 1986, codified at  
the Health and Safety Code § 25249.5 et seq ("Proposition 65"), which reads, in relevant part,  
"[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  
giving clear and reasonable warning to such individual ...". Health & Safety Code § 25249.6.

2. This complaint is a representative action brought by Plaintiff in the public interest  
of the citizens of the State of California to enforce the People's right to be informed of the health  
hazards caused by exposure to lead, a toxic chemical found in Petrageous Designs ceramic bowls,  
UPC # 844534016775 and UPC # 844534016683, sold and/or distributed by defendants

1 Petrageous Designs, Limited and Centinela Feed, Inc. (collectively, “Defendants” and each a  
2 “Defendant”) in California.

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

9 4. Proposition 65 requires all businesses with ten (10) or more employees that operate  
10 within California or sell products therein to comply with Proposition 65 regulations. Included in  
11 such regulations is the requirement that businesses must label any product containing a Proposition  
12 65-listed chemical that will create an exposure above safe harbor levels with a “clear and  
13 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed  
14 chemical.

15 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation  
16 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be  
17 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code  
18 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the  
19 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §  
20 25249.7.

21 6. Plaintiff alleges that Defendants distribute and/or offer for sale in California,  
22 without a requisite exposure warning, Petrageous Designs ceramic bowls, UPC # 844534016775  
23 and UPC # 844534016683 (the “Products”) that expose persons to lead when used for their  
24 intended purpose.

25 7. Defendants’ failure to warn consumers and other individuals in California of the  
26 health hazards associated with exposure to lead in conjunction with the sale and/or distribution of  
27 the Products is a violation of Proposition 65 and subjects Defendants to the enjoinder and civil  
28 penalties described herein.

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

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

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

## PARTIES

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

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

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

## VENUE AND JURISDICTION

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

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

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

12                                   **STATUTORY BACKGROUND**

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

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

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

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

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

- a. A warning that appears on a product's label or other labeling.
- b. Identification of the product at the retail outlet in a manner which provides a warning. Identification may be through shelf labeling, signs, menus, or a combination thereof.
- c. The warnings provided pursuant to subparagraphs (a) and (b) shall be prominently placed upon a product's labels or other labeling or displayed at the retail outlet with such conspicuousness, as compared with other words, statements, designs, or devices in the label, labeling or display as to render it likely to be read and understood by an ordinary individual under customary conditions of purchase or use.
- d. A system of signs, public advertising identifying the system and toll-free information services, or any other system that provides clear and reasonable warnings.

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

## FACTUAL BACKGROUND

22. 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, § 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

<sup>1</sup> Alternatively, a person in the course of doing business may elect to comply with the warning 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 reproductive harm. In summary, lead was listed under Proposition 65 as a chemical known to the  
2 State to cause cancer and birth defects or other reproductive harm.

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

9 24. Defendants have processed, marketed, distributed, offered to sell and/or sold the  
10 Products in California since at least August 29, 2024. The Products continue to be distributed and  
11 sold in California without the requisite warning information.

12 25. At all times relevant to this action, Defendants have knowingly and intentionally  
13 exposed users and/or consumers of the Products to lead without first giving a clear and reasonable  
14 exposure warning to such individuals.

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

21 **SATISFACTION OF NOTICE REQUIREMENTS**

22 27. On July 14, 2024, Plaintiff purchased the Products from Centinela Feed, Inc. At the  
23 time of purchase, Defendants did not provide a Proposition 65 exposure warning for lead or any  
24 other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described  
25 *supra*.

26 28. On August 8, 2024, the Products were sent to a testing laboratory to determine if,  
27 and what amount of, lead would migrate and/or leach from the Products.

1           29.     On August 19, 2024, the laboratory provided the results of its analysis. Results of  
2 this test determined the Products expose users to lead (the “Chemical Test Report”).

3           30.     Plaintiff provided the Chemical Test Report and Product to an analytical chemist  
4 to determine if, based on the findings of the Chemical Test Report and the reasonable and  
5 foreseeable use of the Product, exposure to lead will occur at levels that require Proposition 65  
6 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California  
7 Code of Regulations.

8           31.     On August 29, 2024, Plaintiff received from the analytical chemist an exposure  
9 assessment report which concluded that persons in California who use the Products will be exposed  
10 to levels of lead that require a Proposition 65 exposure warning.

11          32.     On August 29, 2024, Plaintiff gave notices of alleged violation of Health and Safety  
12 Code § 25249.6 (collectively, the “Notices”) to Defendants concerning the exposure of California  
13 citizens to lead contained in the Products without proper warning, subject to a private action to  
14 Defendant and to the California Attorney General’s office and the offices of the County District  
15 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein  
16 the herein violations allegedly occurred. See attached at Exhibits “A” – “B” a true and correct copy  
17 of the Notices.

18          33.     The Notices complied with all procedural requirements of Proposition 65 including  
19 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at  
20 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead  
21 exposure, and that counsel believed there was meritorious and reasonable cause for a private  
22 action.

23          34.     After receiving the Notices, and to Plaintiff’s best information and belief, none of  
24 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a  
25 cause of action against Defendants under Proposition 65 to enforce the alleged violations which  
26 are the subject of the Notices.

27          35.     Plaintiff is commencing this action more than sixty (60) days from the date of the  
28 Notices to Defendants, as required by law.

**FIRST CAUSE OF ACTION**

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

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

37. Defendants have, at all times mentioned herein, acted as distributor, and/or retailer of the Product.

38. Use of the Products will exposed users to lead, a hazardous chemical found on the Proposition 65 list of chemicals known to be hazardous to human health.

39. The Product does not comply with the Proposition 65 warning requirements.

40. Plaintiff, based on his best information and belief, avers that at all relevant times herein, and at least since August 29, 2024, continuing until the present, that Defendants have continued to knowingly and intentionally expose California users and consumers of the Product to lead without providing required warnings under Proposition 65.

41. The exposures that are the subject of the Notices result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to the is through dermal absorption directly through the skin when consumers use, touch, or handle the Products. Exposure through ingestion will occur by touching the Products 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.

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

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

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





# 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

August 29, 2024

President/CEO Petrageous Designs, Limited c/o Charles George Jr. 250 Ballardvale Street, Suite 1A Wilmington, MA 01887	President/CEO Petrageous Designs, Limited 14R Hill Street Newburyport, MA 01950
President/CEO Centinela Feed, Inc. c/o Chris Nakagawa 2727 Maricopa St. Torrance, CA 90503	

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

To Whom It May Concern:

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

Brodsky Smith represents 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.

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

## **I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Petrageous Designs, Limited.; Centinela Feed, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least August 29, 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 <sup>2</sup>	Non- Exclusive Examples of the Product
Bowl	Petrageous Designs Bowl UPC# 8 44534 01677 5

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase 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.

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<sup>2</sup> The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is 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](mailto:esmith@brodskysmith.com).**

Sincerely,



\_\_\_\_\_  
Evan J. Smith

**Attachments**

Certificate of Merit

Certificate of Service

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

# EXHIBIT “B”

LAW OFFICES  
**BRODSKY SMITH**

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BEVERLY HILLS, CA 90212  
877.534.2590  
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516.741.4977

**PENNSYLVANIA OFFICE**  
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August 29, 2024

President/CEO Petrageous Designs, Limited c/o Charles George Jr. 250 Ballardvale Street, Suite 1A Wilmington, MA 01887	President/CEO Petrageous Designs, Limited 14R Hill Street Newburyport, MA 01950
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5. **Product:**

Product <sup>2</sup>	Non- Exclusive Examples of the Product
Bowl	Petrageous Designs Bowl UPC# 8 44534 01668 3

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase 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.

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Sincerely,



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Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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