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8 *Attorneys for Plaintiff*

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

**05/30/2025**  
Clerk of the Court

BY: SAHAR ENAYATI  
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 **CGC-25-625777**

12 GABRIEL ESPINOZA,

13 Plaintiff,

14 vs.

15 RECREATIONAL EQUIPMENT, INC.,

16 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND  
INJUNCTIVE RELIEF**

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

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

19 **BACKGROUND OF THE CASE**

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

26 2. This complaint is a representative action brought by Plaintiff in the public interest  
27 of the citizens of the State of California to enforce the People’s right to be informed of the health  
28 hazards caused by exposure to lead and/or cadmium, toxic chemicals found in products sold,  
manufactured, and/or distributed by defendant Recreational Equipment, Inc. in California.

1           3.       Cadmium is a harmful chemical known to the State of California to cause cancer  
2 and birth defects or other reproductive harm. On October 1, 1987, the State of California listed  
3 cadmium as a chemical known to the State to cause cancer and it has come under the purview of  
4 Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety  
5 Code §§ 25249.8 & 25249.10(b). On May 1, 1997, the State of California listed cadmium as a  
6 chemical known to cause birth defects or other reproductive harm.

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

13           5.       Proposition 65 requires all businesses with ten (10) or more employees that operate  
14 within California or sell products therein to comply with Proposition 65 regulations. Included in  
15 such regulations is the requirement that businesses must label any product containing a Proposition  
16 65-listed chemical that will create an exposure above safe harbor levels with a “clear and  
17 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed  
18 chemical.

19           6.       Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation  
20 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be  
21 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code  
22 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the  
23 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §  
24 25249.7.

25           7.       Plaintiff alleges that Defendant distributes and/or offers for sale in California,  
26 without a requisite exposure warning, (a) *Firepot*® dal and rice with spinach manufactured,  
27 distributed, and/or sold by Outdoorfood Ltd. (lead), (b) *Solely*® organic mango halves  
28 manufactured, distributed, and/or sold by Solely, Inc. (lead), (c) Nomad Nutrition southwest

1 breakfast skillet manufactured, distributed, and/or sold by Nomad Nutrition, Inc. (lead and  
2 cadmium), (d) Nomad Nutrition Kathmandu curry manufactured, distributed, and/or sold by  
3 Nomad Nutrition, Inc. (lead and cadmium), and (e) Heather’s Choice spinach curry with chicken  
4 and rice manufactured, distributed, and/or sold by Heather’s Choice LLC (lead) (collectively, the  
5 “Products” and each a “Product”) that expose persons to cadmium and/or lead when consumed for  
6 their intended purpose.

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

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

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

17 11. Plaintiff further seeks a reasonable award of attorney’s fees and costs.

18 **PARTIES**

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

23 13. Defendant Recreational Equipment, Inc., through its business, effectively imports,  
24 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies  
25 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the  
26 State of California. Plaintiff alleges that defendant Recreational Equipment, Inc. is a “person” in  
27 the course of doing business within the meaning of Health & Safety Code sections 25249.6 and  
28 25249.11.

1 **VENUE AND JURISDICTION**

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

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

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

17 **STATUTORY BACKGROUND**

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

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

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

1           19.     An exposure to a chemical in a consumer product is one “which results from a  
2 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a  
3 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §  
4 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...  
5 shall provide a warning to any person to whom the product is sold or transferred unless the product  
6 is packaged or labeled with a clear and reasonable warning.”

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

9           a.       A warning that appears on a product’s label or other labeling.

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

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

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

20           21.     Proposition 65 provides that any “person who violates or threatens to violate” the  
21 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase  
22 “threaten to violate” is defined to mean creating “a condition in which there is a substantial  
23 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil  
24

25  
26  
27 <sup>1</sup> Alternatively, a person in the course of doing business may elect to comply with the warning  
28 requirements set out in the amended version of 27 CCR 25601, *et.seq.* as amended on August 30,  
2016, and operative on August 30, 2018.

1 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to  
2 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

3 **FACTUAL BACKGROUND**

4 22. On October 1, 1987, the State of California listed cadmium as a chemical known to  
5 the State to cause cancer and it has come under the purview of Proposition 65 regulations since  
6 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

7 On May 1, 1997, the State of California listed cadmium as a chemical known to cause birth defects  
8 or other reproductive harm.

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 lead and cadmium in food products is through ingestion. When foods contaminated  
17 with lead and/or cadmium are consumed, ingestion of lead and/or cadmium will occur. No clear  
18 and reasonable warning is provided with the Products regarding the health hazards of exposure to  
19 cadmium and/or lead.

20 25. Defendant has manufactured, processed, marketed, distributed, offered to sell  
21 and/or sold the Products in California since at least May 31, 2024 with respect to the *Firepot*® dal  
22 and rice with spinach; since at least September 19, 2024 with respect to the *Solely*® organic mango  
23 halves; and since at least November 18, 2024 with respect to Nomad Nutrition southwest breakfast  
24 skillet, Nomad Nutrition Kathmandu curry, and Heather's Choice spinach curry with chicken and  
25 rice. The Products continue to be distributed and sold in California without the requisite warning  
26 information.



1 organic mango halves, Plaintiff received a Chemical Test Report. The Chemical Test Report  
2 findings determined the *Solely*® organic mango halves expose consumers to lead. Plaintiff  
3 provided the Chemical Test Report and Product to an analytical chemist to determine if, based on  
4 the findings of the Chemical Test Report and the reasonable and foreseeable consumption of the  
5 Product, exposure to lead will occur at levels that require Proposition 65 warnings under the Clear  
6 and Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On  
7 September 19, 2024, Plaintiff received from the analytical chemist an exposure assessment report  
8 for the *Solely*® organic mango halves that concluded that persons in California who consume the  
9 *Solely*® organic mango halves will be exposed to levels of lead that require a Proposition 65  
10 exposure warning.

11 31. The Nomad Nutrition southwest breakfast skilletts were sent to a testing laboratory  
12 to determine if, and what amount of, lead and/or cadmium a consumer would be exposed to per  
13 serving size. For the Nomad Nutrition southwest breakfast skilletts, Plaintiff received a Chemical  
14 Test Report. The Chemical Test Report findings determined the Nomad Nutrition southwest  
15 breakfast skilletts expose consumers to lead and cadmium. Plaintiff provided the Chemical Test  
16 Report and Product to an analytical chemist to determine if, based on the findings of the Chemical  
17 Test Report and the reasonable and foreseeable consumption of the Product, exposure to lead  
18 and/or cadmium will occur at levels that require Proposition 65 warnings under the Clear and  
19 Reasonable Warnings section 25601 of Title 27 of the California Code of Regulations. On  
20 November 18, 2024, Plaintiff received from the analytical chemist an exposure assessment report  
21 for the Nomad Nutrition southwest breakfast skilletts that concluded that persons in California who  
22 consume the Nomad Nutrition southwest breakfast skilletts will be exposed to levels of lead and  
23 cadmium that require a Proposition 65 exposure warning.

24 32. The Nomad Nutrition Kathmandu curry was sent to a testing laboratory to  
25 determine if, and what amount of, lead and/or cadmium a consumer would be exposed to per  
26 serving size. For the Nomad Nutrition Kathmandu curry, Plaintiff received a Chemical Test  
27 Report. The Chemical Test Report findings determined the Nomad Nutrition Kathmandu curry  
28 expose consumers to lead and cadmium. Plaintiff provided the Chemical Test Report and Product

1 to an analytical chemist to determine if, based on the findings of the Chemical Test Report and the  
2 reasonable and foreseeable consumption of the Product, exposure to lead and/or cadmium will  
3 occur at levels that require Proposition 65 warnings under the Clear and Reasonable Warnings  
4 section 25601 of Title 27 of the California Code of Regulations. On November 18, 2024, Plaintiff  
5 received from the analytical chemist an exposure assessment report for the Nomad Nutrition  
6 Kathmandu curry that concluded that persons in California who consume the Nomad Nutrition  
7 Kathmandu curry will be exposed to levels of lead and cadmium that require a Proposition 65  
8 exposure warning.

9 33. The Heather's Choice spinach curry with chicken and rice was sent to a testing  
10 laboratory to determine if, and what amount of, lead a consumer would be exposed to per serving  
11 size. For the Heather's Choice spinach curry with chicken and rice, Plaintiff received a Chemical  
12 Test Report. The Chemical Test Report findings determined the Heather's Choice spinach curry  
13 with chicken and rice expose consumers to lead. Plaintiff provided the Chemical Test Report and  
14 Product to an analytical chemist to determine if, based on the findings of the Chemical Test Report  
15 and the reasonable and foreseeable consumption of the Product, exposure to lead will occur at  
16 levels that require Proposition 65 warnings under the Clear and Reasonable Warnings section  
17 25601 of Title 27 of the California Code of Regulations. On November 18, 2024, Plaintiff received  
18 from the analytical chemist an exposure assessment report for the Heather's Choice spinach curry  
19 with chicken and rice that concluded that persons in California who consume the Heather's Choice  
20 spinach curry with chicken and rice will be exposed to levels of lead that require a Proposition 65  
21 exposure warning.

22 **NOTICES OF VIOLATION**

23 34. On May 31, 2024, Plaintiff gave notice of alleged violation of Health and Safety  
24 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from  
25 consumption of the *Firepot*® dal and rice with spinach without proper warning, subject to a private  
26 action to Defendant and to the California Attorney General's office and the offices of the County  
27 District attorneys and City Attorneys for each city with a population greater than 750,000 persons  
28

1 wherein the herein violations allegedly occurred. See attached at Exhibit “A” a true and correct  
2 copy of the May 31, 2024 notice of violation.

3 35. On September 19, 2024, Plaintiff gave notice of alleged violation of Health and  
4 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from  
5 consumption of the *Solely*® organic mango halves without proper warning, subject to a private  
6 action to Defendant and to the California Attorney General’s office and the offices of the County  
7 District attorneys and City Attorneys for each city with a population greater than 750,000 persons  
8 wherein the herein violations allegedly occurred. See attached at Exhibit “B” a true and correct  
9 copy of the September 19, 2024 notice of violation.

10 36. On November 18, 2024, Plaintiff gave notice of alleged violation of Health and  
11 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead and  
12 cadmium from consumption of the Nomad Nutrition southwest breakfast skillet without proper  
13 warning, subject to a private action to Defendant and to the California Attorney General’s office  
14 and the offices of the County District attorneys and City Attorneys for each city with a population  
15 greater than 750,000 persons wherein the herein violations allegedly occurred. See attached at  
16 Exhibit “C” a true and correct copy of the November 18, 2024 notice of violation.

17 37. On November 18, 2024, Plaintiff gave notice of alleged violation of Health and  
18 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead and  
19 cadmium from consumption of the Nomad Nutrition Kathmandu curry without proper warning,  
20 subject to a private action to Defendant and to the California Attorney General’s office and the  
21 offices of the County District attorneys and City Attorneys for each city with a population greater  
22 than 750,000 persons wherein the herein violations allegedly occurred. See attached at Exhibit “D”  
23 a true and correct copy of the November 18, 2024 notice of violation.

24 38. On November 18, 2024, Plaintiff gave notice of alleged violation of Health and  
25 Safety Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from  
26 consumption of the Heather’s Choice spinach curry with chicken and rice without proper warning,  
27 subject to a private action to Defendant and to the California Attorney General’s office and the  
28 offices of the County District attorneys and City Attorneys for each city with a population greater

1 than 750,000 persons wherein the herein violations allegedly occurred. See attached at Exhibit “E”  
2 a true and correct copy of the November 18, 2024 notice of violation.

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

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

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

14 **FIRST CAUSE OF ACTION**

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

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

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

20 44. Consumption of the Products will expose consumers thereof to cadmium and/or  
21 lead, hazardous chemicals found on the Proposition 65 list of chemicals known to be hazardous to  
22 human health.

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

24 46. Plaintiff, based on his best information and belief, avers that at all relevant times  
25 herein, and since at least May 31, 2024 with respect to the *Firepot*® dal and rice with spinach;  
26 since at least September 19, 2024 with respect to the *Solely*® organic mango halves; and since at  
27 least November 18, 2024 with respect to Nomad Nutrition southwest breakfast skilletts, Nomad  
28 Nutrition Kathmandu curry, and Heather’s Choice spinach curry with chicken and rice, continuing

1 until the present, that Defendant has continued to knowingly and intentionally expose California  
2 users and consumers of the Products to cadmium and/or lead without providing required warnings  
3 under Proposition 65.

4 47. The exposures that are the subject of the Notices result from the purchase,  
5 acquisition, handling, consumption, and recommended use of the Products. The primary route of  
6 exposure to lead and cadmium in food products is through ingestion. When foods contaminated  
7 with lead and/or cadmium are consumed, ingestion of lead and/or cadmium will occur. No clear  
8 and reasonable warning is provided with the Products regarding the health hazards of exposure to  
9 cadmium and/or lead.

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

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

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

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

21 52. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically  
22 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: May 30, 2025

BRODSKY SMITH

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

*Attorneys for Plaintiff*

# EXHIBIT "A"

LAW OFFICES  
**BRODSKY SMITH**

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**NEW YORK OFFICE**  
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516.741.4977

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

May 31, 2024

President/CEO Outdoorfood Limited Pymore Mills Pymore Bridport Dorset DT6 5PJ GREAT BRITAIN	President/CEO Outdoorfood Limited Lower Denhay Farm Denhay Lane Broadoak, Bridport Dorset DT6 5NW GREAT BRITAIN
President/CEO Outdoorfood Limited Butt Farm, Ryall Bridport UNITED KINGDOM DT66EL	President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network Inc. 7801 Folsom Boulevard, #202 Sacramento, CA 95826
President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network Inc. 707 W. Main Avenue, #B1 Spokane, WA 99201	President/CEO Recreational Equipment, Inc. dba REI Co-Op 1700 45 <sup>th</sup> Street E, Suite 101 Sumner, WA 98390

**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

<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.

use of the Product, California citizens lack the information necessary to make informed decisions on whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical from the reasonably foreseeable use of the Product.

**I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** American Outdoor Products, Inc.; Recreational Equipment, Inc. dba REI Co-Op; Recreational Equipment, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least May 31, 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:**

<b>Product<sup>2</sup></b>	<b>Non- Exclusive Examples of the Product</b>
Dal and Rice with Spinach	Firepot Dal and Rice with Spinach UPC# 5 060517 781743

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 ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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

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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.

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.

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](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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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 19, 2024

President/CEO Solely, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network Inc. 707 W. Main Avenue #B1 Spokane, WA 99201
President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network Inc. 7801 Folsom Blvd., #202 Sacramento, CA 95826	President/CEO Recreational Equipment, Inc. dba REI co op 1700 45 <sup>th</sup> St. E, Suite 101 Sumner, WA 98390

**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.

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<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 90262-5204; (Ph) 310.863.2852.
- 2. **Alleged Violator(s):** Solely, Inc.; Recreational Equipment, Inc.; Recreational Equipment, Inc. dba REI co op
- 3. **Time Period of Exposure:** Violations have been occurring since at least September 19, 2024 and are continuing to this day.
- 4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
- 5. **Product:**

Product <sup>2</sup>	Non- Exclusive Examples of the Product
Organic Mango Halves	Solely Organic Mango Halves UPC# 856261006615

- 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 ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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.

<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.**

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**  
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CHERRY HILL, NJ 08034  
856.795.7250

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240 MINEOLA BOULEVARD  
MINEOLA, NY 11501  
516.741.4977

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

November 18, 2024

President/CEO Nomad Nutrition, Inc. c/o LegalInc Corporate Services Inc. 651 N. Broad Street, Suite 206 Middletown, DE 19709	President/CEO Nomad Nutrition, Inc. 1601-128 Cordova Street West Vancouver CANADA V6B2E0
President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network Inc. 707 W. Main Avenue #B1 Spokane, WA 99201	President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network, Inc. 7801 Folsom Blvd., #202 Sacramento, CA 95826
President/CEO Recreational Equipment, Inc. dba REI co op 1709 45 <sup>th</sup> St. E., Suite 101 Sumner, WA 98390	

**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

<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.

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

**I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Nomad Nutrition, Inc.; Recreational Equipment, Inc.; Recreational Equipment, Inc. dba REI co op.
3. **Time Period of Exposure:** Violations have been occurring since at least November 18, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead and Cadmium. Lead and cadmium are listed under Proposition 65 as chemicals known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

<b>Product<sup>2</sup></b>	<b>Non- Exclusive Examples of the Product</b>
Southwest Breakfast Skillet	Nomad Nutrition Southwest Breakfast Skillet UPC# 8 51385 00122 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 ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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**

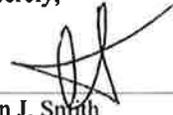
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Espinoza against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant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

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

November 18, 2024

President/CEO Nomad Nutrition, Inc. c/o Legallnc Corporate Services Inc. 651 N. Broad Street, Suite 206 Middletown, DE 19709	President/CEO Nomad Nutrition, Inc. 1601-128 Cordova Street West Vancouver CANADA V6B2E0
President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network Inc. 707 W. Main Avenue #B1 Spokane, WA 99201	President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network, Inc. 7801 Folsom Blvd.,#202 Sacramento, CA 95826
President/CEO Recreational Equipment, Inc. dba REI co op 1709 45 <sup>th</sup> St. E., Suite 101 Sumner, WA 98390	

**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

<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.

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

**I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Nomad Nutrition, Inc.; Recreational Equipment, Inc.; Recreational Equipment, Inc. dba REI co op.
3. **Time Period of Exposure:** Violations have been occurring since at least November 18, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead and Cadmium. Lead and cadmium are listed under Proposition 65 as chemicals known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

<b>Product<sup>2</sup></b>	<b>Non- Exclusive Examples of the Product</b>
Kathmandu Curry	Nomad Kathmandu Curry UPC# 8 51385 00101 0

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 ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. 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**

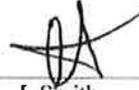
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Sincerely,



---

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

November 18, 2024

Member/Manager Heather's Choice LLC c/o Heather Kelly 5905 Miley Drive Anchorage, AK 99504-9605	Member/Manager Heather's Choice LLC 5881 Arctic Blvd., Unit 100 Anchorage, AK 99518
President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network Inc. 707 W. Main Avenue #B1 Spokane, WA 99201	President/CEO Recreational Equipment, Inc. c/o Corporate Creations Network, Inc. 7801 Folsom Blvd., #202 Sacramento, CA 95826
President/CEO Recreational Equipment, Inc. dba REI co op 1709 45 <sup>th</sup> St. E., Suite 101 Sumner, WA 98390	

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

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

**I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Heather's Choice LLC; Recreational Equipment, Inc.; Recreational Equipment, Inc. dba REI co op.
3. **Time Period of Exposure:** Violations have been occurring since at least November 18, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product <sup>2</sup>	Non- Exclusive Examples of the Product
Spinach Curry with Chicken & Rice	Heather's Choice Spinach Curry with Chicken & Rice UPC# 8 59709 00624 6

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 ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

**II. PROPOSITION 65 INFORMATION**

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**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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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**