

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

8 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

11/25/2025
Clerk of the Court
BY: JAMES FORONDA
Deputy Clerk

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

11 GABRIEL ESPINOZA,
12 Plaintiff,

13 vs.

14 PARKS PROJECT, LLC, TILLY'S,
15 INC., WORLD OF JEANS & TOPS
16 DBA TILLYS,

17 Defendants.

Case No.: CGC-25-621956

**CONSOLIDATED COMPLAINT FOR CIVIL
PENALTIES AND INJUNCTIVE RELIEF**

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

Proposed Consolidated Case Nos.:
CGC-25-622596

18 EMA BELL,

19 Plaintiff,

20 vs.

21 PARKS PROJECT, LLC, TILLY'S, INC.,
22 WORLD OF JEANS & TOPS DBA
23 TILLYS,

24 Defendants.

Case No. CGC-25-622596

25 Plaintiffs Gabriel Espinoza and Ema Bell (collectively, "Plaintiffs" and each a "Plaintiff"),
26 by and through their attorneys, allege the following cause of action in the public interest of the
27 citizens of the State of California.

28 **BACKGROUND OF THE CASE**

1. Plaintiffs bring 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,

1 “[n]o person in the course of doing business shall knowingly and intentionally expose any
2 individual to a chemical known to the state to cause cancer or reproductive toxicity without first
3 giving clear and reasonable warning to such individual ...”. Health & Safety Code § 25249.6.

4 2. This consolidated complaint is a representative action brought by Plaintiffs in the
5 public interest of the citizens of the State of California to enforce the People’s right to be informed
6 of the health hazards caused by exposure to lead, a toxic chemical found in (a) Parks Project
7 national parks mugs, (b) Parks Project Cali Dreamin mugs, and (c) Parks Project Yellowstone road
8 trip diner mugs sold and/or distributed by defendants Parks Projects, LLC, Tilly’s, Inc., and/or
9 World of Jeans & Tops dba Tillys (collectively, “Defendants” and each a “Defendant”) in
10 California.

11 3. Lead is a harmful chemical known to the State of California to cause cancer and
12 birth defects or other reproductive harm. On October 1, 1992, the state of California listed lead as
13 a chemical known to cause cancer and it has come under the purview of Proposition 65 regulations
14 since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 &
15 25249.10(b). On February 27, 1987, the State of California listed lead as a chemical known to
16 cause birth defects or other reproductive harm.

17 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
18 within California or sell products therein to comply with Proposition 65 regulations. Included in
19 such regulations is the requirement that businesses must label any product containing a Proposition
20 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
21 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
22 chemical.

23 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
24 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
25 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
26 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
27 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
28 25249.7.

1 Plaintiffs allege that defendant Parks Project, LLC is a “person” in the course of doing business
2 within the meaning of Health & Safety Code sections 25249.6 and 25249.11.

3 14. Defendant Tilly’s, Inc., through its business, effectively imports, distributes, sells,
4 and/or offers the Products for sale or use in the State of California, or it implies by its conduct that
5 it imports, distributes, sells, and/or offers the Products for sale or use in the State of California.
6 Plaintiffs allege that defendant Tilly’s, Inc. is a “person” in the course of doing business within the
7 meaning of Health & Safety Code sections 25249.6 and 25249.11.

8 15. Defendant World of Jeans & Tops dba Tillys, through its business, effectively
9 imports, distributes, sells, and/or offers the Products for sale or use in the State of California, or it
10 implies by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use
11 in the State of California. Plaintiffs allege that defendant World of Jeans & Tops dba Tillys is a
12 “person” in the course of doing business within the meaning of Health & Safety Code sections
13 25249.6 and 25249.11.

14 **VENUE AND JURISDICTION**

15 16. Venue is proper in the County of San Francisco because one or more of the
16 instances of wrongful conduct occurred, and continue to occur in this county and/or because
17 Defendants conducted, and continue to conduct, business in the County of San Francisco with
18 respect to the Products.

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

24 18. This Court has jurisdiction over Defendants because each Defendant is either a
25 citizen of the State of California, has sufficient minimum contacts with the State of California, is
26 registered with the California Secretary of State as foreign corporations authorized to do business
27 in the State of California, and/or has otherwise purposefully availed itself of the California market.
28

1 Such purposeful availment has rendered the exercise of jurisdiction by California courts consistent
2 and permissible with traditional notions of fair play and substantial justice.

3 STATUTORY BACKGROUND

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

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

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

14 21. An exposure to a chemical in a consumer product is one “which results from a
15 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
16 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
17 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
18 shall provide a warning to any person to whom the product is sold or transferred unless the product
19 is packaged or labeled with a clear and reasonable warning.”

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

- 22 a. A warning that appears on a product’s label or other labeling.
- 23 b. Identification of the product at the retail outlet in a manner which provides
24 a warning. Identification may be through shelf labeling, signs, menus, or a combination
25 thereof.

26
27 ¹ 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 c. The warnings provided pursuant to subparagraphs (a) and (b) shall be
2 prominently placed upon a product's labels or other labeling or displayed at the retail outlet
3 with such conspicuousness, as compared with other words, statements, designs, or devices
4 in the label, labeling or display as to render it likely to be read and understood by an
5 ordinary individual under customary conditions of purchase or use.

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

8 23. Proposition 65 provides that any "person who violates or threatens to violate" the
9 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
10 "threaten to violate" is defined to mean creating "a condition in which there is a substantial
11 probability that a violation will occur." (H&S Code § 25249.11(e).) Violators are liable for civil
12 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
13 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

14 **FACTUAL BACKGROUND**

15 24. On October 1, 1992, the state of California listed lead as a chemical known to cause
16 cancer and it has come under the purview of Proposition 65 regulations since that time. Cal. Code
17 Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27,
18 1987, the State of California listed lead as a chemical known to cause birth defects or other
19 reproductive harm. In summary, lead was listed under Proposition 65 as a chemical known to the
20 State to cause cancer and birth defects or other reproductive harm.

21 25. The exposures that are the subject of the Notices result from the purchase,
22 acquisition, handling and recommended use of the Products. The primary route of exposure to the
23 is through dermal absorption directly through the skin when consumers use, touch, or handle the
24 Products. Exposure through ingestion will occur by touching the Products with subsequent
25 touching of the user's hand to mouth. No clear and reasonable warning is provided with the
26 Products regarding the health hazards of exposure.

27 26. Defendants have processed, marketed, distributed, offered to sell and/or sold the
28 Products in California since at least January 31, 2024 with respect to the Parks Project national

1 parks mugs; since at least February 28, 2024 with respect to the Parks Project Cali Dreamin mug;
2 and since at least September 26, 2024 with respect to the Parks Project Yellowstone road trip diner
3 mugs. The Products continue to be distributed and sold in California without the requisite warning
4 information.

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

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

14 **SATISFACTION OF NOTICE REQUIREMENTS**

15 29. Plaintiffs purchased the Products from Tilly's in California. At the time of
16 purchase, Defendants did not provide a Proposition 65 exposure warning for lead or any other
17 Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described
18 *supra*.

19 30. The Products were sent to a testing laboratory to determine if, and what amount of,
20 lead would migrate and/or leach from the Products.

21 31. The laboratory provided the results of its analysis. Results of these tests determined
22 the Products expose users to lead (collectively, the "Chemical Test Reports" and each a "Chemical
23 Test Report").

24 32. Plaintiffs provided the Chemical Test Reports and Products to an analytical chemist
25 to determine if, based on the findings of the Chemical Test Reports and the reasonable and
26 foreseeable use of the Products, exposure to lead will occur at levels that require Proposition 65
27 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
28 Code of Regulations.

1 33. On January 31, 2024 (Parks Project national parks mugs), February 28, 2024 (Parks
2 Project Cali Dreamin mug), and September 26, 2024 (Parks Project Yellowstone road trip diner
3 mugs), Plaintiffs received from the analytical chemist exposure assessment reports which
4 concluded that persons in California who use the Products will be exposed to levels of lead that
5 require a Proposition 65 exposure warning.

6 34. On January 31, 2024 (Parks Project national parks mugs), February 28, 2024 (Parks
7 Project Cali Dreamin mug), and September 26, 2024 (Parks Project Yellowstone road trip diner
8 mugs), Plaintiffs gave notice of alleged violation of Health and Safety Code § 25249.6
9 (collectively, the “Notices” and each a “Notice”) to Defendants concerning the exposure of
10 California citizens to lead contained in the Products without proper warning, subject to a private
11 action to Defendants and to the California Attorney General’s office and the offices of the County
12 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
13 wherein the herein violations allegedly occurred. See attached at Exhibits A – C a true and correct
14 copy of each Notice.

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

20 36. After receiving the Notices, and to Plaintiffs’ best information and belief, none of
21 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
22 cause of action against Defendants under Proposition 65 to enforce the alleged violations which
23 are the subject of the Notices.

24 37. Plaintiffs are commencing this action more than sixty (60) days from the date of
25 each Notice to Defendants, as required by law.

1 **FIRST CAUSE OF ACTION**

2 **(By Plaintiffs against Defendants for the Violation of Proposition 65)**

3 38. Plaintiffs hereby repeats and incorporates by reference paragraphs 1 through 37 of
4 this Consolidated Complaint as though fully set forth herein.

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

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

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

10 42. Plaintiffs, based on their best information and belief, avers that at all relevant times
11 herein, and since at least January 31, 2024 with respect to the Parks Project national parks mugs;
12 since at least February 28, 2024 with respect to the Parks Project Cali Dreamin mug; and since at
13 least September 26, 2024 with respect to the Parks Project Yellowstone road trip diner mugs,
14 continuing until the present, that Defendants have continued to knowingly and intentionally expose
15 California users and consumers of the Product to lead without providing required warnings under
16 Proposition 65.

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

23 44. Plaintiffs, based on their best information and belief, avers that such exposures will
24 continue every day until clear and reasonable warnings are provided to purchasers and users or
25 until this known toxic chemical is removed from the Products.

26 45. Defendants have knowledge that the normal and reasonably foreseeable use of the
27 Products exposes individuals to lead, and Defendants intend that exposures to lead will occur by
28

1 its deliberate, non-accidental participation in the importation, distribution, sale and offering of the
2 Products to consumers in California

3 46. Plaintiffs have engaged in good faith efforts to resolve the herein claims prior to
4 this Consolidated Complaint.

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

8 48. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
9 authorized to grant injunctive relief in favor of Plaintiffs and against Defendants.

10
11 **PRAYER FOR RELIEF**

12 WHEREFORE, Plaintiffs demand judgment against Defendants and request the following
13 relief:

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

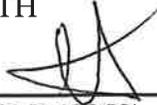
17 B. That the court preliminarily and permanently enjoin Defendants mandating
18 Proposition 65 compliant warnings on the Products;

19 C. That the court grant Plaintiffs reasonable attorney's fees and costs of suit, in the
20 amount of \$50,000.00.

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

22 Dated: November 25, 2025

BRODSKY SMITH

23 By: 

24 Evan J. Smith (SBN242352)

Ryan P. Cardona (SBN302113)

25 9465 Wilshire Boulevard, Suite 300

Beverly Hills, CA 90212

26 Telephone: (877) 534-2590

27 Facsimile: (310) 247-0160

28 *Attorneys for Plaintiff*

EXHIBIT “A”

LAW OFFICES
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

January 31, 2024

Member/Manager Parks Project, LLC c/o Chris Cohen 111 W. Topa Topa Street Ojai, CA 93023	Member/Manager Parks Project, LLC 4223 Glencoe Ave., #A101 Marina Del Rey, CA 90292
President/CEO World of Jeans & Tops c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833	President/CEO World of Jeans & Tops dba Tillys c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833

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):** Parks Project, LLC; World of Jeans & Tops; World of Jeans & Tops dba Tillys
3. **Time Period of Exposure:** Violations have been occurring since at least January 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:**

Product²	Non- Exclusive Examples of the Product
Mug	Parks Project National Parks Mug 46962215101

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.

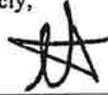
III. RESOLUTION OF THE CLAIMS

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
BRODSKY SMITH

9595 WILSHIRE BLVD., STE. 900
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

February 28, 2024

Member/Manager Parks Project, LLC c/o Chris Cohen 111 W. Topa Topa Street Ojai, CA 93023	Member/Manager Parks Project, LLC 4223 Glencoe Ave., #A101 Marina Del Rey, CA 90292
President/CEO World of Jeans & Tops c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833	President/CEO World of Jeans & Tops dba Tilly's c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833

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

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

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Parks Project, LLC; World of Jeans & Tops; World of Jeans & Tops dba Tilly's
3. **Time Period of Exposure:** Violations have been occurring since at least February 28, 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
Mug	Parks Project Cali Dreamin Mug UPC# 8 41949 17328 4

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

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 Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Bell has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, 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 “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 MINFOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

September 26, 2024

Member/Manager Parks Project, LLC c/o Registered Agents of America, Inc. 1201 Orange Street, Suite 600 Wilmington, DE 19801	President/CEO World of Jeans & Tops c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833
President/CEO Tilly's, Inc. c/o CSC-Lawyers Incorporating Service 2710 Gateway Oaks Drive, Suite 150N Sacramento, CA 95833	President/CEO Tilly's, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808

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

To Whom It May Concern:

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

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

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

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:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Parks Project, LLC; World of Jeans & Tops; Tilly's, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least September 26, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Mug	Parks Project Yellowstone Road Trip Diner Mug 47407160001

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

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 Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Bell has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9465 Wilshire Blvd., Ste. 300, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.

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