

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
Joseph D. Gonzalez, SBN 189947
Gonzalez Law Group, A.P.C.
2625 Townsgate Road, Suite 330
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TELEPHONE NO: 805-576-7776 FAX NO:
ATTORNEY FOR (Name): Environmental Research Center, Inc.

FOR COURT USE ONLY
ELECTRONICALLY FILED
Superior Court of California,
County of Alameda
04/03/2025 at 02:58:50 PM
By: Milagros Cortez,
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda
STREET ADDRESS: 1225 Fallon Street
MAILING ADDRESS: 1225 Fallon Street
CITY AND ZIP CODE: Oakland, CA 94612
BRANCH NAME: Rene C. Davidson

CASE NAME:
Environmental Research Center, Inc. v. G.O.A.T. Fuel, Inc. et al.

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
25CV117449
JUDGE:
DEPT:

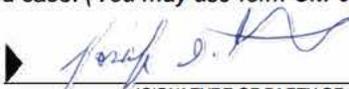
Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46)	Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37)	Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41)
Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23)	Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26)	Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20)
Non-PI/PD/WD (Other) Tort <input type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35)	Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38)	Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42)
Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): 2
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: April 3, 2025
Joseph D. Gonzalez
(TYPE OR PRINT NAME)


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

F. ADDENDUM TO CIVIL CASE COVER SHEET

Short Title: Environmental Research Center, Inc. v. G.O.A.T. Fuel, Inc. et al.	Case Number:
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CIVIL CASE COVER SHEET ADDENDUM

**THIS FORM IS REQUIRED IN ALL NEW UNLIMITED CIVIL CASE FILINGS IN THE
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA**

<input type="checkbox"/> Oakland, Rene C. Davidson Alameda County Courthouse (446)	<input type="checkbox"/> Hayward Hall of Justice (447)
<input type="checkbox"/> Pleasanton, Gale-Schenone Hall of Justice (448)	

Civil Case Cover Sheet Category	Civil Case Cover Sheet Case Type	Alameda County Case Type (check only one)
Auto Tort	Auto tort (22)	<input type="checkbox"/> 34 Auto tort (G) Is this an uninsured motorist case? <input type="checkbox"/> yes <input type="checkbox"/> no
Other PI /PD / WD Tort	Asbestos (04)	<input type="checkbox"/> 75 Asbestos (D)
	Product liability (24)	<input type="checkbox"/> 89 Product liability (not asbestos or toxic tort/environmental) (G)
	Medical malpractice (45)	<input type="checkbox"/> 97 Medical malpractice (G)
	Other PI/PD/WD tort (23)	<input type="checkbox"/> 33 Other PI/PD/WD tort (G)
Non - PI /PD / WD Tort	Bus tort / unfair bus. practice (07)	<input type="checkbox"/> 79 Bus tort / unfair bus. practice (G)
	Civil rights (08)	<input type="checkbox"/> 80 Civil rights (G)
	Defamation (13)	<input type="checkbox"/> 84 Defamation (G)
	Fraud (16)	<input type="checkbox"/> 24 Fraud (G)
	Intellectual property (19)	<input type="checkbox"/> 87 Intellectual property (G)
	Professional negligence (25)	<input type="checkbox"/> 59 Professional negligence - non-medical (G)
	Other non-PI/PD/WD tort (35)	<input type="checkbox"/> 03 Other non-PI/PD/WD tort (G)
Employment	Wrongful termination (36)	<input type="checkbox"/> 38 Wrongful termination (G)
	Other employment (15)	<input type="checkbox"/> 85 Other employment (G)
		<input type="checkbox"/> 53 Labor comm award confirmation
		<input type="checkbox"/> 54 Notice of appeal - L.C.A.
Contract	Breach contract / Wmty (06)	<input type="checkbox"/> 04 Breach contract / Wmty (G)
	Collections (09)	<input type="checkbox"/> 81 Collections (G)
	Insurance coverage (18)	<input type="checkbox"/> 86 Ins. coverage - non-complex (G)
	Other contract (37)	<input type="checkbox"/> 98 Other contract (G)
Real Property	Eminent domain / Inv Cdm (14)	<input type="checkbox"/> 18 Eminent domain / Inv Cdm (G)
	Wrongful eviction (33)	<input type="checkbox"/> 17 Wrongful eviction (G)
	Other real property (26)	<input type="checkbox"/> 36 Other real property (G)
Unlawful Detainer	Commercial (31)	<input type="checkbox"/> 94 Unlawful Detainer - commercial
	Residential (32)	<input type="checkbox"/> 47 Unlawful Detainer - residential
	Drugs (38)	<input type="checkbox"/> 21 Unlawful detainer - drugs
		Is the deft. in possession of the property? <input type="checkbox"/> Yes <input type="checkbox"/> No
Judicial Review	Asset forfeiture (05)	<input type="checkbox"/> 41 Asset forfeiture
	Petition re: arbitration award (11)	<input type="checkbox"/> 62 Pet. re: arbitration award
	Writ of Mandate (02)	<input type="checkbox"/> 49 Writ of mandate
	Other judicial review (39)	<input type="checkbox"/> 64 Other judicial review
		Is this a CEQA action (Publ.Res.Code section 21000 et seq) <input type="checkbox"/> Yes <input type="checkbox"/> No
Provisionally Complex	Antitrust / Trade regulation (03)	<input type="checkbox"/> 77 Antitrust / Trade regulation
	Construction defect (10)	<input type="checkbox"/> 82 Construction defect
	Claims involving mass tort (40)	<input type="checkbox"/> 78 Claims involving mass tort
	Securities litigation (28)	<input type="checkbox"/> 91 Securities litigation
	Toxic tort / Environmental (30)	<input type="checkbox"/> 93 Toxic tort / Environmental
	Ins covrg from cmplx case type (41)	<input type="checkbox"/> 95 Ins covrg from complex case type
Enforcement of Judgment	Enforcement of judgment (20)	<input type="checkbox"/> 19 Enforcement of judgment
		<input type="checkbox"/> 08 Confession of judgment
Misc Complaint	RICO (27)	<input type="checkbox"/> 90 RICO (G)
	Partnership / Corp. governance (21)	<input type="checkbox"/> 88 Partnership / Corp. governance (G)
	Other complaint (42)	<input checked="" type="checkbox"/> 68 All other complaints (G)
Misc. Civil Petition	Other petition (43)	<input type="checkbox"/> 06 Change of name
		<input type="checkbox"/> 69 Other petition

**SUMMONS
(CITACION JUDICIAL)**

**FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)**

ELECTRONICALLY FILED
Superior Court of California
County of Alameda
04/03/2025

Chad Finke, Executive Officer / Clerk of the Court
By: M. Cortez Deputy

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

G.O.A.T. FUEL, INC.; G.O.A.T. FUEL LLC; and DOES 1-100

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

ENVIRONMENTAL RESEARCH CENTER, INC., a California non-profit corporation

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es): Alameda County Superior Court
1225 Fallon Street, Oakland CA 94612

CASE NUMBER: **25CV117449**
(Número del Caso):

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Joseph D. Gonzalez, Gonzalez Law Group, A.P.C. 2625 Townsgate Rd, Ste 330, Westlake Village, CA 91361 (805) 576-7776

DATE: 04/03/2025 Chad Finke, Executive Officer / Clerk of the Court Clerk, by M. Cortez , Deputy
(Fecha) (Secretario) M. Cortez (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).) M. Cortez
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

ELECTRONICALLY FILED

Superior Court of California,
County of Alameda

04/03/2025 at 02:58:50 PM

By: Milagros Cortez,
Deputy Clerk

1 Joseph D. Gonzalez, SBN 189947
2 Gonzalez Law Group, A.P.C.
3 2625 Townsgate Rd., Ste. 330
4 Westlake Village, CA 91361
5 Telephone: (805) 576-7776
6 Email: joe@thelawgroupusa.com

7 Attorney for Plaintiff Environmental Research Center, Inc.

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9 **COUNTY OF ALAMEDA**

10
11 **ENVIRONMENTAL RESEARCH CENTER,**
12 **INC., a California non-profit corporation**

13 **Plaintiff,**

14 **vs.**

15 **G.O.A.T. FUEL, INC.; G.O.A.T. FUEL LLC;**
16 **and DOES 1-100**

17 **Defendants.**

CASE NO. 25CV117449

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

[Miscellaneous Civil Complaint (42)]
Proposition 65, Health & Safety Code
Section 25249.5 et seq.]

18
19
20 Plaintiff Environmental Research Center, Inc. hereby alleges:

21 **I**

22 **INTRODUCTION**

23 1. Plaintiff Environmental Research Center, Inc. (hereinafter “Plaintiff” or “ERC”) brings
24 this action as a private attorney general enforcer and in the public interest pursuant to Health &
25 Safety Code section 25249.7, subdivision (d). The Safe Drinking Water and Toxic Enforcement
26 Act of 1986 (Health & Safety Code section 25249.5 *et seq.*) also known as “Proposition 65,”
27 mandates that businesses with ten or more employees must provide a “clear and reasonable
28 warning” prior to exposing any individual to a chemical known to the state to cause cancer or

1 reproductive toxicity. Lead and/or mercury are chemicals known to the State of California to
2 cause cancer and/or birth defects, and other reproductive harm. This Complaint seeks
3 injunctive and declaratory relief and civil penalties to remedy the ongoing failure of Defendants
4 G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC (collectively “G.O.A.T. Fuel”) and Does 1-100
5 (hereinafter individually referred to as “Defendant” or collectively as “Defendants”), to warn
6 consumers that they have been exposed to lead and/or mercury from a number of G.O.A.T.
7 Fuel’s nutritional health products as set forth in paragraph 3 at levels exceeding the applicable
8 Maximum Allowable Dose Level (“MADL”) and requiring a warning pursuant to Health &
9 Safety Code section 25249.6.

10 II

11 PARTIES

12 2. Plaintiff ERC is a California non-profit corporation dedicated to, among other causes,
13 helping safeguard the public from health hazards by reducing the use and misuse of hazardous
14 and toxic chemicals, facilitating a safe environment for consumers and employees, and
15 encouraging corporate responsibility.

16 3. Defendant G.O.A.T. Fuel is a business that develops, manufactures, markets, distributes,
17 and/or sells nutritional health products that have exposed users to lead and/or mercury in the
18 State of California within the relevant statute of limitations period. These “SUBJECT
19 PRODUCTS” (as identified in the Notices of Violation dated November 14, 2024 and
20 November 27, 2024 attached hereto as **Exhibits A and B**) are: (1) G.O.A.T. Fuel Sports Energy
21 Watermelon Fruit Punch Flavored Sports Energy Drink (lead, mercury), (2) G.O.A.T. Fuel
22 Sports Energy Mango Passion Fruit Flavored Sports Energy Drink (lead, mercury), (3)
23 G.O.A.T. Fuel Sports Energy Acai Mixed Berry Flavored Sports Energy Drink (lead), (4)
24 G.O.A.T. Fuel Sports Energy Gummy Bear Flavored Sports Energy Drink (lead, mercury), (5)
25 G.O.A.T. Fuel Sports Energy Dragon Pomegranate Flavored Sports Energy Drink (lead,
26 mercury), (6) G.O.A.T. Fuel Sports Energy Snow Cone Flavored Sports Energy Drink (lead,
27 mercury), (7) G.O.A.T. Fuel Sports Energy Black Cherry Ginger Ale Flavored Sports Energy
28 Drink (lead, mercury), (8) G.O.A.T. Fuel Sports Energy Pineapple Cream Soda Flavored Sports

1 Energy Drink (lead, mercury), (9) G.O.A.T. Fuel Sports Energy Candy Flavored Sports Energy
2 Drink (lead, mercury), (10) G.O.A.T. Fuel Sports Energy Blueberry Lemonade Flavored Sports
3 Energy Drink (lead, mercury), (11) G.O.A.T. Fuel Sports Energy Tropical Berry Flavored
4 Sports Energy Drink (lead, mercury), and (12) G.O.A.T. Fuel Sports Energy Peach Pineapple
5 Flavored Sports Energy Drink (lead, mercury). G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC are
6 companies subject to Proposition 65 as each company employs ten or more persons and has
7 employed ten or more persons at all times relevant to this action.

8 4. Defendants Does 1-100, are named herein under fictitious names, as their true names
9 and capacities are unknown to ERC. ERC is informed and believes, and thereon alleges, that
10 each of said Does is responsible, in some actionable manner, for the events and happenings
11 hereinafter referred to, either through said Does' conduct, or through the conduct of its agents,
12 servants or employees, or in some other manner, causing the harms alleged by ERC in this
13 Complaint. When said true names and capacities of Does are ascertained, ERC will seek leave
14 to amend this Complaint to set forth the same.

15 III

16 **JURISDICTION AND VENUE**

17 5. This Court has jurisdiction pursuant to California Constitution Article VI, Section 10,
18 which grants the Superior Court original jurisdiction in all causes except those given by statute
19 to other trial courts. The statute under which this action is brought does not specify any other
20 basis for jurisdiction.

21 6. This Court has jurisdiction over G.O.A.T. Fuel because G.O.A.T. Fuel has sufficient
22 minimum contacts with California, and otherwise intentionally avails itself of the California
23 market through the marketing, distribution, and/or sale of the SUBJECT PRODUCTS in the
24 State of California so as to render the exercise of jurisdiction over it by the California courts
25 consistent with traditional notions of fair play and substantial justice.

26 7. The Complaint is based on allegations contained in the Notices of Violation dated
27 November 14, 2024 and November 27, 2024, served on the California Attorney General, other
28 public enforcers, and G.O.A.T. Fuel. The Notices of Violation constitute adequate notice to

1 G.O.A.T. Fuel because they provided adequate information to allow G.O.A.T. Fuel to assess the
2 nature of the alleged violations, consistent with Proposition 65 and its implementing
3 regulations. A certificate of merit and a certificate of service accompanied each copy of the
4 Notices of Violation, and both certificates comply with Proposition 65 and its implementing
5 regulations. The Notices of Violation served on G.O.A.T. Fuel also included a copy of “The
6 Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.”
7 Service of the Notices of Violation and accompanying documents complied with Proposition 65
8 and its implementing regulations. Attached hereto as **Exhibits A** and **B** are true and correct
9 copies of the Notices of Violation and associated documents. More than 60 days have passed
10 since ERC mailed the Notices of Violation and no public enforcement entity has filed a
11 Complaint in this case.

12 8. This Court is the proper venue for the action because the causes of action have arisen in
13 the County of Alameda where some of the violations of law have occurred, and will continue to
14 occur, due to the ongoing sale of G.O.A.T. Fuel’s products. Furthermore, venue is proper in
15 this Court under Code of Civil Procedure section 395.5 and Health & Safety Code section
16 25249.7.

17 **IV**

18 **STATUTORY BACKGROUND**

19 9. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute
20 passed as “Proposition 65” by an overwhelming majority vote of the people in November of
21 1986.

22 10. The warning requirement of Proposition 65 is contained in Health & Safety Code
23 section 25249.6, which provides:

24 No person in the course of doing business shall knowingly and
25 intentionally expose any individual to a chemical known to the state to
26 cause cancer or reproductive toxicity without first giving clear and
27 reasonable warning to such individual, except as provided in Section
28 25249.10.

11. The Office of Environmental Health Hazard Assessment (“OEHHA”), a division of the

1 California Environmental Protection Agency (“Cal EPA”), is the lead agency in charge of the
2 implementation of Proposition 65. OEHHA administers the Proposition 65 program and
3 administers regulations that govern Proposition 65 in general, including warnings to comply
4 with the statute. The warning regulations are found in Title 27 of the California Code of
5 Regulations, Article 6. The regulations define expose as “to cause to ingest, inhale, contact via
6 body surfaces or otherwise come into contact with a listed chemical. An individual may come
7 into contact with a listed chemical through water, air, food, consumer products and any other
8 environmental exposure as well as occupational exposures.” (Cal. Code Regs., tit. 27, § 25102,
9 subd. (i).)

10 12. In this case, the exposures are caused by consumer products. A consumer product is
11 defined as “any article, or component part thereof, including food, that is produced, distributed,
12 or sold for the personal use, consumption or enjoyment of a consumer.” (Cal. Code Regs., tit.
13 27, § 25600.1, subd. (d).) Food “includes ‘dietary supplements’ as defined in California Code
14 of Regulations, title 17, section 10200.” (*Id.* at subd. (g).) A consumer product exposure is “an
15 exposure that results from a person’s acquisition, purchase, storage, consumption, or any
16 reasonably foreseeable use of a consumer product, including consumption of a food.” (*Id.* at
17 subd. (e).)

18 13. On August 30, 2016, the Office of Administrative Law approved the adoption of
19 OEHHA’s amendments to Article 6, Clear and Reasonable Warnings of the California Code of
20 Regulations. This action repealed virtually all of the regulatory provisions of Title 27 of the
21 California Code of Regulations, Article 6 (sections 25601 *et seq.*) and replaced the repealed
22 sections with new regulations set forth in two new Subarticles to Article 6 that became
23 operative on August 30, 2018 (the “New Warning Regulations”). The New Warning
24 Regulations provide, among other things, methods of transmission and content of warnings
25 deemed to comply with Proposition 65. G.O.A.T. Fuel is subject to the warning requirements
26 set forth in the New Warning Regulations that became operative on August 30, 2018.

27 14. Health & Safety Code section 25249.6 provides that “No person in the course of doing
28 business shall knowingly and intentionally expose any individual to a chemical known to the

1 state to cause cancer or reproductive toxicity without first giving clear and reasonable warning
2 to such individual” The New Warning Regulations apply when clear and reasonable
3 warnings are required under Section 25249.6. Pursuant to the New Warning Regulations,
4 consumer product warnings “must be prominently displayed on a label, labeling, or sign, and
5 must be displayed with such conspicuousness as compared with other words, statements,
6 designs or devices on the label, labeling, or sign, as to render the warning likely to be seen,
7 read, and understood by an ordinary individual under customary conditions of purchase or use.”
8 (*Id.* at § 25601, subd. (c).)

9 15. Proposition 65 establishes a procedure by which the State is to develop a list of
10 chemicals “known to the State to cause cancer or reproductive toxicity.” (Health & Safety Code,
11 § 25249.8.) There is no duty to provide a clear and reasonable warning until 12-months after
12 the chemical is published on the State list. (Health & Safety Code, § 25249.10, subd. (b).)

13 16. Lead was listed as a chemical known to the State of California to cause developmental
14 toxicity in the fetus and male and female reproductive toxicity on February 27, 1987. Lead was
15 listed as a chemical known to the State of California to cause cancer on October 1, 1992.
16 (OEHHA Chemicals Considered or Listed Under Proposition 65 -
17 <https://oehha.ca.gov/proposition-65/chemicals/lead-and-lead-compounds>.) The MADL for lead
18 as a chemical known to cause reproductive toxicity is 0.5 micrograms per day. (Cal. Code
19 Regs., tit. 27, §25805, subd. (b).) The No Significant Risk Level for lead as a carcinogen is 15
20 micrograms per day. (Cal. Code Regs., tit. 27, §25705, subd. (b).)

21 17. Mercury and mercury compounds were listed as chemicals known to the State of
22 California to cause developmental toxicity in the fetus and male and female reproductive
23 toxicity on July 1, 1990 (OEHHA Chemicals Considered or Listed Under Proposition 65 -
24 <https://oehha.ca.gov/proposition-65/chemicals/mercury-and-mercury-compounds>).

25 18. Proposition 65 provides that any person “violating or threatening to violate” Proposition
26 65 may be enjoined in any court of competent jurisdiction. (Health & Safety Code, §25249.7,
27 subd. (a).) To “threaten to violate” means “to create a condition in which there is a substantial
28 probability that a violation will occur.” (Health & Safety Code, § 25249.11, subd. (e).)

1 Furthermore, violators are subject to a civil penalty of up to \$2,500 per day for each violation.
2 (Health & Safety Code, § 25249.7, subd. (b)(1).)

3 19. Proposition 65 may be enforced by any person in the public interest who provides notice
4 sixty days before filing suit to both the violator and designated law enforcement officials. The
5 failure of law enforcement officials to file a timely Complaint enables a citizen suit to be filed
6 pursuant to Health & Safety Code section 25249.7, subdivisions (c) and (d).

7 **V**

8 **STATEMENT OF FACTS**

9 20. G.O.A.T. Fuel has developed, manufactured, marketed, distributed, and/or sold the
10 SUBJECT PRODUCTS containing lead and/or mercury into the State of California, including
11 into Alameda County. Consumption of the SUBJECT PRODUCTS according to the directions
12 and/or recommendations provided for said products causes consumers to be exposed to lead at
13 levels exceeding the 0.5 micrograms per day MADL and/or be exposed to mercury and
14 requiring a warning. Consumers have been ingesting these products for many years, without
15 any knowledge of their exposure to these very dangerous chemicals.

16 21. For many years, G.O.A.T. Fuel has knowingly and intentionally exposed numerous
17 persons to lead and/or mercury without providing any type of Proposition 65 warning. Prior to
18 ERC's Notices of Violation and this Complaint, G.O.A.T. Fuel failed to provide a warning on
19 the labels of the SUBJECT PRODUCTS or provide any other legally acceptable warning.
20 G.O.A.T. Fuel has, at all times relevant hereto, been aware that the SUBJECT PRODUCTS
21 contained lead and/or mercury and that persons using these products have been exposed to these
22 chemicals. G.O.A.T. Fuel has been aware of the presence of lead and/or mercury in the
23 SUBJECT PRODUCTS and has failed to disclose the presence of these chemicals to the public,
24 who undoubtedly believe they have been ingesting totally healthy and pure products pursuant to
25 the company's statements.

26 22. Both prior and subsequent to ERC's Notices of Violation, G.O.A.T. Fuel failed to
27 provide consumers of the SUBJECT PRODUCTS with a clear and reasonable warning that they
28 have been exposed to chemicals known to the State of California to cause cancer and/or birth

1 defects and other reproductive harm. This failure to warn is ongoing.

2 **FIRST CAUSE OF ACTION**
3 **(Violation of Section 25249.6 of the Health and Safety Code, Failure to Provide Clear and**
4 **Reasonable Warning under Proposition 65)**

5 23. ERC refers to paragraphs 1-22, inclusive, and incorporates them herein by this
6 reference.

7 24. By committing the acts alleged above, G.O.A.T. Fuel has, in the course of doing
8 business, knowingly and intentionally exposed users of the SUBJECT PRODUCTS to lead
9 and/or mercury, chemicals known to the State of California to cause cancer and/or birth defects,
10 and other reproductive harm, without first giving clear and reasonable warning to such
11 individuals within the meaning of Health & Safety Code section 25249.6. In doing so,
12 G.O.A.T. Fuel has violated Health & Safety Code section 25249.6 and continues to violate the
13 statute with each successive sale of the SUBJECT PRODUCTS.

14 25. Said violations render G.O.A.T. Fuel liable for civil penalties, up to \$2,500 per day for
15 each violation, and subject G.O.A.T. Fuel to injunction.

16 **SECOND CAUSE OF ACTION**
17 **(Declaratory Relief)**

18 26. ERC refers to paragraphs 1-25, inclusive, and incorporates them herein by this
19 reference.

20 27. There exists an actual controversy relating to the legal rights and duties of the Parties,
21 within the meaning of Code of Civil Procedure section 1060, between ERC and G.O.A.T. Fuel,
22 concerning whether G.O.A.T. Fuel has exposed individuals to chemicals known to the State of
23 California to cause cancer and/or birth defects, and other reproductive harm without providing
24 clear and reasonable warning.

25 **VI**

26 **PRAYER**

27 WHEREFORE ERC prays for relief as follows:

- 28 1. On the First Cause of Action, for civil penalties for each and every violation according

1 to proof;

2 2. On the First Cause of Action, and pursuant to Health & Safety Code section 25249.7,
3 subd. (a), for such temporary restraining orders, preliminary and permanent injunctive orders, or
4 other orders as are necessary to prevent G.O.A.T. Fuel from exposing persons to lead and/or
5 mercury without providing clear and reasonable warning;

6 3. On the Second Cause of Action, for a declaratory judgment pursuant to Code of Civil
7 Procedure section 1060 declaring that G.O.A.T. Fuel has exposed individuals to lead and/or
8 mercury without providing clear and reasonable warning; and

9 4. On all Causes of Action, for reasonable attorneys' fees pursuant to Code of Civil
10 Procedure section 1021.5 or the substantial benefit theory;

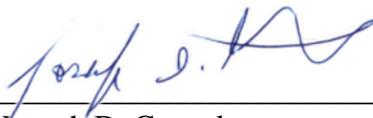
11 5. For costs of suit herein; and

12 6. For such other relief as the Court may deem just and proper.

13 ///

14 DATED: April 3, 2025

GONZALEZ LAW GROUP, A.P.C.

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17 _____
Joseph D. Gonzalez

18 Attorney for Plaintiff Environmental Research Center, Inc.
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EXHIBIT A

Gonzalez Law Group, A.P.C.
800 Hampshire Road, Suite B
Westlake Village, CA 91361
Telephone: (805) 576-7776
Email: joe@thelawgroupusa.com

November 14, 2024

**NOTICE OF VIOLATIONS OF
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET SEQ.
(PROPOSITION 65)**

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center, Inc. (“ERC”). ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

ERC has identified violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, ERC intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is attached with the copy of this letter served to the alleged Violators identified below.

Alleged Violators. The names of the companies covered by this notice that violated Proposition 65 (hereinafter the “Violators”) are:

**G.O.A.T. Fuel, Inc.
G.O.A.T. Fuel LLC**

Consumer Products and Listed Chemicals. The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

- 1. G.O.A.T. Fuel Sports Energy Watermelon Fruit Punch Flavored Sports Energy Drink – Lead, Mercury**
- 2. G.O.A.T. Fuel Sports Energy Mango Passion Fruit Flavored Sports Energy Drink – Lead, Mercury**
- 3. G.O.A.T. Fuel Sports Energy Acai Mixed Berry Flavored Sports Energy Drink - Lead**

4. **G.O.A.T. Fuel Sports Energy Gummy Bear Flavored Sports Energy Drink – Lead, Mercury**
5. **G.O.A.T. Fuel Sports Energy Dragon Pomegranate Flavored Sports Energy Drink – Lead, Mercury**
6. **G.O.A.T. Fuel Sports Energy Snow Cone Flavored Sports Energy Drink – Lead, Mercury**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

On July 1, 1990, the State of California officially listed mercury and mercury compounds as chemicals known to cause developmental toxicity and male and female reproductive toxicity. It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

Route of Exposure. The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to these chemicals has been and continues to be through ingestion.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least November 14, 2021, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons ingesting these products with appropriate warnings that they are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as expensive and time-consuming litigation.

November 14, 2024

Page 3

Please direct all questions concerning this notice to my attention, or Chris Heptinstall, Executive Director of ERC, at the above listed address and telephone number.

Sincerely,

A handwritten signature in blue ink, appearing to read "Joseph Gonzalez", is written over a horizontal line.

Joseph Gonzalez

Attorney for Environmental Research Center

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to G.O.A.T. Fuel, Inc., G.O.A.T. Fuel LLC, and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC

I, Joseph Gonzalez, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am the attorney for the noticing party, Environmental Research Center.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemicals that are the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 14, 2024



Joseph Gonzalez

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On November 14, 2024, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; “THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Jaqui Rice, Chief Executive Officer
or Current President or CEO
G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC
PO Box 941770
Plano, TX 75094

Lawyers Aid Service, Inc.
(Registered Agent for G.O.A.T. Fuel, Inc.)
505 West 15th St
Austin, TX 78701

Jaqui Rice, Chief Executive Officer
or Current President or CEO
G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC
6900 Dallas Parkway, 3rd Floor
Plano, TX 75024

Jaqui Rice
(Registered Agent for G.O.A.T. Fuel LLC)
5161 Lankershim Blvd, #250
North Hollywood, CA 91601

Jaqui Rice, Chief Executive Officer
or Current President or CEO
G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC
PO Box 229
North Hollywood, CA 91603

Corporation Service Company
(Registered Agent for G.O.A.T. Fuel, Inc.)
251 Little Falls Drive
Wilmington, DE 19808

Jaqui Rice, Chief Executive Officer
or Current President or CEO
G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC
5161 Lankershim Blvd, #250
North Hollywood, CA 91601

Corporation Service Company Which Will Do Business
California as CSC-Lawyers Incorporating Service
(Registered Agent for G.O.A.T. Fuel, Inc.)
2710 Gateway Oaks Dr, Ste 150N
Sacramento, CA 95833

On November 14, 2024, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550

On November 14, 2024, between 8:00 a.m. and 5:00 p.m. Eastern Time, verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

November 14, 2024

Page 6

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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

November 14, 2024

Page 7

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Eric J. Dobroth, Deputy District Attorney
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County Government Center Annex, 4th Floor
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edobroth@co.slo.ca.us

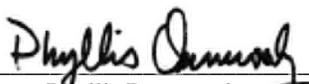
Gregory D. Totten, District Attorney
Ventura County
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Ventura, CA 93009
daspecialops@ventura.org

Christopher Dalbey, Deputy District Attorney
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DAProp65@co.santa-barbara.ca.us

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.org

On November 14, 2024, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on November 14, 2024, in Fort Oglethorpe, Georgia.


Phyllis Dunwoody

Service List

District Attorney, Alpine
County
P.O. Box 248
17300 Hwy 89
Markleeville, CA 96120

District Attorney, Amador
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Jackson, CA 95642

District Attorney, Butte
County
25 County Center Drive, Suite
245
Oroville, CA 95965

District Attorney, Colusa
County
310 6th St
Colusa, CA 95932

District Attorney, Del Norte
County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, Glenn
County
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District Attorney, Humboldt
County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial
County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings
County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Los Angeles
County
Hall of Justice
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Los Angeles, CA 90012

District Attorney, Madera
County
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Madera, CA 93637

District Attorney, Mendocino
County
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Ukiah, CA 95482

District Attorney, Modoc
County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono
County
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Bridgeport, CA 93517

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Hollister, CA 95023

District Attorney, San
Bernardino County
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District Attorney, Shasta
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Modesto, CA 95354

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Sonora, CA 95370

District Attorney, Yuba
County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's
Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as “Proposition 65”). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The “Proposition 65 List.” Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

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EXHIBIT B

Gonzalez Law Group, A.P.C.
800 Hampshire Road, Suite B
Westlake Village, CA 91361
Telephone: (805) 576-7776
Email: joe@thelawgroupusa.com

November 27, 2024

**NOTICE OF VIOLATIONS OF
CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET SEQ.
(PROPOSITION 65)**

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

I represent Environmental Research Center, Inc. (“ERC”). ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

ERC has identified violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at California Health & Safety Code §25249.5 *et seq.*, with respect to the products identified below. These violations have occurred and continue to occur because the alleged Violators identified below failed to provide required clear and reasonable warnings with these products. This letter serves as a notice of these violations to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, ERC intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

General Information about Proposition 65. A copy of a summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is attached with the copy of this letter served to the alleged Violators identified below.

Alleged Violators. The names of the companies covered by this notice that violated Proposition 65 (hereinafter the “Violators”) are:

G.O.A.T. Fuel, Inc.
G.O.A.T. Fuel LLC

Consumer Products and Listed Chemicals. The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

- 1. G.O.A.T. Fuel Sports Energy Black Cherry Ginger Ale Flavored Sports Energy Drink – Lead, Mercury**
- 2. G.O.A.T. Fuel Sports Energy Pineapple Cream Soda Flavored Sports Energy Drink – Lead, Mercury**
- 3. G.O.A.T. Fuel Sports Energy Candy Flavored Sports Energy Drink – Lead, Mercury**

4. **G.O.A.T. Fuel Sports Energy Blueberry Lemonade Flavored Sports Energy Drink – Lead, Mercury**
5. **G.O.A.T. Fuel Sports Energy Tropical Berry Flavored Sports Energy Drink – Lead, Mercury**
6. **G.O.A.T. Fuel Sports Energy Peach Pineapple Flavored Sports Energy Drink – Lead, Mercury**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

On July 1, 1990, the State of California officially listed mercury and mercury compounds as chemicals known to cause developmental toxicity and male and female reproductive toxicity. It should be noted that ERC may continue to investigate other products that may reveal further violations and result in subsequent notices of violations.

Route of Exposure. The consumer exposures that are the subject of this notice result from the recommended use of these products. Consequently, the route of exposure to these chemicals has been and continues to be through ingestion.

Approximate Time Period of Violations. Ongoing violations have occurred every day since at least November 27, 2021, as well as every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are either removed from or reduced to allowable levels in the products. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to the identified chemicals. The method of warning should be a warning that appears on the product label. The Violators violated Proposition 65 because they failed to provide persons ingesting these products with appropriate warnings that they are being exposed to these chemicals.

Consistent with the public interest goals of Proposition 65 and a desire to have these ongoing violations of California law quickly rectified, ERC is interested in seeking a constructive resolution of this matter that includes an enforceable written agreement by the Violators to: (1) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as expensive and time-consuming litigation.

November 27, 2024

Page 3

Please direct all questions concerning this notice to my attention, or Chris Heptinstall, Executive Director of ERC, at the above listed address and telephone number.

Sincerely,



Joseph Gonzalez

Attorney for Environmental Research Center

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to G.O.A.T. Fuel, Inc., G.O.A.T. Fuel LLC, and their Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC

I, Joseph Gonzalez, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

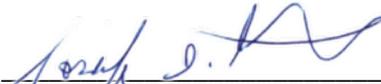
2. I am the attorney for the noticing party, Environmental Research Center.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemicals that are the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 27, 2024



Joseph Gonzalez

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On November 27, 2024, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; “THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Jaqui Rice, Chief Executive Officer
or Current President or CEO
G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC
PO Box 941770
Plano, TX 75094

Lawyers Aid Service, Inc.
(Registered Agent for G.O.A.T. Fuel, Inc.)
505 West 15th St
Austin, TX 78701

Jaqui Rice, Chief Executive Officer
or Current President or CEO
G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC
6900 Dallas Parkway, 3rd Floor
Plano, TX 75024

Jaqui Rice
(Registered Agent for G.O.A.T. Fuel LLC)
5161 Lankershim Blvd, #250
North Hollywood, CA 91601

Jaqui Rice, Chief Executive Officer
or Current President or CEO
G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC
PO Box 229
North Hollywood, CA 91603

Corporation Service Company
(Registered Agent for G.O.A.T. Fuel, Inc.)
251 Little Falls Drive
Wilmington, DE 19808

Jaqui Rice, Chief Executive Officer
or Current President or CEO
G.O.A.T. Fuel, Inc. and G.O.A.T. Fuel LLC
5161 Lankershim Blvd, #250
North Hollywood, CA 91601

Corporation Service Company Which Will Do Business
California as CSC-Lawyers Incorporating Service
(Registered Agent for G.O.A.T. Fuel, Inc.)
2710 Gateway Oaks Dr, Ste 150N
Sacramento, CA 95833

On November 27, 2024, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550

On November 27, 2024, between 8:00 a.m. and 5:00 p.m. Eastern Time, verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

November 27, 2024

Page 6

Pamela Y. Price, District Attorney
Alameda County
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CEPDProp65@acgov.org

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Sacramento, CA 95814
Prop65@sacda.org

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

November 27, 2024

Page 7

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SanDiegoDAProp65@sdca.org

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San Francisco, CA 94103
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DAConsumer.Environmental@sjcda.org

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County Government Center Annex, 4th Floor
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edobroth@co.slo.ca.us

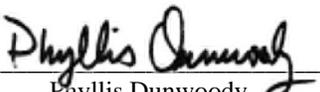
Gregory D. Totten, District Attorney
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daspecialops@ventura.org

Christopher Dalbey, Deputy District Attorney
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Santa Barbara, CA 93101
DAProp65@co.santa-barbara.ca.us

Jeff W. Reisig, District Attorney
Yolo County
301 Second Street
Woodland, CA 95695
cfeprd@yolocounty.org

On November 27, 2024, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on November 27, 2024, in Fort Oglethorpe, Georgia.


Phyllis Dunwoody

Service List

District Attorney, Alpine
County
P.O. Box 248
17300 Hwy 89
Markleeville, CA 96120

District Attorney, Amador
County
708 Court Street, Suite 202
Jackson, CA 95642

District Attorney, Butte
County
25 County Center Drive, Suite
245
Oroville, CA 95965

District Attorney, Colusa
County
310 6th St
Colusa, CA 95932

District Attorney, Del Norte
County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, Glenn
County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt
County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial
County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings
County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Los Angeles
County
Hall of Justice
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Los Angeles, CA 90012

District Attorney, Madera
County
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Madera, CA 93637

District Attorney, Mendocino
County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Modoc
County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono
County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, San Benito
County
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Hollister, CA 95023

District Attorney, San
Bernardino County
303 West Third Street
San Bernadino, CA 92415

District Attorney, San Mateo
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Redwood City, CA 94063

District Attorney, Shasta
County
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Redding, CA 96001

District Attorney, Sierra
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100 Courthouse Square, 2nd
Floor
Downieville, CA 95936

District Attorney, Siskiyou
County
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Yreka, CA 96097

District Attorney, Solano
County
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Fairfield, CA 94533

District Attorney, Stanislaus
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Modesto, CA 95354

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463 2nd Street
Yuba City, CA 95991

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District Attorney, Trinity
County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tuolumne
County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Yuba
County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's
Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.