

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

12/19/2025
Clerk of the Court
BY: ANGELICA SUNGA
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN FRANCISCO

11 EMA BELL,

12 Plaintiff,

13 vs.

14 KOHL'S, INC.,

15 Defendant.

Case No.:

CGC-25-632282

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

16 Plaintiff Ema Bell ("Plaintiff"), by and through her attorneys, alleges the following cause
17 of action in the public interest of the citizens of the State of California.

BACKGROUND OF THE CASE

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

24 2. This complaint is a representative action brought by Plaintiff in the public interest
25 of the citizens of the State of California to enforce the People's right to be informed of the health
26 hazards caused by exposure to lead, a toxic chemical found in ceramicware products with colored
27 artwork, designs, and/or markings on exterior surface supplied by Dongguan Sapota Ceramic
28 Company, Ltd. to Kohl's, Inc. that have been distributed, offered for sale and/or sold in California

1 by defendant Kohl's, Inc. ("Kohl's" or "Defendant"), including but not limited to (a) *St. Nicholas*
2 *Square*® gingerbread spoon rests, (b) *St. Nicholas Square*® snowman friends mugs, and (c)
3 Celebrate Together smitten kitten mugs.

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

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

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

21 6. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
22 without a requisite exposure warning, ceramicware products with colored artwork, designs, and/or
23 markings on exterior surface supplied by Dongguan Sapota Ceramic Company, Ltd. to Kohl's,
24 Inc. that have been distributed, offered for sale and/or sold in California by Kohl's, including but
25 not limited to (a) *St. Nicholas Square*® gingerbread spoon rests, (b) *St. Nicholas Square*®
26 snowman friends mugs, and (c) Celebrate Together smitten kitten mugs (collectively, the
27 "Products" and each a "Product") that expose persons to lead when used for their intended purpose.
28

1 given by statute to other trial courts. Health and Safety Code § 25249.7 allows for the enforcement
2 of violations of Proposition 65 in any Court of competent jurisdiction; therefore, this Court has
3 jurisdiction over this lawsuit.

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

10 **STATUTORY BACKGROUND**

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

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

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

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

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

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

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

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

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

14 20. Proposition 65 provides that any “person who violates or threatens to violate” the
15 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
16 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
17 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
18 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
19 365 days.

20 21. Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(e), a retail seller is responsible for
21 providing the warning required by § 25249.6 of the Act for a consumer product exposure when
22 one or more of the following circumstances exist: (a) the retailer seller is selling the product under
23 a brand or trademark that is owned or licensed by the retail seller or an affiliated entity; (b) the
24 retailer seller has knowingly introduced a listed chemical into the product, or knowingly caused
25

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 the listed chemical to be created in the product; (c) the retail seller has covered, obscured or altered
2 a warning label that has been affixed to the product pursuant to § 25600.2(b); (d) the retail seller
3 has received a notice and warning materials for the exposure pursuant to § 25600.2(b)-(c) and the
4 retail seller has sold the product without conspicuously posting or displaying the warning; or (e)
5 the retailer seller has actual knowledge of the potential consumer product exposure requiring the
6 warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the
7 product who: (i) is a “person in the course of doing business under § 25249.11(b) of the Act, and
8 (ii) has designated an agent for service of process in California, or has a place of business in
9 California.

10 FACTUAL BACKGROUND

11 22. 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 23. On October 23, 2024 (*St. Nicholas Square*® gingerbread spoon rests and *St.*
18 *Nicholas Square*® snowman friends mugs) and February 18, 2025 (Celebrate Together smitten
19 kitten mugs), Plaintiff purchased the Products from Defendant. At the time of the purchase,
20 Defendant did not provide a clear and reasonable exposure warning pursuant to Cal. Code Regs.
21 Tit. 27, § 25602.

22 24. On July 23, 2024, Plaintiff served notice of alleged violation of Health and Safety
23 Code § 25249.6 to Defendant concerning the exposure of California citizens to lead from use of
24 ceramicware products with colored artwork, designs, and/or markings on exterior surface supplied
25 by Dongguan Sapota Ceramic Company, Ltd. to Kohl’s, Inc. that have been distributed, offered
26 for sale and/or sold in California by Kohl’s without proper warning, subject to a private action to
27 Defendant and to the California Attorney General’s office and the offices of the County District
28

1 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
2 the herein violations allegedly occurred.

3 25. On December 19, 2024 (*St. Nicholas Square*® gingerbread spoon rests), December
4 23, 2024 (*St. Nicholas Square*® snowman friends mugs), and March 28, 2025 (Celebrate Together
5 smitten kitten mugs), Plaintiff served notice of alleged violation of Health and Safety Code §
6 25249.6 (collectively, the “Notices” and each a “Notice”) to Defendant concerning the exposure
7 of California citizens to lead from use of the Products without proper warning, subject to a private
8 action to Defendant and to the California Attorney General’s office and the offices of the County
9 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
10 wherein the herein violations allegedly occurred. The exposures that are the subject of the Notice
11 result from the purchase, acquisition, handling and recommended use of the Product. The primary
12 route of exposure to the chemical is through dermal absorption directly through the skin when
13 consumers use, touch, or handle the Products. Exposure through ingestion will occur by touching
14 the Product with subsequent touching of the user’s hand to mouth. No clear and reasonable warning
15 is provided with the Products regarding the health hazards of exposure. See attached at Exhibits A
16 – C a true and correct copy of each Notice to Defendant.

17 26. On December 3, 2025, Plaintiff provided Defendant and Dongguan Sapota Ceramic
18 Company, Ltd. with further notice concerning the exposure of California citizens to lead from use
19 of the Products without proper warning, subject to a private action to Defendant and to the
20 California Attorney General’s office and the offices of the County District attorneys and City
21 Attorneys for each city with a population greater than 750,000 persons wherein the herein
22 violations allegedly occurred.

23 27. Defendant has actual knowledge that sales of the Product in California will result
24 in an actionable consumer product exposure pursuant to Cal. Health & Safety Code § 25249.5 et
25 seq.

26 28. Defendant has sold the Product under a brand or trademark that is owned or licensed
27 by Defendant or an affiliated entity; and/or Defendant has knowingly introduced lead into the
28 Product, or knowingly caused lead to be created in the Product; and/or Defendant has covered,

1 obscured or altered a warning label that has been affixed to the Product pursuant to § 25600.2(b);
2 and/or Defendant has received a notice and warning materials for the exposure pursuant to §
3 25600.2(b)-(c) and Defendant has sold the product without conspicuously posting or displaying
4 the warning; and/or Defendant has actual knowledge of the potential consumer product exposure
5 requiring the warning, and there is no manufacturer, producer, packager, importer, supplier, or
6 distributor of the Product who: (i) is a “person in the course of doing business under § 25249.11(b)
7 of the Act, and (ii) has designated an agent for service of process in California, or has a place of
8 business in California.

9 29. At all times relevant to this action, Defendant has knowingly and intentionally
10 exposed users of the Products to lead without first giving a clear and reasonable exposure warning
11 to such individuals. More than five business days after receipt of the Notice of Violation,
12 Defendant continued to distribute, sell, and/or offer to and sell in California without the requisite
13 warning information.

14 30. On December 4, 2025, Plaintiff purchased from Defendant additional ceramicware
15 products with colored artwork, designs, and/or markings on exterior surface supplied by Dongguan
16 Sapota Ceramic Company, Ltd. to Kohl’s, Inc. that have been distributed, offered for sale and/or
17 sold in California by Kohl’s. At the time of the purchase, Defendant did not provide a clear and
18 reasonable exposure warning pursuant to Cal. Code Regs. Tit. 27, § 25602.

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

25 **SATISFACTION OF NOTICE REQUIREMENTS**

26 32. On October 23, 2024 (*St. Nicholas Square*® gingerbread spoon rests and *St.*
27 *Nicholas Square*® snowman friends mugs) and February 18, 2025 (Celebrate Together smitten
28 kitten mugs), Plaintiff purchased the Products from Defendant. At the time of purchase, Defendant

1 did not provide a Proposition 65 exposure warning for lead or any other Proposition 65 listed
2 chemical in a manner consistent with H&S Code § 25603.1 as described *supra*.

3 33. The Products were sent to a testing laboratory to determine if, and what amount of,
4 lead would migrate and/or leach from the Product.

5 34. The laboratory provided the results of its analysis. Results of these tests determined
6 the Products exposes users to lead (collectively, the “Chemical Test Reports” and each a
7 “Chemical Test Report”).

8 35. Plaintiff provided the Chemical Test Reports and Products to an analytical chemist
9 to determine if, based on the findings of the Chemical Test Reports and the reasonable and
10 foreseeable use of the Products, exposure to lead will occur at levels that require Proposition 65
11 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of the California
12 Code of Regulations.

13 36. On December 19, 2024 (*St. Nicholas Square*® gingerbread spoon rests), December
14 23, 2024 (*St. Nicholas Square*® snowman friends mugs), and March 28, 2025 (Celebrate Together
15 smitten kitten mugs), Plaintiff received from the analytical chemist an exposure assessment report
16 which concluded that persons in California who use the Products will be exposed to levels of lead
17 that require a Proposition 65 exposure warning.

18 37. On December 19, 2024 (*St. Nicholas Square*® gingerbread spoon rests), December
19 23, 2024 (*St. Nicholas Square*® snowman friends mugs), and March 28, 2025 (Celebrate Together
20 smitten kitten mugs), Plaintiff served the Notices on Defendant concerning the exposure of
21 California citizens to lead from use of the Products without proper warning, subject to a private
22 action to Defendant and to the California Attorney General’s office and the offices of the County
23 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
24 wherein the herein violations allegedly occurred.

25 38. The Notices complied with all procedural requirements of Proposition 65 including
26 the attachment of a Certificate of Merit affirming that Plaintiff’s counsel had consulted with at
27 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead
28

1 exposure, and that counsel believed there was meritorious and reasonable cause for a private
2 action.

3 39. After receiving the Notices, and to Plaintiff's best information and belief, none of
4 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
5 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
6 the subject of the Notices.

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

9 **FIRST CAUSE OF ACTION**

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

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

13 42. Defendant has manufactured, processed, marketed, distributed, offered to sell
14 and/or sold the Products in California since at least October 23, 2024 with respect to the *St.*
15 *Nicholas Square*® gingerbread spoon rests and *St. Nicholas Square*® snowman friends mugs, and
16 since at least February 18, 2025 with respect to the Celebrate Together smitten kitten mugs.

17 43. On July 23, 2024, Plaintiff served notice on Defendant concerning the exposure of
18 California citizens to lead from use of ceramicware products with colored artwork, designs, and/or
19 markings on exterior surface supplied by Dongguan Sapota Ceramic Company, Ltd. to Kohl's,
20 Inc. that have been distributed, offered for sale and/or sold in California by Kohl's without proper
21 warning, subject to a private action to Defendant and to the California Attorney General's office
22 and the offices of the County District attorneys and City Attorneys for each city with a population
23 greater than 750,000 persons wherein the herein violations allegedly occurred.

24 44. On December 19, 2024 (*St. Nicholas Square*® gingerbread spoon rests), December
25 23, 2024 (*St. Nicholas Square*® snowman friends mugs), and March 28, 2025 (Celebrate Together
26 smitten kitten mugs), Plaintiff served the Notices on Defendant concerning the exposure of
27 California citizens to lead from use of the Products without proper warning, subject to a private
28 action to Defendant and to the California Attorney General's office and the offices of the County

1 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
2 wherein the herein violations allegedly occurred.

3 45. The Notices gives Defendant actual knowledge of the potential consumer product
4 exposure requiring the warning pursuant to Cal. Code Regs, Tit. 27, § 25600.2. Use of the Products
5 will expose users and consumers thereof to lead, a hazardous chemical found on the Proposition
6 65 list of chemicals known to be hazardous to human health.

7 46. The Products do not comply with the Proposition 65 warning requirements.

8 47. Plaintiff, based on her best information and belief, avers that at all relevant times
9 herein, and since at least October 23, 2024 with respect to the *St. Nicholas Square*® gingerbread
10 spoon rests and *St. Nicholas Square*® snowman friends mugs, and since at least February 18, 2025
11 with respect to the Celebrate Together smitten kitten mugs, continuing until the present, that
12 Defendant has continued to knowingly and intentionally expose California users and consumers
13 of the Products to lead without providing required warnings under Proposition 65.

14 48. Defendant continues to sell the Product under a brand or trademark that is owned
15 or licensed by Defendant or an affiliated entity; and/or Defendant has knowingly introduced lead
16 into the Product, or knowingly caused lead to be created in the Product; and/or Defendant has
17 covered, obscured or altered a warning label that has been affixed to the Product pursuant to §
18 25600.2(b); and/or Defendant has received a notice and warning materials for the exposure
19 pursuant to § 25600.2(b)-(c) and Defendant has sold the product without conspicuously posting or
20 displaying the warning; and/or Defendant has actual knowledge of the potential consumer product
21 exposure requiring the warning, and there is no manufacturer, producer, packager, importer,
22 supplier, or distributor of the Product who: (i) is a “person in the course of doing business under §
23 25249.11(b) of the Act, and (ii) has designated an agent for service of process in California, or has
24 a place of business in California

25 49. On December 4, 2025, more than five business days after Defendant received the
26 Notices, Plaintiff purchased from Defendant additional ceramicware products with colored
27 artwork, designs, and/or markings on exterior surface supplied by Dongguan Sapota Ceramic
28 Company, Ltd. to Kohl’s, Inc. that have been distributed, offered for sale and/or sold in California

1 by Kohl's. At the time of purchase, Defendant did not provide a Proposition 65 compliant exposure
2 warning.

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

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

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

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

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

20 55. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
21 authorized to grant injunctive relief in favor of Plaintiff and against Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff demands judgment against Defendant and requests the following relief:

- A. That the court assess civil penalties against Defendant in the amount of \$2,500 per day for each violation for up to 365 days in accordance with Health and Safety Code § 25249.7(b);
- B. That the court preliminarily and permanently enjoin Defendant mandating Proposition 65 compliant warnings on the Products;
- C. That the court grant Plaintiff reasonable attorney’s fees and costs of suit, in the amount of \$50,000.00.
- D. That the court grant any further relief as may be just and proper.

Dated: December 19, 2025

BRODSKY SMITH

By: _____



Evan J. Smith (SBN242352)
Ryan P. Cardona (SBN302113)
9465 Wilshire Boulevard, Suite 300
Beverly Hills, CA 90212
Telephone: (877) 534-2590
Facsimile: (310) 247-0160

Attorneys for Plaintiff

EXHIBIT “A”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

December 19, 2024

President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 1521 Concord Pike, Suite 201 Wilmington, DE 19803	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 7801 Folsom Blvd., #202 Sacramento, CA 95826
President/CEO Kohl's Corporation c/o Corporate Creations Network Inc. 301 S. Bedford St., Suite 1 Madison, WI 53703	President/CEO Kohl's Corporation c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Kin, Inc. c/o Corporate Creations Network Inc. 1320 Tower Road Schaumburg, IL 60173	

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

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.

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Kohl's, Inc.; Kohl's Corporation; Kin, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least December 19, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Ceramicware	St. Nicholas Square Gingerbread Spoon Rest UPC# 4 00697 91496 1

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 &

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.

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.

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,



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

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

December 23, 2024

President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 1521 Concord Pike, Suite 201 Wilmington, DE 19801	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 7801 Folsom Blvd., #202 Sacramento, CA 95826
President/CEO Kohl's Corporation c/o Corporate Creations Network Inc. 301 S. Bedford St., Suite 1 Madison, WI 53703	President/CEO Kohl's Corporation c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
President/CEO Kin, Inc. c/o Corporation Creations Network Inc. 1320 Tower Road Schaumburg, IL 60173	

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

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.

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Kohl’s Inc.; Kohl’s Corporation; Kin, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least December 23, 2024 and are continuing to this day.
4. **Listed Chemical:** Lead. Lead is listed under Proposition 65 as a chemical known to the State to cause cancer and birth defects or other reproductive harm.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Ceramicware	St. Nicholas Square Snowman Friends Mug UPC# 4 00652 62571 0

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

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.

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.

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,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT “C”

LAW OFFICES
BRODSKY SMITH

9465 WILSHIRE BLVD., STE. 300
BEVERLY HILLS, CA 90212
877.534.2590
www.brodskysmith.com

NEW JERSEY OFFICE
20 BRACE RD., STE. 350
CHERRY HILL, NJ 08034
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

March 28, 2025

President/CEO Kohl's Corporation c/o The Corporation Trust Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 1521 Concord Pike, Suite 201 Wilmington, DE 19803
President/CEO Kohl's Corporation c/o Corporate Creations Network Inc. 301 S. Bedford St., Suite 1 Madison, WI 53703	President/CEO Kohl's, Inc. c/o Corporate Creations Network, Inc. 7801 Folsom Blvd., #202 Sacramento, CA 95826
President/CEO Kin, Inc. c/o Corporation Creations Network, Inc. 1320 Tower Road Schaumburg, IL 60173	

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 Erna 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

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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.

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 Violators:** Kohl's, Inc.; Kohl's Corporation; Kin, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least March 28, 2025 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	Celebrate Together Smitten Kitten Mug 4 00613 57898 7

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.

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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.

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.

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,



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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