

1 3. DEHP¹ is a harmful chemical known to the State of California to cause cancer and
2 birth defects or other reproductive harm. DINP² is a harmful chemical known to the State of
3 California to cause cancer.

4 4. Proposition 65 requires all businesses with ten (10) or more employees that operate
5 within California or sell products therein to comply with Proposition 65 regulations. Included in
6 such regulations is the requirement that businesses must label any product containing a Proposition
7 65-listed chemical that will create an exposure above safe harbor levels with a “clear and
8 reasonable” warning before “knowingly and intentionally” exposing any person to any such listed
9 chemical.

10 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
11 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
12 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
13 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
14 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
15 25249.7.

16 6. Plaintiffs allege that Defendant distributes and/or offers for sale in California,
17 without a requisite exposure warning, (a) *Brother Sister Design Studio*® plush items for children
18 sold under purchase order HL9200447, including but not limited to SKU Nos. 6278956, 6278964,
19 and 6278972, that are manufactured, distributed, shipped into California and offered for sale in
20 California by Hobby Lobby that expose users to phthalates including DINP, (b) Tape Measures,
21 including but not limited to Sew Ology Quilters Tape Measures SKU No. 783993, that are
22

23
24 ¹ On January 1, 1988, the State of California listed DEHP as a chemical known to the State to
25 cause cancer and it has come under the purview of Proposition 65 regulations since that time. Cal.
26 Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On October 24,
2003, the State of California listed DEHP as a chemical known to cause birth defects or other
reproductive harm.

27 ² On December 20, 2013, the State of California listed DINP as a chemical known to the State to
28 cause cancer and it has come under the purview of Proposition 65 regulations since that time. Cal.
Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

1 manufactured, distributed, shipped into California and offered for sale in California by Hobby
2 Lobby that expose users to phthalates including DEHP, and (c) Durable Storage Bags with Shells,
3 including but not limited to the Large Shell Gift Plastic Bag SKU No. 375238, that are
4 manufactured, distributed, shipped into California and offered for sale in California by Hobby
5 Lobby that may expose users to phthalates including DEHP (collectively, the “Products” and each
6 a “Product”) when used for their intended purpose.

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

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

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

17 10. Plaintiffs further seek a reasonable award of attorney’s fees and costs.

18 PARTIES

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

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

27 13. Defendant Hobby Lobby Stores, Inc., through its business, effectively imports,
28 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies

1 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
2 State of California. Plaintiffs allege that defendant Hobby Lobby Stores, Inc. is a “person” in the
3 course of doing business within the meaning of Health & Safety Code sections 25249.6 and
4 25249.11.

5 VENUE AND JURISDICTION

6 14. Venue is proper in the County of Los Angeles because one or more of the instances
7 of wrongful conduct occurred, and continue to occur in this county and/or because Defendant
8 conducted, and continues to conduct, business in the County of Los Angeles with respect to the
9 Products.

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

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

21 STATUTORY BACKGROUND

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

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

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

4 19. An exposure to a chemical in a consumer product is one “which results from a
5 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
6 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
7 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...
8 shall provide a warning to any person to whom the product is sold or transferred unless the product
9 is packaged or labeled with a clear and reasonable warning.”

10 20. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
11 more of the following methods individually or in combination:³

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

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

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

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

23 21. Proposition 65 provides that any “person who violates or threatens to violate” the
24 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
25 “threaten to violate” is defined to mean creating “a condition in which there is a substantial

26
27 ³ 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 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
2 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
3 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

4 FACTUAL BACKGROUND

5 22. On January 1, 1988, the State of California listed DEHP as a chemical known to
6 the State to cause cancer and it has come under the purview of Proposition 65 regulations since
7 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).
8 On October 24, 2003, the State of California listed DEHP as a chemical known to cause birth
9 defects or other reproductive harm.

10 23. On December 20, 2013, the State of California listed DINP as a chemical known to
11 the State to cause cancer and it has come under the purview of Proposition 65 regulations since
12 that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b).

13 24. The exposures that are the subject of the Notices result from the purchase,
14 acquisition, handling, consumption, and recommended use of the Products. The primary route of
15 exposure to DINP and/or DEHP is through dermal absorption directly through the skin when
16 consumers use, touch, or handle the Products. Exposure through ingestion will occur by touching
17 the Products with subsequent touching of the user’s hand to mouth. No clear and reasonable
18 warning is provided with the Products regarding the health hazards of exposure.

19 25. Defendant has processed, marketed, distributed, offered to sell and/or sold the
20 Products in California since at least October 25, 2023 with respect to the Durable Storage Bags
21 with Shells and Tape Measures; and since at least March 13, 2025 with respect to the *Brother*
22 *Sister Design Studio*® plush items for children. The Products continue to be distributed and sold
23 in California without the requisite warning information.

24 26. At all times relevant to this action, Defendant has knowingly and intentionally
25 exposed users and/or consumers of the Products to DINP and/or DEHP without first giving a clear
26 and reasonable exposure warning to such individuals.

27 27. As a proximate result of acts by Defendant, as a person in the course of doing
28 business within the meaning of H&S Code § 25249.11, individuals throughout the State of

1 California, including in Los Angeles County, have been exposed to DINP and/or DEHP without a
2 clear and reasonable warning on the Products. The individuals subject to the violative exposures
3 include normal and foreseeable users and consumers that use the Products, as well as all others
4 exposed to the Products.

5 **SATISFACTION OF NOTICE REQUIREMENTS**

6 28. Plaintiffs purchased the Products from Hobby Lobby Stores, Inc. At the time of
7 purchase, Defendant did not provide a Proposition 65 exposure warning for DINP, DEHP, or any
8 other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described
9 *supra*.

10 29. The Products were sent to a testing laboratory for phthalate testing to determine the
11 phthalate content of the Products.

12 30. For each Product that was sent to the laboratory, Plaintiffs received a chemical test
13 report (collectively, the “Chemical Test Reports” and each a “Chemical Test Report”). The
14 Chemical Test Reports findings determined the Products expose users to DEHP and/or DINP.

15 31. Plaintiffs provided each Chemical Test Report and each Product to an analytical
16 chemist to determine if, based on the findings of the Chemical Test Reports and the reasonable
17 and foreseeable use of the Products, exposure to DINP and/or DEHP will occur at levels that
18 require Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title
19 27 of the California Code of Regulations.

20 32. On October 25, 2023, Bell received from the analytical chemist an exposure
21 assessment report for the Durable Storage Bags with Shells and Tape Measures that concluded that
22 persons in California who use the Durable Storage Bags with Shells and Tape Measures will be
23 exposed to levels of DEHP that require a Proposition 65 exposure warning. On March 13, 2025,
24 Espinoza received from the analytical chemist an exposure assessment report for the *Brother Sister*
25 *Design Studio*® plush items for children that concluded that persons in California who use the
26 *Brother Sister Design Studio*® plush items for children will be exposed to levels of DINP that
27 require a Proposition 65 exposure warning.

1 33. On October 25, 2023 (Durable Storage Bags with Shells and Tape Measures) and
2 March 13, 2025 (*Brother Sister Design Studio*® plush items for children), Plaintiffs gave notice
3 of alleged violation of Health and Safety Code § 25249.6 (collectively, the “Notices” and each a
4 “Notice”) to Defendant concerning the exposure of California citizens to DINP and/or DEHP
5 contained in the Products without proper warning, subject to a private action to Defendant and to
6 the California Attorney General’s office and the offices of the County District attorneys and City
7 Attorneys for each city with a population greater than 750,000 persons wherein the herein
8 violations allegedly occurred. See attached at Exhibits “A” – “C” a true and correct copy of the
9 Notices.

10 34. The Notices complied with all procedural requirements of Proposition 65 including
11 the attachment of a Certificate of Merit affirming that Plaintiffs’ counsel had consulted with at
12 least one person with relevant and appropriate expertise who reviewed relevant data regarding
13 DINP and/or DEHP exposure, and that counsel believed there was meritorious and reasonable
14 cause for a private action.

15 35. After receiving the Notices, and to Plaintiffs’ best information and belief, none of
16 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
17 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
18 the subject of the Notices.

19 36. Plaintiffs are commencing this action more than sixty (60) days from the date of
20 each Notice to Defendant, as required by law.

21 **FIRST CAUSE OF ACTION**

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

23 37. Plaintiffs hereby repeats and incorporates by reference paragraphs 1 through 36 of
24 this First Amended Complaint as though fully set forth herein.

25 38. Defendant has, at all times mentioned herein, acted as distributor, and/or retailer of
26 the Products.

27 39. Use of the Products will expose users to DINP and/or DEHP, hazardous chemicals
28 found on the Proposition 65 list of chemicals known to be hazardous to human health.

1 40. The Products do not comply with the Proposition 65 warning requirements.

2 41. Plaintiffs, based on their best information and belief, avers that at all relevant times
3 herein, and since at least October 25, 2023 with respect to the Durable Storage Bags with Shells
4 and Tape Measures; and since at least March 13, 2025 with respect to the *Brother Sister Design*
5 *Studio*® plush items for children, continuing until the present, that Defendant has continued to
6 knowingly and intentionally expose California users and consumers of the Products to DINP
7 and/or DEHP without providing required warnings under Proposition 65.

8 42. The exposures that are the subject of the Notices result from the purchase,
9 acquisition, handling, consumption, and recommended use of the Products. The primary route of
10 exposure to DINP and/or DEHP is through dermal absorption directly through the skin when
11 consumers use, touch, or handle the Products. Exposure through ingestion will occur by touching
12 the Products with subsequent touching of the user’s hand to mouth. No clear and reasonable
13 warning is provided with the Products regarding the health hazards of exposure.

14 43. Plaintiffs, based on their best information and belief, avers that such exposures will
15 continue every day until clear and reasonable warnings are provided to purchasers and users or
16 until these known toxic chemicals are removed from the Products.

17 44. Defendant has knowledge that the normal and reasonably foreseeable use of the
18 Products expose individuals to DINP and/or DEHP, and Defendant intends that exposures to DINP
19 and/or DEHP will occur by its deliberate, non-accidental participation in the importation,
20 distribution, sale and offering of the Products to consumers in California.

21 45. Plaintiffs have engaged in good faith efforts to resolve the herein claims prior to
22 this First Amended Complaint.

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

25 47. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
26 authorized to grant injunctive relief in favor of Plaintiffs and against Defendant.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs 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 (up to a maximum civil penalty amount per violation of \$912,000.00) 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 Plaintiffs 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: May 7, 2026

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”

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MINEOLA, NY 11501
516.741.4977

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

October 25, 2023

President/CEO Hobby Lobby Stores, Inc. c/o Kathie Craig 18400 Von Karman Ave., Suite 800 Irvine, CA 92612	President/CEO Hobby Lobby Stores, Inc. c/o Corporation Service Company 10300 Greenbriar Place Oklahoma City, OK 73159
President/CEO Hobby Lobby Stores, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808	

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

To Whom It May Concern:

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

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

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

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

I. DESCRIPTION OF THE VIOLATION

- 1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
- 2. **Alleged Violator(s):** Hobby Lobby Stores, Inc.
- 3. **Time Period of Exposure:** Violations have been occurring since at least October 25, 2023 and are continuing to this day.
- 4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP 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
Plastic Bag	Large Shell Gift Plastic Bag Item# 375238

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Bell's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Bell has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.

Sincerely,



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”

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1. **Enforcer:** Ema Bell, 222 S. Figueroa St. Apt. 1212, Los Angeles, CA 90012-2581; (Ph) 424-332-3817.
2. **Alleged Violator(s):** Hobby Lobby Stores, Inc.
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4. **Listed Chemical:** Di(2-ethylhexyl) phthalate (DEHP). DEHP 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
Tape Measure	Sew Ology Quilters Tape Measure 783993

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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Bell has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212, (877) 534-2590, esmith@brodskysmith.com.

Sincerely,



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”

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March 13, 2025

President/CEO Hobby Lobby Stores, Inc. c/o Kathie Craig 18400 Von Karman Ave., Suite 800 Irvine, CA 92612	President/CEO Hobby Lobby Stores, Inc. 7707 SW 44 th Street Oklahoma City, OK 73179
President/CEO Hobby Lobby Stores, Inc. c/o Corporation Service Company 10300 Greenbriar Place Oklahoma City, OK 73159-7653	President/CEO Hobby Lobby Stores, Inc. c/o Corporation Service Company 251 Little Falls Drive Wilmington, DE 19808

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

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

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

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

I. DESCRIPTION OF THE VIOLATION

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave., Lynwood, CA 90262-5204; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Hobby Lobby Stores, Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least March 13, 2025 and are continuing to this day.
4. **Listed Chemical:** Diisononyl phthalate (DINP). DINP is listed under Proposition 65 as a chemical known to the State to cause cancer.
5. **Product:**

Product²	Non- Exclusive Examples of the Product
Bag for Children	Brother Sister Design Studio Plush Bag for Children 15130 202500000

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

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

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

² The specifically identified example of the Product in this Notice is to assist the recipients' investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive or comprehensive identification of each specific offending Product. It is Espinoza's position that the alleged Violators are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violators' custody or control) during the relevant period to ensure that requisite health hazard warnings were and are provided to California citizens prior to purchase and use.

Espinoza has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this Notice to my attention at Brodsky Smith, 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