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5 *Attorneys for Plaintiff*

ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

05/22/2026
Clerk of the Court
BY: MARIVIC VIRAY
Deputy Clerk

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA

7 COUNTY OF SAN FRANCISCO

8
9 EMA BELL,

10 Plaintiff,

11 vs.

12 SMART & FINAL STORES LLC,

13 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

CGC-26-637281

14 Plaintiff Ema Bell (“Plaintiff”), by and through her attorneys, alleges the following cause
15 of action in the public interest of the citizens of the State of California.

16 **BACKGROUND OF THE CASE**

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

23 2. This complaint is a representative action brought by Plaintiff in the public interest
24 of the citizens of the State of California to enforce the People’s right to be informed of the health
25 hazards caused by exposure to lead, a toxic chemical found in (a) *Safe Catch*® skinless and
26 boneless wild sardines in extra virgin olive oil, UPC # 859480006633, (b) *First Street*® instant
27 apples and cinnamon oatmeal, UPC# 041512157530, and (c) Mariani Family probiotic prunes,
28

1 UPC# 071022340115 manufactured, sold, and/or distributed by defendant Smart & Final Stores
2 LLC (“Smart & Final” or “Defendant”) in California.

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

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

15 5. Proposition 65 allows for civil penalties of up to \$2,500.00 per day per violation
16 for up to 365 days (up to a maximum civil penalty amount per violation of \$912,000.00) to be
17 imposed upon defendants in a civil action for violations of Proposition 65. Health & Safety Code
18 § 25249.7(b). Proposition 65 also allows for any court of competent jurisdiction to enjoin the
19 actions of a defendant which “violate or threaten to violate” the statute. Health & Safety Code §
20 25249.7.

21 6. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
22 without a requisite exposure warning, (a) *Safe Catch*® skinless and boneless wild sardines in extra
23 virgin olive oil, UPC # 859480006633, (b) *First Street*® instant apples and cinnamon oatmeal,
24 UPC# 041512157530, and (c) Mariani Family probiotic prunes, UPC# 071022340115
25 (collectively, the “Products” and each a “Product”) that expose persons to lead when consumed
26 for their intended purpose.

27 7. Defendant’s failure to warn consumers and other individuals in California of the
28 health hazards associated with exposure to lead in conjunction with the sale and/or distribution of

1 the Products is a violation of Proposition 65 and subjects Defendant to the enjoinder and civil
2 penalties described herein.

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

5 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
6 Defendant to provide purchasers or users of the Products with required warnings related to the
7 dangers and health hazards associated with exposure to lead pursuant to Health and Safety Code §
8 25249.7(a).

9 10. Plaintiff further seeks a reasonable award of attorney's fees and costs.

10 PARTIES

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

15 12. Defendant Smart & Final Stores LLC, through its business, effectively imports,
16 distributes, sells, and/or offers the Products for sale or use in the State of California, or it implies
17 by its conduct that it imports, distributes, sells, and/or offers the Products for sale or use in the
18 State of California. Plaintiff alleges that defendant Smart & Final Stores LLC is a "person" in the
19 course of doing business within the meaning of Health & Safety Code sections 25249.6 and
20 25249.11.

21 VENUE AND JURISDICTION

22 13. Venue is proper in the County of San Francisco because one or more of the
23 instances of wrongful conduct occurred, and continue to occur in this county and/or because
24 Defendant conducted, and continues to conduct, business in the County of San Francisco with
25 respect to the Products. Because the Products are distributed, marketed, and sold to consumers
26 throughout San Francisco County, the alleged Proposition 65 violations necessarily occurred here.
27 Upon information and belief, the Products are consistently in the stream of commerce and available
28 to consumers for purchase in the City and County of San Francisco.

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

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

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

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

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

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

19 20. Proposition 65 provides that any “person who violates or threatens to violate” the
20 statute may be enjoined in a court of competent jurisdiction. (H&S Code § 25249.7.) The phrase
21 “threaten to violate” is defined to mean creating “a condition in which there is a substantial
22 probability that a violation will occur.” (H&S Code § 25249.11(e).) Violators are liable for civil
23 penalties of up to \$2,500.00 per day for each violation of the Act (H&S Code § 25249.7) for up to
24 365 days (up to a maximum civil penalty amount per violation of \$912,000.00).

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 **FACTUAL BACKGROUND**

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

8 22. The exposures that are the subject of the Notices result from the purchase,
9 acquisition, and recommended consumption of the Products. The primary route of exposure to lead
10 is through ingestion. When foods contaminated with lead are consumed, ingestion of lead will
11 occur which will increase blood lead levels. No clear and reasonable warning is provided with the
12 Products regarding the health hazards of exposure.

13 23. Defendant has processed, marketed, distributed, offered to sell and/or sold the
14 Products in California since at least March 12, 2025 with respect to the *Safe Catch*® skinless and
15 boneless wild sardines in extra virgin olive oil and *First Street*® instant apples and cinnamon
16 oatmeal; and since at least September 10, 2025 with respect to the Mariani Family probiotic prunes.
17 Upon information and belief, the Products are consistently in the stream of commerce and available
18 to consumers for purchase in the City and County of San Francisco and the alleged Proposition 65
19 violations necessarily occurred here. The Products continue to be distributed, offered for sale
20 and/or sold in California without the requisite warning information.

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

24 25. As a proximate result of acts by Defendant, as a person in the course of doing
25 business within the meaning of H&S Code § 25249.11, individuals throughout the State of
26 California, including in San Francisco County, have been exposed to lead without a clear and
27 reasonable warning on the Products. The individuals subject to the violative exposures include
28

1 normal and foreseeable users and consumers that consumption the Products, as well as all others
2 exposed to the Products.

3 **SATISFACTION OF NOTICE REQUIREMENTS**

4 26. On March 12, 2025 (*Safe Catch*® skinless and boneless wild sardines in extra virgin
5 olive oil and *First Street*® instant apples and cinnamon oatmeal) and September 10, 2025 (Mariani
6 Family probiotic prunes), Plaintiff purchased the Products from Smart & Final in California. At
7 the time of purchases, Defendant did not provide a Proposition 65 exposure warning for lead or
8 any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as
9 described *supra*.

10 27. The Products were sent to a testing laboratory to determine if, and what amount of,
11 lead a consumer would be exposed to per serving size.

12 28. The laboratory provided the results of its analysis. Results of these tests determined
13 the Products expose consumers to lead (collectively, the “Chemical Test Reports” and each a
14 “Chemical Test Report”).

15 29. Plaintiff provided the Chemical Test Reports and Products to an analytical chemist
16 to determine if, based on the findings of the Chemical Test Reports and the reasonable and
17 foreseeable consumption of the Products, exposure to lead will occur at levels that require
18 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of
19 the California Code of Regulations.

20 30. On May 28, 2025 (*Safe Catch*® skinless and boneless wild sardines in extra virgin
21 olive oil), May 29, 2025 (*First Street*® instant apples and cinnamon oatmeal), and November 17,
22 2025 (Mariani Family probiotic prunes), Plaintiff received from the analytical chemist exposure
23 assessment reports which concluded that persons in California who consume the Products will be
24 exposed to levels of lead that require a Proposition 65 exposure warning.

25 31. On May 28, 2025 (*Safe Catch*® skinless and boneless wild sardines in extra virgin
26 olive oil), May 29, 2025 (*First Street*® instant apples and cinnamon oatmeal), and November 17,
27 2025 (Mariani Family probiotic prunes), Plaintiff gave notice of alleged violation of Health and
28 Safety Code § 25249.6 (collectively, the “Notices” and each a “Notice”) to Defendant concerning

1 the exposure of California citizens to lead contained in the Products without proper warning,
2 subject to a private action to Defendant and to the California Attorney General's office and the
3 offices of the County District attorneys and City Attorneys for each city with a population greater
4 than 750,000 persons wherein the herein violations allegedly occurred. See attached at Exhibits
5 "A" – "C" a true and correct copy of each Notice.

6 32. The Notices complied with all procedural requirements of Proposition 65 including
7 the attachment of a Certificate of Merit affirming that Plaintiff's counsel had consulted with at
8 least one person with relevant and appropriate expertise who reviewed relevant data regarding lead
9 exposure, and that counsel believed there was meritorious and reasonable cause for a private
10 action.

11 33. After receiving the Notices, and to Plaintiff's best information and belief, none of
12 the noticed appropriate public enforcement agencies have commenced and diligently prosecuted a
13 cause of action against Defendant under Proposition 65 to enforce the alleged violations which are
14 the subject of the Notice.

15 34. More than five business days after Defendant received the Notices, Plaintiff
16 purchased the Products a second time from Defendant in California. At the time of purchase,
17 Defendant did not provide a Proposition 65 compliant exposure warning.

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

20 **FIRST CAUSE OF ACTION**

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

22 36. Plaintiff hereby repeats and incorporates by reference paragraphs 1 through 35 of
23 this Complaint as though fully set forth herein.

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

26 38. Consumption of the Products will expose consumers to lead, a hazardous chemical
27 found on the Proposition 65 list of chemicals known to be hazardous to human health.

28 39. The Products do not comply with the Proposition 65 warning requirements.

1 40. Plaintiff, based on her best information and belief, avers that at all relevant times
2 herein, and since at least May 28, 2025 with respect to the *Safe Catch*® skinless and boneless wild
3 sardines in extra virgin olive oil; since at least May 29, 2025 with respect to the *First Street*®
4 instant apples and cinnamon oatmeal; and since at least November 17, 2025 with respect to the
5 Mariani Family probiotic prunes, continuing until the present, that Defendant has continued to
6 knowingly and intentionally expose California users and consumers of the Products to lead without
7 providing required warnings under Proposition 65.

8 41. The exposures that are the subject of the Notices result from the purchase,
9 acquisition, and recommended consumption of the Products. The primary route of exposure to lead
10 is through ingestion. When foods contaminated with lead are consumed, ingestion of lead will
11 occur which will increase blood lead levels. No clear and reasonable warning is provided with the
12 Products regarding the health hazards of exposure.

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

16 43. Defendant has knowledge that the normal and reasonably foreseeable consumption
17 of the Products exposes individuals to lead, and Defendant intends that exposures to lead will occur
18 by its deliberate, non-accidental participation in the importation, distribution, sale and offering of
19 the Products to consumers in California

20 44. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this
21 Complaint.

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

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

1 **PRAYER FOR RELIEF**

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

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

7 B. That the court preliminarily and permanently enjoin Defendant mandating
8 Proposition 65 compliant warnings on the Products;

9 C. That the court grant Plaintiff reasonable attorney’s fees and costs of suit, in the
10 amount of \$50,000.00.

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

12 Dated: May 22, 2026

BRODSKY SMITH

13 By:  _____

14 Evan J. Smith (SBN242352)

15 Ryan P. Cardona (SBN302113)

16 9465 Wilshire Boulevard, Suite 300

17 Beverly Hills, CA 90212

18 Telephone: (877) 534-2590

19 Facsimile: (310) 247-0160

20 *Attorneys for Plaintiff*

EXHIBIT “A”

LAW OFFICES
BRODSKY SMITH

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877.534.2590
www.brodskysmith.com

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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

May 28, 2025

President/CEO Safe Catch, Inc. c/o Bryan Boches 166 Elinor Ave. Mill Valley, CA 94941	President/CEO Safe Catch, Inc. 85 Liberty Ship Way, Suite 203 Sausalito, CA 94965
President/CEO Safe Catch, Inc. c/o The Company Corporation 251 Little Falls Drive Wilmington, DE 19808	Member/Manager Smart & Final Stores LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
Member/Manager Smart & Final Stores LLC 600 Citadel Drive Commerce, CA 90040	

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

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.

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):** Safe Catch, Inc.; Smart & Final Stores LLC
3. **Time Period of Exposure:** Violations have been occurring since at least May 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:**

Product²	Non- Exclusive Examples of the Product
Sardines	Safe Catch Skinless & Boneless Wild Sardines in Extra Virgin Olive Oil UPC# 8 59480 00663 3

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

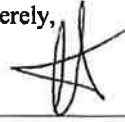
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure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

LAW OFFICES
BRODSKY SMITH

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BEVERLY HILLS, CA 90212
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MINEOLA, NY 11501
516.741.4977

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

May 29, 2025

Member/Manager Smart & Final Stores LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	Member/Manager Smart & Final LLC 600 Citadel Drive Commerce, CA 90040
Member/Manager Smart & Final Stores LLC 600 Citadel Drive Commerce, CA 90040	Member/Manager Smart & Final, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203

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

To Whom It May Concern:

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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):** Smart & Final Stores LLC; Smart & Final, LLC
- 3. **Time Period of Exposure:** Violations have been occurring since at least May 29, 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:**

Product²	Non- Exclusive Examples of the Product
Oatmeal	First Street Instant Oatmeal Apples & Cinnamon UPC 0 41512 15753 0

- 6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

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

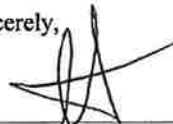
III. RESOLUTION OF THE CLAIMS

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Evan J. Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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

EXHIBIT “C”

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

November 17, 2025

President/CEO Mariani Packing Co., Inc. c/o Mark Allan Mariani 500 Crocker Drive Vacaville, CA 95688	President/CEO Chedraui USA, Inc. c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
President/CEO Chedraui USA, Inc. 600 Citadel Drive Commerce, CA 90040	Member/Manager Smart & Final, LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203
Member/Manager Smart & Final Stores LLC c/o CT Corporation System 330 N. Brand Blvd., Suite 700 Glendale, CA 91203	Member/Manager Smart & Final LLC 600 Citadel Drive Commerce, CA 90040
Member/Manager Smart & Final Stores LLC 600 Citadel Drive Commerce, CA 90040	

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

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.

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.

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):** Mariani Packing Co., Inc.; Chedraui USA, Inc.; Smart & Final Stores LLC; Smart & Final LLC
3. **Time Period of Exposure:** Violations have been occurring since at least November 17, 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
Probiotic Prunes	Mariani Family Probiotic Prunes UPC# 0 71022 34011 5

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase and recommended use of the Product. The primary route of exposure to the Listed Chemical is through ingestion. When foods contaminated with the Listed Chemical are consumed, ingestion of the Listed Chemical will occur which will increase BLLs. No clear and reasonable warning is provided with the Products regarding the health hazards of exposure to the Listed Chemical.

II. PROPOSITION 65 INFORMATION

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

III. RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of 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

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.

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.

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

Sincerely,

A handwritten signature in black ink, appearing to be 'Evan J. Smith', written over a horizontal line.

Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

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