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ELECTRONICALLY
FILED
Superior Court of California,
County of San Francisco

02/24/2026
Clerk of the Court
BY: ERNALYN BURA
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

CGC-26-634285

9 EMA BELL,

10 Plaintiff,

11 vs.

12 KOHL'S, INC.,

13 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND
INJUNCTIVE RELIEF**

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

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 bisphenol A (BPA), lead, and/or di(2-ethylhexyl) phthalate
26 (DEHP), toxic chemicals found in products sold and/or distributed by defendant Kohl's, Inc.
27 ("Kohl's" or "Defendant") in California.
28

1 3. DEHP¹ and lead² are harmful chemicals known to the State of California to cause
2 cancer and birth defects or other reproductive harm. BPA³ is a harmful chemical known to the
3 State of California to cause birth defects or other reproductive harm.

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 to be imposed upon defendants in a civil action for violations of Proposition 65.
12 Health & Safety Code § 25249.7(b). Proposition 65 also allows for any court of competent
13 jurisdiction to enjoin the actions of a defendant which “violate or threaten to violate” the statute.
14 Health & Safety Code § 25249.7.

15 6. Plaintiff alleges that Defendant distributes and/or offers for sale in California,
16 without a requisite exposure warning, (a) one piece vinyl waterproof PVC aprons manufactured,
17 distributed, and/or sold by Stock Preferred LLC (DEHP), (b) LexiHome marble tabletops with
18 brass inlays manufactured, distributed, and/or sold by Lexi Brands LLC (lead), and (c) *Salton*®
19
20

21 ¹ On January 1, 1988, the State of California listed DEHP as a chemical known to the State to
22 cause cancer and it has come under the purview of Proposition 65 regulations since that time. Cal.
23 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.

24 ² On October 1, 1992, the state of California listed lead as a chemical known to cause cancer and
25 it has come under the purview of Proposition 65 regulations since that time. Cal. Code Regs. Tit.
26 27, § 27001(c); Health & Safety Code §§ 25249.8 & 25249.10(b). On February 27, 1987, the State
of California listed lead as a chemical known to cause birth defects or other reproductive harm.

27 ³ On May 11, 2015, the State of California listed BPA as a chemical known to the State to cause
28 birth defects or other reproductive harm and BPA 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 cinema popcorn makers manufactured, distributed, and/or sold by Salton Appliances (1985)
2 Corporation (BPA) (collectively, the “Products” and each a “Product”) that expose persons to
3 BPA, lead, and/or DEHP when used for their intended purpose.

4 7. Defendant’s failure to warn consumers and other individuals in California of the
5 health hazards associated with exposure to BPA, lead, and/or DEHP in conjunction with the sale
6 and/or distribution of the Products is a violation of Proposition 65 and subjects Defendant to the
7 enjoinder and civil penalties described herein.

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

10 9. Plaintiff also seeks injunctive relief, preliminarily and permanently, requiring
11 Defendant to provide purchasers or users of the Products with required warnings related to the
12 dangers and health hazards associated with exposure to BPA, lead, and/or DEHP pursuant to
13 Health and Safety Code § 25249.7(a).

14 10. Plaintiff further seeks a reasonable award of attorney’s fees and costs.

15 PARTIES

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

20 12. Defendant Kohl’s, Inc., through its business, effectively imports, distributes, sells,
21 and/or offers the Products for sale or use in the State of California, or it implies by its conduct that
22 it imports, distributes, sells, and/or offers the Products for sale or use in the State of California.
23 Plaintiff alleges that defendant Kohl’s, Inc. is a “person” in the course of doing business within
24 the meaning of Health & Safety Code sections 25249.6 and 25249.11.

25 VENUE AND JURISDICTION

26 13. Venue is proper in the County of San Francisco because one or more of the
27 instances of wrongful conduct occurred and continue to occur in this county and/or because
28

1 Defendant conducted, and continues to conduct, business in the County of San Francisco with
2 respect to the Products.

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

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

14 **STATUTORY BACKGROUND**

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

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

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

25 18. An exposure to a chemical in a consumer product is one “which results from a
26 person’s acquisition, purchase, storage, consumption or other reasonably foreseeable use of a
27 consumer good, or any exposure that results from receiving a consumer service.” (27 CCR §
28 25602, para (b).) H&S Code § 25603(c) states that “a person in the course of doing business ...

1 shall provide a warning to any person to whom the product is sold or transferred unless the product
2 is packaged or labeled with a clear and reasonable warning.”

3 19. Pursuant to H&S Code § 25603.1, the warning may be provided by using one or
4 more of the following methods individually or in combination:⁴

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

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

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

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

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

22 21. Pursuant to Cal. Code Regs. Tit. 27, § 25600.2(e), a retail seller is responsible for
23 providing the warning required by § 25249.6 of the Act for a consumer product exposure when
24 one or more of the following circumstances exist: (a) the retailer seller is selling the product under
25

26
27 ⁴ 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 a brand or trademark that is owned or licensed by the retail seller or an affiliated entity; (b) the
2 retailer seller has knowingly introduced a listed chemical into the product, or knowingly caused
3 the listed chemical to be created in the product; (c) the retail seller has covered, obscured or altered
4 a warning label that has been affixed to the product pursuant to § 25600.2(b); (d) the retail seller
5 has received a notice and warning materials for the exposure pursuant to § 25600.2(b)-(c) and the
6 retail seller has sold the product without conspicuously posting or displaying the warning; or (e)
7 the retailer seller has actual knowledge of the potential consumer product exposure requiring the
8 warning, and there is no manufacturer, producer, packager, importer, supplier, or distributor of the
9 product who: (i) is a “person in the course of doing business under § 25249.11(b) of the Act, and
10 (ii) has designated an agent for service of process in California, or has a place of business in
11 California.

12 **FACTUAL BACKGROUND**

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

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

23 24. On May 11, 2015, the State of California listed BPA as a chemical known to the
24 State to cause birth defects or other reproductive harm and BPA has come under the purview of
25 Proposition 65 regulations since that time. Cal. Code Regs. Tit. 27, § 27001(c); Health & Safety
26 Code §§ 25249.8 & 25249.10(b).

1 25. Plaintiff purchased the Products from Defendant. At the time of the purchase,
2 Defendant did not provide a clear and reasonable exposure warning pursuant to Cal. Code Regs.
3 Tit. 27, § 25602.

4 26. On February 24, 2025 (one piece vinyl waterproof PVC apron) and September 19,
5 2025 (LexiHome marble tabletops with brass inlays and *Salton®* cinema popcorn makers),
6 Plaintiff served notice of alleged violation of Health and Safety Code § 25249.6 (collectively, the
7 “Notices” and each a “Notice”) to Defendant concerning the exposure of California citizens to
8 BPA, lead, and/or DEHP from use of the Products without proper warning, subject to a private
9 action to Defendant and to the California Attorney General’s office and the offices of the County
10 District attorneys and City Attorneys for each city with a population greater than 750,000 persons
11 wherein the herein violations allegedly occurred. The exposures that are the subject of the Notices
12 result from the purchase, acquisition, handling and recommended use of the Products. The primary
13 route of exposure to the chemicals is through dermal absorption directly through the skin when
14 consumers use, touch, or handle the Products. Exposure through ingestion will occur by touching
15 the Products with subsequent touching of the user’s hand to mouth. No clear and reasonable
16 warning is provided with the Products regarding the health hazards of exposure. See attached at
17 Exhibits A – C a true and correct copy of each Notice.

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

24 **SATISFACTION OF NOTICE REQUIREMENTS**

25 28. Plaintiff purchased the Products from Kohl’s. At the time of purchase, Defendant
26 did not provide a Proposition 65 exposure warning for BPA, lead, DEHP or any other Proposition
27 65 listed chemical in a manner consistent with H&S Code § 25603.1 as described *supra*.

1 29. The one piece vinyl waterproof PVC apron was sent to a testing laboratory for
2 phthalate testing to determine the phthalate content of the one piece vinyl waterproof PVC apron.

3 30. The LexiHome marble tabletops with brass inlays were sent to a testing laboratory
4 to determine if, and what amount of, lead would migrate and/or leach from the LexiHome marble
5 tabletops with brass inlays.

6 31. The *Salton*® cinema popcorn makers were sent to a testing laboratory to determine
7 if, and what amount of, BPA would migrate and/or leach from the *Salton*® cinema popcorn
8 makers.

9 32. The laboratory provided the results of its analysis. Results of these tests determined
10 the Products exposes users and/or consumers to BPA, lead and/or DEHP (collectively, the
11 “Chemical Test Reports” and each a “Chemical Test Report”).

12 33. Plaintiff provided the Chemical Test Reports and Products to an analytical chemist
13 to determine if, based on the findings of the Chemical Test Reports and the reasonable and
14 foreseeable use of the Products, exposure to BPA, lead, and/or DEHP will occur at levels that
15 require Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title
16 27 of the California Code of Regulations.

17 34. On February 24, 2025 (one piece vinyl waterproof PVC apron) and September 19,
18 2025 (LexiHome marble tabletops with brass inlays and *Salton*® cinema popcorn makers),
19 Plaintiff received from the analytical chemist exposure assessment reports which concluded that
20 persons in California who use the Products will be exposed to levels of BPA, lead, and/or DEHP
21 that require a Proposition 65 exposure warning.

22 35. On February 24, 2025 (one piece vinyl waterproof PVC apron) and September 19,
23 2025 (LexiHome marble tabletops with brass inlays and *Salton*® cinema popcorn makers),
24 Plaintiff served the Notices on Defendant concerning the exposure of California citizens to BPA,
25 lead, and/or DEHP from use of the Products without proper warning, subject to a private action to
26 Defendant and to the California Attorney General’s office and the offices of the County District
27 attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein
28 the herein violations allegedly occurred.

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

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

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

40. On February 24, 2025 (one piece vinyl waterproof PVC apron) and September 19, 2025 (LexiHome marble tabletops with brass inlays and *Salton*® cinema popcorn makers), Plaintiff served the Notices on Defendant concerning the exposure of California citizens to BPA, lead, and/or DEHP from use of the Products without proper warning, subject to a private action to Defendant and to the California Attorney General's office and the offices of the County District attorneys and City Attorneys for each city with a population greater than 750,000 persons wherein the herein violations allegedly occurred.

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

1 43. Plaintiff, based on her best information and belief, avers that at all relevant times
2 herein, and since at least February 24, 2025 with respect to the one piece vinyl waterproof PVC
3 apron; and since at least September 19, 2025 with respect to LexiHome marble tabletops with brass
4 inlays and *Salton*® cinema popcorn makers, continuing until the present, that Defendant has
5 continued to knowingly and intentionally expose California users of the Products to BPA, lead
6 and/or DEHP without providing required warnings under Proposition 65.

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

13 45. 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 these known toxic chemicals are removed from the Products.

16 46. Defendant has knowledge that the normal and reasonably foreseeable use and/or
17 consumption of the Products exposes individuals to BPA, lead, and/or DEHP, and Defendant
18 intends that exposures to BPA, lead, and/or DEHP will occur by their deliberate, non-accidental
19 participation in the importation, distribution, sale and offering of the Products to consumers in
20 California.

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

23 48. 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 49. Pursuant to Health and Safety Code § 25249.7(a), this Court is specifically
26 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 in accordance with Health and Safety Code §
6 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: February 24, 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
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856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

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

February 24, 2025

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. Bredford 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 February 24, 2025 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
Apron	1 Piece Vinyl Waterproof PVC Apron 741573504853

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

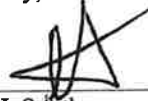
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure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

A handwritten signature in black ink, appearing to be 'EJ 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 “B”

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

September 19, 2025

Member/Manager Castek LLC c/o Ryan Crawford 597 N. 220 E. Salem, UT 84653	President/CEO Animetronix Inc. c/o Biren D. Lalchandani 412 Alaska Avenue Torrance, CA 90503
Member/Manager Lexi Brands LLC c/o Parth Lalchandani 414 Alaska Ave., Torrance, CA 90503	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 7801 Folsom Blvd., Suite 202 Sacramento, CA 95826
President/CEO Kohl's, Inc. N56W17000 Ridgewood Drive Menomonee Falls, WI 53051	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 N56W17000 Ridgewood Drive Menomonee Falls, WI 53051-5660	

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

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.

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.

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):** Castek LLC; Animetronix Inc.; Lexi Brands LLC; Kohl’s, Inc.; Kohl’s Corporation
3. **Time Period of Exposure:** Violations have been occurring since at least September 19, 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
Tabletop	Lexi Home Marble Tabletop with Brass Inlays UPC# 860002059983

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

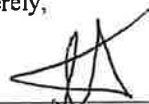
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a

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.

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.

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 Act 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

September 19, 2025

President/CEO Salton Appliances (1985) Corporation 81A Brunswick Blvd. Dollard-des-Ormeaux, Quebec H9B2J5 CANADA	President/CEO Kohl's, Inc. c/o Corporate Creations Network Inc. 7801 Folsom Blvd., Suite 202 Sacramento, CA 95826
President/CEO Kohl's, Inc. N56W17000 Ridgewood Drive Menomonee Falls, WI 53051	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 N56W17000 Ridgewood Drive Menomonee Falls, WI 53051-5660	

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):** Salton Appliances (1985) Corporation; Kohl's, Inc.; Kohl's Corporation
3. **Time Period of Exposure:** Violations have been occurring since at least September 19, 2025 and are continuing to this day.
4. **Listed Chemical:** Bisphenol A (BPA). BPA is listed under Proposition 65 as a chemical known to the State to cause birth defects or other reproductive harm.
5. **Product:**

Product ²	Non- Exclusive Examples of the Product
Popcorn Maker	Salton Cinema Popcorn Maker UPC# 0 61283 11657 4

6. **Description of Exposure:** The exposures that are the subject of this Notice result from the purchase, acquisition, handling and recommended use of the Product. The primary route of exposure to BPA 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

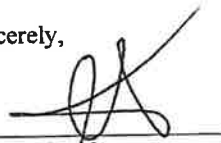
Based on the allegations set forth in this Notice, Brodsky Smith intends to file a citizen enforcement lawsuit on behalf of Bell against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to: (1) recall Products already sold; (2) provide Proposition 65 compliant exposure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

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Sincerely,

A handwritten signature in black ink, appearing to be 'EJ Smyth', written over a horizontal line.

Evan J. Smyth

Attachments

Certificate of Merit

Certificate of Service

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