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8 *Attorneys for Plaintiff*

ELECTRONICALLY  
**FILED**  
Superior Court of California,  
County of San Francisco

**08/11/2026**  
**Clerk of the Court**  
BY: MARIVIC VIRAY  
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN FRANCISCO

11 GABRIEL ESPINOZA,  
12 Plaintiff,  
13 vs.  
14 WALMART INC.,  
15 Defendant.

Case No.:

**COMPLAINT FOR CIVIL PENALTIES AND  
INJUNCTIVE RELIEF**

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

**CGC-26-639818**

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

**BACKGROUND OF THE CASE**

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

24 2. This complaint is a representative action brought by Plaintiff in the public interest  
25 of the citizens of the State of California to enforce the People's right to be informed of the health  
26 hazards caused by exposure to lead and/or di(2-ethylhexyl) phthalate (DEHP), toxic chemicals  
27 found in products sold and/or distributed by defendant Walmart Inc. ("Walmart" or "Defendant")  
28 in California.

1           3.       DEHP<sup>1</sup> and lead<sup>2</sup> are harmful chemicals known to the State of California to cause  
2 cancer and birth defects or other reproductive harm.

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

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

14           6.       Plaintiff alleges that Defendant distributes and/or offers for sale in California,  
15 without a requisite exposure warning, (a) *Gefen*® oriental style vegetable flavor ramen noodles  
16 manufactured, distributed, and/or sold by Kenover Marketing Corp. (lead), (b) Way to Celebrate!  
17 Ghost can sippers (lead), (c) Season Greetings Co. bags manufactured, distributed, and/or sold by  
18 Seasons Greetings Co., Ltd. (DEHP), and (d) *Katz*® brown sugar cinnamon toaster pastries  
19 manufactured, distributed, and/or sold by Gluten Free Bake Shop, Inc. (lead) (collectively, the  
20 “Products” and each a “Product”) that expose persons to lead and/or DEHP when used and/or  
21 consumed for their intended purpose.

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

28 <sup>2</sup> On October 1, 1992, the state of California listed lead as a chemical known to 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). On February 27, 1987, the State  
of California listed lead as a chemical known to cause birth defects or other reproductive harm.

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

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

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

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

## PARTIES

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

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

## VENUE AND JURISDICTION

13. Venue is proper in the County of San Francisco because one or more of the instances of wrongful conduct occurred and continue to occur in this county and/or because Defendant conducted, and continues to conduct, business in the County of San Francisco with respect to the Products. The Products are distributed, marketed, and sold to consumers throughout San Francisco County, the alleged Proposition 65 violations necessarily occurred here. Upon

1 information and belief, the Products are consistently in the stream of commerce and available to  
2 consumers for purchase in the City and County of San Francisco.

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. Public policy further  
14 supports this conclusion.

#### 15 **STATUTORY BACKGROUND**

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

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

23 No person in the course of doing business shall knowingly and intentionally expose any  
24 individual to a chemical known to the state to cause cancer or reproductive toxicity without  
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:<sup>3</sup>

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 <sup>3</sup> 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. Plaintiff purchased the Products from Defendant in California. At the time of the  
24 purchase, Defendant did not provide a clear and reasonable exposure warning pursuant to Cal.  
25 Code Regs. Tit. 27, § 25602.

26 25. On October 16, 2025 (*Gefen*® oriental style vegetable flavor ramen noodles),  
27 October 24, 2025 (Way to Celebrate! Ghost can sippers and Season Greetings Co. bags), and  
28 October 31, 2025 (*Katz*® brown sugar cinnamon toaster pastries), Plaintiff served notice of alleged

1 violation of Health and Safety Code § 25249.6 (collectively, the “Notices” and each a “Notice”)  
2 to Defendant concerning the exposure of California citizens to lead and/or DEHP from use and/or  
3 consumption of the Products without proper warning, subject to a private action to Defendant and  
4 to the California Attorney General’s office and the offices of the County District attorneys and  
5 City Attorneys for each city with a population greater than 750,000 persons wherein the herein  
6 violations allegedly occurred. The exposures that are the subject of the Notices result from the  
7 purchase, acquisition, handling and recommended use of the Products. The primary route of  
8 exposure to DEHP and/or lead in ceramic products is through dermal absorption directly through  
9 the skin when consumers use, touch, or handle the Products. Exposure through ingestion will occur  
10 by touching the Products with subsequent touching of the user’s hand to mouth. The primary route  
11 of exposure to lead in food products is through ingestion. When foods contaminated with lead are  
12 consumed, ingestion of lead will occur which will increase blood lead levels. No clear and  
13 reasonable warning is provided with the Products regarding the health hazards of exposure. See  
14 attached at Exhibits A – D a true and correct copy of each Notice.

15         26. Defendant has actual knowledge that sales of the Products in California will result  
16 in an actionable consumer product exposure pursuant to Cal. Health & Safety Code § 25249.5 et  
17 seq.

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

1           28.     At all times relevant to this action, Defendant has knowingly and intentionally  
2 exposed users of the Products to lead and/or DEHP without first giving a clear and reasonable  
3 exposure warning to such individuals. More than five business days after receipt of the Notice of  
4 Violation, Defendant continued to distribute, sell, and/or offer to and sell in California without the  
5 requisite warning information.

6           29.     Plaintiff purchased the Products a second time from Defendant in California. At the  
7 time of the purchase, Defendant did not provide a clear and reasonable exposure warning pursuant  
8 to Cal. Code Regs. Tit. 27, § 25602.

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

15                   **SATISFACTION OF NOTICE REQUIREMENTS**

16           31.     Plaintiff purchased the Products from Walmart in California. At the time of  
17 purchase, Walmart did not provide a Proposition 65 exposure warning for lead and/or DEHP or  
18 any other Proposition 65 listed chemical in a manner consistent with H&S Code § 25603.1 as  
19 described *supra*.

20           32.     The Season Greetings Co. bags were sent to a testing laboratory for phthalate  
21 testing to determine the phthalate content of the Season Greetings Co. bags.

22           33.     The Way to Celebrate! Ghost can sippers were sent to a testing laboratory to  
23 determine if, and what amount of, lead would migrate and/or leach from the Way to Celebrate!  
24 Ghost can sippers.

25           34.     The Gefen® oriental style vegetable flavor ramen noodles and Katz® brown sugar  
26 cinnamon toaster pastries were sent to a testing laboratory to determine if, and what amount of,  
27 lead a consumer would be exposed to per serving size.

1           35.     The laboratory provided the results of its analysis. Results of these tests determined  
2 the Products exposes users and/or consumers to lead and/or DEHP (collectively, the “Chemical  
3 Test Reports” and each a “Chemical Test Report”).

4           36.     Plaintiff provided the Chemical Test Reports and Products to an analytical chemist  
5 to determine if, based on the findings of the Chemical Test Reports and the reasonable and  
6 foreseeable use of the Products, exposure to lead and/or DEHP will occur at levels that require  
7 Proposition 65 warnings under the Clear and Reasonable Warnings section 25601 of Title 27 of  
8 the California Code of Regulations.

9           37.     On October 16, 2025 (*Gefen*® oriental style vegetable flavor ramen noodles),  
10 October 24, 2025 (Way to Celebrate! Ghost can sippers and Season Greetings Co. bags), and  
11 October 31, 2025 (*Katz*® brown sugar cinnamon toaster pastries), Plaintiff received from the  
12 analytical chemist exposure assessment reports which concluded that persons in California who  
13 use and/or consumer the Products will be exposed to levels of lead and/or DEHP that require a  
14 Proposition 65 exposure warning.

15           38.     On October 16, 2025 (*Gefen*® oriental style vegetable flavor ramen noodles),  
16 October 24, 2025 (Way to Celebrate! Ghost can sippers and Season Greetings Co. bags), and  
17 October 31, 2025 (*Katz*® brown sugar cinnamon toaster pastries), Plaintiff served the Notices on  
18 Defendant concerning the exposure of California citizens to lead and/or DEHP from use and/or  
19 consumption of the Products without proper warning, subject to a private action to Defendant and  
20 to the California Attorney General’s office and the offices of the County District attorneys and  
21 City Attorneys for each city with a population greater than 750,000 persons wherein the herein  
22 violations allegedly occurred.

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

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

### FIRST CAUSE OF ACTION

43. On October 16, 2025 (*Gefen*® oriental style vegetable flavor ramen noodles), October 24, 2025 (Way to Celebrate! Ghost can sippers and Season Greetings Co. bags), and October 31, 2025 (*Katz*® brown sugar cinnamon toaster pastries), Plaintiff served the Notices on Defendant concerning the exposure of California citizens to lead and/or DEHP from use and/or consumption 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.

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

1 *Katz*® brown sugar cinnamon toaster pastries, continuing until the present, that Defendant has  
2 continued to knowingly and intentionally expose California users and consumers of the Products  
3 to lead and/or DEHP without providing required warnings under Proposition 65.

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

15 48. The exposures that are the subject of the Notices result from the purchase,  
16 acquisition, handling and recommended use and/or consumption of the Products. The primary  
17 route of exposure to DEHP and/or lead in ceramic products is through dermal absorption directly  
18 through the skin when consumers use, touch, or handle the Products. Exposure through ingestion  
19 will occur by touching the Product with subsequent touching of the user’s hand to mouth. The  
20 primary route of exposure to lead in food products is through ingestion. When foods contaminated  
21 with lead are consumed, ingestion of lead will occur which will increase blood lead levels. No  
22 clear and reasonable warning is provided with the Products regarding the health hazards of  
23 exposure.

24 49. Plaintiff, based on his best information and belief, avers that such exposures will  
25 continue every day until clear and reasonable warnings are provided to purchasers and users or  
26 until these known toxic chemicals are removed from the Products.

27 50. Defendant has knowledge that the normal and reasonably foreseeable use and/or  
28 consumption of the Products exposes individuals to lead and/or DEHP, and Defendant intends that

1 exposures to lead and/or DEHP will occur by their deliberate, non-accidental participation in the  
2 importation, distribution, sale and offering of the Products to consumers in California.

3 51. Plaintiff has engaged in good faith efforts to resolve the herein claims prior to this  
4 Complaint.

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

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

9 **PRAYER FOR RELIEF**

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

12 A. That the court assess civil penalties against Defendant in the amount of \$2,500 per  
13 day for each violation for up to 365 days in accordance with Health and Safety Code §  
14 25249.7(b);

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

17 C. That the court grant Plaintiff reasonable attorney's fees and costs of suit, in the  
18 amount of \$50,000.00.

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

20 Dated: August 11, 2026

BRODSKY SMITH

21 By: 

22 Evan J. Smith (SBN242352)

23 Ryan P. Cardona (SBN302113)

9465 Wilshire Boulevard, Suite 300

Beverly Hills, CA 90212

24 Telephone: (877) 534-2590

25 Facsimile: (310) 247-0160

26 *Attorneys for Plaintiff*

# EXHIBIT “A”

LAW OFFICES  
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BALA CYNWYD, PA 19004  
610.667.6200

October 16, 2025

|                                                                                                                                                                           |                                                                                                                   |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| President/CEO<br>Kenover Marketing Corp. dba Kayco<br>c/o Efrem Schnoll<br>63 LeFante Drive<br>Bayonne, NJ 07002                                                          | President/CEO<br>Kenover Marketing Corp.<br>c/o Efrem Schnoll<br>63 LeFante Drive<br>Bayonne, NJ 07002            |
| President/CEO<br>Kenover Marketing Corp. dba Kayco<br>72 New Hook Road<br>Bayonne, NJ 07002                                                                               | President/CEO<br>Kenover Marketing Corp.<br>72 New Hook Road<br>Bayonne, NJ 07002                                 |
| President/CEO<br>Walmart Inc.<br>c/o The Corporation Trust Company<br>Corporation Trust Company<br>Corporation Trust Center<br>1209 Orange Street<br>Wilmington, DE 19801 | President/CEO<br>Walmart Inc.<br>c/o CT Corporation System<br>330 N. Brand Blvd., Suite 700<br>Glendale, CA 91203 |
| President/CEO/Owner<br>Cachere Distributing Inc.<br>c/o Goldburd & Company<br>1500 Broadway, Suite 1707<br>New York, NY 10036                                             | President/CEO/Owner<br>Cachere Distributing Inc.<br>41 Francis Pl.<br>Monsey, NY 10952-2603                       |

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

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 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

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<sup>1</sup> 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.

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.

## **I. DESCRIPTION OF THE VIOLATION**

1. **Enforcer:** Gabriel Espinoza, 3924 Carlin Ave. Lynwood, CA 90262; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Kenover Marketing Corp. dba Kayco; Kenover Marketing Corp.; Walmart Inc.; Cachere Distributing Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least October 16, 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:**

| <b>Product<sup>2</sup></b> | <b>Non- Exclusive Examples of the Product</b>                               |
|----------------------------|-----------------------------------------------------------------------------|
| Ramen Noodles              | Gefen Oriental Style Ramen Noodles Vegetable Flavor<br>UPC# 7 10069 60101 7 |

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.

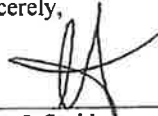
<sup>2</sup> The specifically identified example of the Product in this Notice is to assist the recipients’ investigation of, among other things, the magnitude of potential exposures to the Listed Chemical from other items within the definition of Products. This example is not intended to be an exhaustive 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.

### **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.

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](mailto:esmith@brodskysmith.com).**

Sincerely,



Evan J. Smith

#### **Attachments**

Certificate of Merit

Certificate of Service

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

# EXHIBIT “B”

LAW OFFICES  
**BRODSKY SMITH**

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

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

**NEW YORK OFFICE**  
240 MINEOLA BOULEVARD  
MINEOLA, NY 11501  
516.741.4977

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

October 24, 2025

|                                                                                                                                              |                                                                                                                   |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|
| President/CEO<br>Walmart Inc.<br>c/o The Corporation Trust Company<br>Corporation Trust Center<br>1209 Orange Street<br>Wilmington, DE 19801 | President/CEO<br>Walmart Inc.<br>c/o CT Corporation System<br>330 N. Brand Blvd., Suite 700<br>Glendale, CA 91203 |
|----------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------|

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

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 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.

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<sup>1</sup> 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; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Walmart Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least October 24, 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, birth defects or other reproductive harm.
5. **Product:**

| Product <sup>2</sup> | Non- Exclusive Examples of the Product             |
|----------------------|----------------------------------------------------|
| WTC Can Sipper       | WTC Glass Ghost Can Sipper<br>UPC# 8 89606 00421 2 |

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 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.

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<sup>2</sup> 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](mailto: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 “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

October 24, 2025

|                                                                                                                                              |                                                                                                                                 |
|----------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------|
| President/CEO<br>Hengtai Holding Ltd.<br>c/o Juan Du<br>2 Melody Lane<br>Irvine, CA 92614                                                    | President/CEO<br>Zhejiang Hengtai Holding Group Co., Ltd.<br>No. 1<br>Hengtai Road<br>Huzhou City<br>Zhejiang Province<br>CHINA |
| President/CEO<br>Walmart Inc.<br>c/o The Corporation Trust Company<br>Corporation Trust Center<br>1209 Orange Street<br>Wilmington, DE 19801 | President/CEO<br>Walmart Inc.<br>c/o CT Corporation System<br>330 N. Brand Blvd., Suite 700<br>Glendale, CA 91203               |

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

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 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.

<sup>1</sup> 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):** Hengtai Holding Ltd.; Zhejiang Hengtai Holding Group Co., Ltd., Walmart Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least October 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 defect or other reproductive harm.
5. **Product:**

| Product <sup>2</sup> | Non- Exclusive Examples of the Product            |
|----------------------|---------------------------------------------------|
| Bag                  | Seasons Greetings Co. Bag<br>UPC# 8 40743 14615 9 |

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.

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<sup>2</sup> 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,

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 “D”

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

October 31, 2025

|                                                                                                                   |                                                                                                                                              |
|-------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------|
| President/CO<br>Gluten Free Bake Shop, Inc.<br>19 Industry Drive<br>Mountainville, NY 10953                       | President/CEO<br>Walmart Inc.<br>c/o The Corporation Trust Company<br>Corporation Trust Center<br>1209 Orange Street<br>Wilmington, DE 19801 |
| President/CEO<br>Walmart Inc.<br>c/o CT Corporation System<br>330 N. Brand Blvd., Suite 700<br>Glendale, CA 91203 |                                                                                                                                              |

**60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act<sup>1</sup>**

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 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.

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<sup>1</sup> 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; (Ph) 424-285-4896.
2. **Alleged Violator(s):** Gluten Free Bake Shop, Inc.; Walmart Inc.
3. **Time Period of Exposure:** Violations have been occurring since at least October 31, 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 <sup>2</sup>                  | Non- Exclusive Examples of the Product                             |
|---------------------------------------|--------------------------------------------------------------------|
| Brown Sugar Cinnamon Toaster Pastries | Katz Brown Sugar Cinnamon Toaster Pastries<br>UPC# 8 50021 90589 7 |

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 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.

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<sup>2</sup> 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](mailto: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