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Attorneys for Plaintiff
Valentino McCoy-Garcia

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF LOS ANGELES

VALENTINO MCCOY-GARCIA

Plaintiff,

vs.

LUNA CAREGIVERS, INC., A CALIFORNIA
CORPORATION, AND DOES 1 THROUGH
100, INCLUSIVE,

Defendant

Case No.: 26STCV04924

**COMPLAINT FOR CIVIL PENALTIES
AND INJUNCTIVE RELIEF
(Health & Safety Code § 25249.6 et seq.)**

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I.
INTRODUCTION

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3 1. This action arises from Defendants’ failure to comply with California’s Proposition
4 65, which requires businesses to provide clear and reasonable warnings of chemicals known to the
5 state to cause cancer, birth defects, or other reproductive harm. Defendants manufacture, sell, and
6 distribute cannabis products, including cannabis pre-rolls, specifically "Kushies Baby Blunts". These
7 products expose consumers to Δ^9 -Tetrahydrocannabinol (THC) and Cannabis (Marijuana) Smoke
8 without providing the required warnings.

9
10 2. The legal cannabis market in California, including the products at issue in this case,
11 is increasingly recognized as posing significant risks to public health. Investigative reports reveal
12 that many cannabis products, including pre-roll joints, are contaminated with substances that, when
13 combined with exposure to Δ^9 -Tetrahydrocannabinol (THC) and Cannabis (Marijuana) Smoke,
14 exacerbate the risks of cancer, reproductive harm, and respiratory illnesses.

15 3. Defendants’ conduct is particularly egregious given the direct method of exposure.
16 Smoking or inhaling cannabis products delivers these harmful chemicals directly into the
17 bloodstream, compounding the health risks for consumers. Vulnerable populations, including
18 medical cannabis users and young adults, are disproportionately affected, relying on these products
19 for therapeutic relief while unknowingly exposing themselves to harmful and unregulated chemicals.
20

21 4. Despite California’s stringent labeling and safety requirements, Defendants have
22 intentionally and knowingly sold these products without providing clear and reasonable warnings
23 about the risks of Δ^9 -Tetrahydrocannabinol (THC) and Cannabis (Marijuana) Smoke. This lack of
24 compliance endangers consumers and undermines the state’s public health goals.

25 5. This action seeks to hold Defendants accountable for their ongoing violations of
26 Proposition 65 and to protect California consumers from the substantial health risks associated with
27 Defendants’ products. Through this enforcement action, Plaintiff seeks injunctive relief, civil
28 penalties, and other remedies to ensure compliance with the law and safeguard the public from
preventable harm. This Complaint is a representative action brought by Valentino McCoy-Garcia
("Plaintiff") in the public interest of the citizens of the State of California ("the People"). Plaintiff

1 exposure from consumer products. He brings this action in the public interest pursuant to Health and
2 Safety Code, section 25249.7.

3 12. Defendant Luna Caregivers, Inc. (“Luna Caregivers”) is a corporation. Luna
4 Caregivers is doing business in California, and does business in the County of Los Angeles, within
5 the meaning of Health and Safety Code, section 25249.11. Luna Caregivers manufactures, imports,
6 sells, or distributes the Products in California and Los Angeles County. Attached hereto as **Exhibit**
7 **A** is a copy of the business license of Luna Caregivers, Inc.

8 13. Plaintiff does not know the true names and/or capacities, whether individual,
9 partners, or corporate, of the defendants sued herein as DOES 1 through 100, inclusive, and for that
10 reason sues said defendants under fictitious names. Plaintiff will seek leave to amend this Complaint
11 when the true names and capacities of these defendants have been ascertained. Plaintiff is informed
12 and believes and thereon alleges that these defendants are responsible in whole or in part for
13 Plaintiff’s damages.
14

15 **III.**

16 **VENUE AND JURISDICTION**

17 14. California Constitution Article VI, Section 10 grants the Superior Court original
18 jurisdiction in all cases except those given by statute to other trial courts. The Health and Safety Code
19 statute upon which this action is based does not give jurisdiction to any other court. As such, this
20 Court has jurisdiction.
21

22 15. Venue is proper in Los Angeles County Superior Court pursuant to Code of Civil
23 Procedure, sections 394, 395, and 395.5. Wrongful conduct occurred and continues to occur in this
24 County. Defendants conducted and continue to conduct business in this County as it relates to the
25 Products. Specifically, Luna Caregivers, Inc. is a business entity operating and/or distributing
26 products within this jurisdiction.
27

28 16. Defendants have sufficient minimum contacts in the State of California or otherwise
purposefully avail themselves of the California market. Exercising jurisdiction over Defendants
would be consistent with traditional notions of fair play and substantial justice.

IV.
STATUTORY BACKGROUND

A. The Proposition 65 Warning Requirement

17. The Safe Drinking Water and Toxic Enforcement Act of 1986 is an initiative statute passed as "Proposition 65" by a vote of the People in November of 1986.

18. The warning requirement of Proposition 65 is contained in Health and Safety Code section 25249.6, which provides: "No 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 giving clear and reasonable warning to such individual, except as provided in Section 25249.10".

19. Proposition 65 establishes a procedure by which California, through its Governor or a designee, develops and maintains a list of chemicals known to the State to cause cancer or reproductive toxicity. (Health & Saf. Code, § 25249.8). A warning concerning a listed chemical must be given beginning one year after the chemical first appears on the list. (Id., § 25249.10, subd. (b)).

20. Proposition 65 regulations provide that a warning is deemed to be "clear and reasonable" if it complies with the requirements of California Code of Regulations, title 27, section 25601 et seq., including if the name of the chemical is included in the warning, and the warning is prominently displayed on a label, labeling, or sign with such conspicuousness as compared with other words, statements, designs, or devices on the label, labeling, or sign, as to render the warning likely to be seen, read, and understood by an ordinary individual under customary conditions of purchase or use. (Cal. Code Regs., tit. 27, § 25601).

21. Actions to enforce Proposition 65 may be brought by the Attorney General in the name of the People of the State of California. (Health & Saf. Code, § 25249.7, subd. (c)). Proposition 65 provides that any person violating or threatening to violate the statute may be enjoined in any court of competent jurisdiction. (Id., § 25249.7, subd. (a)). Violators are liable for civil penalties of up to \$2,500 per day for each violation. (Id., § 25249.7, subd. (b)).

1 the inhalation of smoke emitted during the intended use of the Products, which is integral to the
2 products' psychoactive function.

3 26. Defendants have failed to provide clear and reasonable Proposition 65 warnings to
4 individuals exposed to these chemicals prior to or during exposure. Specifically, the "Kushies Baby
5 Blunts" (the "Products") are sold in packaging that contains no warnings or symbols advising that
6 marijuana smoke or THC are chemicals known to cause cancer or reproductive harm. Documentation
7 confirming the sale of these Products without required warnings, specifically at Valley Health Central
8 Collective Inc. (9752 Glenoaks Blvd., Sun Valley, CA 91352), is provided through photographs and
9 purchase records dated November 13, 2024.
10

11 27. In addition, Defendants have not provided any Proposition 65 warning signage at
12 the points of sale or within the packaging of the Products. **Exhibit B**, attached hereto, consists of
13 photographs of Kushies Baby Blunts showing the complete absence of visible warning labels on the
14 product's tin and secondary packaging, as well as proof of market sale via retail receipts. These
15 photographs and documents depict the Product as it reaches the consumer, where individuals are
16 exposed to marijuana smoke and THC without any advance notice.
17

18 28. Defendants' conduct demonstrates actual knowledge and deliberate disregard for
19 California's Proposition 65 requirements. Despite the known and tested presence of THC
20 (documented at 14.42% on the manufacturer's own labeling for Kushies Baby Blunts) and the
21 emission of Cannabis (Marijuana) Smoke, Defendants have continued to distribute and profit from
22 the sale of the Products while omitting required warnings. This failure deprives consumers of their
23 statutory right to make informed decisions about exposure to toxic substances and constitutes a
24 continuing violation of Health and Safety Code § 25249.6.
25

26 **VI.**
27 **CAUSES OF ACTION**
28 **FIRST CAUSE OF ACTION**
FAILURE TO WARN

(Violation of Proposition 65 – Against all Defendants)

29. Plaintiff incorporates by reference each and every allegation contained above.

1 30. Proposition 65 mandates that citizens be informed about exposures to chemicals
2 known to the State of California to cause cancer, birth defects, or other reproductive harm.

3 31. Defendants, in the course of doing business, have knowingly and intentionally
4 exposed consumers and other individuals to THC and Cannabis (Marijuana) Smoke without first
5 providing clear and reasonable warnings as required by Proposition 65. Specifically, Defendants have
6 distributed and sold "Kushies Baby Blunts" which lack the mandatory warnings despite containing
7 chemicals known to the state to cause toxic harm.
8

9 32. Defendants have caused or permitted exposure to these chemicals by offering for
10 sale and distributing cannabis products—including cannabis flower and pre-rolls—without
11 conspicuous warnings at the point of sale or within the packaging.

12 33. Individuals are exposed to THC and Cannabis (Marijuana) Smoke through
13 inhalation. These exposures are the natural and foreseeable result of Defendants’ business operations
14 and the intended use of the Products.
15

16 34. Defendants knew or should have known that their products result in exposure to
17 THC and Cannabis (Marijuana) Smoke, both listed by OEHHA as chemicals known to cause cancer
18 and reproductive toxicity. Defendants’ continued operation without pre-exposure warnings
19 demonstrates actual knowledge and deliberate disregard for Proposition 65’s requirements.

20 35. On January 2, 2025, Plaintiff served upon Defendants and the appropriate public
21 enforcement agencies a 60-Day Notice of Violation (“Notice”) pursuant to Health and Safety Code
22 § 25249.7(d). The Notice alleged that Defendants violated Proposition 65 by failing to provide clear
23 and reasonable warnings for exposures to THC and Cannabis (Marijuana) Smoke in connection with
24 the sale of their products. The Notice included a Certificate of Merit and was duly served via certified
25 mail. A true and correct copy of the Notice, including the Certificate of Merit and Certificate of
26 Service, is attached hereto as **Exhibit C**.
27

28 36. The Notice advised that each instance in which Defendants offered the Products for
sale without a clear and reasonable warning constituted a separate violation of Proposition 65.
Violations have occurred continuously since at least October 15, 2024, and are ongoing.

1 Defendants' conduct. Members of the public are exposed to carcinogenic and reproductive toxins—
2 including Δ⁹-Tetrahydrocannabinol (THC) and Cannabis (Marijuana) Smoke—without knowledge
3 or consent, depriving them of their statutory right to prior notice.

4 44. Defendants' conduct is further fraudulent within the meaning of section 17200
5 because it is likely to deceive the public. By failing to display Proposition 65 warnings on product
6 packaging and labeling, Defendants mislead consumers into believing that their exposure to THC
7 and Cannabis (Marijuana) Smoke poses no significant health risk, when in fact these chemicals are
8 known to the State of California to cause cancer and reproductive toxicity.
9

10 45. As a direct and proximate result of the unlawful, unfair, and fraudulent business
11 practices described herein, Plaintiff and the general public have been, and continue to be, harmed
12 through ongoing exposure to toxic chemicals without clear and reasonable warning.

13 46. Pursuant to Business and Professions Code section 17203, Plaintiff seeks injunctive
14 relief to prohibit Defendants from continuing these unlawful and unfair business practices and to
15 compel Defendants to comply fully with Proposition 65.
16

17 47. Pursuant to Business and Professions Code section 17206, Defendants are liable for
18 civil penalties of up to \$2,500 for each violation of the Unfair Competition Law. Each day that
19 Defendants fail to provide the required Proposition 65 warnings constitutes a separate and distinct
20 violation subject to penalty.

21 **VII.**
22 **PRAYER FOR RELIEF**

23 **Wherefore**, Plaintiff prays for judgment against Defendants as follows:
24

25 48. Pursuant to Health and Safety Code section 25249.7 and other applicable laws, enter
26 such preliminary injunctions, permanent injunctions, or other orders as Plaintiff shall specify in
27 further application to the court prohibiting Defendants, their successors, agents, representatives,
28 employees, and all persons acting in concert with them, from exposing persons within the State of
California Δ⁹-Tetrahydrocannabinol (THC) and Cannabis (Marijuana) smoke from marijuana pre-
roll joints (specifically "Kushies Baby Blunts") without providing clear and reasonable warnings.

1 49. A preliminary and permanent injunction against Defendants, enjoining them from
2 manufacturing, importing, selling, and/or distributing the Products in California without providing a
3 clear and reasonable warning as required by Proposition 65 and related regulations, and requiring
4 Defendants to:

5 50. Cease the sale or distribution of any Products in California that do not comply with
6 Proposition 65 warning requirements within 15 days of the Court's order.

7 51. Provide clear and reasonable warnings on all Products in both physical and online
8 stores that expose consumers to THC and Cannabis (Marijuana) Smoke within 30 days of the Court's
9 order.
10

11 52. Notify past purchasers of the Products about their potential exposure to these
12 chemicals through direct communication or in-store signage within 30 days of the Court's order.

13 53. Recall non-compliant products or work with retailers to display appropriate
14 warnings for Products already in the market within 30 days of the Court's order.

15 54. Provide a report to the Court detailing past sales of Products sold without compliant
16 Proposition 65 warnings within 30 days of the Court's order.

17 55. Certify compliance with these actions within 45 days of the Court's order and submit
18 a compliance report to the Court.
19

20 56. That the Court imposes additional penalties or sanctions if Defendants fail to comply
21 with any of the required actions within the specified deadlines or fail to submit the required
22 compliance certification.

23 57. Pursuant to Health and Safety Code section 25249.7(b)(1), assess a civil penalty of
24 \$2,500 per violation per day, which equates to at least \$1,440,000 based on Defendants' ongoing
25 violations of Health and Safety Code section 25249.6 from the identified period starting at least
26 October 15, 2024, as proved at trial.
27

28 58. Pursuant to Business and Professions Code sections 17203 and 17206, that the
Court:

1 **EXHIBIT A**

2 **CALIFORNIA SECRETARY OF STATE BUSINESS ENTITY RECORD**

3 This document is a true and correct copy of the publicly available California Secretary of State
4 business entity record for **LUNA CAREGIVERS, INC.**, confirming the following:

- 5 • **Entity Name:** LUNA CAREGIVERS, INC.
- 6 • **Entity Type:** Corporation
- 7 • **Entity Number:** 4050305
- 8 • **Jurisdiction:** CALIFORNIA
- 9 • **Status:** Filed/Active as of September 16, 2025
- 10 • **Principal Office Address:** 760 SOUTH VAIL AVENUE, UNIT A, MONTEBELLO, CA
11 90640
12

13 This record establishes that Defendant **LUNA CAREGIVERS, INC.** is, and at all relevant times
14 was, a duly organized and existing California corporation operating at the above address in Los
15 Angeles County.

16 The record further confirms that **LUNA CAREGIVERS, INC.** is a “person in the course of doing
17 business” within the meaning of California Health and Safety Code section 25249.11(b) and is
18 therefore subject to the provisions of Proposition 65.
19



BA20251853027



STATE OF CALIFORNIA
Office of the Secretary of State
STATEMENT OF INFORMATION
CORPORATION

California Secretary of State
 1500 11th Street
 Sacramento, California 95814
 (916) 657-5448

For Office Use Only

-FILED-

File No.: BA20251853027

Date Filed: 9/16/2025

B4015-8263 09/16/2025 2:30 PM Received by California Secretary of State

Entity Details			
Corporation Name	LUNA CAREGIVERS, INC.		
Entity No.	4050305		
Formed In	CALIFORNIA		
Street Address of Principal Office of Corporation			
Principal Address	760 SOUTH VAIL AVENUE UNIT A MONTEBELLO, CA 90640		
Mailing Address of Corporation			
Mailing Address	760 SOUTH VAIL AVENUE UNIT A MONTEBELLO, CA 90640		
Attention			
Street Address of California Office of Corporation			
Street Address of California Office	760 SOUTH VAIL AVENUE UNIT A MONTEBELLO, CA 90640		
Officers			
Officer Name	Officer Address	Position(s)	
MOSES CHUNG	760 SOUTH VAIL AVENUE MONTEBELLO, CA 90640	Chief Executive Officer, Secretary, Chief Financial Officer	
Additional Officers			
Officer Name	Officer Address	Position	Stated Position
None Entered			
Directors			
Director Name	Director Address		
Christine Leu	760 South Vail Avenue Montebello, CA 90640		
Moses Chung	760 South Vail Avenue Montebello, CA 90640		
The number of vacancies on Board of Directors is: 0			
Agent for Service of Process			
Agent Name	MICHAEL CHERNIS		
Agent Address	2425 OLYMPIC BLVD 4000-W SANTA MONICA, CA 90404		
Type of Business			
Type of Business	WHOLESALE DISTRIBUTION		
Email Notifications			
Opt-in Email Notifications	No, I do NOT want to receive entity notifications via email. I prefer notifications by USPS mail.		

1 **EXHIBIT B**

2 **EVIDENCE OF NON-COMPLIANCE AND PROOF OF MARKET SALE**

3 This exhibit contains true and correct copies of photographs and purchase documentation regarding
4 the Product, "**Kushies Baby Blunts**", confirming the following:

- 5 • **Product Identification:** The photographs depict **Kushies Baby Blunts**, described as
6 premium indoor flower pre-rolls wrapped in non-tobacco green tea and cocoa paper.
- 7 • **Absence of Warning:** The images of the product packaging, including the tin and secondary
8 labeling, show a complete lack of the "clear and reasonable" health hazard warnings required
9 by **Proposition 65**.
- 10 • **Specific THC Content:** The product label shown in the photographs explicitly lists a total
11 **THC content of 14.42%**.
- 12 • **Proof of Sale:** Included is a retail receipt from **Valley Health Central Collective Inc.**,
13 located at 9752 Glenoaks Blvd., Sun Valley, CA 91352 .
- 14 • **Transaction Date:** The receipt confirms the Product was actively being sold in the California
15 market on **November 13, 2024**.
- 16 • **Responsible Party:** The product packaging identifies the Product as being cultivated or
17 distributed by **Luna Caregivers, Inc.** (License #C12-0000135).
- 18
- 19

20 These records establish that Defendant **Luna Caregivers, Inc.** is actively distributing and selling
21 products containing **THC** that emit **Cannabis (Marijuana) Smoke** into the California stream of
22 commerce without the statutory warnings required to protect the public health.



Valley Health Central Collective Inc

November 13, 2024 at 02:49 pm

Sold by Adrian G.

KUSHIES-ADL-PREROLLS-3G-5 PACK	\$35.00
Weight: 3g SKU: FM7GXZ2G	\$40.00
\$5.00 off	
Package ID: 1A4060300009D95000003938	
<hr/>	
Subtotal	\$35.00
<hr/>	
Total	\$35.00
<hr/>	
Debit	\$35.00
<hr/>	
Change	\$0.00

Invoice #: INB1J9-5K8Z4D



Thank you for shopping at VALLEY HEALTH CENTRAL
COLLECTIVE INC!

VALLEY HEALTH CENTRAL COLLECTIVE INC
9752 GLENOAKS BLVD, SUN VALLEY, California, 91352, United
States

(747) 223-2178

Powered By Cova

1 EXHIBIT C

2 60-DAY NOTICE OF VIOLATION

3 This is a true and correct copy of the **60-Day Notice of Violation** of **Proposition 65** served by
4 Plaintiff **Valentino McCoy-Garcia** on Defendant **Luna Caregivers, Inc.**, the **California Attorney**
5 **General**, and the **Los Angeles County District Attorney** on **January 2, 2025**, pursuant to **Health**
6 **and Safety Code section 25249.7(d)** .

7 The Notice alleges that:

- 8
- 9 • Defendant has knowingly and intentionally exposed consumers to **Δ⁹-Tetrahydrocannabinol (THC)** and **Cannabis (Marijuana) Smoke** through the sale and
10 distribution of cannabis pre-rolls, specifically **"Kushies Baby Blunts"**, without providing
11 clear and reasonable warnings as required by **Proposition 65** ;
 - 12 • Exposures occur primarily through inhalation during the intended use of the Products;
 - 13 • Each instance where a Product is offered for sale without an appropriate clear and reasonable
14 warning constitutes a separate violation;
 - 15 • The violations began no later than **October 15, 2024**, and continue to the present.

16 The Notice was served via **Certified Mail** and included a **Certificate of Merit** as required by law.

17 Copies of all documents—**Notice, Service Proofs, and Certificate of Merit**—are attached hereto
18 and incorporated by reference.

19 This Exhibit satisfies the statutory prerequisite to private enforcement under **Health and Safety Code**
20 **section 25249.7(d)** and provides notice of continuing violations by Defendant .

January 2, 2025

**NOTICE OF VIOLATION OF CALIFORNIA
HEALTH AND SAFETY CODE SECTION 25249.6
(Proposition 65)**

Sent by USPS Certified Mail

Luna Caregivers, Inc.
c/o MICHAEL CHERNIS
2425 OLYMPIC BLVD 4000-W
SANTA MONICA, CA 90404

We represent the Valentino McCoy-Garcia, a resident of California (the “Claimant”), acting in the interest of the general public. This letter serves as notice that Luna Caregivers, Inc. (“Violator”) is in violation of “Proposition 65,” which is otherwise known as the Safe Drinking Water and Toxic Enforcement Act of 1986 and is codified at California Health & Safety Code section 25249.5 *et seq.* Specifically, this notice is being sent in regard to a violation of section 25249.6, which 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 giving clear and reasonable warning to such individual”.

The Claimant has identified that the Violator has violated (and continues to violate) section 25249.6 by exposing consumers within the State of California to the chemical(s) listed below (which are present at unsafe levels in the products listed below) without providing proper warnings about exposure to those chemical(s) or the toxic effects of exposure to those chemical(s), which are known to the state to cause cancer or reproductive toxicity.

This letter serves as notice to both the Violator and the appropriate public enforcement agencies that the Claimant intends to file a private enforcement action, pursuant to section 25249.7(d) 60 days after effective service of this notice (the “Notice”) unless the public enforcement agencies have commenced and are earnestly prosecuting an action in regard to the violation alleged herein.

Violator:

Luna Caregivers, Inc.
c/o MICHAEL CHERNIS
2425 OLYMPIC BLVD 4000-W
SANTA MONICA, CA 90404

Violation:

The Violator knowingly and intentionally exposed and continues to expose consumers within the State of California to the chemicals listed below without providing clear and reasonable warning of the exposure while employing more than 9 employees.¹

¹ Employees of the Violator include all persons who are employees of the organization under 27 Cal. Code Regs. § 25102(h), which includes the officers of the organization and all members of the organization who are compensated, directly or indirectly, for their services to the organization—including, without limitation, any member compensated for cultivating, purchasing, possessing, transporting or distributing medical cannabis.

Consumer Product(s) in Violation of 25249.6 (the “Products”):

This notice pertains to cannabis pre-rolls, including but not limited to “Kushies Baby Blunts”, which contain THC (Δ^9 -Tetrahydrocannabinol). These pre-rolls emit cannabis/marijuana smoke when consumed, exposing consumers to THC and other chemicals. Under Proposition 65, cannabis smoke is listed as a chemical that can cause developmental harm and cancer, while THC is recognized for its potential to affect fetal development during pregnancy. This notice applies to all similar pre-roll products sold by the Violator that expose individuals to such substances without providing the clear and reasonable warnings required by Proposition 65.

Listed Chemical(s):

- Cannabis/marijuana smoke;
- THC (Δ^9 -Tetrahydrocannabinol or Delta-9-Tetrahydrocannabinol)

Route of Exposure:

Each of the products is a marijuana pre-roll designed for recreational use or for relief from issues such as stress, pain, or discomfort. The primary route of exposure to the chemicals in these products is through inhalation. While consumers may believe these pre-rolls are safe or beneficial, they can contain unsafe levels of chemicals that the state has identified as harmful under Proposition 65. Cannabis smoke, produced when these pre-rolls are consumed, is listed as a chemical that can cause cancer and developmental harm, and THC (Δ^9 -Tetrahydrocannabinol) is recognized for its potential to negatively affect fetal development during pregnancy.

Number and Duration of Violations

Each and every instance where a Product is offered for sale to a customer within the State of California without an appropriate clear and reasonable warning, in the format required by California statute and regulations, constitutes a separate violation of Proposition 65. This includes transactions made in-person, via catalog, over the phone, and over the internet by the recipients of this Notice as well as by any other sellers of the Products. Please note that the Products specifically identified in this Notice are not an exhaustive list of products that violate Proposition 65 and for which a penalty may apply.

Approximate Time of Violations:

The violations in this case are ongoing and will continue to occur until the Products are no longer sold to customers within California, or are sold with appropriate warnings. These violations have been occurring since at least October 15, 2024, as well as every day since the Products were introduced into commerce within California.

Resolution of Noticed Claims

Based on the information contained herein and in the Certificate of Merit provided to the Attorney General, we intend to file a citizen enforcement action on behalf of the Claimant against Violator sixty (60) days after effective service of this Notice unless the relevant public enforcement agencies have commenced and are earnestly prosecuting an action against Violator to redress the violations discussed in this Notice; or, unless Violator enters into a binding written agreement that addresses said violations by either recalling any Products which have already been sold or taking steps to provide warnings to consumers who have purchased the Products, adding the appropriate warning to Products that will be sold in the future, and paying an appropriate civil penalty.

If Violator desires to resolve this dispute without resorting to costly and time-consuming litigation, I welcome the opportunity to discuss a potential settlement that serves the public’s

interest in preventing exposure to toxic chemicals. Please direct all such communications to my office at the address below. Settlements can be finalized once the 60-day notice period has elapsed.

Preservation of Evidence

This Notice serves as a respectful demand to preserve and maintain all relevant evidence pending resolution of this matter. Such relevant evidence includes but is not limited to any information relating to the presence or potential presence of the Listed Chemicals in the Products (such as Certificates of Analysis (COAs) and other laboratory test results); purchase and sales information for any of the Products sold within California; any efforts to comply with Proposition 65 with respect to the Products; communications relating to the presence or potential presence of the Listed Chemicals in Products (such as statements on Violator's packaging or website); and representative exemplars of each specific product falling within the Products.

This demand applies to all relevant evidence for Products sold in the State of California, as far back as when the Products were first produced or sold by Violator, through the date of the resolution of the claims alleged in this Notice.

Responsibility to Provide Consumer Product Exposure Warnings

In accordance with Title 27, Cal. Code of Regs. Section 25600.2(g), please promptly answer the questions on Exhibit B, and return with receipt confirmation to the mailing and/or email address listed below within fifteen (15) calendar days of receipt of this letter.

Contact Information:

Please direct all questions concerning this notice to the undersigned attorney at the following address:

Robinson Zermay LLP
777 S. Alameda St., 2nd Floor
Los Angeles, CA 90021
ak@robinsonzermay.com
213.257.9299

Dated: January 2, 2025



Alexander K. Robinson
Robinson Zermay LLP
777 S. Alameda St. 2nd Floor
Los Angeles, CA 90021
ak@robinsonzermay.com
213.257.9299
Counsel for the Claimant

Attachments:

- A. The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary
- B. Questions related to Title 27, Cal. Code of Regs. Section 25600.2(g).
- C. Certificate of Merit
- D. Additional Supporting Documentation (to AG only)
- E. Proof of Service

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies. The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4).

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHA's website at:
<http://oehha.ca.gov/prop65/law/p65law72003.html>.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

EXHIBIT B

As it relates to each of the Products, including but not limited to those identified on the Notice, provide the full legal entity name and any known contact information for:

1. Any and all manufacturers
2. Any and all producers
3. Any and all packagers
4. Any and all direct vendors
5. Any and all exporters
6. Any and all shippers
7. Any and all distributors
8. Any and all sellers

Please send the above-requested information to Robinson Zermay LLP within fifteen (15) calendar days of receipt of this Notice to the mailing and/or email address listed in the Notice. Thank you for your anticipated cooperation.

CERTIFICATE OF MERIT

I, Alexander K. Robinson, hereby declare:

1. This Certificate of Merit accompanies the 60-day notice in which it is alleged that the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am an attorney for the noticing party.

3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiffs’ case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: January 2, 2025



Alexander K. Robinson
Robinson Zermay LLP
777 S. Alameda St. 2nd Floor
Los Angeles, CA 90021
ak@robinsonzermay.com
213.257.9299

Counsel for the Claimant

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years, and am not a party to the within entitled action. My business address is 777 S. Alameda St., 2nd Floor, Los Angeles, CA 90021. I am a resident of, or employed in, the county where the documents were prepared for mailing. The envelope or package was placed in the custody of Letter Stream for processing and mailing via USPS First Class Certified Mail with postage fully prepaid.

On January 2, 2025, I served the following documents: **Notice of Violation of California Health and Safety Code Section 25249.6 (Proposition 65); Certificate of Merit; and “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below. The envelope was delivered to Letter Stream for processing and mailing:

Luna Caregivers, Inc.
c/o MICHAEL CHERNIS
2425 OLYMPIC BLVD 4000-W
SANTA MONICA, CA 90404

On January 2, 2025, I verified that the following documents: **Notice of Violation of California Health and Safety Code Section 25249.6 (Proposition 65); Certificate of Merit; and Additional supporting documents as required by California Health and Safety Code § 25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at **<https://oag.ca.gov/prop65/add-60-day-notice>**:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On January 2, 2025, I served the following documents: **Notice of Violation of California Health and Safety Code Section 25249.6 (Proposition 65); and Certificate of Merit** on each of the parties on the Service List attached below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto. The envelope was delivered to Letter Stream for processing and mailing via USPS First Class Certified Mail with the postage fully prepaid.

Executed on January 2, 2025 in Los Angeles, California.



Alexander K. Robinson

Service List

**Los Angeles County District Attorney
211 W Temple St, Suite 1200
Los Angeles, CA 90012**