

60 DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: July 3, 2013
To: Bed Bath & Beyond Inc.; 99¢ Only Stores; Colomer Professional Products Inc.;
Tri-Coastal Design; CLT International Inc.; Personal Care Products, Inc.;
Awesome Products, Inc.;
California Attorney General’s Office;
District Attorney’s Office for 58 Counties; and
City Attorney’s Office for Los Angeles, San Diego, San Jose and San Francisco.

From: Shefa LMV, LLC

I. INTRODUCTION

Our name is Shefa LMV, LLC. We are citizens and a Limited Liability Company of the State of California acting in the interest of the general public. We seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve public health and safety by reducing the hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6, et seq. (“Proposition 65”). The violations alleged by this Notice consist of product exposures, routes of exposures, and types of harm that may potentially result from exposures to the toxic chemical (“listed chemical”) identified below:

Product Exposure:	See Section VI, Exhibit A
Listed Chemical:	Coconut Oil Diethanolamine Condensate, aka Cocamide Diethanolamine of Cocamide-DEA
Routes of Exposure:	Touch, Oral
Types of Harm:	Carcinogen

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer and occupational exposures in violation of Proposition 65, and which is the subject of this Notice, is listed under “Product Category/Type” in Exhibit A in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the “products.” The sales of these products in

California dating at least as far back as **June 22, 2013** are subject to this Notice. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and responsible warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products, California citizenry lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

Through the act of buying, acquiring and using the products, citizens of California are exposed to the listed chemical in homes, workplaces and elsewhere throughout California where these products are used. Exposure to consumers includes, but is not limited to, bathing their bodies, their pets or their children. Exposure in the line of occupation can be in a salon-type setting or pet grooming, or any similar occupation. Exposure may continue to occur for a significant period after the initial contact because it may be absorbed through pores in the skin. These activities cause men, women, pregnant women, children and infants to be exposed directly through migration of the listed chemical from the products. These violations and threatened violations pertain to Proposition 65 chemicals that are listed as carcinogens.

III. CONTACT INFORMATION

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

Daniel N. Greenbaum, Esq.
1467 South Holt Avenue #2
Los Angeles, CA 90035
Phone: 310.200.2631
Email: danielgreenbaumesq@gmail.com

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment (“OEHHHA”) in the Proposition 65 Implementation Office at (916) 445-6900. For the alleged Violator(s), I have attached a copy of “Proposition 65 in Plain Language” which has been prepared by OEHHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, we intend to file a citizen enforcement lawsuit against the alleged Violator(s), unless such Violator enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the

requisite health hazard warnings are provided to those whom have received such products; (2) provide clear and reasonable warnings for products sold in the future, or reformulate such products to eliminate the Coconut Oil Diethanolamine Condensate exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code §25249.7(b).

If the alleged Violator is interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III. It should be noted that neither counsel nor we can: (1) finalize any settlement until after the 60-day Notice period elapses; nor (2) speak for the Attorney General or any District Attorney or City Attorney who received this Notice. Therefore, while reaching an agreement that will resolve my claims, such as agreement may not satisfy the public prosecutors.

VI. EXHIBIT A

Identified below are specific examples of products recently purchased and witnesses as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the example within the category or type of product are also provided below. We believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 “clear and reasonable warnings” at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business to business, through the internet, and/or via catalog by the alleged Violator(s) and other distributors and retailers of the product.

<u>Product Category</u>	<u>Specific Product¹</u>	<u>UPC</u>	<u>Retailer</u>	<u>Manufacturer/Distributor</u>
Shampoo	Sunflower & Coconut	075724237315	Bed Bath and Beyond	Colomer Professional Products Inc.
Hand Soap	savon des belles- Melon	767014005802	Bed Bath and Beyond	Tri-Coastal Design
Hand Soap	savon des belles- Peach	767014005802	Bed Bath and Beyond	Tri-Coastal Design
Hand Soap	savon des belles- Citrus Mint	767014005697	Bed Bath and Beyond	Tri-Coastal Design
Hand Soap	savon des belles- Lemon	767014005802	Bed Bath and Beyond	Tri-Coastal Design
Hand Soap	savon des belles- Lavender	767014005802	Bed Bath and Beyond	Tri-Coastal Design
Hand Soap	savon des belles- Coconut	767014005802	Bed Bath and Beyond	Tri-Coastal Design
Hand Soap	savon des belles- Vanilla	767014005802	Bed Bath and Beyond	Tri-Coastal Design
Shampoo	Daily Defense Green Apple	870223026947	99C Only Stores	CLT International Inc.
Shampoo	Daily Defense Coconut	870223026961	99C Only Stores	CLT International Inc.
Shampoo	Salon Selectives Deep 7	870223027807	99C Only Stores	CLT International Inc.
Shampoo	Salon Selectives Gentle 3	870223027791	99C Only Stores	CLT International Inc.
Shampoo	Daily Defense Keratin	870223028040	99C Only Stores	CLT International Inc.
Shampoo	T+Plus Gel	048155921672	99C Only Stores	Personal Care Products, Inc.
Hand Soap	DCL Citrus Hand Soap	722429640871	99C Only Stores	Awesome Products, Inc.

¹ It is our position that the alleged Violator(s) are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violator(s)' custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this case or action. My business address is:
1467 S Holt Ave #2 Los Angeles CA 90035

A true and Correct copy of the foregoing document entitled **60 Day Notice of Violation** will be served or was served in the manner stated below (listing a name and date of service means that entity was served no later than 24 hours of the date listed):

I. Interested Parties (Served via U.S. Mail): On July 3, 2013, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, postage prepaid, and addressed as follows:

Bed Bath & Beyond Inc.	Attn: Legal Department	650 Liberty Avenue	Union	NJ	07083
99¢ Only Stores	Attn: Legal Department	4000 Union Pacific Ave.	City of Commerce	CA	90023
Colomer Professional Products Inc.	Attn: Legal Department	5344 Overmyer Drive	Jacksonville	FL	32254
Tri-Coastal Design	Attn: Legal Department	40 Harry Shupe Blvd.	Wharton	NJ	07885
CLT International Inc.	Attn: Legal Department	2535 Gerrard Street East	Toronto, Ontario	M1N 1W9	Canada
Personal Care Products, Inc.	Attn: Legal Department	3001 W Big Beaver Rd Ste 5209	Troy	MI	48084
Awesome Products, Inc.	Attn: Legal Department	6370 Altura Boulevard	Buena Park	CA	90620

II. California Attorney General (via website Portal): On July 3, 2013, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General's website.

III. District and City Attorneys (via U.S. Mail): On July 3, 2013, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows

See attached pages for full service list

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

July 3, 2013

Daniel N. Greenbaum, Esq.

Date

Printed Name



Signature

District Attorney
ALAMEDA COUNTY
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney
ALPINE COUNTY
PO Box 248
Markleeville, CA 96120

District Attorney
AMADOR COUNTY
708 Court Street, #202
Jackson, CA 95642

District Attorney
BUTTE COUNTY
25 County Center Drive —
Administration Building
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District Attorney
CALAVERAS COUNTY
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney
COLUSA COUNTY
346 5th Street, Suite. 101
Colusa, CA 95932

District Attorney
CONTRA COSTA COUNTY
900 Ward Street
Martinez, CA 94553

District Attorney
DEL NORTE COUNTY
450 H Street, Room 171
Crescent City, CA 95531

District Attorney
EL DORADO COUNTY
515 Main Street
Placerville, CA 95667

District Attorney
FRESNO COUNTY
2220 Tulare Street, Suite. 1000
Fresno, CA 93721

District Attorney
GLENN COUNTY
PO Box 430
Willows, CA 95988

District Attorney
HUMBOLDT COUNTY
825 5th Street
Eureka, CA 95501

District Attorney
IMPERIAL COUNTY
940 West Main Street, Suite. 102
El Centro, CA 92243

District Attorney
INYO COUNTY
168 North Edwards
Independence, CA 93526

District Attorney
KERN COUNTY
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney
KINGS COUNTY
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney
LAKE COUNTY
255 N. Forbes Street
Lakeport, CA 95453

District Attorney
LASSEN COUNTY
220 S. Lassen Street, Suite. 8
Susanville, CA 96130

District Attorney
LOS ANGELES COUNTY
210 W. Temple Street
Los Angeles, CA 90012

District Attorney
MADERA COUNTY
209 West Yosemite Avenue
Madera, CA 93637

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3501 Civic Center Drive, Room 130
San Rafael, CA 94903

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Mariposa, CA 95338

District Attorney
MENDOCINO COUNTY
PO BOX 1000
Ukiah, CA 95482

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110 Union Street
Nevada City, CA 95959

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401 Civic Center Drive West
Santa Ana, CA 92701

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PLACER COUNTY
10810 Justice Center Drive
Roseville, CA 95678

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PLUMAS COUNTY
520 Main Street, Room 404
Quincy, CA 95971

District Attorney
RIVERSIDE COUNTY
3960 Orange Street
Riverside, CA 92501

District Attorney
SACRAMENTO COUNTY
901 G Street
Sacramento, CA 95812

District Attorney
SAN BENITO COUNTY
419 4th Street
Hollister, CA 95023

District Attorney
SAN BERNARDINO COUNTY
303 W. Third Street
San Bernardino, CA 92415

District Attorney
SAN DIEGO COUNTY
330 W. Broadway, Suite 1300
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880 Bryant Street, Third Floor
San Francisco, CA 94103

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SAN JOAQUIN COUNTY
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SAN LUIS OBISPO COUNTY
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San Luis Obispo, CA 93408

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SAN MATEO COUNTY
400 County Center, Third Floor
Redwood City, CA 94063

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SANTA BARBARA COUNTY
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Santa Barbara, CA 93101

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SANTA CLARA COUNTY
70 West Hedding Street, West Wing
San Jose, CA 95110

District Attorney
SANTA CRUZ COUNTY
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney
SHASTA COUNTY
1355 West Street
Redding, CA 96001

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Downieville, CA 95936

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PO BOX 986
Yreka, CA 96097

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Fairfield, CA 94533

District Attorney
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600 Administration Drive, Room 212J
Santa Rosa, CA 95403

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832 12th Street, Suite 300
Modesto, CA 95353

District Attorney
SUTTER COUNTY
446 Second Street, Suite 102
Yuba City, CA 95991

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TEHAMA COUNTY
PO BOX 519
Red Bluff, CA 96080

District Attorney
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PO BOX 310
Weaverville, CA 96093

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221 South Mooney Blvd., Suite 224
Visalia, CA 93291

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Sonora, CA 95370

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City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
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CERTIFICATE OF MERIT

I, Daniel N. Greenbaum, hereby declare:

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

(2) I am the 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.

July 3, 2013

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature