

60-DAY NOTICE OF VIOLATION

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

DATE: November 22, 2013

To: Dollar Tree Stores, Inc.; Softsoap Enterprises Inc. c/o Colgate Palmolive Company; Big Lots Stores, Inc.; CVS Pharmacy, Inc.; Bath & Body Works, LLC; Bath & Body Works Direct, Inc.; The Emerson Group, Inc.; S. Emerson Group, 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

This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6, et seq. ("Proposition 65"). Our name is Shefa LMV, LLC. We are a Limited Liability Company of the State of California. Pursuant to Proposition 65, we are considered to be a "person" 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. 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 VII, Exhibit A
Listed Chemical:	Diethanolamine AKA DEA; Coconut Oil Diethanolamine Condensate, AKA Cocamide Diethanolamine or Cocamide DEA
Routes of Exposure:	Dermal absorption, Ingestion, Inhalation,
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 from dermal and ingestion exposure as well as inhalation, 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 utilized. This includes use of the products in occupational settings, such as the sale, installation, maintenance, and replacement of the products. Exposure to consumers includes, but is not limited to, when handling the product Cocamide DEA and/or Diethanolamine it is absorbed through dermal, and other migration pathways, including but not limited to incidental ingestion after one touch's the chemical and then touch's food or otherwise places his hands on or near his lips where his tongue can or will continue this pathway to ingestion exposure. Exposure may continue to occur for a significant period after the initial contact. People likely to be exposed are women, men, infants and children. These violations and threatened violations pertain to Proposition 65 chemicals that are listed by the state as known to cause cancer.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to us through our counsel's offices at 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 ("OEHHA") 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 OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, I 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; and (2) provide clear and reasonable warnings for

products sold in the future, or reformulate such products to eliminate the Cocamide DEA and/or Diethanolamine exposures

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 my counsel nor I 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 an agreement may not be approved by the Attorney General after referral to them, or by the court as the last voice on settlements.

VI. ADDITIONAL INFORMATION

<u>Product</u>	<u>Retailer(s)</u>	<u>Manufacturer(s)/Distributor(s)</u>
Hand Soap	CVS Pharmacy, Inc. Dollar Tree Stores, Inc. Big Lots Stores, Bath & Body Works. Walgreens	Softsoap Enterprises Inc. / Colgate Palmolive Company; CVS Pharmacy, Inc.; Bath & Body Works Direct, Inc., The Emerson Group, Inc., S. Emerson Group, Inc.

Identified below are named products which contain the alleged chemicals at issue, and this reference is supportive of the material facts that are a part of my counsel's Certificate of Merit attached hereto 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. I 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.

VII. EXHIBIT A

Product Category	Specific Product ¹	UPC	Retailer	Manufacturer/Distributor
Hand Soap	Vineyard Berries	0667533196404	Bath & Body Works	Bath & Body Works
Hand Soap	Caribbean Escape	0667531805612	Bath & Body Works	Bath & Body Works
Hand Soap	Bourbon peach	0667533321103	Bath & Body Works	Bath & Body Works
Hand Soap	Crimson Plum	0667533267005	Bath & Body Works	Bath & Body Works
Hand Soap	Farmstand Apple	0667533266527	Bath & Body Works	Bath & Body Works
Hand Soap	Wildberry Fresia	0667532577884	Bath & Body Works	Bath & Body Works
Hand Soap	Dancing Waters	0667531805636	Bath & Body Works	Bath & Body Works
Hand Soap	Heirloom Pear	0667533266510	Bath & Body Works	Bath & Body Works
Hand Soap	Lavender & Chamomile	050428540442	CVS Pharmacy, Inc.	CVS Pharmacy, Inc.
Hand Soap	Clean Anti bacterial hand soap	050428288214	CVS Pharmacy, Inc.	CVS Pharmacy, Inc.
Hand Soap	Softsoap soothing aloe vera	074182270810	Dollar Tree Stores, Inc.	Softsoap Enterprises Inc.
Hand Soap	Softsoap milk & golden honey	074182292546	Dollar Tree Stores, Inc.	Softsoap Enterprises Inc.
Hand Soap	Softsoap Wintermint Wonderland	074182269463	Big Lots Stores	Softsoap Enterprises Inc.
Hand Soap	Lilac & Freesia	074182262525	Big Lots Stores	Softsoap Enterprises Inc.
Hand Soap	Lavender & Chamomile	050428540442	CVS	CVS Pharmacy, Inc.
Hand Soap	Clean Anti bacterial hand soap	050428288214	CVS	CVS Pharmacy, Inc.
Shampoo	Prell shampoo	855093430131	Walgreens	The Emerson Group, Inc.
Shampoo	Prell shampoo	855093430131	Walgreens	S. Emerson Group, Inc.

¹ We are identifying herein for all recipients' benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category listed in Exhibit A. It is important to note that this example does not represent an exhaustive or comprehensive identification of any or all specific products. Further, 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 documents entitled **60 DAY NOTICE OF VIOLATION; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY** will be served or was served in the manner stated below:

I. Interested Parties (Served via Certified Mail): On November 22, 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:

Dollar Tree Stores, Inc.	Attn: CEO or President	500 Volvo Parkway	Chesapeake	VA	23320
Softsoap Enterprises Inc. c/o Colgate Palmolive Company	Attn: CEO or President	300 Park Avenue	New York	NY	10022
Big Lots Stores, Inc.	Attn: CEO or President	300 Phillipi Road	Columbus	OH	43228 -5311
CVS Pharmacy, Inc.	Attn: CEO or President	1 CVS Drive	Woonsocket	RI	02895
Bath & Body Works Corporate Office HQ	Attn: CEO or President	Seven Limited Parkway	East Reynoldsburg	OH	43068
Bath & Body Works Direct, Inc.	Attn: CEO or President	Three Limited Parkway	Columbus, OH 43230	OH	43230
The Emerson Group, Inc.	Attn: CEO or President	215 Bullens Lane	Woodlyn	PA	19094
S. Emerson Group, Inc.	Attn: CEO or President	407 E Lancaster Ave	Wayne	PA	19087

II. California Attorney General (via website Portal): On November 22, 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 November 22, 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.

November 22, 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
Oroville, CA 95965

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
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Eureka, CA 95501

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IMPERIAL COUNTY
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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

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Mariposa, CA 95338

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PO BOX 1000
Ukiah, CA 95482

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Riverside, CA 92501

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District Attorney
SAN BENITO COUNTY
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SAN MATEO COUNTY
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Redwood City, CA 94063

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Santa Barbara, CA 93101

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70 West Hedding Street, West Wing
San Jose, CA 95110

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SANTA CRUZ COUNTY
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Santa Cruz, CA 95060

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City Attorney
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City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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.
- (5) 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.
- (6) 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).

November 22, 2013

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature