60-DAY NOTICE OF VIOLATION

California Safe Drinking Water
And Toxic Enforcement Act of 1986

Failure to Provide Required Warning Notice at:

Which Which, 2961 El Camino Real, Tustin, CA 92782

June 13, 2018

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California Office of Environmental Health Hazard Assessment (OEHHA) (copies not provided to public enforcement agencies).

- This Notice of Violation is provided by Christopher Bair, c/o attorney Scott Ferrell, Pacific Trial Attorneys, 4100 Newport Drive Suite 800, Newport Beach CA 92660; (949) 706.6464. Mr. Bair is a consumer who has personally visited the establishment that is the subject of this Notice of Violation.

Description of Violation:

- Violators: The names and addresses of the violators known to Mr. Bair are:

  - Which Which Inc., 1412 Main St., Suite 2000 Dallas, TX 75202; Jeff Sinelli, Chief Executive Officer

  - Which Which, 2961 El Camino Real, Tustin, CA, 92782

- Time Period of Exposure: The violations have been occurring since at least 6/7/2018, and are ongoing.

- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65 for restaurants and other sellers of food products, which is found at California Health and Safety Code Section 25249.6, and 27 California Code of Regulations Section 25603.3(a)

(operative until August 30, 2018), and 27 California Code of Regulations Sections 25607.5 and 25607.6 (operative August 30, 2018).

- Chemicals Involved: The listed chemicals involved in these violations include, but are not limited to, Acrylamide, Bisphenol A, Mercury, DEHP, and Lead.

- Types of Products: The products at issue in this Notice of Violation are the food products sold at the Which Which location, including, but not limited to: (1) plant-based foods which, when cooked or processed at high temperatures may produce Acrylamide (potential cancer and male developmental toxicity); (2) Bisphenol A, contained in coatings for cans, jar lids and bottle caps (potential female toxicity); (3) Mercury, contained in fish, meat, and shellfish (potential developmental toxicity); (4) DEHP, found in many plastics (potential cancer and male developmental toxicity); (5) Lead, found in certain balsamic vinegars (cancer and male and female developmental toxicity); and (6) coffee, which contains Acrylamide (potential cancer and male developmental toxicity).

- Description of Exposure: Use of the food products sold at the Which Which location, including, but not limited to, plant-based foods which, when cooked or processed at high temperatures may produce Acrylamide (potential cancer and male developmental toxicity); Bisphenol A, contained in coatings for cans, jar lids and bottle caps (potential female toxicity); Mercury, contained in fish and sea foods (potential developmental toxicity); DEHP, found in many plastics (potential cancer and male developmental toxicity); and Lead, found in certain balsamic vinegars (cancer and male and female developmental toxicity), are at issue in this matter. The Acrylamide, Mercury and Lead substances may be ingested directly by eating the products or drinking coffee; and the Bisphenol A and DEHP may be ingested through inhalation or dermal exposure to products, all of which may result in human exposures to the listed substances. These exposures occur in the restaurant and where these products are ingested or used. No clear and reasonable warning is provided at the location with respect to the products regarding the hazards of these elements.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, Mr. Bair intends to file a citizen enforcement lawsuit against each of the alleged violators unless such alleged violator enters in to a binding written agreement to remedy the violations alleged herein by: (1) installing the warning signage and notice required by California Health and Safety Code Section 25249.6, and 27 California Code of Regulations Section 25603.3(a) (operative until August 30, 2018), and 27 California Code of Regulations Sections

25607.5 and 25607.6 (operative August 30, 2018); and (2) paying an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any alleged violator is interested in resolving this dispute without resort to litigation, please contact Mr. Bair through his counsel, Scott J. Ferrell, Pacific Trial Attorneys, 4100 Newport Place Drive, Ste. 800, Newport Beach, CA 92660, (949) 706-6464, sferrell@pacifictrialattorneys.com. It should be noted that neither Mr. Bair nor Mr. Ferrell can: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received Mr. Bair's 60-day Notice. Therefore, while reaching any agreement with Mr. Bair will resolve his claims, such an agreement may not satisfy the public prosecutors.

CERTIFICATE OF MERIT
(Health & Safety Code § 25249.7(d))

California Safe Drinking Water
And Toxic Enforcement Act of 1986

Failure to Provide Required Warning Notice at
Which Which Location in Tustin, CA

June 13, 2018

I, Scott J. Ferrell, declare as follows:

1. This Certificate of Merit accompanies the attached 60-day Notice in which it is alleged that the parties identified in the Notice have violated Health and Safety Code Section 25249.6 and 27 California Code of Regulations Section 25603.3(a) (operative until August 30, 2018), and 27 California Code of Regulations Sections 25607.5 and 25607.6 (operative August 30, 2018) by failing to provide clear and reasonable warnings.

2. I am the principal attorney of Pacific Trial Attorneys. Pacific Trial Attorneys represents the noticing party, Mr. Chris Bair.

3. I have consulted with an individual with relevant and appropriate experience or expertise who has reviewed facts, studies or other data regarding the exposures to the listed chemicals that are the subject of the action.

4. Based on the information obtained through these consultations, and on 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 Plaintiff's case can be established and the information did not prove that the alleged violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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 relief upon by the certifier; and (2) the facts, studies or other data reviewed by those persons.

Scott J. Ferrell
Attorney for Chris Bair