



CROSNER LEGAL

Public Interest Rights

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August 22, 2018

Subject: ***60- DAY NOTICE OF VIOLATION IN COMPLIANCE WITH CALIFORNIA
HEALTH & SAFETY CODE SECTION 254249.5, ET SEQ. (PROPOSITION 65)***

Dear Alleged Violation(s) and the Appropriate Public Enforcement Agencies:

My name is Andrew Goodman. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposure to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code Section 25249.6, *et seq.* ("Proposition 65"). Notice is also being provided to Hohner/KHS America Inc. and Amazon.com, Inc., who are alleged to be in violation of Proposition 65 (collectively, the "Violators").

Nature of Alleged Violation (Product Exposure)

The specific type of product that is causing consumer exposure in violation of Proposition 65, and that is covered by this Notice, is listed below. All products within the category covered by this Notice shall be referred to hereinafter as the "Products."

Product(s)

<i>Product</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/Distributor(s)</i>
Hohner Kids Set of 4 Finger Cymbals Brass ASIN: B000EEHB8G Item Model No.: S2004	Amazon.com	Hohner/KHS America Inc.

Listed Chemical

The chemical that is the subject of this Notice is lead ("Listed Chemical"). The consumer exposures at issue result from the use of the Products in accordance with their intended use including consumption of liquids from the Products. The primary route of exposure is ingestion. The types of harm from the chemicals at issue include Cancer, Developmental toxicity, and Male and Female reproductive toxicity.

Period of Exposure and Violation

Exposures to lead from the use of the Products have occurred each day since the products were introduced into the

California marketplace, but at a minimum since April 23rd, 2018. Moreover, these exposures will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the Products. Without proper warnings, regarding the toxic effects of exposures to the listed chemical resulting from contact with the Products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from reasonable foreseeable use of the Products.

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 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 who have received such Products; (2) provide “clear and reasonable warnings” for Products sold in the future or reformulate such Products to eliminate the lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code Section 25249.7(b). If the alleged Violator is interested in resolving this dispute without resorting to time-consuming and costly litigation, please feel free to contact my counsel at the phone number and address listed below. It should be noted that neither my counsel neither I 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 this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

Contact Information

Please direct all questions or inquiries concerning this Notice to me through my counsel’s office at the following address:

Andrew Goodman
c/o Zachary Crosner
Crosner Legal, P.C.
433 N. Camden Dr., Ste. 400
Beverly Hills, CA 90210
Telephone: (310) 496-5818
Email: zach@crosnerlegal.com

Attachments

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment (“OEHHA”) Proposition 65 Implementation Office at (916) 445-6900. For the Violator’s reference, I have attached a copy of “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary” which has been prepared by the OEHHA.

Also attached are the following documents:

Certificate of Merit

Certificate of Service

OEHHA Summary (to Violators only)

Additional Supporting Information for Certificate of Merit (to AG only)

Proof of Service

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Zachary Crosner, hereby declare:

1. This certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violations 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 and have assembled evidence attached to the copy for the California Attorney General as Exhibit 1 to this Certificate of Merit regarding the lack of warnings for the listed chemical that is the subject of the notice.

4. Based on the information obtained 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 that 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 attached to it factual information sufficient to establish the basis for this certificate, including the information identified in California Health and Safety Code Section 25249.7(h)(2).

Dated: August 22, 2018

A handwritten signature in black ink, appearing to read 'Zachary M. Crosner', with a stylized, flowing script.

Zachary M. Crosner

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my business address is 433 N. Camden Dr., Ste. 400, Beverly Hills, CA 90210. *On August 22, 2018, I served the following documents on the following person(s) in the manner indicated:*

Documents:

60-Day Notice of Intent To Sue Under Health and Safety Code Section 25249.6;
Certificate of Merit; and
The Safe Drinking Water And Toxic Enforcement Act Of 1986 (Proposition 65): A Summary

Persons:

Hohner/KHS America, Inc.
12020 Volunteer Blvd
Mount Juliet TN 37122

Jeffrey P. Bezos, President
Amazon.com, Inc.
410 Terry Ave N
Seattle, WA 98109

[X] (BY FIRST CLASS CERTIFIED MAIL) I am familiar with the practice of Crosner Legal, P.C. for processing of correspondence for first class certified mailing with the United States Postal Service. Correspondence so processed is submitted for first class certified mailing with the United States Postal Service that same day in the ordinary course of business. On this date, a copy of said document was submitted and scheduled for collection and first class certified mailing in a sealed envelope, with postage fully prepaid, addressed as set forth herein, following ordinary business practices.

On August 22, 2018, I served the following documents on the following person(s) in the manner indicated:

Documents:

60-Day Notice of Intent To Sue Under Health and Safety Code Section 25249.6; and
Certificate of Merit;

[X] (BY FIRST CLASS MAIL) I am familiar with the practice of Crosner Legal, P.C. for processing of correspondence for first class mailing with the United States Postal Service. Correspondence so processed is submitted for first class mailing with the United States Postal Service that same day in the ordinary course of business. On this date, a copy of said document was submitted and scheduled for collection and first class mailing in a sealed envelope, with postage fully prepaid, addressed as set forth herein, following ordinary business practices.

[X] (BY ELECTRONIC MAIL) by sending true and correct copies of the above documents to the electronic notification (Email) address(es) on the attached "Email Service List".

On August 22, 2018, I served the following documents on the following person(s) in the manner indicated:

Documents:

60-Day Notice of Intent To Sue Under Health and Safety Code Section 25249.6;
Certificate of Merit; and
Certificate of Merit Attachments

[X] (BY ELECTRONIC UPLOAD) by causing true and correct copies of the above documents to be uploaded to the California Attorney General's website at the web address on the attached "Electronic Upload Service List".

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on August 22, 2018, a Los Angeles, California.

A handwritten signature in black ink, appearing to be 'Maria Monterrey', with a stylized, somewhat abstract shape.

Maria Monterrey