Jonathan M. Genish
1801 Century Park East #2400
Los Angeles, California 90067
(310) 622 – 4278
jgenish@blackstonepc.com

BLACKSTONE LAW

60 DAY NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET ESQ. (PROPOSITION 65)

December 28, 2018

To:

Attn: CEO or President
Bed Bath & Beyond Inc.
650 Liberty Ave
Union, NJ 07083

Attn: CEO or President
Liberty Procurement Co. Inc.
650 Liberty Ave
Union, NJ 07083

CC: California Attorney General's Office;
District Attorney's Offices for All California Counties; and
City Attorneys for San Francisco, San Diego, San Jose, Sacramento, and Los Angeles

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I. INTRODUCTION

Consumer Protection Group, LLC (" CPG") is the noticing entity, acting in the interest of the general public. It seeks to reduce or eliminate the presence of hazardous substances in consumer products sold in California, and to ensure that California consumers are aware of the presence of such substances in consumer goods so that they can make an educated effort to limit their own exposure where deemed necessary.

This Notice is provided to the public agencies listed above pursuant to California Health & Safety Code §§ 25249.6, *et seq.* ("Proposition 65"). As noted above, notice is also being provided to the violators, Bed Bath & Beyond Inc. and Liberty Procurement Co. Inc. (the "Violators"). The violations covered by this Notice consist of the product exposures, routes of exposure, and types of harm potentially resulting from exposure to the toxic chemicals ("listed chemicals") identified below, as follows:

Product Exposure:	Studio 3B cube grid bins
Chemical:	Di-(2-ethylhexyl) phthalate
Routes of Exposure:	Ingestion, Dermal Absorption
Types of Harm:	Cancer, Birth Defects and Other Reproductive Harm

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II. PRODUCT AND TIME OF VIOLATIONS

The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is Studio 3B cube grid bins. Ongoing violations have occurred since at least December 28, 2017, as well as every day since the products were introduced for sale in California. These violations will continue until clear and reasonable warnings are provided prior to exposure of the identified chemicals. The method of warning should be a label in the product itself.

As a result of sales of this product, exposures to the listed chemicals have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemicals, California consumers lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemicals from the reasonably foreseeable use of the products.

California consumers are exposed to the listed chemicals by buying, acquiring or utilizing the products. By way of example but not limitation, direct exposures occur when people (including children) hold or otherwise handle the Studio 3B cube grid bins. The concentration of the chemical present within the bins constitutes a significant chemical dose exposure to consumers through their use of the product. Exposure to the contaminants present within the noted product may also occur through hand to mouth ingestion under typical and foreseeable use of the bins.

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 ' s ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violators' reference, attached is a copy of "Proposition 65: A Summary," which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Consistent with goals of Proposition 65 and a desire to have these violations corrected, CPG is interested in seeking a resolution of this matter that includes a binding written agreement by the Violators to: (1) recall any products already sold, or undertake best efforts to ensure that the requisite health hazard warnings are provide to those who have received such products; (2) reformulate the identified products so as to eliminate further exposures to the identified chemicals, or provide appropriate warnings on the labels of these products; and (3) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, as well as expensive and time-consuming litigation. It should be noted that counsel cannot (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the California Attorney General or any District or City Attorney who has received this notice. Therefore, while reaching an agreement with CPG will resolve its claims; such an agreement may not satisfy the public prosecutors.

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

Jonathan M. Genish, Esq.
BLACKSTONE LAW, A.P.C.
1801Century Park East #2400
Los Angeles, CA 90067
Telephone (310) 622-4278
Email: jgenish@blackstonepc.com

Sincerely,

BLACKSTONE LAW, APC
Jonathan M. Genish, Esq.

CERTIFICATE OF MERIT

I, Jonathan M. Genish, hereby declare:

1. This Certificate of Merit accompanies the attached Sixty-Day Notice in which it is alleged that the parties identified in the Notice have violated Health & Safety Code § 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 experience who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this action;

4. Based on the information obtained through these 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 Violators will be able to establish any of the affirmative defenses set forth in the statute; and

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 information identified in Health & Safety Code§ 25249.7(11)(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: December 28, 2018

Jonathan M. Genish, Esq.

I, Karen Ramirez, hereby declare:

1. I am, and was at the time of service hereinafter mentioned, a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is 1801 Century Park East #2400, Los Angeles CA 90067.

2. On December 28, 2018, I served the following documents:
   - 60-Day Notice of Violation
   - Certificate of Merit
   - "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

   on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery both by Certified Mail:

Attn: CEO or President
Bed Bath & Beyond Inc.
650 Liberty Ave
Union, NJ 07083

Attn: CEO or President
Liberty Procurement Co. Inc.
650 Liberty Ave
Union, NJ 07083

3. On December 28, 2018, I served the following documents:
   - 60-Day Notice of Violation
   - Certificate of Merit

   on each of the parties on the service list attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto, and depositing it at a United States Postal Service Office for delivery by First Class Mail.

4. On December 28, 2018, I served the following documents:
   - 60-Day Notice of Violation
   - Certificate of Merit

   on the following party by causing a true and correct .PDF copy thereof to be sent via electronic mail to the party listed below, pursuant to Cal. Code Regs., title. 27, § 25903(c)(l):

Contra Costa County District Attorney
sgrassini@contracostada.org

Monterey County District Attorney
Prop65DA@co.monterey.ca.us

Napa County District Attorney
CEPD@countyofnapa.org

Riverside County District Attorney
Prop65@rivcoda.org

Santa Clara County District Attorney
epu@da.sccgov.org

Sonoma County District Attorney
jbarnes@sonoma-county.org

Stanislaus County District Attorney
Prop65@standa.org

Tulare County District Attorney
Prop65@co.tulare.ca.us

Ventura County District Attorney
daspecialops@ventura.org

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

Dated: December 28, 2018

Karen Ramirez

SERVICE LIST

Alameda County District Attorney
1225Fallon ST. Room 900
Oakland, CA 94612

Alpine County District Attorney
P.O. Box 248
Markleeville, CA 96120

Amador County District Attorney
708 Court Street #202
Jackson, CA 95642

Butte County District Attorney
25 County Center Drive, Suite 245
Oroville, CA 95965

Calaveras County District Attorney
891 Mountain Ranch Road
San Andreas, CA 95249

Colusa County District Attorney
346 Fifth Street, Suite 101
Colusa, CA 95932

Del Norte County District Attorney
450 H Street, Room 171
Crescent City, CA 95531

El Dorado County District Attorney
515 Main Street
Placerville, CA 95667

Fresno County District Attorney
2220 Tulare Street, Suite 1000
Fresno, CA 93721

Glenn County District Attorney
P.O. Box 430
Willows, CA 95988

Humboldt County District Attorney
825 5th Street, 4th Floor
Eureka, CA 95501

Imperial County District Attorney
940 West Main Street, Suite 102
El Centro, CA 92243

Inyo County District Attorney
P.O. Drawer D
168 N Edwards St
Independence, CA 93526

Kern County District Attorney
1215 Truxtun Avenue, 4th Floor
Bakersfield, CA 93301

Kings County District Attorney
1400 West Lacey Boulevard
Hanford, CA 93230

Lassen County District Attorney
2950 Riverside Drive, Suite 102
Susanville, CA 96130

Lake County District Attorney
255 North Forbes Street
Lakeport, CA 95453

Los Angeles County District Attorney
211 West Temple Street
Suite 1200
Los Angeles, CA 90012

Madera County District Attorney
209 West Yosemite Avenue
Madera, CA 93637

Marin County District Attorney
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

Mariposa County District Attorney
5101Jones Street, P.O. Box 730
Mariposa, CA 95338

Mendocino County District Attorney
100 North State Street, P.O. Box 1000
Ukiah, CA 95482

Merced County District Attorney 550
W. Main Street
Merced, CA 95340

Modoc County District Attorney
204 5. Court Street, Suite 202
Alturas, CA 96101

Mono County District Attorney
278 Main St
Bridgeport, CA 93517

Nevada County District Attorney
201 Commercial Street
Nevada City, CA 95959

Orange County District Attorney
401 Civic Center Drive West Santa
Ana, CA 92701

Placer County District Attorney
10810 Justice Center Drive, Suite 240
Roseville, CA 95678

Plumas County District Attorney
520 Main Street, Room 404
Quincy, CA 95971

Sacramento County District Attorney
901 G Street
Sacramento, CA 95814

San Benito County District Attorney
419 4th Street, Second Floor
Hollister, CA 95203

San Bernardino County District Attorney
303 West 3rd Street, 6th Floor
San Bernardino, CA 92415-0502

San Diego County District Attorney
330 W. Broadway Street
San Diego, CA 92101

San Francisco County District Attorney
850 Bryant St., Room322
San Francisco, CA 94103

San Joaquin County District Attorney
P.O. Box 990
Stockton, CA 95201

San Luis Obispo County District Attorney
1035 Palm Street, 4th Floor
San Luis Obispo, CA 93408

San Mateo County District Attorney
400 County Center, Third Floor
Redwood City, CA 94063

Santa Barbara County District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101

Shasta County District Attorney
1355 West Street
Redding, CA 96001

Sierra County District Attorney
100 Courthouse Square
Downieville, CA 95936

Siskiyou County District Attorney
P.O. Box 986 Yreka,
CA 96097

Solano County District Attorney
675 Texas Street, Suite 4500
Fairfield, CA 94533

Sutter County District Attorney
466 Second Street, Suite 102
Yuba City, CA 95991

Tehama County District Attorney
444 Oak Street, Room L
Red Bluff, CA 96080

Trinity County District Attorney
P.O . Box 310
Weaverville, CA 96093

Tuolumne County District Attorney
423 North Washington Street
Sonora, CA 95370

Yolo County District Attorney
301 Second Street
Woodland, CA 95695

Yuba County District Attorney
215 Fifth Street
Marysville, CA 95901

Office of the City Attorney, Los Angeles
City Hall East
200 North Main Street
Los Angeles, CA 90012

Office of the City Attorney, Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814

Office of the City Attorney, San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101

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

Office of the City Attorney, San Jose
200 East Santa Clara Street, 16th
Floor San Jose, CA 95113