

# NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH  
*Cal. Health & Safety Code § 25249.5, et seq.*  
("Proposition 65")

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**DATE:** January 14, 2020

**TO:** Jonathan Schwefel, or Current CEO – Cost Plus, Inc.  
Susan Lattmann, or Current CFO – Cost Plus, Inc.  
The Prentice-Hall Corporation System, Inc. – Cost Plus, Inc.  
California Attorney General's Office;  
District Attorney's Office for All California Counties; and  
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

**FROM:** Public Health and Safety Advocates, LLC

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## I. INTRODUCTION

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**Public Health and Safety Advocates, LLC** ("PHSA") 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, Cost Plus World Market (the "Violators"). The violations covered by this Notice consists of a summary of Proposition 65, Statement of Violation, Number and Duration of Violation, Product Category/Type, Listed Chemical(s), Preservation of Evidence, Product Exposure, Routes of Exposure and type of harm resulting from exposure to the chemicals ("Listed Chemicals") as follows:

|                     |   |
|---------------------|---|
| Product Exposure:   | See Section VI. and VII. Exhibit A                |
| Listed Chemical:    | Lead and Cadmium                                  |
| Routes of Exposure: | Ingestion and Dermal Absorption                   |
| Type of Harm:       | Cancer, Birth Defects and other Reproductive Harm |

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## II. PROPOSITION 65 INFORMATION – SUMMARY

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A summary of Proposition 65 and its implementation regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under Proposition 65, is enclosed with the copy of the Notice served on the Notice Recipients. For more 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.

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## III. STATEMENT OF VIOLATIONS

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The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is listed under "Product Category/Type" in section VI. and the specific toxicant(s)/Listed Chemical(s) is set forth in Exhibit A of Section VII. All products within the category covered by this Notice shall be referred to hereinafter as the "Covered Product(s)" or "Product(s)". Exposures to the Listed Chemical from the use of the Products have been occurring without the "clear and reasonable warning" required by Proposition 65. The method of the warning should be a label on the product itself.

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 the reasonably foreseeable use of the Products.

The Notice Recipients knowingly and intentionally exposed, and continue to knowingly and intentionally expose, consumers within the State of California to the Listed Chemical(s), a chemical known to the State of California to cause cancer, birth defects or other reproductive harm, without first giving clear and reasonable warning of this exposure to such individuals. In particular, the Notice Recipients failed to provide a clear and reasonable warning to consumers that the Listed Product expose consumers to Listed Chemical(s).

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#### **IV. NUMBER AND DURATION OF VIOLATIONS**

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Each and every sale of a Covered Product to a consumer in California without a clear and reasonable warning is a violation, including transactions made over-the-counter, through the internet, and/or via catalogue by the Notice Recipients and any other sellers of the Covered Products. These violations have been occurring since at least January 12, 2019 as well as every day since the Covered Products were first introduced and sold in the State of California. These violations will continue until “clear and reasonable warning” are provided prior to exposure of the Listed Chemicals.

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#### **V. ROUTE OF EXPOSURE**

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California citizens, through the act of buying, acquiring or utilizing the Covered Products, are exposed to the Listed Chemical. Consumers ingest the Listed Chemical when they touch and handle the Covered Products, transfer the Listed Chemical from the Covered Products onto their fingers and hands, and transfer the Listed Chemical from their fingers and hands to their mouths through hand-to-mouth activities that may continue to occur for a significant period after contact with the Covered Products. Consumers also ingest the Listed Chemical when the Listed Chemical on the Covered Product is transferred to kitchen cabinet (e.g., dishware and plate cabinet) that are then used to prepare food, thereby transferring Listed Chemical to the food that are in turn consumed. Consumers are exposed to the Listed Chemical through ingestion as well as direct dermal contact when they, among other activities, handle or touch the Covered Products.

By way of example, consumers, including children, men and women, ingest the Listed Chemical when they, among other activities, touch the Products and transfer the Listed Chemical from the Products to their mouths through hand-to-mouth activities that may continue to occur for a significant period after contact with the Products stops. Additionally, individuals including children, men and women, are exposed to the Listed Chemical through direct dermal contact when they, among other activities, handle, touch or otherwise use the Products.

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#### **VI. PRODUCT CATEGORY/TYPE**

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Identified below is a specific example of Covered Products recently purchased and witnessed as being available for purchase or use in California (the “Exemplar Product”). Based on publicly available information, the retailers, distributors, and/or manufacturers of the Exemplar Product is also provided.

The Exemplar Product is identified for the Notice Recipients’ benefit to assist in their investigation of the allegations set forth in this Notice. The Exemplar Product is not meant to be an exhaustive or comprehensive identification of each specific offending product falling within the specific type or category of Covered Products at issue in this Notice. It is the PHSA’s position that the Notice Recipients are obligated to conduct a good-faith investigation into other specific products falling within the type or category of Covered Products that have been manufactured, imported, distributed, sold, shipped, stored, or are otherwise within the

Notice Recipients' custody or control, so as to ensure the requisite toxic warnings were and are provided to California citizens prior to purchase.

| <u>Product</u>  | <u>Retailer(s)</u>                                       | <u>Manufacturer(s)/Distributor(s)</u>             |
|---|--|---|
| Chinese Serving Platter<br>with decoration<br>Item# 25084931<br>PO #200595379 | World Market Cost Plus<br>Los Angeles County, California | Cost Plus, Inc. World Market<br>Bed Bath & Beyond |

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**VII. EXHIBIT A – LISTED CHEMICAL**

| <u>Product Category/Type</u> | <u>Such As</u>   | <u>Toxicant(s)</u> |
|------------------------------|--|--------------------|
| Kitchenware<br>Dish/ Plate   | Serving Platter with Decoration<br>Item# 25084931<br>PO #200595379 | Lead and Cadmium   |

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**VIII. RESOLUTION OF NOTICED CLAIMS**

Consistent with goals of Proposition 65 and a desire to have these violations corrected, PHSA 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 Covered Product so as to eliminate further exposures to the Covered Chemical(s), 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 Covered chemical(s), 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 PHSA will resolve its claims; such an agreement may not satisfy the public prosecutors.

Proposition 65 requires that notice of intent to sue be given to the violators(s) sixty (60) days before the suit is filed. *Cal. Health & Safety Code § 25249.7(d)(1)*. With this letter, PHSA gives notice of the alleged violations to Violator and the appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within sixty (60) calendar days of the sending of this notice PHSA may file suit. *See Cal. Code Civ. Proc. § 1013; Cal. Health & Safety Code § 25249.7(d)(1); and Cal. Code Regs. Tit. 27 § 25903(d)(1)*. Per *Cal. Code Regs. Tit. 27, § 25600.2(g) (2018)* the retail seller noticed on this 60 Day Notice is hereby requested to promptly provide the names and contact information for the manufacture(s), producer(s), packager(s), importer(s), supplier(s), and/or distributor(s) of the Listed Products in this Notice.

Public Health and Safety Advocates, LLC remains open and willing to discuss the possibilities of resolving its grievance short of formal litigation.

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**IX. PRESERVATION OF EVIDENCE**

This Notice also serves as a demand that the Notice Recipients preserve and maintain all relevant evidence, including all electronic document and data, pending resolution of this matter. Such relevant evidence

incudes but is not limited to all documents relating to the presence of the Listed Chemicals in the Covered Product; purchase and sales information for Covered Products (i.e., list of purchasers and quantity sold; list of manufacture(s), producer(s), packager(s), importer(s), supplier(s), and/or distributor(s) and quantity in each transaction, as well as current inventory of the Covered Product in stock); efforts to comply with Proposition 65 with respect to the Covered Products; communications with any person relating to the presence or potential presence of the Listed Chemical in Covered Products; and representative exemplars of each specific model falling within the Covered Products. This demand applies to all relevant evidence for Covered Products sold in the State of California, as far back as January 14, 2019 through the date of any trial of the claims alleged in this Notice.

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**X. CERTIFICATE OF MERIT**

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Pursuant to Health & Safety Code §25249.6 and Title 11, California Code of Regulations, section 3100, a Certificate of Merit is attached hereto. A second copy of the entire notice and Certificate of Merit is served on the Attorney General with all supporting documentation required by section 3102 attached hereto.

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**XI. CONTACT INFORMATION**

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Public Health and Safety Advocates, LLC has retained the Law Offices of Danialpour & Associates as legal counsel in this matter. Please direct all communications related to this Notice of Violation to the following:

David Davar Danialpour, Esq.  
Danialpour & Associates  
357 S. Robertson Blvd. 2<sup>nd</sup> Floor  
Beverly Hills, CA 90211  
Telephone: (310) 444-0055  
Facsimile: (310) 444-0066  
Email: david@davarlaw.com

Sincerely,



David Davar Danialpour, Esq.  
Danialpour & Associates  
Attorneys for  
Public Health and Safety Advocates, LLC

Dated: 1/14/2020

**Attachments:**

- Certificate of Merit;
- Certificate of Service;
- The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary;
- Confidential Information in Support of Certificate of Merit (Attorney General Only)

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## APPENDIX A

### OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

#### THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001. <sup>1</sup> These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

#### WHAT DOES PROPOSITION 65 REQUIRE?

**The "Proposition 65 List."** Under Proposition 65, the lead agency (OEHHA) publishes a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at: [http://www.oehha.ca.gov/prop65/prop65\\_list/Newlist.html](http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html).

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

**Clear and reasonable warnings.** A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical unless an exemption applies. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

**Prohibition from discharges into drinking water.** A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

#### DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

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<sup>1</sup> All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

**Grace Period.** Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

**Governmental agencies and public water utilities.** All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

**Businesses with nine or fewer employees.** Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all full and part-time employees, not just those present in California.

**Exposures that pose no significant risk of cancer.** For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required if the business causing the exposure can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA’s website at:

<http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 et seq. of the regulations for information concerning how these levels are calculated.

**Exposures that will produce no observable reproductive effect at 1,000 times the level in question.** For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA’s website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 et seq. of the regulations for information concerning how these levels are calculated.

**Exposures to Naturally Occurring Chemicals in Food.** Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant<sup>2</sup> it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

**Discharges that do not result in a “significant amount” of the listed chemical entering any source of drinking water.** The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

#### **HOW IS PROPOSITION 65 ENFORCED?**

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

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<sup>2</sup> See Section 25501(a)(4).

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises to the extent onsite consumption is permitted by law;
- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical was not intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;
- An exposure to environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;
- An exposure to listed chemicals in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice of special compliance procedure and proof of compliance form. A private party may not file an action against the alleged violator for these exposures, or recover in a settlement any payment in lieu of penalties any reimbursement for costs and attorney's fees, if the alleged violator has done *all* of the following within 14 days of being served notice:

- Corrected the alleged violation;
- Agreed to pay a civil penalty of \$500 (subject to change in 2019 and every five years thereafter) to the private party within 30 days; and
- Notified the private party serving the notice in writing that the violation has been corrected.

The written notification to the private-party must include a notice of special compliance procedure and proof of compliance from completed by the alleged violator as directed in the notice. On April 1, 2019, and every five years thereafter, the dollar amount of the civil penalty will be adjusted by the Judicial Council based on the change in the annual California Consumer Price Index. The Judicial Council will publish the dollar amount of the adjusted civil penalty at each five-year interval, together with the date of the next scheduled adjustment.

An alleged violator may satisfy these conditions only one time for a violation arising from the same exposure in the same facility or on the same premises. The satisfaction of these conditions does not prevent the Attorney General, a district attorney, a city attorney of a city of greater than 750,000 population, or any full-time city prosecutor with the consent of the district attorney, from filing an enforcement action against an alleged violator. The amount of any civil penalty for violation shall be reduced to reflect any payment made by the alleged violator for the same alleged violation to a private-party.

When a private party sends a notice of alleged violation that alleges one or more of the exposures listed above, the notice must include a notice of special compliance procedure, and a proof of compliance form to be completed by the alleged violator as directed in the notice.

A copy of the notice of special compliance procedure and proof of compliance form is included with this notice and can be downloaded from OEHHA's website at: <http://oehha.ca.gov/prop65/law/p65law72003html>.

The notice and proof of compliance is reproduced here:

Date:  
Name of Noticing Party or attorney for Noticing Party:  
Address:  
Phone number:

**SPECIAL COMPLIANCE PROCEDURE**  
**PROOF OF COMPLIANCE**

You are receiving this form because the Noticing Party listed above has alleged that you are violating California Health and Safety Code §25249.6 (Prop. 65).

**The Noticing Party may not bring any legal proceedings against you for the alleged violation checked below if:**

- (1) You have actually taken the corrective steps that you have certified in this form.**
- (2) The Noticing Party has received this form at the address shown above, accurately completed by you, postmarked within 14 days of your receiving this notice.**
- (3) The Noticing Party receives the required \$500 penalty payment from you at the address shown above postmarked within 30 days of your receiving this notice.**
- (4) This is the first time you have submitted a Proof of Compliance for a violation arising from the same exposure in the same facility on the same premises.**

**PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY FOR THE NOTICING PARTY**

The alleged violation is for an exposure to: (check one)

\_\_\_\_\_ Alcoholic beverages that are consumed on the alleged violator's premises to the extent on-site consumption is permitted by law.

\_\_\_\_\_ A chemical known to the state to cause cancer or reproductive toxicity in a food or beverage prepared and sold on the alleged violator's premises for immediate consumption on or off premises to the extent: (1) the chemical was not intentionally added; and (2) the chemical was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination.

\_\_\_\_\_ Environmental tobacco smoke caused by entry of persons (other than employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises.

\_\_\_\_\_ Chemicals known to the State to cause cancer or reproductive toxicity in engine exhaust, to the extent the exposure occurs inside a facility owned or operated by the alleged violator and primarily intended for parking noncommercial vehicles.

**IMPORTANT NOTES:**

- (1) You have no potential liability under California Health and Safety Code §25249.6 if your business has nine (9) or fewer employees.
- (2) Using this form will NOT prevent the Attorney General, a district attorney, a city attorney, or a prosecutor in whose jurisdiction the violation is alleged to have occurred from filing an action over the same alleged violations, and that in any such action, the amount of civil penalty shall be reduced to reflect any payment made at this time.



Date:  
Name of Noticing Party or attorney for Noticing Party:  
Address:  
Phone number:

**PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR AUTHORIZED REPRESENTATIVE**

**Certification of Compliance**

Accurate completion of this form will demonstrate that you are now in compliance with California Health and Safety Code §25249.6 for the alleged violation listed above. You must complete and submit the form below to the Noticing Party at the address shown above, postmarked within 14 days of you receiving this notice.

I hereby agree to pay, within 30 days of completion of this notice, a civil penalty of \$500 to the Noticing Party only and certify that I have complied with Health and Safety Code §25249.6 by (check only one of the following):

[ ] Posting a warning or warnings about the alleged exposure that complies with the law, and attaching a copy of that warning and a photograph accurately showing its placement on my premises;

[ ] Posting the warning or warnings demanded in writing by the Noticing Party, and attaching a copy of that warning and a photograph accurately showing its placement on my premises; OR

[ ] Eliminating the alleged exposure, and attaching a statement accurately describing how the alleged exposure has been eliminated.

**Certification**

My statements on this form, and on any attachments to it, are true, complete, and correct to the best of my knowledge and belief and are made in good faith. I have carefully read the instructions to complete this form. I understand that if I make a false statement on this form, I may be subject to additional penalties under the Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65).

\_\_\_\_\_  
Signature of alleged violator or authorized representative

\_\_\_\_\_  
Date

\_\_\_\_\_  
Name and title of signatory

*FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS:* Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.


# CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Davar Danialpour, 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 and 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 expertise who has reviewed facts, studies, or other data regarding the exposure to the Listed Chemical that is the subject of this 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 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 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 and Safety Code § 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).

Dated: 1/14/2020

  
Davar Danialpour

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am over the age of 18 and not a party to this case. I am a resident or employed in the county where the mailing occurred. My business address is 357 S. Robertson Blvd. Beverly Hills, CA 90211.

ON THE DATE SHOWN BELOW, I SERVE THE FOLLOWING DOCUMENTS:

- 1) **60-Day Notice of Violation of Health & Safety Code § 25249.5, ET SEQ.**
- 2) **The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary**
- 3) **Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)**

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

|  |  |  |
|--|--|--|
| Jonathan Schwefel, or Current CEO<br>Cost Plus, Inc.<br>1201 Marina Village Parkway<br>Alameda, CA 94501 | Susan Lattmann, or Current CFO<br>Cost Plus, Inc.<br>650 Liberty Avenue<br>Union, NJ 07083 | Cost Plus, Inc.<br>C/O The Prentice-Hall Corporation System, Inc.<br>2710 Gateway Oaks Drive; Suite 150N<br>Sacramento, CA 95833 |
|--|--|--|

Additionally,

ON THE DATE SHOWN BELOW, I SERVE THE FOLLOWING DOCUMENTS:

- 1) **60-Day Notice of Violation of Health & Safety Code § 25249.5, ET SEQ.**
- 2) **The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary**
- 3) **Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)**
- 4) **Additional Supporting Factual Information Sufficient to establish the bases for the Certificate of Merit as required by Health & Safety Code § 25249.7(d)(1)**

on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at: <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

Additionally,

ON THE DATE SHOWN BELOW, I SERVE THE FOLLOWING DOCUMENTS:

- 1) **60-Day Notice of Violation of Health & Safety Code § 25249.5, ET SEQ.**
- 2) **Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)**

on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Stacey Grassini, Deputy District Attorney Contra Costa County  
900 Ward Street  
Martinez, CA 94553  
[sgrassini@contracostada.org](mailto:sgrassini@contracostada.org)

Michelle Latimer, Program Coordinator Lassen County  
220 S. Lassen Street  
Susanville, CA 96130  
[mlatimer@co.lassen.ca.us](mailto:mlatimer@co.lassen.ca.us)

Dije Ndreu, Deputy District Attorney Monterey County  
1200 Aguajito Road  
Monterey, CA 93940  
[Prop65DA@co.monterey.ca.us](mailto:Prop65DA@co.monterey.ca.us)

Eric J. Dobroth, Deputy District Attorney San Luis Obispo County  
County Government Center Annex, 4<sup>th</sup> Floor  
San Luis Obispo, CA 93408  
[edobroth@co.slo.ca.us](mailto:edobroth@co.slo.ca.us)

Allison Haley, District Attorney Napa County  
931 Parkway Mall  
Napa, CA 94559  
[CEPD@countyofnapa.org](mailto:CEPD@countyofnapa.org)

Yen Dang, Supervising Deputy District Attorney Santa Clara County  
70 W. Hedding St.  
San Jose, CA 95110  
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Woodland, CA 95695  
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Additionally,

ON THE DATE SHOWN BELOW, I SERVE THE FOLLOWING DOCUMENTS:

- 1) **60-Day Notice of Violation of Health & Safety Code § 25249.5, ET SEQ.**
- 2) **Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)**

on each of the parties on the Service List attached hereto, and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Frist Class Mail.

Executed on 1/14/20....., in Los Angeles, California.

  
Shaby Ely

## Service List

District Attorney, Alameda County  
1225 Fallon Street, Suite 900  
Oakland, CA 94612-4208

District Attorney, Alpine County  
P.O. Box 248  
Markleeville, CA 96120-0248

District Attorney, Amador County  
708 Court Street, Suite 202  
Jackson, CA 95642-2153

District Attorney, Butte County  
25 County Center Drive, Suite  
245 Oroville, CA 95965-3370

District Attorney, Calaveras County  
891 Mountain Ranch Road  
San Andreas, CA 95249-9713

District Attorney, Colusa County  
346 Fifth Street Suite 101  
Colusa, CA 95932-2413

District Attorney, Del Norte County  
450 H Street, Room 171  
Crescent City, CA 95531-4021

District Attorney, El Dorado County  
515 Main Street  
Placerville, CA 95667-5609

District Attorney, Fresno County  
2220 Tulare Street, Suite 1000  
Fresno, CA 93721-2107

District Attorney, Glenn County  
Post Office Box 430  
Willows, CA 95988-0430

District Attorney, Humboldt County  
825 5th Street 4th Floor  
Eureka, CA 95501-1107

District Attorney, Imperial County  
940 West Main Street, Ste 102 El  
Centro, CA 92243-2880

District Attorney, Kings County  
1400 West Lacey Boulevard  
Hanford, CA 93230-5905

District Attorney, Lake County  
255 N. Forbes Street  
Lakeport, CA 95453-4759

District Attorney, Los Angeles County  
Hall of Justice  
211 West Temple St., Ste 1200  
Los Angeles, CA 90012-4086

District Attorney, Madera County  
209 West Yosemite Avenue  
Madera, CA 93637-3534

District Attorney, Marin County  
3501 Civic Center Drive, Room  
130 San Rafael, CA 94903-5207

District Attorney, Mariposa County  
Post Office Box 730  
Mariposa, CA 95338-0730

District Attorney, Mendocino County  
Post Office Box 1000  
Ukiah, CA 95482-1000

District Attorney, Merced County  
550 W. Main Street  
Merced, CA 95340-4716

District Attorney, Modoc County  
204 S Court Street, Room 202  
Alturas, CA 96101-4020

District Attorney, Mono County  
Post Office Box 617  
Bridgeport, CA 93517-0617

District Attorney, Nevada County  
201 Commercial Street  
Nevada City, CA 95959-2506

District Attorney, Orange County  
401 West Civic Center Drive  
Santa Ana, CA 92701-4515

District Attorney, Plumas County  
520 Main Street, Room 404  
Quincy, CA 95971-9116

District Attorney, San Benito County  
419 Fourth Street, 2nd Floor  
Hollister, CA 95023-3801

District Attorney, San Bernardino  
County  
303 West Third Street  
San Bernardino, CA 92415-0205

District Attorney, San Diego County  
330 West Broadway, Suite 1300  
San Diego, CA 92101-3826

District Attorney, San Mateo County  
400 County Ctr., 3rd Floor  
Redwood City, CA 94063-1662

District Attorney, Santa Barbara County  
1112 Santa Barbara Street  
Santa Barbara, CA 93101-2008

District Attorney, Shasta County  
1355 West Street  
Redding, CA 96001-1652

District Attorney, Sierra County  
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Downieville, CA 95936

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Post Office Box 986  
Yreka, CA 96097-0986

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Fairfield, CA 94533-6340

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County  
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Sonora, CA 95370-5525

District Attorney, Yuba County  
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Los Angeles City Attorney's Office  
City Hall East  
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Angeles, CA 90012-4133

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1200 3rd Avenue, Ste 1620 San  
Diego, CA 92101-4178

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City Hall  
1 Dr Carlton B Goodlett PL Ste 234  
San Francisco, CA 94102-4604

San Jose City Attorney's Office  
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16th Floor  
San Jose, CA 95113-1903

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Bakersfield, CA 93301-4619

District Attorney, Tehama County  
PO Box 519  
Red Bluff, CA 96080-0519

District Attorney, Placer County  
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Roseville, CA 95678-6231

District Attorney, Inyo County  
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