

60-Day Notice of Violation

California Health and Safety Code §§ 25249.5, et seq.

8697132 Canada Corporation
260 Carlaw Ave
Unit 203
Toronto ON M4M 3L1
Canada

Amazon.Com, Inc.
c/o Corporation Service Company
251 Little Falls Dr
Wilmington, DE 19808

Kimberly Ann Harrison ("Harrison"), a resident of California, is the noticing party, acting in the interest of the general public. Harrison seeks to enforce California environmental laws to ensure that California consumers can make informed decisions about avoiding dangerous chemicals.

This Notice is provided to the public agencies listed on the attached Proof of Service pursuant to California Health & Safety Code §§ 25249.6, et seq. ("Proposition 65"). As noted above, notice is also being provided to the violators, **8697132 Canada Corporation**, and **Amazon.com, 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 chemical ("listed chemical") identified below, as follows:

Product Exposure: ForeverSpin Brass Spinning Top - World Famous Spinning Tops
Listed Chemical: Lead and Lead Compounds
Routes of Exposure: Ingestion, Dermal
Types of Harm: Birth Defects and Other Reproductive Harm

NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is identified above. 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 back to at least November of 2019 and as recently as January of 2020 are subject to this Notice. As a result of sales of these products, exposures to the listed chemical 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 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 toxic chemical from the reasonably foreseeable use of the products.

California consumers are exposed to the listed chemical through the act of buying, acquiring or utilizing the products identified in this notice. By way of example, but not limited to, direct exposures occur when people (including children) ingest and touch the chemical. Such exposure can cause cancer, birth defect, and other reproductive harm. Exposure to the listed chemical from the use of the products have been occurring without the clear and reasonable warnings

required by Proposition 65. Without the proper warnings regarding the toxic effects of the exposure to the listed chemical, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of that exposure to the listed chemical.

CONTACT INFORMATION

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

Rick Morin
Law Office of Rick Morin, PC
555 Capitol Mall Suite 750, Sacramento, CA 95814
Telephone: 916-333-2222 Email: legal@rickmorin.net

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.

RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this notice, Harrison intends to file a citizen enforcement lawsuit against the alleged Violators unless such Violators enter 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 exposure of California citizens to the listed chemical(s); and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code section 25249.7(b). If the alleged Violators are interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact Harrison's counsel identified above. Harrison nor it's counsel may (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 Harrison will resolve its specific claims; such agreement may not satisfy the public prosecutors.

Dated: February 19, 2020

Law Office of Rick Morin, PC



By: Rick Morin

cc: See attached distribution list

CERTIFICATE OF MERIT

California Health and Safety Code § 25249.7(d)

I, Rick Morin, 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 to consumers;
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 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; 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(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: February 19, 2020

Rick Morin

CERTIFICATE OF SERVICE

I, Jordann Hamric, hereby declare:

I am 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 555 Capitol Mall Suite 750, Sacramento, CA 95814.

On February 19, 2020, I served the following documents:

1. 60-Day Notice of Violation
2. Certificate of Merit
3. Appendix "A" - "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure".

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

8697132 Canada Corporation
260 Carlaw Ave
Unit 203
Toronto ON M4M 3L1
Canada

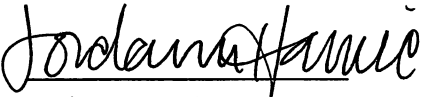
Amazon.Com, Inc.
c/o Corporation Service Company
251 Little Falls Dr
Wilmington, DE 19808

On February 19, 2020, I also served the following documents to the parties identified 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.

1. 60-Day Notice of Violation
2. Certificate of Merit
3. Certificate of Merit (Attorney General Copy): Factual information sufficient to establish the basis of the certificate of merit sent only to the office of the California Attorney General via link at <https://oag.ca.gov/prop65/add-60-day-notice>

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

Dated: February 19, 2020


Jordann Hamric

Service List

HON. NANCY E. O'MALLEY
ALAMEDA COUNTY DISTRICT ATTORNEY
1225 FALLON ST STE 900
OAKLAND CA 94612-4208

HON. MICHAEL ATWELL
ALPINE COUNTY DISTRICT ATTORNEY
PO BOX 248
MARKLEEVILLE CA 96120-0248

HON. TODD RIEBE
AMADOR COUNTY DISTRICT ATTORNEY
708 COURT ST
JACKSON CA 95642-2153

HON. MICHAEL L. RAMSEY
BUTTE COUNTY DISTRICT ATTORNEY
25 COUNTY CENTER DR
OROVILLE CA 95965-3316

HON. BARBARA YOOK
CALAVERAS COUNTY DISTRICT
ATTORNEY
891 MOUNTAIN RANCH RD
SAN ANDREAS CA 95249-9713

HON. MATTHEW R. BEAUCHAMP
COLUSA COUNTY DISTRICT ATTORNEY
346 5TH ST # 101
COLUSA CA 95932-2413

HON. DIANA BECTON
CONTRA COSTA COUNTY DISTRICT
ATTORNEY
900 WARD ST
MARTINEZ CA 94553-1708

HON. KATHERINE MICKS
DEL NORTE COUNTY DISTRICT
ATTORNEY
450 H ST RM 171
CRESCENT CITY CA 95531-4021

HON. VERN PIERSON
EL DORADO COUNTY DISTRICT
ATTORNEY
778 PACIFIC ST
PLACERVILLE CA 95667-6481

HON. LISA A. SMITTCAMP,
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2220 TULARE ST STE 1000
FRESNO CA 93721-2107

HON. DWAYNE R. STEWART
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125 S MURDOCK AVE
WILLOWS CA 95988-2936

HON. MAGGIE FLEMING
HUMBOLDT COUNTY DISTRICT
ATTORNEY
825 5TH ST # 4
EUREKA CA 95501-1107

HON. GILBERTO G. OTERO
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940 W MAIN ST STE 102
EL CENTRO CA 92243-2880

HON. THOMAS L. HARDY
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PO BOX D
INDEPENDENCE CA 93526-0604

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1215 TRUXTON AVE # 4
BAKERSFIELD CA 93301-4619

HON. KEITH L. FAGUNDES
KINGS COUNTY DISTRICT ATTORNEY
1400 W LACEY BLVD
HANFORD CA 93230-5905

HON. SUSAN J. KRONES
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255 N FORBES ST
LAKEPORT CA 95453-4759

HON. STACEY MONTGOMERY
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2950 RIVERSIDE DR STE 102
SUSANVILLE CA 96130-4754

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200 N MAIN ST STE 800
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200 W 4TH ST
MADERA CA 93637-3548

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3501 CIVIC CENTER DR STE 145
SAN RAFAEL CA 94903-4189

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PO BOX 730
MARIPOSA CA 95338-0730

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ATTORNEY
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UKIAH CA 95482-1000

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550 W MAIN ST
MERCED CA 95340-4716

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ALTURAS CA 96101-4020

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PO BOX 2053
MAMMOTH LAKES CA 93546-2053

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MONTEREY COUNTY DISTRICT
ATTORNEY
142 W ALISAL ST
SALINAS CA 93901-2680

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1195 THIRD ST
NAPA CA 94559-3048

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NEVADA COUNTY DISTRICT ATTORNEY
201 COMMERCIAL ST
NEVADA CITY CA 95959-2506

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ORANGE COUNTY DISTRICT ATTORNEY
401 W CIVIC CENTER DR
SANTA ANA CA 92701-4515

HON. RONALD SCOTT OWENS
PLACER COUNTY DISTRICT ATTORNEY
10810 JUSTICE CENTER DR STE 240
ROSEVILLE CA 95678-6231

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QUINCY CA 95971-9116

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3960 ORANGE ST
RIVERSIDE CA 92501-3643

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SACRAMENTO CA 95814-1801

SUSANA ALCALA WOOD
SACRAMENTO CITY ATTORNEY
915 I ST FL 4
SACRAMENTO CA 95814-2621

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SAN BERNARDINO COUNTY DISTRICT
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