



**SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE
§25249.7(d)**

DATE: April 20th, 2020

To: Amazon.com; Darice, Inc.; Darice Wood.

California Attorney General's Office;

District Attorney's Office for 58 Counties; and

City Attorney's Office for Los Angeles, San Diego, San Jose and San Francisco.

From: Masonek Law.

Masonek Law Firm

Address: 1411 North Bayfront, Newport Beach, CA 92662

Telephone: +1 714 202 4700

Email Address: legalservices@masonekinternational.com

April 20th, 2020

VIA U.S. MAIL

Xavier Becerra, Attorney General Office of the
Attorney General Attn: Health & Safety Code §
25249.7(d)(1) (Proposition 65) Notice 1300 "I" Street
Sacramento, California 95814-2919

SELLER IN CALIFORNIA: AMAZON

AMAZON INC.

Amazon CEO Doug Jeff Bezos

410 Terry Ave N, Seattle, WA 98109, Estados Unidos

www.amazon.com

OWNER COMPANY: DARICE

Darice, INC

CEO Michael Catanzarite

13000 Darice Parkway Strongsville, OH 44149, Estados Unidos

www.darice.com

[District & City Attorneys Copied]



Re: Notice Pursuant to Cal. Health & Safety Code §§ 25249.7(a) & (d)(1) Violation or Threatened Violation of Proposition 65 Warning by Raymond Vineyard & Cellar, Inc.

To Whom it may Concern and Public Prosecutors:

We represent California consumer Alejandra Stanzione (“AS” “plaintiff”), acting on her behalf and in the interest of the general public. The consumer/citizen seeks to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve public health and safety by reducing the hazardous substances contained in such items. As described below, citizen AS has detected violations of California SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT of 1986 (“Proposition 65” or “act”), codified at California Health and Safety Code §§ 25249.5 *et seq.* by collectively (the violators). This letter serves to provide plaintiff’s notification of this violations to the violators and elected prosecutors. Is the plaintiff’s intention to notify you as to **DARICE, INC and AMAZON INC.** violation, or threatened violation, of § 25249.6, *i.e.*, Proposition 65. The violations alleged by this Notice consist of types of harm that may potentially result from exposures to the toxic chemical Wood dust, which was listed as a known hazardous substance in December 2009.

Listed Chemical	Wood dust
Routes of exposure	Inhalation
Types of harm	Carcinogen/Cancer

NATURE OF ALLEGED VIOLATION

Duration of the Violations

The violations have been occurring since at least February 13, 2018, and are ongoing.

Provision of Proposition 65

This Notice of Violation covers the “warning provision” of Proposition 65, which



is found at California Health and Safety Code Section 25249.6.

Proposition 65 information

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment ("OEHHA") in the Proposition 65 Implementation Office at (916) 445-6900, or to visit their website at <http://oehha.ca.gov/proposition-65>.

Listed Chemical(s)

The listed chemical involved in these violations is Wood dust, known to the State of California to cause cancer.

Type of Product and Route of Exposure

Product	Retailer/ Distributor	Manufacturer
Darice Pie Rectangle-Shaped (50pc) – Light Unfinished Wood is Easy to Paint, Stain, Embellish – Perfect for Art and Craft Projects – Each Piece Measures 2.08"x1.37", 3mm T, Natural, 50 Count	Amazon/ Darice Woods	Darice Woods

The type of product causing these violation are pieces of unfinished wood. The consumer is exposed to the Listed Chemical by cutting, shaping, manipulating and sanding wood, releases wood dust into the air, where it can be inhaled. Wood dust also settles onto tables, floors and other surfaces. When disturbed, it can become airborne again, and can be inhaled.

The type of product is pictured below as it is offered for sale on the seller's and distributor's website.



Description of Violation

AMAZON INC is an online and on site/store retailer selling all type of products to residents of California through its website (www.amazon.com) and physical stores. One of those products is **Darice Pie Rectangle-Shaped (50pc) – Light Unfinished Wood is Easy to Paint, Stain, Embellish – Perfect for Art and Craft Projects – Each Piece Measures 2.08”x1.37”, 3mm T, Natural, 50 Count**, produced by a US company based in Seattle, Washington. No clear and reasonable Proposition 65 warning is provided with these products, neither on the product offering web pages from the seller nor in the packaging, regarding the presence of the Listed Chemical in the products.

CONTACT INFORMATION

Please direct all questions concerning this Notice to our counsel's offices at the following address:

Masonek Law

Jeffrey Masonek or the designated attorney.

1411 North Bayfront

Newport Beach, CA 92262

Main: (714) 202-4700

Fax: (714) 202-4700

Email: legalservices@masonekinternational.com



RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, plaintiff AS intends to file a citizen enforcement lawsuit against **DARICE, INC and AMAZON INC** unless they agree in a binding written agreement to: (1) recall products already sold or otherwise provided to consumers; (2) provide clear and reasonable warnings for products sold or otherwise provided to consumers in the future to eliminate unknowing exposures or reformulate such products to eliminate Listed Chemicals exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If **DARICE, INC and AMAZON INC** are interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact us directly on behalf of the plaintiff. It should be noted that neither Alejandra Stanzione nor us 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 the plaintiff on this matter will resolve its claims, such agreement may not satisfy the public prosecutors.

If the alleged Violator is interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact the counsel identified above.

Sincerely,

Jeffrey Masonek

Masonek Law Firm

Address: 1411 North Bayfront, Newport Beach, CA 92662

Telephone: +1 714 202 4700

Email Address: legalservices@masonekinternational.com

Attachment: Certificate of Merit (Cal. Health & Safety Code § 25249.7(d)(1))

cc: City and District Attorneys, as follows:



<p>Stacey Grassini,</p> <p>Deputy District Attorney Contra Costa County</p> <p>900 Ward Street</p> <p>Martinez, CA 94553</p> <p>sgrassini@contracostada.org</p>	<p>Yen Dang,</p> <p>Deputy Assistant District Attorney Santa Clara County</p> <p>70 West Hedding Street, West Wing San Jose, CA 95110</p> <p>epu@da.sccgov.org</p>	<p>Nancy O'Malley,</p> <p>District Attorney, Alameda County 7776 Oakport Street, Suite 650 Oakland, CA 94621</p> <p>CEPDProp65@acgov.org</p>
<p>Gary Lieberstein</p> <p>District Attorney Napa County 931 Parkway Mall</p> <p>Napa, CA 94559</p> <p>CEPD@countyofnapa.org</p>	<p>Dije Ndreu, Deputy District Attorney, Monterey County</p> <p>1200 Aguajito Road</p> <p>Monterey, CA 93901</p> <p>Prop65DA@co.monterey.ca.us</p>	<p>Stephan R. Passalacqua</p> <p>District Attorney, Sonoma County 600 Administration Drive, Rm. 212J Sonoma, CA 95403</p> <p>jbarnes@sonoma-county.org</p>
<p>Phillip J. Cline</p> <p>District Attorney, Tulare County 221 S. Mooney Avenue, Rm. 224 Visalia, CA 93291</p> <p>Prop65@co.tulare.ca.us</p>	<p>Gregory D. Totten</p> <p>District Attorney, Ventura County 800 South Victoria Avenue Ventura, CA 93009</p> <p>daspecialops@ventura.org</p>	<p>Paul E. Zellerbach</p> <p>District Attorney, Riverside County 3072 Orange Street</p> <p>Riverside, CA 92501</p> <p>Prop65@rivcoda.org</p>
<p>Barbara Yook</p> <p>District Attorney, Calaveras County 891 Mountain Ranch Road</p> <p>San Andreas, CA 95249</p> <p>Prop65Env@co.calaveras.ca.us</p>	<p>Thomas L. Hardy</p> <p>District Attorney, Inyo County 168 North Edwards Street Independence, CA 93526</p> <p>inyoda@inyocounty.us</p>	<p>Michelle Latimer</p> <p>Program Coordinator, Lassen County 220 S. Lassen Street, Ste. 8 Susanville, CA 96130</p> <p>mlatimer@co.lassen.ca.us</p>



<p>Anne Marie Schubert</p> <p>District Attorney, Sacramento County 901 "G" Street</p> <p>Sacramento, CA 95814 Prop65@sacda.org</p>	<p>Mark Ankorn</p> <p>Deputy City Attorney</p> <p>1200 Third Avenue</p> <p>San Diego, CA 92101 CityAttyProp65@sandiego.gov</p>	<p>Valerie Lopez</p> <p>Deputy City Attorney</p> <p>1390 Market Street, 7th Floor San Francisco, CA 94102 Valerie.Lopez@sfcityatty.org</p>
<p>Gregory Alker</p> <p>Assistant District Attorney 732 Brannan Street</p> <p>San Francisco, CA 94103 gregory.alker@sfgov.org</p>	<p>Tori Verber Salazar,</p> <p>District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org</p>	<p>Eric J. Dobroth</p> <p>Deputy District Attorney</p> <p>County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 edobroth@co.slo.ca.us</p>
<p>Christopher Dalbey Deputy District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us</p>	<p>Jeffrey S. Rosell District Attorney 701 Ocean Street Santa Cruz , CA 95060 Prop65DA@santacruzcounty.us</p>	<p>Jeff W. Reisig District Attorney</p> <p>301 Second Street Woodland, CA 95695 cfepd@yolocounty.org</p>
<p>District Attorney of Stanislaus County 832 12th Street, Ste. 300</p> <p>Modesto, CA 95354</p>	<p>District Attorney of Kern County 1215 Truxtun Avenue Bakersfield, CA 93301</p>	<p>District Attorney of Kings County 1400 West Lacey Blvd.</p> <p>Hanford, CA 93230</p>
<p>District Attorney of Lake County 255 N. Forbes Street</p> <p>Lakeport, CA 95453</p>	<p>District Attorney of Butte County Administration Building</p> <p>25 County Center Drive</p> <p>Oroville, CA 95965</p>	<p>District Attorney of Los Angeles County 210 W. Temple Street, Ste. 1800</p> <p>Los Angeles, CA 90012</p>
<p>District Attorney of Madera County 209 West Yosemite Avenue Madera, CA 93637</p>	<p>District Attorney of Marin County 3501 Civic Center Drive, Rm. 130 San Rafael, CA 94903</p>	<p>District Attorney of Mariposa County P.O. Box 730</p> <p>Mariposa, CA 95338</p>



District Attorney of Mendocino County P.O. Box 1000 Ukiah, CA 95482	District Attorney of Merced County 550 W. Main Street Merced, CA 95340	District Attorney of Modoc County 204 S. Court Street, Rm. 202 Alturas, CA 96101-4020
District Attorney of Mono County P.O. Box 617 Bridgeport, CA 93546	District Attorney of Nevada County 110 Union Street Nevada City, CA 95959	District Attorney of Orange County 401 Civic Center Drive West Santa Ana, CA 92701
District Attorney of Placer County 10810 Justice Center Drive, Ste. 240. Roseville, CA 95678	District Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971	District Attorney of Amador County 708 Court Street, Ste. 202 Jackson, CA 95642
District Attorney of San Benito County 419 Fourth Street, 2nd Fl. Hollister, CA 95023	District Attorney of San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415	District Attorney of San Diego County 330 West Broadway, Ste. 1300 San Diego, CA 92101
District Attorney of El Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney of Fresno County 2220 Tulare Street, Ste. 1000 Fresno, CA 93721	District Attorney of Glenn County P.O. Box 430 Willows, CA 95988
District Attorney of San Mateo County 400 County Center, 3rd Fl. Redwood City, CA 94063	District Attorney of Humboldt County 825 5th Street Eureka, CA 95501	District Attorney of Imperial County 939 Main Street, Ste. 102 El Centro, CA 92243
District Attorney of Shasta County 1355 West Street. Redding, CA 96001	District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2nd Fl. Downieville, CA 95936	District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097



District Attorney of Solano County 675 Texas Street, Ste. 4500 Fairfield, CA 94533	District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080
District Attorney of Trinity County P.O. Box 310 11 Court Street Weaverville, CA 96093	District Attorney of Tuolumne County 423 N. Washington Street Sonora, CA 95370	San Jose City Attorney's Office 200 East Santa Clara Street San Jose, CA 95113
District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Rm. 800 Los Angeles, CA 90012	District Attorney of Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932

District Attorney of Del Norte County 450 H Street, Ste. 171 Crescent City, CA 95531	District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	California Attorney General's Office Attention: Proposition 65 Coordinator and Robert Thomas 1515 Clay Street, Ste. 2000 P.O. Box 70550 Oakland, CA 94612-0550
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April 20th, 2020

**CERTIFICATE OF MERIT PURSUANT TO CAL. HEALTH & SAFETY
CODE § 25249.7(d)(1)**

I Jeffrey Masonek hereby declare:



1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I, in representation of Masonek Law Firm am the attorney for the noticing party.

3. We have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on all other information in my possession, We believe there is a reasonable and meritorious case for the private action. We 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 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 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 relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

By Masonek Law Firm:

Jeffrey Masonek

[Attachments for Attorney General Only]



CERTIFICATE OF SERVICE

I, Alejandra Stanzione, declare that I am over the age of 18 years, My California address is 7317 Jamieson Ave, Reseda, CA, 91335 and I am a neighbor from the county where the service was posted.

On April 27th, 2020, I served the following documents:

(1) 60 DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH AND SAFETY CODE SECTION 25249.7(d);

(2) CERTIFICATE OF MERIT;

(3) PROPOSITION 65: A SUMMARY and,

(4) CERTIFICATE OF MERIT ATTACHMENTS (served only on the Attorney General) on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

Via U.S. Mail

AMAZON INC.

Amazon CEO Doug Jeff Bezos

410 Terry Ave N, Seattle, WA 98109, Estados Unidos

www.amazon.com

OWNER COMPANY: DARICE

Darice, INC

CEO Michael Catanzarite

13000 Darice Parkway Strongsville, OH 44149, Estados Unidos

www.darice.com

On April 27th, 2020, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On April 27th, 2020, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service.

On April 27th, 2020, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:



*See Attached Service
List*

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

Executed on April April 27th, 2020 at Reseda, California

A handwritten signature in black ink, consisting of stylized, overlapping letters, positioned above a horizontal line.