

LAW OFFICES
BRODSKY & SMITH, LLC

9595 WILSHIRE BLVD., SUITE 900
BEVERLY HILLS, CA 90212

877.534.2590
FAX 310.247.0160
www.brodskysmith.com

NEW JERSEY OFFICE
1310 NORTH KINGS HIGHWAY
CHERRY HILL, NJ 08934
856.795.7250

NEW YORK OFFICE
240 MINEOLA BOULEVARD
MINEOLA, NY 11501
516.741.4977

PENNSYLVANIA OFFICE
TWO BALA PLAZA, SUITE 805
BALA CYNWYD, PA 19004
610.667.6200

November 25, 2020

esmith@brodskysmith.com

| | |
|--|---|
| President/CEO Better Home Plastics Corp. c/o Howard Haboush 439 Commercial Avenue Palisades Park, NJ 07650 | President/CEO Better Homes Plastics Corp. c/o Howard Haboush 439 Commercial Avenue Palisades Park, NJ 07650 |
| President/CEO/Owner General Discount No.1, Inc. c/o Mosses Rezvani 2322 E. 51st Street Vernon, CA 90058 | President/CEO/Owner General Discount 1700 W. Rosecrans Ave. Compton, CA 90222 |
| President/CEO/Owner General Discount 2834 W. Imperial Hwy. Inglewood, CA 90303 | |

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING
THE ATTACHED CERTIFICATE OF SERVICE

Re: Notice of Violation of California Health & Safety Code §25249.6, *et seq.*

To Whom It May Concern:

Brodsky & Smith, LLC (“Brodsky Smith”) represents Ema Bell (“Bell”), a citizen of the State of California acting in the interest of the general public to promote awareness of exposures to toxic chemicals in products sold in California and to improve human health by reducing hazardous substances contained in such items.

With respect to the product identified below, Bell has identified a violation of California’s Safe Drinking Water and Toxic Enforcement Act of 1986 (“Proposition 65”), which is codified at Cal. Health & Safety Code §25249.5, *et seq.* This violation has occurred and continues to occur because the alleged Violator(s) identified below failed to provide required clear and reasonable warnings with this product. Section 25249.6 of the statute provides that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual ...” Without proper warnings regarding the toxic effects of exposures to this listed chemical that results from contact with this product, California citizens lack the information necessary to make an informed decision on whether and/or how to eliminate (or reduce) their risk of exposure to the listed chemical from the reasonably foreseeable use of the product.

Please allow this letter to serve as notice of this violation to the alleged Violators and the appropriate public enforcement agencies. Pursuant to Section 25249.7(d) of the statute, Brodsky Smith intends to file a private enforcement action on behalf of Bell sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are earnestly prosecuting an action to redress these violations.

Alleged Violator(s): The name of the companies covered by this notice that Violated Proposition 65 (hereinafter “the Violators”) are:

Better Home Plastics Corp.
 Better Homes Plastics Corp.
 General Discount No. 1, Inc.
 General Discount

Product Category/Type: The type of product causing this violation is:

| Product2 | Retailer(s) | Manufacturer(s)/Distributor(s) |
|--|---|---|
| Better Home Queen Sized Mattress Cover UPC# 044712006073 RN# 57936 | General Discount No. 1, Inc. General Discount | Better Home Plastics Corp. Better Homes Plastics Corp. |

Listed Chemicals: This violation involves exposure to the chemical Diisononyl phthalate (DINP). On December 20, 2013 the State of California listed Diisononyl phthalate (DINP) as a chemical known to cause cancer. This addition took place more than twenty (20) months before Bell served this Notice.

Violations: The alleged Violators knowingly and intentionally have exposed and continue to knowingly and intentionally expose consumers within the State of California to Diisononyl phthalate (DINP) without providing clear and reasonable warning of this exposure. In particular, the product does not warn that it contains chemicals known to the State of California to cause cancer.

Route of Exposure: The exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of the product. Consequently, the primary route of exposure to these chemicals is through dermal absorption. Users may potentially be exposed to DINP by dermal absorption through direct skin contact with the product when the user puts on and takes off the mattress cover, as well as other items that have direct contact with the mattress cover. Finally, while mouthing of the product does not seem likely, some amount of exposure through ingestion can occur by touching the product with subsequent touching of the user’s hand to mouth.

Duration of the Violations: Each of these ongoing violations has occurred on every day since at least October 24, 2020; as well as every day since the product was introduced to the California

-
- 1 The public enforcement agencies that have been served with copies of this notice of violations are identified in the attached distribution list accompanying the Certificate of Service.
 - 2 The specifically identified example of the type of product that is subject to this Notice is for the recipient’s benefit to assist in its investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the product category. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under “Product.” Further, it is Bell’s position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient’s custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.


marketplace and following the one-year anniversary date of the listing at issue; and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the product.

Pursuant to Title 11, C.C.R. §3100, a certificate of merit is attached hereto. Pursuant to Title 27, C.C.R. §25903(b), a copy of "The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary" is also enclosed.

Consistent with the public interest goals of Proposition 65 and desire to have these ongoing violations of California law quickly rectified, Bell is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation.

Bell has retained me as legal counsel in connection with this matter. **Please direct all communications regarding this Notice of Violations to my attention at the law office address and telephone number indicated on the letterhead.**

Sincerely



Evan J. Smith

Attachments

Certificate of Merit

Certificate of Service

The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary

CERTIFICATE OF SERVICE

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 a citizen of the United States, over the age of 18 years of age, and am not a party to the within action. My business address is 2 Bala Plaza, Suite 805, Bala Cynwyd, Pennsylvania. I am employed in Montgomery County where the mailing occurred.

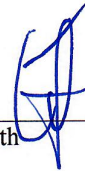
On November 25, 2020, I served the following documents: **Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary** on the following entities and individuals listed below by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Certified Mail:

| | |
|--|---|
| President/CEO Better Home Plastics Corp. c/o Howard Haboush 439 Commercial Avenue Palisades Park, NJ 07650 | President/CEO Better Homes Plastics Corp. c/o Howard Haboush 439 Commercial Avenue Palisades Park, NJ 07650 |
| President/CEO General Discount No. 1, Inc. c/o Mosses Rezvani 2322 E. 51st Street Vernon, CA 90058 | President/CEO/Owner General Discount 2834 W. Imperial Hwy. Inglewood, CA 90303 |
| President/CEO/Owner General Discount 1700 W Rosecrans Ave. Compton, CA 90222 | |

On November 25, 2020, I served the following documents: **Notice of Violation of California Health & Safety Code §25249.5, et seq.; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Action of 1986 (Proposition 65): A Summary** on each of the individuals on the service list attached hereto as Appendix B by placing a true and correct copy thereof in a sealed envelope, addressed to the person or entity listed below and depositing it in a US Postal Service Office with postage fully prepaid for delivery by Priority Mail.

Executed on November 25, 2020, in Bala Cynwyd, Pennsylvania.

Evan J. Smith




CERTIFICATE OF MERIT
Health & Safety Code Section 25249.7(d)

I, Evan J. Smith, 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 & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
- (2) I am the attorney for the noticing party Ema Bell.
- (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 alleged exposure to the listed chemicals that are the subject of the 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 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 violator(s) 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 & 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.

Dated: November 25, 2020



Evan J. Smith
Attorney for Ema Bell

SERVICE LIST

| | | | |
|--|---|---|--|
| The Honorable Nancy O'Malley Alameda County District Attorney 1225 Fallon Street, Room 900 Oakland, CA 94612 | The Honorable Stacey Montgomery Lassen County District Attorney 220 South Lassen Street, Ste. 8 Susanville, CA 96130 | The Honorable Candice Hooper San Benito County District Attorney 419 4th Street, Second Floor Hollister, CA 95203 | The Honorable Gregg Cohen Tehama County District Attorney 444 Oak Street, Room L Red Bluff, CA 96080 |
| The Honorable Terese Drabec Alpine County District Attorney 270 Laramie Street, PO BOX 248 Markleeville, CA 96120 | The Honorable Jackie Lacey Los Angeles County District Attorney 211 West Temple Street, Suite 1200 Los Angeles, CA 90012 | The Honorable Michael Ramos San Bernardino County District Attorney 303 West 3rd Street, 8th Floor San Bernardino, CA 92415-0502 | The Honorable Eric Heryford Trinity County District Attorney P O Box 310 Weaverville, CA 96093 |
| The Honorable Todd Riebe Amador County District Attorney 708 Court Street Jackson, CA 95642 | The Honorable David Linn Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637 | The Honorable Bonnie Dumanis San Diego County District Attorney 330 W. Broadway Street San Diego, CA 92101 | The Honorable Tim Ward Tulare County District Attorney 221 South Mooney Boulevard, Rm 224 Visalia, CA 93291-4593 |
| The Honorable Michael Ramsay Butte County District Attorney 25 County Center Drive Oroville, CA 95965 | The Honorable Edward Berberian Marin County District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903 | The Honorable George Gascon San Francisco County District Attorney 850 Bryant Street, Room 322 San Francisco, CA 94103 | The Honorable Laura Krieg Tuolumne County District Attorney 423 North Washington Street Sonora, CA 95370 |
| The Honorable Barbara Yook Calaveras County District Attorney 991 Mountain Ranch Road San Andreas, CA 95249 | The Honorable Thomas Cooke Mariposa County District Attorney 5101 Jones Street, P.O. Box 730 Mariposa, CA 95338 | The Honorable Tori Verber Salazar San Joaquin County District Attorney 222 East Weber Avenue, Room 202 Stockton, CA 95201 | The Honorable Gregory Totten Ventura County District Attorney 800 South Victoria Avenue Ventura, CA 93009 |
| The Honorable John Poyner Colusa County District Attorney 346 Fifth Street Colusa, CA 95932 | The Honorable C. David Eyster Mendocino County District Attorney 100 North State Street, P.O. Box 1000 Ukiah, CA 95482 | The Honorable Dan Dow San Luis Obispo County District Atty 1035 Palm Street, 4th Floor San Luis Obispo, CA 93408 | The Honorable Jeff Reisig Yolo County District Attorney 301 Second Street Woodland, CA 95695 |
| The Honorable Mark Peterson Contra Costa County District Attorney 900 Ward Street Martinez, CA 94553 | The Honorable Larry Morse II Merced County District Attorney 550 W. Main Street Merced, CA 95340 | The Honorable Stephen Wagstaife Santa Mateo County District Attorney 400 County Center, Third Floor Redwood City, CA 94063 | The Honorable Patrick McGrath Yuba County District Attorney 215 Fifth Street Marysville, CA 95901 |
| The Honorable Dale Trigg Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531 | The Honorable Jordan Funk Modoc County District Attorney 204 S. Court Street, Suite 202 Alturas, CA 96101 | The Honorable Joyce Dudley Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101 | The Honorable Mike Feuer Office of the City Attorney, Los Angeles 800 City Hall East 200 North Main Street Los Angeles, CA 90012 |
| The Honorable Vern Pierson El Dorado County District Attorney 778 Pacific Street Placerville, CA 95667 | The Honorable Tim Kendall Mono County District Attorney P.O. Box 617 Bridgeport, CA 93517 | The Honorable Jeffrey Rosen Santa Clara County District Attorney 70 West Hedding Street, West Wing San Jose, CA 95110 | The Honorable James Sanchez Office of the City Attorney, Sacramento 915 I Street, 4th Floor Sacramento, CA 95814 |
| The Honorable Lisa Smiltcamp Fresno County District Attorney 2220 Tulara Street, #1000 Fresno, CA 93721 | The Honorable Dean Filppo Monterey County District Attorney P.O. Box 1131 Salinas, CA 93902 | The Honorable Jeff Rose II Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060 | The Honorable Jan Goldsmith Office of the City Attorney, San Diego 1200 Third Avenue, Suite 1620 San Diego, CA 92101 |
| The Honorable Dwayne Stewart Glenn County District Attorney P.O. Box 430 Willows, CA 95988 | The Honorable Allison Haley Napa County District Attorney 1127 First Street, Suite C Napa, CA 94559 | The Honorable Stephen Carlton Shasta County District Attorney 1355 West Street Redding, CA 96001 | The Honorable Dennis Herrera Office of the City Attorney, San Francisco 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102 |
| The Honorable Maggie Fleming Humboldt County District Attorney 825 5th Street, Fourth Floor Eureka, CA 95501 | The Honorable Clifford Newell Nevada County District Attorney 201 Commercial Street Nevada City, CA 95959 | The Honorable Lawrence Allen Sierra County District Attorney 100 Courthouse Square Downsville, CA 95936 | The Honorable Richard Doyle Office of the City Attorney, San Jose 200 East Santa Clara Street, 18th Floor San Jose, CA 95113 |
| The Honorable Gilbert Otero Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243 | The Honorable Tony Rackauckas Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701 | The Honorable James Kirk Andrus Siskiyou County District Attorney P.O. Box 986 Yreka, CA 96097 | Office of the California Attorney General Proposition 65 Enforcement Reporting ATTN: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Oakland, CA 94612-0550 |
| The Honorable Thomas Hardy Inyo County District Attorney P.O. Drawer D Independence, CA 93526 | The Honorable R. Scott Owens Placer County District Attorney 10810 Justice Center Drive, Suite 240 Roseville, CA 95678 | The Honorable Krishna Abrams Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533 | |
| The Honorable Lisa Green Kern County District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301 | The Honorable David Hollister Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971 | The Honorable Jill Ravitch Sonoma County District Attorney 600 Administration Drive, Room 212J Santa Rosa, CA 95403 | |
| The Honorable Keith Fagundas Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230 | The Honorable Michael Hestrin Riverside County District Attorney 3960 Orange Street Riverside, CA 92501 | The Honorable Birgit Fladager Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95354 | |
| The Honorable Donald Anderson Lake County District Attorney 255 North Forbes Street Lakeport CA 95453 | The Honorable Anne Marie Schubert Sacramento County District Attorney 901 G Street Sacramento CA 95814 | The Honorable Amanda Hopper Sutter County District Attorney 463 Second Street, Suite 102 Yuba City CA 95991 | |