KJT LAWGROUP LLP
Jivalagian | Thomassian

230 N. Maryland Ave. Suite 306
Glendale, CA 91206
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December 3, 2020

SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(*Cal. Health & Safety Code* § 25249.5, *et seq.*) ("Proposition 65")

Re: Violations of Proposition 65 concerning Epic Protein, containing Lead.

Dear Alleged Violators and Public Enforcement Agencies:

Tamar Kaloustian ("Claimant"), serves this Notice of Violation ("Notice") on Luchi, LLC; "Erewhon Markets" Nowhere Partners, Corp. (collectively "Violators") pursuant to and in compliance with Proposition 65. KJT Law Group, LLP represents Tamar Kaloustian (Claimant). This Notice satisfies a prerequisite for Claimant to commence an action against Violators in any Superior Court of California to enforce Proposition 65. The violations addressed by this Notice occurred at numerous locations in each county in California as reflected in the district attorney addresses listed in the attached distribution list. Claimant is serving this Notice upon each person or entity responsible for the alleged violations, the California Attorney General, the district attorney for each county where alleged violations occurred, and the City Attorney for each city with a population (according to the most recent decennial census) of over 750,000 located within counties where the alleged violations occurred.

Claimant is a citizen of the State of California, dedicated to protecting the consumer environment, improving human health, and supporting environmentally sound commercial practices. By sending this notice of violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code §§ 25249.5 *et seq.,* claimant is acting "in the public interest" pursuant to Proposition 65.

This Notice concerns violations of the warning prong of Proposition 65, which states 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 giving clear and reasonable warning to such individual . . ." *Cal. Health & Safety Code* § 25249.6.

Pursuant to § 25249.7(d) of the statute, Claimant intends to bring an enforcement action against the Violators sixty (60) days after the effective service of this notice unless public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations. A summary of the statute and its implementing regulations, which was prepared by the Office of Environmental Hazard Assessment, the lead agency designated under the State, is enclosed with the copy of this notice served upon the violators ("Proposition 65: A Summary"). The specific details of the violations that are the subject of this notice are provided below.

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Consumer Product and Chemical(s) Involved

Claimant has discovered that Epic Protein, contains lead. Lead is known to the State of California to cause cancer. "Lead and lead compounds" have been listed as carcinogens since October 1, 1992 and "lead" has been listed as a developmental toxicant for males and females since February 27, 1987. On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

Identifiers for Epic Protein include but are not limited to: **"Sprout Living – Epic Protein – Coffee Mushroom"; UPC #:8 52457 00779 4.**

This Notice addresses consumer products exposures. A "'[c]onsumer products exposure' is an exposure which results from a person's acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service." Cal. Code Regs. 27 tit. § 25602(b).

Description of Violation

Violators caused consumer product exposures in violation of Proposition 65 by producing or making available Epic Protein for distribution or sale in California to consumers. The packaging for Epic Protein (meaning any label or other written, printed or graphic matter affixed to or accompanying the product or its container or wrapper) contains no Proposition 65-compliant warning. Nor did Violator, with regard to Epic Protein, provide a system of signs, public advertising identifying the system and toll-free information services, or any other system, which provided clear and reasonable warnings. Nor did Violator, with regard to Epic Protein, provide identification of the product at retail outlets in a manner that provided a warning through shelf labeling, signs, menus, or a combination thereof.

Route of Exposure

Use of the product identified above results in human exposure to lead. The primary route of lead exposure to consumers is through direct ingestion when consumers eat the Epic Protein. These exposures take place throughout the State of California. No clear and reasonable warning is provided with regards to the carcinogenic and/or reproductive hazard of lead as required by State law.

Duration of Violations

These violations have been occurring every day between since at least December 3, 2019, and every day since the products were introduced into the California marketplace, and will continue every day until clear and reasonable warnings are provided with regards to the carcinogenic and/or reproductive hazard of Lead as required by State law or until these known toxic chemicals are removed or reduced to allowable levels in the products.

Counsel

The Claimant is represented in connection with this matter by and may only be contacted through:

230 N. Maryland Ave. Suite 306
Glendale, CA 91206
P: 818.507.8525
F: 818.507.8588
info@KJTLawGroup.com

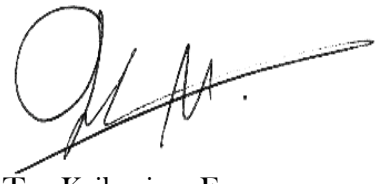
Tro Krikorian Esq.
KJT Law Group, LLP
230 N. Maryland Avenue, Suite 306, Glendale, CA 91206
Telephone: (818) 507-8525
Email: Tro@KJTLawGroup.com

In keeping with the public interest goals of the statute and the objective of protecting individuals and the community at-large from further toxic exposures, KJT Law Group, LLP is interested in seeking a constructive and immediate resolution of this matter in order to avoid continuing unwarned exposure to listed chemicals.

Proposition 65 requires that notice of intent to sue be given to the violator(s) sixty (60) days before the suit is filed. *Cal. Health & Safety Code* § 25249.7(d)(1). With this letter, Claimant 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 (plus ten (10) calendar days because the place of address is beyond the State of California but within the United States), Claimant 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). Claimant remains open and willing to discussing the possibility of resolving its grievances short of formal litigation.

All communications regarding this notice may be made to Tro Krikorian, Esq. at the above listed firm address and telephone number.

Regards,



Tro Krikorian, Esq.
KJT Law Group, LLP

Attachments:

Certificate of Merit
Supporting Documentation for Certificate of Merit (to Attorney General Only)
Proposition 65: A Summary
Proof of Service (including DA Service List)

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Epic Protein, containing Lead
CERTIFICATE OF MERIT
Health & Safety Code § 25249.5 et. seq.

I, Tro Krikorian, hereby declare:

1) This Certificate of Merit accompanies the attached sixty (60) 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.

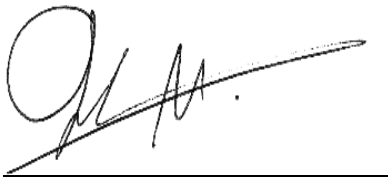
2) I am the attorney for the noticing parties.

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 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 plaintiffs' 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.

Dated: December 3, 2020



Tro Krikorian, Esq.
KJT Law Group, LLP

PROOF 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 action. I am employed in the County of Los Angeles, State of California; my business address is 230 N. Maryland Avenue, Suite 306, Glendale, CA 91206.

On **December 3, 2020** I served the following documents:

60-DAY NOTICE OF VIOLATIONS; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed the party listed below and depositing it in a US Postal Service Office with the postage fully prepaid for delivery by **Certified Mail**:

Entity Address: **Luchi, LLC** 707 W Melrose Street Unit 1 Chicago, IL 60657	**Registered Agent for Service of Process:** **Luchi, LLC** **Mark Malinsky** 707 W Melrose Street Unit 1 Chicago, IL 60657
Entity Address: **Nowhere Partners, Corp.** 7660 Beverly Blvd., Suite A Los Angeles, CA 90036	**Registered Agent for Service of Process:** **Mariano Anthony Antoci** **Nowhere Partners, Corp.** 7660-A Beverly Blvd., Suite A Los Angeles, CA 90036

On **December 3, 2020** I served the following documents:

60-DAY NOTICE OF VIOLATIONS; CERTIFICATE OF MERIT; SUPPORTING DOCUMENTATION FOR CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

on the following parties by uploading the foregoing documents at the webpage listed below:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Ste. 2000
Post Office Box 70550
Oakland, California 94612-0550
https://oag.ca.gov/prop65/add-60-day-notice

Executed under penalty of perjury pursuant to the laws of the State of California in Glendale, California on **December 3, 2020.**

Vache Thomassian

KJT LAWGROUP LLP
Jivalagian | Thomassian

PROOF OF SERVICE AFFIDAVIT
CCP 1013(a), CCP 1013(b), and CCP 1013a(3)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

My name is David Birdsall.

I am over the age of 18 and not a party to the related cause(s).

I am employed at DocuCents in the county of Los Angeles, State of California, which is where the mailing occurred.

My business address is: 960 S Village Oaks Dr, Covina, CA 91724, which is where I placed the correspondence described herein for deposit in the United States Postal Service.

I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service.

The following correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business.

Each envelope was sealed and placed for collection and mailing on 12/03/2020, following ordinary business practices.

The exact TITLE of the document(s) served and the name(s) and address(s) of the people or entities being served are listed on the following attached Service List(s). This affidavit may include multiple Service Lists for documents which were mailed to many different parties on unrelated causes as part of the ordinary course of services.

I declare under penalty of perjury under the laws of the State of California that the foregoing and all information contained in the attached Service List(s) is true and correct.

Printed name: David Birdsall

Dated: 12/03/2020

X _____
David Birdsall

Attachments: Service List(s) included as part of this affidavit.

REP. CONTACT : KJT LAW GROUP
3262 S WESTMONT LN UNIT 3
ONTARIO CA 91761

SERVICE LIST

CCP 1013a(3)

This Service List is part of the attached Proof Of Service Affidavit dated 12/03/2020 signed by David Birdsall and describes the documents served for Mailing ID A65B0A39EE8FCEDA.

Total Number of Images: 21

The TITLE of the document(s) being served is:

60-DAY NOTICE OF VIOLATIONS; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65)

The following persons/entities were served by placing a true copy thereof into a sealed envelope with postage paid in the manner described in the attached affidavit:

ALPINE COUNTY
THE HONORABLE MICHAEL ATWELL
PO BOX 248
MARKLEEVILLE CA 96120

AMADOR COUNTY
THE HONORABLE TODD RIEBE
708 COURT ST STE 202
JACKSON CA 95642

BUTTE COUNTY
THE HONORABLE MICHAEL RAMSEY
25 COUNTY CENTER DR STE 110
OROVILLE CA 95965

CALAVERAS COUNTY
THE HONORABLE BARBARA YOOK
891 MOUNTAIN RANCH RD
SAN ANDREAS CA 95249

COLUSA COUNTY
THE HONORABLE MATTHEW BEAUCHAMP
346 5TH ST STE 101
COLUSA CA 95932

CONTRA COSTA COUNTY
THE HONORABLE DIANA BECTON

900 WARD ST
MARTINEZ CA 94553

EL DORADO COUNTY
THE HONORABLE VERNON PIERSON
778 PACIFIC ST
PLACERVILLE CA 95667

DEL NORTE COUNTY
THE HONORABLE KRISHNA A ABRAMS
450 H ST RM 171
CRESCENT CITY CA 95531

FRESNO COUNTY
THE HONORABLE LISA SMITTCAMP
2220 TULARE ST STE 1000
FRESNO CA 93721

HUMBOLDT COUNTY
THE HONORABLE MAGGIE FLEMING
825 5TH ST
EUREKA CA 95501

GLENN COUNTY
THE HONORABLE DWAYNE STEWART
PO BOX 430
WILLOWS CA 95988

IMPERIAL COUNTY
THE HONORABLE GILBERT G OTERO
940 W MAIN ST STE 102
EL CENTRO CA 92243

INYO COUNTY
THE HONORABLE THOMAS L HARDY
DISTRICT ATTORNEY 168 N. EDWARDS
INDEPENDENCE CA 93526

KERN COUNTY
THE HONORABLE CYTHIA ZIMMER
1215 TRUXTUN AVE
BAKERSFIELD CA 93301

KINGS COUNTY
THE HONORABLE KEITH FAGUNDES
1400 W LACEY BLVD
HANFORD CA 93230

LAKE COUNTY

THE HONORABLE SUSAN KRONES
255 N FORBES ST
LAKEPORT CA 95453

LASSEN COUNTY
THE HONORABLE MELYSSAH RIOS
2950 RIVERSIDE DR STE 102
SUSANVILLE CA 96130

LOS ANGELES COUNTY
THE HONORABLE JACKIE LACEY
211 W TEMPLE ST FL 5
LOS ANGELES CA 90012

MADERA COUNTY
THE HONORABLE SALLY MORENO
209 W YOSEMITE AVE
MADERA CA 93637

MARIPOSA COUNTY
THE HONORABLE WALTER WALL
PO BOX 730
MARIPOSA CA 95338

NEVADA COUNTY
THE HONORABLE CLIFFORD NEWELL
201 COMMERCIAL ST
NEVADA CITY CA 95959

SAN JOAQUIN COUNTY
THE HONORABLE TORI VERBER SALAZAR
PO BOX 990
STOCKTON CA 95201

SAN LUIS OBISPO COUNTY
THE HONORABLE DAN DOW
DISTRICT ATTORNEY COURTHOUSE ANNEX 4TH FLOOR
SAN LUIS OBISPO CA 93408

SAN DIEGO COUNTY
THE HONORABLE SUMMER STEPHAN
330 W BROADWAY STE 1300
SAN DIEGO CA 92101

SAN FRANCISCO COUNTY
THE HONORABLE GEORGE GASCON
880 BRYANT ST FL 3
SAN FRANCISCO CA 94103

SANTA BARBARA COUNTY
THE HONORABLE JOYCE DUDLEY
1112 SANTA BARBARA ST
SANTA BARBARA CA 93101

SAN MATEO COUNTY
THE HONORABLE STEPHEN M WAGSTAFFE
400 COUNTY CTR FL 3
REDWOOD CITY CA 94063

SANTA CRUZ COUNTY
THE HONORABLE JEFF ROSELL
701 OCEAN ST RM 200
SANTA CRUZ CA 95060

SANTA CLARA COUNTY
THE HONORABLE JEFFREY ROSEN
70 W HEDDING ST DISTRICT ATTORNEY
SAN JOSE CA 95110

SIERRA COUNTY
THE HONORABLE SANDRA GROVEN
DISTRICT ATTORNEY 100 COURTHOUSE SQUARE
DOWNIEVILLE CA 95936

SHASTA COUNTY
THE HONORABLE STEPHANIE A BRIDGETT
1355 WEST ST
REDDING CA 96001

SISKIYOU COUNTY
THE HONORABLE JAMES KIRK ANDRUS
PO BOX 986
YREKA CA 96097

SOLANO COUNTY
THE HONORABLE KRISHNA A ABRAMS
675 TEXAS ST STE 4500
FAIRFIELD CA 94533

SONOMA COUNTY
THE HONORABLE JILL RAVITCH
600 ADMINISTRATION DR RM 212J
SANTA ROSA CA 95403

TULARE COUNTY
THE HONORABLE TIM WARD
221 S MOONEY BLVD RM 224
VISALIA CA 93291

STANISLAUS COUNTY
THE HONORABLE BIRGIT FLADAGER
832 12TH ST STE 300
MODESTO CA 95354

SUTTER COUNTY
THE HONORABLE AMANDA L HOPPER
463 2ND ST
YUBA CITY CA 95991

TRINITY COUNTY
THE HONORABLE DONNA DALY
PO BOX 310
WEAVERVILLE CA 96093

VENTURA COUNTY
THE HONORABLE GREGORY TOTTEN
800 S VICTORIA AVE
VENTURA CA 93009

TUOLUMNE COUNTY
THE HONORABLE LAURA KRIEG
423 N WASHINGTON ST
SONORA CA 95370

YOLO COUNTY
THE HONORABLE JEFFERY REISIG
301 2ND ST
WOODLAND CA 95695

CITY OF LOS ANGELES
CITY ATTORNEY/S OFFICE
200 N MAIN ST STE 800
LOS ANGELES CA 90012

TEHAMA COUNTY
THE HONORABLE MATTHEW ROGERS
PO BOX 519
RED BLUFF CA 96080

YUBA COUNTY
THE HONORABLE CLINT CURRY
215 5TH ST STE 152
MARYSVILLE CA 95901

CITY OF SACRAMENTO
OFFICE OF THE CITY ATTORNEY
915 I ST FL 4

SACRAMENTO CA 95814

CITY OF SAN DIEGO
CITY ATTORNEY/S OFFICE
1200 3RD AVE STE 1620
SAN DIEGO CA 92101

CITY OF SAN JOSE
CITY ATTORNEY/S OFFICE
200 E SANTA CLARA ST FL 16
SAN JOSE CA 95113

CITY OF OAKLAND
CITY ATTORNEY/S OFFICE
1 FRANK H OGAWA PLZ FL 1ST
OAKLAND CA 94612

CITY OF SAN FRANCISCO
CITY ATTORNEY/S OFFICE
1 CARLTON B GOODLETT PL STE 234
SAN FRANCISCO CA 94102

ALAMEDA COUNTY
THE HONORABLE NANCY OMALLEY
1225 FALLON ST STE 900
OAKLAND CA 94612

MARIN COUNTY
THE HONORABLE LORI FRUGOLI
3501 CIVIC CENTER DR STE 130
SAN RAFAEL CA 94903

MENDOCINO COUNTY
THE HONORABLE C DAVID EYSTER
PO BOX 1000
UKIAH CA 95482

MERCED COUNTY
THE HONORABLE KIMBERLY LEWIS
550 W MAIN ST
MERCED CA 95340

MODOC COUNTY
THE HONORABLE JORDAN FUNK
204 S COURT ST STE 6
ALTURAS CA 96101

MONO COUNTY
THE HONORABLE SAMUEL KYLLO

PO BOX 2053
MAMMOTH LAKES CA 93546

MONTEREY COUNTY
THE HONORABLE JEANNINE PACIONI
PO BOX 1131
SALINAS CA 93902

NAPA COUNTY
THE HONORABLE ALLISON HALEY
1127 1ST ST STE C
NAPA CA 94559

ORANGE COUNTY
THE HONORABLE TODD SPITZER
401 W CIVIC CENTER DR FL 1
SANTA ANA CA 92701

PLACER COUNTY
THE HONORABLE R SCOTT OWENS
10810 JUSTICE CENTER DR
ROSEVILLE CA 95678

PLUMAS COUNTY
THE HONORABLE DAVID HOLLISTER
520 MAIN ST RM 404
QUINCY CA 95971

SACRAMENTO COUNTY
THE HONORABLE ANNE MARIE SCHUBERT
901 G ST
SACRAMENTO CA 95814

RIVERSIDE COUNTY
THE HONORABLE MICHAEL HESTRIN
3960 ORANGE ST STE 500
RIVERSIDE CA 92501

SAN BERNARDINO COUNTY
THE HONORABLE JASON ANDERSON
303 W 3RD ST
SAN BERNARDINO CA 92415

SAN BENITO COUNTY
THE HONORABLE CANDICE HOOPER-MANCINO
419 4TH ST
HOLLISTER CA 95023

SUTTER COUNTY

DISTRICT ATTORNEY
446 2ND ST STE 102
YUBA CITY CA 95991

END OF SERVICE LIST FOR THE ABOVE TITLED DOCUMENTS

NOTICE: PAGES PRINTED DUPLEX. SCAN BOTH SIDES OF EACH PAGE TO ENSURE COMPLETE DOCUMENT INTAKE
VENDOR SUBMITTAL ID: A65B0A39EE8FCEDA