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October 25, 2021

PROPOSITION 65 VIOLATION NOTICE AND INTENT TO SUE LETTER

Response Due by December 26, 2021

VIA US MAIL

Proposition 65 Enforcement Reporting

Attention: Prop 65 Coordinator

1515 Clay Street, Suite 2000

Post Office Box 70550

Oakland, California 94612-0550

Phone: (510) 873-6321

Fax: (510) 622-2270

Los Angeles District Attorney

211 W Temple St,

Los Angeles, CA 90012

Defense Counsel and Adjuster:

Alana Chandler

Alana.Chandler@farmersinsurance.com

Stacy L. Sokol, Esq.

1875 Century Park East, Suite 1800

Los Angeles, CA 90067

Phone: 310 553 5010

ssokol@sokollaw.com

RE: *Jill Tizekker, et al. v. Chateau Lakeside Partners (DE), et al.*

(LASC Case No. 21STCV33617 - NOTICE OF INTENT TO SUE

60 Day Notice Letter Requirement of Intent to Sue (Amend) After 60 Day Period

Dear Counsel,

GENERAL INFORMATION

For general information, please see “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary” prepared by the California EPA and attached to this notice as Appendix A. (Appendix not included in notice served on public enforcement agencies.)

PURPOSE OF NOTICE

Proposition 65 requires that notice of the alleged violation(s) and of the intent to sue be given to the violator(s) at least 60 days before a lawsuit is filed. This letter is sent pursuant to the provisions of Health & Safety Code § 25249.7, and satisfies the statutory notice prerequisite for filing an action in

the Superior Court against any of the violators. If the governmental authorities, on which this notice is served, do not take action with respect to the alleged violation within 60 calendar days of the sending of this notice, and an additional five days if the place of mailing and the place of receipt are both in California, Plaintiff Mandana Shoemaker may file suit.

DESCRIPTION OF VIOLATION

This notice is given by the Plaintiffs Jill Tizekker and Nicholas Tizekker (collectively “Plaintiffs”) in *Jill Tizekker, et al. v. Chateau Lakeside Partners (DE), et al. (LASC Case No. 21STCV33617)*.

This letter is sent pursuant to the provisions of Health & Safety Code § 25249.6 et seq. The violations covered by this notice consist of the following:

CHEMICAL: Environmental tobacco smoke (ETS); Cannabis (marijuana) smoke.

DATE OF LISTING:

On June 9, 2006, the chemical Environmental tobacco smoke (ETS) was added to the list of chemicals known to cause cancer and/or reproductive toxicity, which is more than 15 years before the Plaintiffs served this notice.

On January 3, 2020, the chemical Cannabis (marijuana) smoke was added to the list of chemicals known to cause cancer and/or reproductive toxicity, which is more than 20 months before the Plaintiffs served this notice.

ROUTE OF EXPOSURE: inhalation.

DATES AND NATURE OF ALLEGED VIOLATION: Plaintiffs were tenants of the property located at 16815 Vanowen St. #217, Lake Balboa, CA 91406 (the “Property”), which is owned by Defendant CHATEAU LAKESIDE PARTNERS (DE), LLC (“LAKESIDE”), and managed by Defendants ROCEANIA WILLIAMS (“WILLIAMS”) and GLOBAL INTEGRITY REALTY CORPORATION (“GLOBAL”) (collectively, “Defendants”). On or about January 29, 2018, Plaintiffs entered into a written lease agreement (“Lease”) with Defendant Chateau Lakeside Partners (DE), LLC, by and through its agent Defendant Williams. Plaintiffs took possession of the Property on January 29, 2018. Plaintiffs vacated the Property in August of 2020. From the inception of the Lease until Plaintiffs moved out, the apartment complex in which the Property was located was utilized as a designated smoking area by many other tenants which on an ongoing basis exposed Plaintiffs to Environmental tobacco smoke (ETS) and Cannabis (marijuana) smoke. The second-hand smoke exposure was constant and caused a health and safety risk to Plaintiffs. Plaintiffs raised their concerns and made various complaints and reports to Defendants. Defendants had actual and constructive knowledge that the building was being used as a designated smoking area and took no action to enforce a non-smoking policy, nor did they provide any warning signs indicating the dangers of second-hand smoke. Defendants did not provide any prior notice or warning to Plaintiffs under the Environmental Protection Agencies Safe Drinking Water and Toxic Enforcement Act of 1986 – Chemicals Known to the State to Cause Cancer or Reproductive Toxicity as of March 2021.

PLEASE DIRECT ANY INQUIRIES TO:

Whitney D. Ackerman, Esq.
17326 Tiara St
Encino, CA 91316
Telephone: (818) 426 - 9591

All rights reserved.

Sincerely,

/S/ Whitney D. Ackerman
Whitney D. Ackerman, Esq.

CERTIFICATE OF MERIT
Pursuant To Health and Safety Code Section 25249.7(d)

I, Whitney D. Ackerman, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 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 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, 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: October 25, 2021

/S/ **Whitney D. Ackerman**
Whitney D. Ackerman, Esq.

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and am not a party to the action. My business mailing address is THE LAW OFFICE OF WHITNEY D. ACKERMAN 17326 Tiara St. Encino CA 91316. My email is Wackerma@gmail.com.

On October 26, 2021 I served the following document(s) described as **PLAINTIFF'S NOTICE PROPOSITION 65 VIOLATIONS AND CERTIFICATE OF MERIT**, on all interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Proposition 65 Enforcement Reporting Attention: Prop 65 Coordinator 1515 Clay Street, Suite 2000 Post Office Box 70550 Oakland, California 94612-0550 Phone: (510) 873-6321	Defense Counsel: Alana Chandler Alana.Chandler@farmersinsurance.com Stacy L. Sokol, Esq. 1875 Century Park East, Suite 1800 Los Angeles, CA 90067 Phone: 310 553 5010 ssokol@sokollaw.com
Los Angeles District Attorney 211 W Temple St. Los Angeles, CA 90012	

By Mail: I am “readily familiar” with the firm’s practice to collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. Postal Service on the same day with postage thereon fully prepaid at Encino, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

By Fax: From FAX number (866) 610-6540 to the facsimile numbers listed above. The facsimile machine I used complied with Rule 2003(3), and no error was reported by the machine.

By Personal Service: I caused such envelope to be delivered by hand to the person(s) as indicated above.

By Electronic Transmission. Pursuant to California Rules of Court, Emergency Rule 12, and the 8/10/20 General Order of the Los Angeles Superior Court, and Governor Newsom's March 19, 2020 Executive Order N-33- 20, I caused the document(s) described hereinabove to be sent to the addressee(s) at the electronic mail service address(es) of each party and/or his/her counsel of record as indicated above.

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

Executed on **October 26, 2021**, in Encino, California.

By: /S/ Whitney D. Ackerman
Whitney D. Ackerman, Esq.