



November 15, 2021

VIA FIRST CLASS U.S. MAIL

GS Redwood Property, LLC / GS Redwood REIT, LLC / Greystar Real Estate Partners, LLC (Robert Faith, Manager) / Greystar California, Inc. (Andrew Livingstone, CEO)

465 Meeting Street Suite 500
Charleston SC 29403

and

c/o CT CORPORATION SYSTEM (C0168406)
330 N. Brand Blvd. Suite 700
Glendale CA 91203

Greystar Worldwide, LLC
c/c The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

Copy to Legal Counsel:
Edward Ward, Esq.
Sasha Shuhaimi, Esq.
LEWIS BRISBOIS BISGAARD & SMITH, LLP
633 W 5th Street, Suite 4000
Los Angeles, CA 90071

Re: **NOTICE OF PROPOSITION 65 VIOLATIONS**

Complainant: Wendy Klenk

Location of Violations: 4055 S. Redwood Ave., Los Angeles, CA 90292
(the "Building")

scott@humphreylaw.co



PLEASE TAKE NOTICE:

This office represents Wendy Klenk ("Ms. Klenk"), a tenant at the above-referenced apartment Building, which, based upon information and belief, the recipients of this notice (as addressed above) own, control, lease, manage, and/or have a legal interest in the foregoing. Ms. Klenk has been a resident in Unit 302 in the Building since January of 2020. Beginning in approximately September of 2020, based upon the legal complaint of Ms. Klenk, and at least since April of 2021, based upon the indoor air quality report of Citadel EHS (commissioned on your behalf), you have been on notice of dangerous levels of gaseous Formaldehyde and other chemicals constituting Volatile Organic Compounds in Ms. Klenk's unit, and at a level that is indicative that it is likewise present in other area/units in the Building, creating a consumer and/or environmental exposure to Ms. Klenk and likely others at the Building that grossly exceeds the California Environmental Protection Agency's Office of Environmental Health Hazard Assessment ("OEHHA") "Safe Harbor" levels for carcinogenic chemicals and/or chemicals that cause reproductive harm.

This letter is to put you on formal notice of violations of California Health & Safety Code Section 25249.5 et seq. ("Proposition 65" or "Prop 65"). Specifically, you have violated, and continue to violate provisions of Prop 65, including but not limited to both Section 25249.5 which states: "No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water . . ."; and Section 25249.6 which states: "No 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 . . ."

Pursuant to California Health & Safety Code section 25249.7, subdivision (d), Ms. Klenk, on behalf of herself and anyone similarly situated in the Building, intends to bring an private enforcement action against you, or amend her existing action regarding the same, sixty (60) days after effective service of this



notice unless the public enforcement agencies listed in the attached Certificate of Service have commenced and are diligently prosecuting an action to rectify these violations.

A summary of Proposition 65 and its implementing regulations, prepared by the OEHHA, the lead agency designated under Proposition 65, is enclosed with the copy of this notice served on you.

Gaseous Formaldehyde is a well-known and dangerous carcinogen, particularly if inhaled through occupational or environmental exposure, and has been on the OEHHA list of chemicals known to cause cancer since 1988. In addition to the April 2021 Citadel EHS test mentioned above, subsequent indoor air quality reports by other testers have confirmed the results mentioned above, including notably the testing of David Gold, CIH, whose report dated September 23, 2021, specifically notes that the Formaldehyde is almost certainly off-gassing/outgassing from newer laminate floors and cabinetry installed at the Building and Ms. Klenk's unit (based upon information and belief, the same materials are present in other renovated apartment units throughout the Building). The levels of Formaldehyde detected throughout Ms. Klenk's unit were over five (5) times the NIOSH recommended level (0.016 ppm) for chronic exposure, and over ten (10) times the OEHHA guidelines. As noted in the Gold report, the OEHHA Safe Harbor daily level for Prop 65 reporting for Formaldehyde is close being exceeded on an *hourly* basis, much less on a daily basis.

This is putting aside the issue that numerous other potentially hazardous Volatile Organic Compounds such as 1,2 Dichloroethane, Acetonitrile, Ethyl Benzene, and Xylene (among others) that are above both the recommended risk levels provided by the California and Federal EPA. As a result of the indoor air quality testing it is believed that at least some of these chemicals are present in the indoor air at the building, which could be inhaled by residents and visitors to the building, over their respective OEHHA Safe Harbor levels.



Your failure to fully investigate the foregoing chemical exposures and immediately provide the required warnings at the entrances to the Building expose you to both substantial civil penalties as well as attorneys' fees/costs for private enforcement of the same.

It should go without saying that you should preserve all physical and documentary evidence related to the construction materials and other possible bases for the gaseous Formaldehyde and other chemicals found at the Building. Should you prefer to attempt to resolve this matter prior to the filing of suit, please contact this office directly.

Signed,

J. Scott Humphrey
HUMPHREY + LAW

A large, stylized handwritten signature in black ink, which appears to be 'J. Scott Humphrey', is written over the printed name and extends upwards and to the right.

Appendix A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA PROTECTION AGENCY THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACTION 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the office of Environmental Health Hazard Assessment, the lead and Toxic Enforcement Act 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide law. The reader is directed to the statute and its implementing regulations (See citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code Regulations, Sections 250000 through 270000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 725 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release, or

otherwise engage in activities involving those chemicals must comply with the following:

Clear and Reasonable Warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of the listing of the chemical.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of the listing of chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

Governmental agencies and public water utilities. All agencies of the federal, State or local government, as well as entities

operating public water systems, are exempt. ***Exposures that pose no significant risk of cancer.*** For chemicals that are listed as known to the State to cause cancer (“carcinogens”), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses no significant risk. This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70- year lifetime. The Proposition 65 regulations identify specific A no significant risk@ levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm (“reproductive toxicants”), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level (NOEL),” divided by a 1,000- fold safety or uncertainty factor. The “no observable effect” level is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharge that do not result in a “significant amount” of the listed chemical entering into any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the list chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders.

A “significant amount” means any detectable amount; expect an amount that would meet the “ no significant risk” or “no observable effect” test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 27. California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment=s Proposition 65 Implementation Office at (916)445-6900.

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California, with my business address as 1158 26th Street #560, Santa Monica, CA 90403. I am over the age of 18 years and am not a party to this Action. On November 15, 2021 I served the foregoing NOTICE OF PROPOSITION 65 VIOLATIONS by placing the document(s) listed above in a sealed envelope with first-class postage thereon fully prepaid, in the United States mail at Santa Monica CA, addressed as set forth below:

To VIOLATORS:

GS Redwood Property, LLC / GS Redwood REIT, LLC / Greystar Real Estate Partners, LLC
(Robert Faith, Manager) / Greystar California, Inc. (Andrew Livingstone, CEO)
465 Meeting Street Suite 500
Charleston SC 29403

and

c/o CT CORPORATION SYSTEM (C0168406)
330 N. Brand Blvd. Suite 700
Glendale CA 91203

Greystar Worldwide, LLC
c/c The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

Copy to Legal Counsel:
Edward Ward, Esq.
Sasha Shuhaimi, Esq.
LEWIS BRISBOIS BISGAARD & SMITH, LLP
633 W 5th Street, Suite 4000
Los Angeles, CA 90071

To GOVERNMENT ENTITIES:

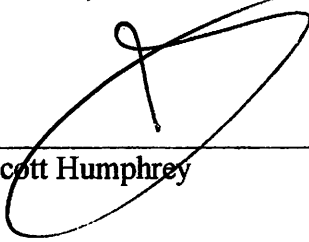
California Attorney General (via Electronic Filing via OAG.CA website portal)

City Attorney
CITY OF LOS ANGELES
200 N. Main Street
Los Angeles, CA 90012

District Attorney
LOS ANGELES COUNTY
210 W. Temple Street
Los Angeles, CA 90012

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid 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 the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 15, 2021 at Santa Monica, California.



J. Scott Humphrey

Certificate of Merit

California Health and Safety Code Section 25249.7(d)

I, J. Scott Humphrey, 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 and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an 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 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), 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.

November 15, 2021



J. Scott Humphrey

CERTIFICATE OF SERVICE

I am employed in the County of Los Angeles, State of California, with my business address as 1158 26th Street #560, Santa Monica, CA 90403. I am over the age of 18 years and am not a party to this Action. On November 15, 2021 I served the foregoing CERTIFICATE OF MERIT by placing the document(s) listed above in a sealed envelope with first-class postage thereon fully prepaid, in the United States mail at Santa Monica CA, addressed as set forth below:

To VIOLATORS:

GS Redwood Property, LLC / GS Redwood REIT, LLC / Greystar Real Estate Partners, LLC (Robert Faith, Manager) / Greystar California, Inc. (Andrew Livingstone, CEO)
465 Meeting Street Suite 500
Charleston SC 29403

and

c/o CT CORPORATION SYSTEM (C0168406)
330 N. Brand Blvd. Suite 700
Glendale CA 91203

Greystar Worldwide, LLC
c/c The Corporation Trust Company
Corporation Trust Center
1209 Orange St.
Wilmington, DE 19801

Copy to Legal Counsel:
Edward Ward, Esq.
Sasha Shuhaimi, Esq.
LEWIS BRISBOIS BISGAARD & SMITH, LLP
633 W 5th Street, Suite 4000
Los Angeles, CA 90071

To GOVERNMENT ENTITIES:

California Attorney General (via Electronic Filing via OAG.CA website portal [along with factual support])

City Attorney
CITY OF LOS ANGELES
200 N. Main Street
Los Angeles, CA 90012

District Attorney
LOS ANGELES COUNTY
210 W. Temple Street
Los Angeles, CA 90012

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid 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 the date of deposit for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. Executed on November 15, 2021 at Santa Monica, California.



J. Scott Humphrey