
November 19, 2021**VIA CERTIFIED MAIL**

Current President or CEO
Burlington Merchandising Corp.
c/o CT Corporation System
330 N. Brand Blvd., Suite 700
Glendale, California 91203

Current President or CEO
Burlington Coat Factory Direct Corp.
c/o CT Corporation System
330 N. Brand Blvd., Suite 700
Glendale, California 91203

VIA U.S. MAIL and EMAIL

District Attorney's Office for all Counties in
California and applicable City Attorneys
(See Attached - Certificate of Service)

VIA CERTIFIED MAIL

Michael O'Sullivan, President/CEO
Burlington Merchandising Corp.
Burlington Distribution Corp.
Burlington Coat Factory Direct Corp.
1830 Route 130 North
Burlington, New Jersey 08016

Current President or CEO
Burlington Distribution Corp.
c/o CT Corporation System
330 N. Brand Blvd., Suite 700
Glendale, California 91203

VIA ELECTRONIC FILING

State of California Department of Justice
Office of the Attorney General
Proposition 65 Enforcement Reporting
Filing link: oag.ca.gov/prop65

**Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water
and Toxic Enforcement Act of 1986**

(California Health & Safety Code Section 25249.5 et seq.)

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

We represent CA Citizen Protection Group, LLC ("**CCPG**"), an organization dedicated to reducing the amount of chemical toxins in consumer products, the promotion of human health, environmental safety, and improvement of worker and consumer safety.

Through this Notice of Violations (this "**Notice**"), CCPG is acting "in the public interest" pursuant to "Proposition 65" (as defined below), and seeks to reduce and/or eliminate exposures to toxic chemicals, including Di(2-ethylhexyl) phthalate ("**DEHP**"), by consumers and workers from exposure to DEHP in household goods, and other

consumer goods manufactured, produced, distributed and/or sold by Burlington Merchandising Corp., Burlington Distribution Corp., and Burlington Coat Factory Direct Corp. (collectively, the “**Noticed Parties**”), among other retailers, distributors and/or sellers.

This Notice constitutes written notification that the Noticed Parties have violated the warning requirements of The Safe Drinking Water and Toxic Enforcement Act (codified at California Health & Safety Code Section 25249.5, *et seq*) (“**Proposition 65**”). The product subject to this Notice (the “**specified product**”) and the chemical in the specified product identified as exceeding allowable levels are the following:

■ **Green - Blue Insulated Tote (with faux leather plastic handles)(Style: 23213 02R LT)(Color: Pariss10) – (DEHP)**

The Noticed Parties have manufactured, marketed, distributed and/or sold the specified product, as applicable, which has exposed and continues to expose numerous individuals within California to DEHP. DEHP was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on January 01, 1988, and reproductive toxicity on October 24, 2003.

With respect to the specified product listed above, the violation: commenced on the latter of the date that the specified product was first offered for sale in California or the date upon which California law codified the allowable level of the relevant chemical surpassed by the specified product; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until DEHP is removed from the specified product, reduced to allowable levels, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties in accordance with the law.

The primary route of exposure has been through contact with human skin in handling the product in the course of using it or transporting it, resulting in dermal exposure to plasticizers, and oral exposure from activities involving hand to mouth contact.

Proposition 65 requires that a “clear and reasonable” warning be provided prior to exposure to certain listed chemicals. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that they are being exposed to DEHP. While in the course of doing business, the Noticed Parties are “knowingly and intentionally” exposing consumers to DEHP without first providing a “clear and reasonable” warning. See Cal. Health and Safety Code § 25249.6. The method of warning should be a warning that appears on the product’s label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases, as applicable. The Noticed Parties have not provided any Proposition 65 warnings on the

specified product's label or any other appropriate warnings that persons handling and/or otherwise using the specified product are being exposed to DEHP.

Proposition 65 requires that notice and intent to sue be provided to a violator 60-days before a suit is filed in connection therewith. With this Notice, CCPG gives written notice of the alleged violations to the Noticed Parties and the appropriate governmental authorities.

This Notice covers all violations of Proposition 65 that are currently known to the noticing party from information now available as specifically related to the specified product sold through the Noticed Parties. CCPG is continuing its investigation that may reveal further violations.

Pursuant to Title 27, C.C.R. § 25903(b), copies of the documents entitled (i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", referenced as Appendix "A", and (ii) "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure", referenced as Appendix "B", are attached hereto for reference by the Noticed Parties, as applicable. Please review for applicability, however, note the "Special Compliance Procedure" is only available for certain products and under certain conditions as explained in Appendix B.


Pursuant to Title 11, C.C.R. § 3100, a "Certificate of Merit" is attached hereto.

CCPG is interested in a prompt resolution of this matter with an enforceable written agreement by the Noticed Parties to (1) eliminate or reduce DEHP to an allowable level in, or provide appropriate warning on the label of, the specified product; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures and expensive and time-consuming litigation.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, CCPG is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. Please direct all communications regarding this Notice to my office on behalf of CCPG.

If you have any questions, please contact my office at your earliest convenience.
Thank you for your time and consideration with respect to this urgent matter.

Sincerely,
KHANSARI LAW CORP., APC



Andre A. Khansari, Esq.
(Attachments)

Attachments:

1. Certificate of Merit;
2. Certificate of Service;
3. Additional Supporting Information for Certificate of Merit (to Attorney General only); and
4. Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Parties only)

Cc: CA Citizen Protection Group, LLC (via email only)

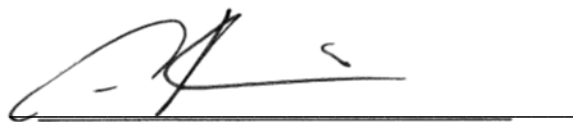
CERTIFICATE OF MERIT

**Re: CA Citizen Protection Group, LLC's Notice of Proposition 65
Violations by Burlington Merchandising Corp., Burlington
Distribution Corp., and Burlington Coat Factory Direct Corp.**

I, Andre A. Khansari, hereby declare:

1. This Certificate of Merit (this "Certificate") accompanies the attached Notice of Violations dated November 19, 2021 (the "NOV") in which it is alleged that the parties identified in the NOV ("alleged violators") have violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party CA Citizen Protection Group, LLC. The NOV alleges that the alleged violators have exposed persons in California to the listed chemical that is the subject of this Certificate. Please refer to the NOV for additional details regarding the product name and alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this Certificate. I have reviewed the laboratory testing results for the chemical subject to the NOV and relied on the results. The testing was conducted by a reputable testing laboratory, with proper accreditation, and by experienced scientists. The facts, studies and other data derived through this investigation demonstrate that the alleged violators expose persons, including workers, to the listed chemical that is the subject of this Certificate.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that the listed product in the NOV exposes individuals to unlawful levels of the specified chemical. Furthermore, 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 that 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 served on the California Attorney General attaches to it information sufficient to establish the basis for this Certificate, including the 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 19, 2021



Andre A. Khansari, Esq.
Attorney for CA Citizen Protection Group, LLC

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Los Angeles. I am over the age of eighteen years and not a party to the within entitled action or process. My business address is **16133 Ventura Blvd., Suite 1200, Encino, California 91436.**

On November 19, 2021, I served the following documents:

- (i) **Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water and Toxic Enforcement Act of 1986 by Burlington Merchandising Corp., Burlington Distribution Corp., and Burlington Coat Factory Direct Corp., for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit,**
- (iii) **Appendix "A" – "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary", and Appendix "B" – "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): Special Compliance Procedure" (to the Noticed Party only), and**
- (iv) **Certificate of Service,**

on the following party(ies) by placing a true and correct copy thereof in a sealed envelope, addressed to the party below, and causing each envelope to be deposited at a United States Postal Service Office in Los Angeles, California for delivery by Certified Mail:

Current President or CEO
Burlington Merchandising Corp.
c/o CT Corporation System
330 N. Brand Blvd., Suite 700
Glendale, CA 91203

Michael O'Sullivan, President/CEO
Burlington Merchandising Corp.
Burlington Distribution Corp.
Burlington Coat Factory Direct Corp.
1830 Route 130 North
Burlington, NJ 08016

Current President or CEO
Burlington Coat Factory Direct Corp.
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Current President or CEO
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- (ii) **Certificate of Merit,**
- (iii) **Additional Information and Supporting Documentation Required by Title 11, C.C.R. §3102, and**
- (iv) **Certificate of Service,**

on the following party by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at oag.ca.gov/prop65:


State of California Department of Justice
Office of the Attorney General

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- (i) **Sixty-Day Notice of Intent to Sue for Violations of the Safe Drinking Water and Toxic Enforcement Act of 1986 by Burlington Merchandising Corp., Burlington Distribution Corp., and Burlington Coat Factory Direct Corp., for Violations of California Health & Safety Code Section 25249.5 et seq.,**
- (ii) **Certificate of Merit, and**
- (iii) **Certificate of Service,**

on each of the parties on the service list attached hereto (see attached "**Service List**") by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed on the attached Service List, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail, except for the Contra Costa County District Attorney, Lassen County District Attorney, Riverside County District Attorney, Sacramento County District Attorney, San Francisco County District Attorney, Napa County District Attorney, San Joaquin County District Attorney, San Luis Obispo County District Attorney, Santa Clara County District Attorney, Sonoma County District Attorney, Tulare County District Attorney, Ventura County District Attorney, Monterey County District Attorney, Yolo County District Attorney, Santa Barbara County District Attorney, Alameda County District Attorney, San Francisco City Attorney, Calaveras County District Attorney, Inyo County District Attorney, Santa Cruz County District Attorney, San Diego City Attorney, Mariposa County District Attorney, Merced County District Attorney, Nevada County District Attorney, Placer County District Attorney, Plumas County District Attorney, and San Diego County District Attorney, all of which have requested electronic service only via the following email addresses: sgrassini@contracostada.org; mlatimer@co.lassen.ca.us; prop65@rivcoda.org; prop65@sacda.org; alethea.sargent.sfgov.org; cepd@countyofnapa.org; daconsumer.environmental@sjcda.org; edobroth@co.slo.ca.us; epu@da.sccgov.org; jbarnes@sonoma-county.org; prop65@co.tulare.ca.us; daspecialops@ventura.org; Prop65DA@co.monterey.ca.us; cfepd@yolocounty.org; DAProp65@co.santa-barbara.ca.us; CEPDProp65@acgov.org; Valerie.lopez@sfcityatty.org; Prop65Env@co.calaveras.ca.us; inyoda@inyocounty.org; Prop65DA@santacruzcounty.us; CityAttyProp65@sandiego.gov; mcda@mariposacounty.org; Prop65@countyofmerced.com; DA.Prop65@co.nevada.ca.us; prop65@placer.ca.gov; davidhollister@countyofplumas.com; and SanDiegoDAProp65@sdcdca.org.

I, Andre A. Khansari, declare under penalty of perjury that the foregoing is true and correct. Executed on November 19, 2021, in the City and County of Los Angeles, California.



Andre A. Khansari

SERVICE LIST

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DISTRICT ATTORNEY ALAMEDA COUNTY 1225 FALLON STREET, SUITE 900 OAKLAND, CA 94612 CEPDProp65@acgov.org	DISTRICT ATTORNEY KERN COUNTY 1215 TRUXTUN AVENUE BAKERSFIELD, CA 93301	DISTRICT ATTORNEY NEVADA COUNTY 201 COMMERCIAL STREET NEVADA CITY, CA 95959 DA.Prop65@co.nevada.ca.us
DISTRICT ATTORNEY ALPINE COUNTY P.O. BOX 248 MARKLEEVILLE, CA 96120	DISTRICT ATTORNEY KINGS COUNTY 1400 WEST LACEY BLVD. HANFORD, CA 93230	DISTRICT ATTORNEY ORANGE COUNTY P.O. BOX 808 SANTA ANA, CA 92702
DISTRICT ATTORNEY AMADOR COUNTY 708 COURT STREET, SUITE 202 JACKSON, CA 95642	DISTRICT ATTORNEY LAKE COUNTY 255 N. FORBES STREET LAKEPORT, CA 95453	DISTRICT ATTORNEY PLACER COUNTY 10810 JUSTICE CENTER DRIVE ROSEVILLE, CA 95678 Prop65@placer.ca.gov
DISTRICT ATTORNEY BUTTE COUNTY 25 COUNTY CENTER DRIVE, STE 245 OROVILLE, CA 95965	DISTRICT ATTORNEY LASSEN COUNTY 220 SOUTH LASSEN STREET, SUITE 8 SUSANVILLE, CA 96130 mlatimer@co.lassen.ca.us	DISTRICT ATTORNEY PLUMAS COUNTY 520 MAIN STREET QUINCY, CA 95911 davidhollister@countyofplumas.com
DISTRICT ATTORNEY CALAVERAS COUNTY 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249 Prop65Env@co.calaveras.ca.us	DISTRICT ATTORNEY LOS ANGELES COUNTY 210 WEST TEMPLE STREET, STE 18000 LOS ANGELES, CA 90012	DISTRICT ATTORNEY RIVERSIDE COUNTY 3072 ORANGE STREET RIVERSIDE, CA 92501 Prop65@rivcoda.org
DISTRICT ATTORNEY COLUSA COUNTY 346 FIFTH STREET SUITE 101 COLUSA, CA 95932	DISTRICT ATTORNEY MADERA COUNTY 209 WEST YOSEMITE AVENUE MADERA, CA 93637	DISTRICT ATTORNEY SACRAMENTO COUNTY 901 "G" STREET SACRAMENTO, CA 95814 Prop65@sacda.org
DISTRICT ATTORNEY CONTRA COSTA COUNTY 900 WARD STREET. MARTINEZ, CA 94553 sgrassini@contracostada.org	DISTRICT ATTORNEY MARIN COUNTY 350 CIVIC CENTER DRIVE, RM. 130 SAN RAFAEL, CA 94903	DISTRICT ATTORNEY SAN BENITO COUNTY 419 4TH STREET HOLLISTER, CA 95023
DISTRICT ATTORNEY DEL NORTE COUNTY 450 H STREET SUITE 171 CRESCENT CITY, CA 95531	DISTRICT ATTORNEY MARIPOSA COUNTY POST OFFICE BOX 730 MARIPOSA, CA 95338 mcda@mariposacounty.org	DISTRICT ATTORNEY SAN BERNARDINO COUNTY 316 N. MOUNTAIN VIEW AVENUE SAN BERNARDINO, CA 92415
DISTRICT ATTORNEY EL DORADO COUNTY 778 PACIFIC STREET PLACERVILLE, CA 95667	DISTRICT ATTORNEY MENDOCINO COUNTY P. O. BOX 1000 UKIAH, CA 95482	DISTRICT ATTORNEY SAN DIEGO COUNTY 330 WEST BROADWAY SAN DIEGO, CA 92101 SanDiegoDAProp65@sdcdca.org
DISTRICT ATTORNEY FRESNO COUNTY 2220 TULARE STREET, SUITE 1000 FRESNO, CA 93721	DISTRICT ATTORNEY MERCED COUNTY 550 W. MAIN STREET MERCED, CA 95340 Prop65@countyofmerced.com	DISTRICT ATTORNEY SAN FRANCISCO COUNTY 350 RHODE ISLAND STREET SAN FRANCISCO, CA 94103 Alethea.sargent@sfgov.org

SERVICE LIST

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DISTRICT ATTORNEY GLENN COUNTY POST OFFICE BOX 430 WILLOWS, CA 95988	DISTRICT ATTORNEY SAN MATEO COUNTY 400 COUNTY CTR., 3RD FLOOR REDWOOD CITY, CA 94063	DISTRICT ATTORNEY SUTTER COUNTY 446 SECOND STREET YUBA CITY, CA 95991
DISTRICT ATTORNEY HUMBOLDT COUNTY 825 5TH STREET, 4TH FLOOR EUREKA, CA 95501	DISTRICT ATTORNEY SANTA BARBARA COUNTY 1112 SANTA BARBARA STREET SANTA BARBARA, CA 93101 DAProp65@co.santa-barbara.ca.us	DISTRICT ATTORNEY TEHAMA COUNTY P.O. BOX 519 RED BLUFF CA 96080
DISTRICT ATTORNEY IMPERIAL COUNTY 940 WEST MAIN STREET, STE 102 EL CENTRO, CA 92243	DISTRICT ATTORNEY SANTA CLARA COUNTY 70 WEST HEDDING STREET SAN JOSE, CA 95110 EPU@da.sccgov.org	DISTRICT ATTORNEY TRINITY COUNTY P. O. BOX 310 WEAVERVILLE, CA 96093
DISTRICT ATTORNEY INYO COUNTY 168 NORTH EDWARDS STREET INDEPENDENCE, CA 93526 inyoda@inyocounty.org	DISTRICT ATTORNEY SANTA CRUZ COUNTY 701 OCEAN STREET SANTA CRUZ, CA 95060 Prop65DA@santacruzcounty.us	DISTRICT ATTORNEY TULARE COUNTY 221 S. MOONEY BLVD. VISALIA, CA 95370 Prop65@co.tulare.ca.us
DISTRICT ATTORNEY MODOC COUNTY 204 S. COURT STREET, ROOM 202 ALTURAS, CA 96101	DISTRICT ATTORNEY SHASTA COUNTY 1355 WEST STREET REDDING, CA 96001	DISTRICT ATTORNEY TUOLUMNE COUNTY 423 N. WASHINGTON ST. SONORA, CA 95370
DISTRICT ATTORNEY MONO COUNTY P. O. BOX 617 BRIDGEPORT, CA 93517	DISTRICT ATTORNEY SIERRA COUNTY P.O. BOX 457 DOWNIEVILLE, CA 95936	DISTRICT ATTORNEY VENTURA COUNTY 800 SOUTH VICTORIA AVE VENTURA, CA 93009 daspecialops@ventura.org
SAN FRANCISCO CITY ATTORNEY 1390 MARKET STREET, 7TH FLOOR SAN FRANCISCO, CA 94102 Valerie.lopez@sfcityatty.org	DISTRICT ATTORNEY SISKIYOU COUNTY P. O. BOX 986 YREKA, CA 96097	BERKELEY CITY ATTORNEY'S OFFICE 2180 MILVIA STREET, 4TH FLOOR BERKELEY, CA 94704
DISTRICT ATTORNEY NAPA COUNTY 1127 First Street, Suite C NAPA, CA 94559 CEPD@countyofnapa.org	DISTRICT ATTORNEY SOLANO COUNTY 675 TEXAS STREET, STE 4500 FAIRFIELD, CA 94533	DISTRICT ATTORNEY YUBA COUNTY 215 FIFTH STREET, SUITE 152 MARYSVILLE, CA 95901
DISTRICT ATTORNEY SAN JOAQUIN COUNTY 222 E. WEBER AVE., RM. 202 STOCKTON, CA 95202 DAConsumer.Environmental@sjcda.org	DISTRICT ATTORNEY SONOMA COUNTY 600 ADMINISTRATIVE DRIVE SONOMA, CA 95403 jbarnes@sonoma-county.org	LOS ANGELES CITY ATTORNEY'S OFFICE CITY HALL EAST 200 N. MAIN STREET, SUITE 800 LOS ANGELES, CA 90012
SAN JOSE CITY ATTORNEY'S OFFICE 200 E. SANTA CLARA STREET, STE 200 SAN JOSE, CA 95113	DISTRICT ATTORNEY STANISLAUS COUNTY 83212 STREET, SUITE 300 MODESTO, CA 95354	SAN DIEGO CITY ATTORNEY'S OFFICE 1200 THIRD AVENUE SAN DIEGO, CA 92101 CityAttyProp65@sandiego.gov

SERVICE LIST

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DISTRICT ATTORNEY MONTEREY COUNTY 1200 AGUAJITO ROAD MONTEREY, CA 93940 Prop65DA@co.monterey.ca.us	DISTRICT ATTORNEY YOLO COUNTY 301 SECOND STREET WOODLAND, CA 95695 cfepd@yolocounty.org	OAKLAND CITY ATTORNEY CITY HALL, 6TH FLOOR 1 FRANK OGAWA PLAZA OAKLAND, CA 94612
DISTRICT ATTORNEY SAN LUIS OBISPO COUNTY COUNTY GOVERNMENT CENTER ANNEX, 4th FLOOR SAN LUIS OBISPO, CA 93408 edobroth@co.slo.ca.us		