



ATTORNEYS AT LAW

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225 Broadway, Suite 1900  
San Diego, CA 92101

December 23, 2021

**Via Certified Mail**

Beauty 21 Cosmetics, Inc.  
C/O Chafe Yu Trinh (Registered Agent)  
2021 S. Archibald Ave.  
Ontario, CA 91761

Big Lots Stores, Inc.  
Attn. Legal Department  
4900 E. Dublin Granville Rd.  
Columbus, OH 43081

Big Lots Stores, Inc.  
CSC – Lawyers Incorporating Service  
2710 Gateway Oaks Drive, Suite 150N  
Sacramento, CA 95833

**Re: Amended Proposition 65 Notice of Violation**

**This notice amends the original notice AG #2021-01241 dated May 27, 2021. This amendment includes supplemental supporting documents for the named products.**

To Whom It May Concern:

We represent Environmental Health Advocates, Inc., an organization in the State of California acting in the interest of the general public ("EHA"). This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the toxic chemical Asbestos. This chemical was listed as a carcinogen on February 27, 1987.

The specific type of product that is causing exposures in violation of Proposition 65 are:

	<b><u>Product Name</u></b>	<b><u>Manufacturer</u></b>	<b><u>Distributor/Retailer</u></b>
1.	L.A. Colors blush including but not limited to L.A. Colors Blusher & Deluxe Brush CBC141 Natural	Beauty 21 Cosmetics, Inc.	Big Lots Stores, Inc.

The routes of exposure for the violations include dermal absorption and inhalation by consumers. These exposures occur through the reasonably foreseeable use of the product. The sales of this product have been occurring since at least October 2020, are continuing to this day

and will continue to occur as long as the product subject to this notice is sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to Asbestos caused by ordinary use of the product. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of this product, exposures to Asbestos have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60-days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

EHA identifies Fred Duran as a responsible individual within the entity.

If you have any questions or wish to discuss any of the above, please contact me.

Sincerely,

A handwritten signature in blue ink that reads "Jake Schulte". The signature is written in a cursive style with a large initial "J" and a distinct "Schulte" ending.

Jake Schulte

Enclosures

## CERTIFICATE OF MERIT

I, Jake Schulte, 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 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 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 23, 2021



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Jake Schulte, Attorney at Law

## **CERTIFICATE OF SERVICE**

I, Leilani Lu, declare that I am over the age of 18 years, and am not a party to the within action. I am employed in the County of San Diego, California, where the mailing occurs; and my business address is 225 Broadway, 21st Floor, San Diego, California 92101.

On December 23, 2021, I served the following documents: **(1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT (served only on the Attorney General)** on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid:

### **Via Certified Mail**

Beauty 21 Cosmetics, Inc.  
C/O Chafe Yu Trinh (Registered Agent)  
2021 S. Archibald Ave.  
Ontario, CA 91761

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Attn. Legal Department  
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Sacramento, CA 95833

On December 23, 2021, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On December 23, 2021, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e- mail service and the authorization appears on the Attorney General's web site.

### **See Attached Service List**

On December 23, 2021, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:

### **See Attached Service List**

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

Executed on December 23, 2021 in San Diego, California.

  
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Jake Xu