60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: March 1, 2022

TO: MSKS IP Inc.; Metal Supermarkets Franchising America Inc.; and the public prosecutors

listed on the service list accompanying the attached proof of service.

FROM: APS&EE, LLC

I. INTRODUCTION

APS&EE is an organization based in the State of California with an interest in protecting the environment, which includes promoting awareness of exposure to toxic chemicals and reducing exposure to hazardous substances found in consumer products. It is providing this Notice to the violators and the public agencies listed above pursuant to California Health & Safety Code §25249.6 et seq. ("Proposition 65"). Please direct all questions concerning this Notice to it through its designated person within the entity, its attorney: Lucas T. Novak, Esq., Law Offices of Lucas T. Novak, 8335 W Sunset Blvd., Suite 217, Los Angeles, CA 90069; Tel: (323) 337-9015; Email: lucas.nvk@gmail.com.

II. NATURE OF THE VIOLATION

- A. <u>Violators</u>: Metal Supermarkets Franchising America Inc., 9242 Bermudez Street, Pico Rivera, CA 90660 and 5399 Eglinton Ave W Ste 210, Toronto, ON M9C 5K6, Canada; MSKS IP Inc., Mississauga, Ontario L5T 2H7, Canada.
- B. <u>Time Period of Exposure</u>: Violations have been occurring since at least March 1, 2019, and continue to occur to this day.
- C. Listed Chemicals: Lead.
- D. <u>Types of Harm</u>: Lead is listed as known to cause cancer and birth defects or other reproductive harm.
- E. <u>Types of Products</u>: The specific type of products causing the violations is brass bars, including square bar 0.5", being sold by Violators throughout California. All products within the type covered by this Notice shall be hereinafter referred to as the "products."
- F. <u>Routes of Exposure</u>: Ingestion and dermal contact.
- G. <u>Description of Exposure</u>: The sales of these products in California dating as far back as March 1, 2019 are subject to this notice. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products. California consumers, including children,

through the act of buying, acquiring or using the products, are exposed to the listed chemical. By way of example but not limitation, exposures occur when California citizens use, display, clean, pack, unpack, arrange, store, mouth, or otherwise handle the products. These actions cause consumers to be exposed directly or indirectly through the routine touching of the parts or portions of the products containing readily available surface amounts of the listed chemical. Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated with the listed chemical from the products as a result of these tasks. People likely to be exposed include both children and adults.

III. PROPOSITION 65 INFORMATION

For the Violators' reference, attached is a copy of "Proposition 65: A Summary" which has been prepared by Office of Environmental Health Hazard Assessment ("OEHHA"). For more information concerning the provisions of Proposition 65, contact OEHHA at (916) 445-6900.

IV. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, the noticing party intends to file a Private Enforcer lawsuit against the alleged Violators unless such Violators enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such products; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violators are interested in resolving this dispute without resorting to expensive and time-consuming litigation, please feel free to contact counsel identified above. It should be noted that a Private Enforcer cannot: (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the Attorney General or any District or City Attorney who received this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Lucas Novak, Esq. 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 §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 this 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 Violators 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 information identified in Health and Safety Code §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).

	Helpl
Dated: March 1, 2022	
	Lucas Novak, Esq.

PROOF OF SERVICE

I, Lucas Novak, Esq., declare under penalty of perjury:

I am an active member of the California State Bar, a citizen of the United States over the age of 18 years, and not a party to the within action; my business address is 8335 W Sunset Blvd., Suite 217, Los Angeles, CA 90069.

On March 1, 2022, I served the following documents:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);

PROPOSITION 65: A SUMMARY (not sent to the public enforcement agencies);

CERTIFICATE OF MERIT; AND

CERTIFICATE OF MERIT ATTACHMENTS (served only on the Attorney General)

by placing a true copy thereof enclosed in a sealed envelope with postage for first class mail thereon fully prepaid in Los Angeles, California, in the United States mail addressed as follows, and to the public prosecutors listed in the attached service list:

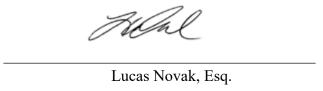
Metal Supermarkets Franchising America	Metal Supermarkets Franchising America
Attn: Current President or CEO	Attn: Current President or CEO
5399 Eglinton Ave W Ste 210	9242 Bermudez Street
Toronto, ON M9C 5K6	Pico Rivera, CA 90660
Canada	
MSKS IP Inc.	
Attn: Current President or CEO	
Mississauga, Ontario L5T 2H7	
Canada	

Additionally, on this date, I uploaded the documents listed above to the California Attorney General via its website:

Office of the California Attorney General Proposition 65 Enforcement Reporting ATTN: Prop 65 Coordinator 1515 Clay Street, Suite 2000 P.O. Box 70550 Oakland, CA 94612-0550 http://oag.ca.gov/prop65 Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses as follows:

County PO Box 1131 Naps CA 94559 Salinas, CA 93902 Prop65DA@co.monterey.ca.us District Attorney of Riverside County Salinas, CA 93902 Prop65DA@co.monterey.ca.us District Attorney of Riverside County San Jose, CA 95110 prop65@county.org District Attorney of Riverside County San Jose, CA 95101 prop65@county.org District Attorney of Ventura Caunty San Jose, CA 9510 San Jose, CA 9510 District Attorney of Ventura Caunty San Jose, CA 9510 District Attorney of Ventura Caunty San Jose, CA 93009 Sal 21th Street, Sie 300 Modesto, CA 95354 Prop65@county.org District Attorney of San San Jose, CA 94103 San Jose, CA 94101 District Attorney of San Luis Obispo County San Erancisco, CA 94103 San Lore, CA 95060 DAConstumer.Environmental San Erancisco, CA 94103 San Lore, CA 95000 DAConstumer.Environmental San Diego, CA 92101 CityAttyCrimProp65@sandiego.gov District Attorney of San Barbara County San Diego, CA 94102 San Diego, CA 92101 CityAttyCrimProp65@sandiego.gov District Attorney of San Diego County San Prancisco City Attorney's Office County County San Erancisco, CA 94102 San Diego, CA 92101 San Diego, CA 95309 District Attorney of Placer County San Diego, CA 95309 District Attorney of Placer County San Diego, CA 95309 District Attorney of Placer County San Diego, CA 95309 District Attorney of Placer County San Diego, CA 95309 District Attorney of Placer County San Diego, CA 95309 District Attorney of Placer County San Diego, CA 95309 District Attorney of Pla	District Attorney of Contra Costa	District Attorney of Monterey	District Attorney of Napa County
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County 1225 Fallon Street, Rm 900 Oakland, CA 94612 CEPDProp65@acgov.org Prop65Env@co.calaveras.ca.us San Francisco City Attorney's Office 1390 Market Street, 7th Floor San Francisco , CA 94102 Valerie.Lopez@sfcityatty.org District Attorney of Merced County 2222 "M" Street Merced, CA 95340 Prop65@countyofmerced.com District Attorney of Plumas County San Jose City Attorney San Jose, CA 96113 County 168 North Edwards Street Independence, CA 93526 inyoda@inyocounty.us District Attorney of Mariposa County Sinyoda@inyocounty.us County 5101 Jones St., P.O. Box 730 Mariposa, CA 95338 Mariposa, CA 95338 mcda@mariposacounty.org District Attorney of Nevada County District Attorney of Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678 prop65@countyofmerced.com District Attorney of Plumas County San Jose City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113	Prop65DA@santacruzcounty.us		DAProp65@co.santa-barbara.ca.us
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CEPDProp65@acgov.org Prop65Env@co.calaveras.ca.us San Francisco City Attorney's Office 1390 Market Street, 7th Floor San Francisco , CA 94102 Valerie.Lopez@sfcityatty.org District Attorney of Nevada County 2222 "M" Street Merced, CA 95340 Prop65@countyoffmerced.com District Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971 Prop65@co.nevada.ca.us Prop65Env@co.calaveras.ca.us District Attorney of San Diego District Attorney of San Diego County County 5101 Jones St., P.O. Box 730 Mariposa, CA 95338 mcda@mariposacounty.org District Attorney of Nevada County District Attorney of Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678 prop65@co.nevada.ca.us District Attorney of Plumas County San Jose City Attorney 200 E. Santa Clara Street, 16th Floor Quincy, CA 95971 San Jose, CA 96113	Oakland, CA 94612	San Andreas, CA 95249	
San Francisco City Attorney's Office County 1390 Market Street, 7th Floor San Francisco , CA 94102 Valerie.Lopez@sfcityatty.org District Attorney of Nevada County 2222 "M" Street Merced, CA 95340 Prop65@countyofmerced.com District Attorney of Plumas County District Attorney of Plumas County San Diego CA 92101 San Diego, CA 92101 San Diego DAProp65@sdcda.org District Attorney of Nevada County District Attorney of Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678 Prop65@countyofmerced.com District Attorney of Plumas County San Jose City Attorney 200 E. Santa Clara Street, 16th Floor Quincy, CA 95971 San Jose, CA 96113	CEPDProp65@acgov.org	Prop65Env@co.calaveras.ca.us	
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1390 Market Street, 7th Floor San Francisco , CA 94102 Valerie.Lopez@sfcityatty.org330 West Broadway San Diego, CA 92101 San Diego, CA 92101 SanDiegoDAProp65@sdcda.org5101 Jones St., P.O. Box 730 Mariposa, CA 95338 mcda@mariposacounty.orgDistrict Attorney of Merced County 2222 "M" Street Merced, CA 95340 Prop65@countyofmerced.comDistrict Attorney of Nevada County 201 Commercial Street Nevada City, CA 95959 DA.Prop65@co.nevada.ca.usDistrict Attorney of Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678 prop65@placer.ca.govDistrict Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971San Jose City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113		,	
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Valerie.Lopez@sfcityatty.orgSanDiegoDAProp65@sdcda.orgmcda@mariposacounty.orgDistrict Attorney of Merced CountyDistrict Attorney of Nevada CountyDistrict Attorney of Placer County2222 "M" Street201 Commercial Street10810 Justice Center Drive, Ste 240Merced, CA 95340Nevada City, CA 95959Roseville, CA 95678Prop65@countyofmerced.comDA.Prop65@co.nevada.ca.usprop65@placer.ca.govDistrict Attorney of Plumas CountySan Jose City Attorney520 Main Street, Rm. 404200 E. Santa Clara Street, 16th FloorQuincy, CA 95971San Jose, CA 96113			
District Attorney of Merced County 2222 "M" Street Merced, CA 95340 Prop65@countyofmerced.com District Attorney of Nevada County 201 Commercial Street Nevada City, CA 95959 Prop65@countyofmerced.com District Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971 District Attorney of Nevada County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678 prop65@placer.ca.gov San Jose City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113	,		
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Merced, CA 95340 Prop65@countyofmerced.com District Attorney of Plumas County 520 Main Street, Rm. 404 Quincy, CA 95971 Nevada City, CA 95959 DA.Prop65@co.nevada.ca.us Prop65@co.nevada.ca.us Prop65@co.nevada.ca.us San Jose City Attorney 200 E. Santa Clara Street, 16th Floor San Jose, CA 96113		· ·	
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Quincy, CA 95971 San Jose, CA 96113			
	davidhollister@countyofplumas.com	Proposition65notices@sanjoseca.gov	

The electronic transmissions were reported as sent and without error.



SERVICE LIST

Los Angeles City Attorney's Office	District Attorney of Alpine County	District Attorney of Amador County
800 City Hall East	270 Laramie St., P.O. Box 248	708 Court Street, Suite 202
200 N. Main Street	Markleeville, CA 96120	Jackson, CA 95642
Los Angeles, CA 90012		, 5.1.700.2
District Attorney of Butte County	District Attorney of Yuba County	District Attorney of Colusa County
Administration Building	215 Fifth Street	310 6th Street
25 County Center Drive	Marysville, CA 95901	Colusa, CA 95932
Oroville, CA 95965		,
District Attorney of Del Norte County	District Attorney of El Dorado County	District Attorney of Fresno County
450 H Street, Ste 171	515 Main Street	2100 Tulare St
Crescent City, CA 95531	Placerville, CA 95667	Fresno, CA 93721
District Attorney of Glenn County	District Attorney of Humboldt County	District Attorney of Imperial County
P.O. Box 430	825 5 th Street	940 W. Main Street, Ste 102
Willows, CA 95988	Eureka, CA 95501	El Centro, CA 92243
District Attorney of Trinity County	District Attorney of Kern County	District Attorney of Kings County
P.O. Box 310	1215 Truxtun Avenue	1400 West Lacey Blvd.
Weaverville, CA 96093	Bakersfield, CA 93301	Hanford, CA 93230
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District Attorney of Lake County	District Attorney of Los Angeles County	District Attorney of Madera County
255 N. Forbes Street	211 W. Temple Street, Ste 1200	209 West Yosemite Avenue
Lakeport, CA 95453	Los Angeles, CA 90012-3210	Madera, CA 93637
District Attorney of Marin County	District Attorney of Modoc County	District Attorney of Mendocino County
3501 Civic Center Drive, Rm. 130	204 S. Court Street, Rm. 202	P.O. Box 1000
San Rafael, CA 94903	Alturas, CA 96101-4020	Ukiah, CA 95482
District Attorney of Tehama County	District Attorney of Orange County	District Attorney of Mono County
P.O. Box 519	300 N Flower St	P.O. Box 617
Red Bluff, CA 96080	Santa Ana, CA 92703	Bridgeport, CA 93517
District Attorney of Solano County	District Attorney of San Benito County	District Attorney of San Bernardino County
675 Texas Street, Ste 4500	419 Fourth Street, 2 nd Floor	316 N. Mountain View Avenue
Fairfield, CA 94533	Hollister, CA 95023	San Bernardino, CA 92415
District Attorney of Sierra County Courthouse	District Attorney of San Mateo County	District Attorney of Tuolumne County
100 Courthouse Sq., 2 nd Floor	400 County Center, 3 rd Floor	423 N. Washington Street
Downieville, CA 95936	Redwood City, CA 94063	Sonora, CA 95370
District Attorney of Sutter County	Sacramento City Attorney's Office	District Attorney of Shasta County
463 2nd Street, Suite 102	915 I Street, 4th Floor	1355 West Street
Yuba City, CA 95991	Sacramento, CA 95814	Redding, CA 96001
District Attorney of Siskiyou County		
P.O. Box 986		
Yreka, CA 96097		