KAWAHITO LAW GROUP APC

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April 25, 2022

60-DAY NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.5 ET. SEQ. (PROPOSITION 65)

Dear Alleged Violator(s) and the Appropriate Public Enforcement Agencies:

The Kawahito Law Group APC represents EnviroProtect, LLC ("EnviroProtect") with respect to this matter. EnviroProtect is a California company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, awareness of dangerous chemicals in consumer products, and corporate accountability. As described below, EnviroProtect has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65" or "Act"), codified at Cal. Health & Safety Code §25249.5 *et seq.* This letter serves to provide EnviroProtect's Notice of these violations. Pursuant to §25249.7(d) of the Act, EnviroProtect intends to file a private enforcement action in the public interest sixty (60) days after effective service of this Notice unless the appropriate public enforcement agencies have commenced and are prosecuting an action to rectify these violations.

General Information and Summary of Proposition 65. A copy of a summary of Proposition 65 prepared by the Office of Environmental Health Hazard Assessment is attached to this letter.

Alleged Violators. The name of the entity or entities covered by this Notice and who are alleged to be in violation of Proposition 65 (collectively the "Violators") are:

Marshalls
Marshalls of MA, Inc.
770 Cochituate Road
Framingham, MA 01701

Appelson LLC
3 Germay Dr. Unit 4
Wilmington, DE 19804

Consumer Product. The products ("Products") which are causing an exposure without a warning in violation of Proposition 65, are:

Product(s)	Retailer(s)	Manufacturer(s)/Distributor(s)/ Importer(s)
FoxyBae Mini Travel Kit (Component tested was the granite color material of the reusable case) SKU 105354848 and similar products	Marshalls	Appelson LLC 1946 The Best Years of Our Lives LLC

Listed Chemical and Route of Exposure. The chemical that is the subject of this Notice is Di-(2-ethylhexyl) phthalate ("DEHP"). The consumer exposures at issue result from the use of the Products in accordance with their intended use including the handling of the Products by hand. The primary routes of exposure are oral ingestion and dermal absorption. The types of harm from the chemicals at issue include Developmental Toxicity, Male Reproductive Toxicity, and Cancer.

Period of Exposure and Violation. Exposures to DEHP from the use of the Products have occurred each day since the products were introduced into the California marketplace, but at a minimum since April 12, 2022. Moreover, these exposures will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is either removed from or reduced to allowable levels in the Products. 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 listed chemical from reasonable foreseeable use of the Products.

Resolution of Noticed Claims. Consistent with the public interest goals of Proposition 65, EnviroProtect is interested in seeking a constructive resolution to this matter to have the ongoing violations of California law quickly rectified. To that end, EnviroProtect intends to file a private enforcement action as provided for in the Act for the alleged violations by the Violators, unless Violators agree in an enforceable written instrument to: (1) recall the listed Products or undertake best efforts to ensure that the requisite health hazard warnings are provided to those who have received such Products; (2) reformulate the Products so as to eliminate further exposures to the identified chemicals or affix clear and reasonable Proposition 65 warning labels for Products sold in the future; and (3) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures to the identified chemicals, and avoid costly and time-consuming litigation.

To the extent you are interested in discussing a potential early resolution of this matter, you may communicate directly with EnviroProtect's attorneys using the below contact information.

Contact Information. Please direct all questions or issues concerning this Notice to EnviroProtect's counsel at the following address:

James Kawahito
Kawahito Law Group APC
300 Corporate Pointe, Suite 340
Culver City, CA 90230
tel. 310-746-5300
email jkawahito@kawahitolaw.com

Attachments
- Certificate of Merit
- Certificate of Service
- OEHHA Summary (to Violators only)
- Additional Supporting Information for Certificate of Merit (to AG only)

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

Re: EnviroProtect, LLC's Notice of Proposition 65 Violations

I, James Kawahito, 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: April 25, 2022

James Kawahito

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 300 Corporate Pointe, Suite 340 Culver City, CA 90230.

On April 25, 2022 I served the following: **1. 60-Day Notice of Intent to Sue Under Health and Safety Code section 25249.6 2. Certificate of Merit; Health and Safety Code Section 25249.7(d) 3. The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65); A Summary** on the alleged Violators listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the parties listed below and providing such envelope to a United States Postal Service Representative:

Marshalls
Marshalls of MA, Inc.
770 Cochituate Road
Framingham, MA 01701

Marshalls of MA, Inc.
c/o CT Corporation System
330 N. Brand Blvd., Ste. 700
Glendale, CA 91203

Appelson LLC
3 Germay Dr. Unit 4
Wilmington, DE 19804

Appelson LLC
c/o A Registered Agent, Inc.
8 The Green, Ste. A
Dover, DE 19901

1946 The Best Years of our Lives LLC
11833 Mississippi Ave.
Los Angeles, CA 90025

1946 The Best Years of our Lives LLC
c/o Keith Richman
9903 Santa Monica Blvd., Suite 605
Beverly Hills, CA 90212

On April 25, 2022 I served the following: **1. 60-Day Notice of Intent to Sue Under Health and Safety Code section 25249.6; 2. Certificate of Merit; Health and Safety Code Section 25249.7(d); 3. Certificate of Merit (Attorney General Copy); Factual information sufficient to establish the basis of the certificate of merit**
On the following parties by uploading the foregoing documents at the webpage listed below:

Office of the California Attorney General
Prop 65 Enforcement

https://oag.ca.gov/prop65/add-60-day-notice

On April 25, 2022 I served the following: **1. 60-Day Notice of Intent to Sue Under Health and Safety Code section 25249.6; 2. Certificate of Merit; Health and Safety Code Section 25249.7(d)** to the public enforcers by placing a true and correct copy in a sealed envelope, with postage fully prepaid with the U.S. Postal Service, addressed to the parties listed on the attached **Service List**.

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

Dated: April 25, 2022

Sebastian Burnside

SERVICE LIST

Alameda County District Attorney 1225 Fallon Street, Room 900 Oakland, CA 94612	Alpine County District Attorney P.O. Box 248 Markleeville, CA 96120	Amador County District Attorney 708 Court Street, #202 Jackson, CA 95642
Butte County District Attorney 25 County Center Drive, Suite 245 Oroville, CA 95965	Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	Colusa County District Attorney 346 5th Street, Suite 101 Colusa, CA 95932
Contra Costa County District Attorney 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org	Del Norte County District Attorney 450 H Street, Room 171 Crescent City, CA 95531	El Dorado County District Attorney 515 Main Street Placerville, CA 95667
Fresno County District Attorney 2220 Tulare Street, Suite 1000 Fresno, CA 93721	Glenn County District Attorney P.O. Box 430 Willows, CA 95988	Humboldt County District Attorney 525 5th Street, 4th Floor Eureka, CA 95501
Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	Inyo County District Attorney 230 W. Line Street Bishop, CA 93514	Kern County District Attorney 1215 Truxtun Avenue Bakersfield, CA 93301
Kings County District Attorney 1400 West Lacey Blvd. Hanford, CA 93230	Lake County District Attorney 255 N. Forbes Street Lakeport, CA 95453	Lassen County District Attorney 220 S. Lassen Street Susanville, CA 96130 [field_prop65ctacts_title] mlatimer@co.lassen.ca.us
Los Angeles County District Attorney 210 W. Temple St., 18th Floor Los Angeles, CA 90012	Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	Marin County District Attorney 3501 Civic Center Drive, Room 130 San Rafael, CA 94903
Mariposa County District Attorney P.O. Box 730 Mariposa, CA 95338	Mendocino County District Attorney P.O. Box 1000 Ukiah, CA 9548	Merced County District Attorney 550 West Main Street Merced, CA 95340
Modoc County District Attorney 204 S. Court Street Room 202 Alturas, CA 96101	Mono County District Attorney P.O. Box 2053 Mammoth Lakes, CA 93546	Monterey County District Attorney 1200 Aguajito Road Monterey , CA 93940 Prop65DA@co.monterey.ca.us
Napa County District Attorney 931 Parkway Mall Napa, CA 94559 CEPD@countyofnapa.org	Nevada County District Attorney 201 Commercial Street Nevada City, CA 95959	Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701
Placer County District Attorney 10810 Justice Center Drive Roseville, CA 95678	Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971	Riverside County District Attorney 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org
Sacramento County District Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	San Benito District Attorney 419 4th Street Hollister, CA 95023	San Bernardino County District Attorney 303 W. Third Street San Bernardino, CA 92415
San Diego County District Attorney 330 W. Broadway, Suite 1300 San Diego, CA 92101	San Francisco County District Attorney 732 Brannan Street San Francisco, CA 94103 gregory.alker@sfgov.org	San Joaquin County District Attorney 222 E. Weber Avenue, Room 202 Stockton, CA 95202 DAConsumer.Environmental@sjcda.org

San Luis Obispo County District Attorney County Government Center Annex, 4th Floor San Luis Obispo, CA 93408 [field_prop65ctacts_title] edobroth@co.slo.ca.us	San Mateo County District Attorney 400 County Center, Third Floor Redwood City, CA 94063	Santa Barbara County District Attorney 1112 Santa Barbara Street Santa Barbara, CA 93101
Santa Clara County District Attorney 70 W Hedding St San Jose, CA 95110 EPU@da.sccgov.org	Santa Cruz County District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	Shasta County District Attorney 1355 West Street Redding, CA 96001
Sierra County District Attorney 100 Courthouse Square Downieville, CA 95936	Siskiyou County District Attorney P.O. Box 986 Yreka, CA 96097	Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
Sonoma County District Attorney 600 Administration Dr Sonoma, CA 95403 jbarnes@sonoma-county.org	Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95353	Sutter County District Attorney 446 Second Street, Suite 102 Yuba City, CA 95991
Tehama County District Attorney P.O. Box 519 Red Bluff, CA 96080	Trinity County District Attorney P.O. Box 310 Weaverville, CA 96093	Tulare County District Attorney 221 S Mooney Blvd Visalia, CA 95370 Prop65@co.tulare.ca.us
Tuolumne County District Attorney 423 N. Washington Street Sonora, CA 95370	Ventura County District Attorney 800 S Victoria Ave Ventura, CA 93009 daspecialops@ventura.org	Yolo County District Attorney 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org
Yuba County District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012	San Francisco, City Attorney City Hall, Room 234 1 Dr Carlton B Goodlett Pl, San Francisco, CA 94102
San Diego City Attorney's Office 1200 Third Ave #1620, San Diego, CA 92101	San Jose City Attorney 200 E. Santa Clara St., 16th Floor San Jose, CA 95110	