Jarrett Charo APC

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March 6, 2023

60-DAY NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT

Dear Alleged Violators and Appropriate Enforcement Agencies[1]:

This office represents Ramy Eden ("Claimant") who serves this Notice of Violation ("Notice") pursuant to California Health & Safety Code section 25249.7(d). This Notice serves to inform you that the Alleged Violators identified below ("Alleged Violator(s)") are in violation of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65") codified at Cal. Health & Safety Code § 25249.5, *et seq*.

The alleged violator identified in Exhibit 1 below ("Alleged Violator") owns and/or operates a service station, located at the address set forth in Exhibit 1 below ("Location"), which sells Unleaded Gasoline. In violation of Cal. Health & Safety Code § 25249.6, Alleged Violator exposes individuals at the Location to Unleaded Gasoline ("Listed Chemical") which is known to the State of California to cause cancer—without first providing clear and reasonable warnings of such exposure.[2] Without these warnings, California citizens lack the information necessary to make informed decisions as to whether and/or how to eliminate (or reduce) the risk of exposure to the Listed Chemical at the Location.

Claimant is a citizen of the State of California who is acting in the interest of the general public to promote awareness of exposures to toxic chemicals and to improve human health and the environment by reducing hazardous substances. Claimant intends to bring a private enforcement action, pursuant to Cal. Health & Safety Code §25249.7(d), to address these violations. Claimant is represented by the undersigned and may be contacted through the undersigned at the telephone number and address set forth in the letterhead above.

Description of Violations:

Alleged Violator: The Alleged Violator identified in Exhibit 1 hereto ("Alleged Violator").

Time Period of Exposure: Violations have been occurring since at least March 6, 2020 and are continuing to this day.

Listed Chemical: Unleaded Gasoline, which is listed by the State of California under Prop. 65 as being known to cause cancer.

Description of Exposure: The exposures that are the subject of this Notice occur at the service station, owned and/or operated by the Alleged Violator, identified in Exhibit 1 ("Location"). People who enter the Location are exposed to the Listed Chemical while at the Location. The primary route of exposure to the Listed Chemical is through inhalation. No clear and reasonable warning is provided regarding the carcinogenic hazards of exposure to the Listed Chemical at the Location.

Prop. 65 Information:

A copy of the Office of Environmental Health Hazard Assessment's *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary* is being provided to the Alleged Violator(s).

Evidence Preservation Request to Alleged Violator:

Alleged Violator is hereby requested to preserve any and all evidence relating to the violations described herein. This includes, without limitation, preserving any warning materials concerning exposure to the Listed Chemical at the Location and all communications regarding any such exposures. This also includes, without limitation, documenting (through photography and/or video recording) the **present** existence, content, and location of all warning materials—including labels, signs, tags, and other language—at the Location that the Alleged Violator contends provides consumers with the "clear and reasonable" warning required by Health & Safety Code section 25249.6 regarding the exposures (and preserving any historical depictions of such warning materials). The failure to preserve the requested evidence may result in sanctions and other penalties.

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[1] The public enforcement agencies are those public agencies identified in the attached proof of service.

[2] This Notice does not allege exposure to the Listed Chemical beyond the Location set forth herein.

Request for Information Concerning Source of the Product

Pursuant to California Code of Regulations Title 27, section 25600.2, any Alleged Violator who is a "Retail Seller" is hereby requested to promptly provide the name and contact information for the manufacturer, producer, packager, importer, supplier, and distributor of the unleaded gasoline sold at the Location during the past three years.

Claims Resolution:

To address the above-described violations, Claimant—through this law firm—intends to bring a private enforcement action against the Alleged Violator pursuant to Cal. Health & Safety Code § 25249.7(d). However, consistent with the public interest goals of Proposition 65 and the desire to have these violations of California law quickly rectified, Claimant is interested in attempting to reach an efficient and equitable resolution of these violations without protracted litigation. Should the Alleged Violator(s) be interested in discussing such a resolution, I welcome them to contact me at jcharo@charolaw.com or at the phone number or mailing address listed in the letterhead above.

Please note that Claimant is represented in connection with this matter and **may only be contacted through the undersigned**.

Respectfully,

Jarrett S. Charo

JARRETT S. CHARO, ESQ.

Enclosures: Certificate of Merit; Proof of Service; *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary*

EXHIBIT 1

Name of Alleged Violator	Location
World Oil Marketing Company	4415 El Cajon Blvd., San Diego, CA.

Certificate of Merit

I, Jarrett S. Charo, 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:March 5, 2023

Jarrett S. Charo, Esq.

PROOF OF SERVICE BY CERTIFIED MAIL

I declare that I am a citizen of the United States and a resident of the County of Placer. I am over the age of eighteen (18) and not a party to the within action. My business address is P.O. Box 740, Penryn, CA 95663.

- On March 7, 2023, I caused the following documents to be served, 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; Certificate of Merit; The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary, as indicated on the attached service list:

World Oil Marketing Company
c/o CT Corporation, Agent
330 N. Brand Blvd. # 700
Glendale, CA 91203

World Oil Marketing Company
c/o Matthew Pakkala, CEO
9302 Garfield Avenue
South Gate, CA 90280

☒ BY CERTIFIED MAIL – by placing a true and correct copy of the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. A signed return receipt was requested. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

☐ BY HAND DELIVERY – by delivering by hand and leaving a true copy addressed to the person at the address shown above.

☐ BY EMAIL– by causing a true copy thereof to be electronically transmitted to the parties, by using their email address as indicated above.

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

Executed on March 7, 2023, at Penryn, California

Janis Dingman

PROOF OF SERVICE BY E-MAIL

I declare that I am a citizen of the United States and a resident of the County of Placer. I am over the age of eighteen (18) and not a party to the within action. My business address is P.O. Box 740, Penryn, CA 95663.

On March 7, 2023, I caused the following documents to be electronically served, 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; Certificate of Merit, as indicated on the attached service list:

SAN DIEGO COUNTY
Summer Stephan, District Attorney
SanDiegoDAProp65@sdcda.org

SAN DIEGO
Mark Ankcorn, Deputy City Attorney
CityAttyProp65@sandiego.gov

☐ BY MAIL – by placing a true and correct copy of the original thereof enclosed in a sealed envelope with postage thereon fully prepaid in the firm's outgoing mail. A signed return receipt was requested. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with the United States Postal Service on that same day in the ordinary course of business.

☐ BY HAND DELIVERY – by delivering by hand and leaving a true copy addressed to the person at the address shown above.

☒ BY EMAIL– by causing a true copy thereof to be electronically transmitted to the parties, by using their email address as indicated on the attached service list.

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

Executed on March 7, 2023, at Penryn, California

Janis Dingman

Proof of Service via Electronic Upload

I declare that I am a citizen of the United States and a resident of the County of San Diego. I am over the age of eighteen (18) and not a party to the within action. My business address is 4079 Governor Dr., San Diego, CA, 92122.

On March 7, 2023, I caused the following documents to be electronically served upon the Office of the Attorney General, State of California, via upload to the Office of the Attorney General's website at the following web address: https://oag.ca.gov/prop65/add-60-day-notice:

- Amended 60-Day Notice of Violation of California Safe Drinking Water and Toxic Enforcement Act; and
- Certificate of Merit, with confidential attachment.

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

Executed on March 7, 2023, at San Diego, California.

Jarrett S. Charo