



July 3, 2023

Writer's Direct Contact
213-401-4100
mdb@kuzykclassactions.com

VIA U.S. CERTIFIED MAIL

Ms. Heather K. Terry
Chief Executive Officer
GoodSam P.B.C.
14 Francine Dr
Greenwich, CT 06830

Re: 60-Day Notice of Violation of California's Safe Drinking Water and Toxic Enforcement Act

Dear Ms. Terry,

We represent Dr. Steven Dunner, a concerned California citizen acting in the public interest. Dr. Dunner has a Bachelor of Arts in Cellular & Molecular Biology, a Bachelor of Science in Environmental & Occupational Health, a Master of Public Health in Health Education and a Doctor of Public Health in Environmental Health Management. Dr. Dunner seeks to promote awareness of exposure to toxic chemicals and to safeguard the public from the health hazards associated with the use and misuse of such hazardous and toxic chemicals.

The products identified below contain chemicals ("Listed Chemicals") identified by California's Safe Drinking Water and Toxic Enforcement Act of 1986, California Health & Safety Code §25249.5 et seq. ("Proposition 65").¹ Each product contains chemicals in amounts that exceed limits proscribed by Proposition 65. The violations described herein have occurred and continue to occur because GoodSam (alleged "Violator") failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the products in California. Health & Safety Code § 25249.6 provides in pertinent part that "[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the State to cause cancer or reproductive toxicity without first providing a clear and reasonable warning to such individual..." Without proper warnings regarding the toxic effects of exposures

¹ All § references are to the California Health & Safety Code.

to the Listed Chemicals, California citizens lack the information necessary to make informed decisions on how to reduce and/or eliminate their risk of exposure to the Listed Chemicals from the reasonable use of the Product.

This letter serves as notice of the violations detailed below. Pursuant to Health and Safety Code Section 25249.7(d), Dr. Dunner intends to file a private enforcement action in the public interest 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

Pursuant to Health & Safety Code § 25249.7(d), a certificate of merit and a summary of Proposition 65 and its implementing regulations, prepared by the Office of Environmental Health Hazard Assessment accompanies this Notice.

AFFECTED PRODUCTS AND CHEMICAL EXPOSURE

Product²	Listed Chemical
GoodSam Dark Chocolate Mint	Cadmium, Mercury

ROUTES OF EXPOSURE

California consumers are exposed to the Listed Chemicals through the act of using and consuming the Product. Consumers ingest the Listed Chemical by eating the Product, or when they touch and handle the Product, transfer the Listed Chemical from the Product onto their fingers and hands, and transfer the Listed Chemical from their fingers and hands to their mouths through hand-to-mouth activities that may continue to occur for a significant period after contact with the Product. Exposure includes adults, including women of childbearing age, and children.

APPROXIMATE TIME PERIOD OF VIOLATIONS

Ongoing violations have occurred every day since at least July 2, 2023, as well as every day since the product was introduced into the California marketplace, and 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 product.

² This Product example is not intended to be an exhaustive or comprehensive list of offending products offered by the Alleged Violator.

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RESOLUTION OF NOTICE CLAIMS

Dr. Dunner intends to file a private enforcement action unless the alleged Violator agrees in an enforceable written instrument to: (1) recall the listed Product so as to eliminate further exposure to the identified Listed Chemicals; or (2) affix clear and reasonable Proposition 65 warning labels to the Products sold in the future; (3) or reformulate such Product to eliminate the exposures listed herein; and (4) pay an appropriate civil penalty. Consistent with the public interest goals of Proposition 65, Dr. Dunner remains amenable to engaging in a good faith dialogue towards a meaningful resolution of this matter.

Very truly yours,



Michael D. Braun
KUZYSK LAW

Encl.
Certificate of Merit
Certificate of Service
OEHHA Summary (to Violators only)
Additional Information in Support of Certificate of Merit (to California Attorney General and County District Attorneys only)


CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I Michael D. Braun declare as follows:

1. This Certificate of Merit accompanies the attached 60-day notice in which it is alleged that the parties identified in the notice violated California Health & 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 have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on 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 that 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. Along with the copy of this Certificate of Merit served on the Attorney General is additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & 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."

July 3, 2023



Michael D. Braun
KUZYSK LAW

CERTIFICATE OF SERVICE
27 CCR § 25903

I am employed in the County of Los Angeles, State of California, I am over the age of 18 and not a party to the within action; my business address is 2121 Avenue of the Stars, Suite 800, Los Angeles, CA 90067.

On July 3, 2023, I served the document(s) described as:

1. 60-Day Notice of Violation of California's Safe Drinking Water and Toxic Enforcement Act
2. Certificate of Merit
3. OEHHA Summary (to Violators only)
4. Additional Information in Support of Certificate of Merit (to California Attorney General and County District Attorneys only)

[X] BY U.S. MAIL: By placing a true copy(ies) thereof enclosed in a sealed envelope(s) and depositing it at a U.S. Postal Service Office with the postage fully prepaid addressed as follows:

U.S. MAIL SERVICE LIST

Alpine County District Attorney PO Box 248 Markleeville, CA 96120	Lake County District Attorney 255 N. Forbes Street Lakeport, CA 95453	San Jose City Attorney 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
Amador County District Attorney 708 Court Street, Suite 202 Jackson, CA 95642	Los Angeles County District Attorney 211 West Temple St., Suite 1200 Los Angeles, CA 90012	San Mateo County District Attorney 400 County Ctr., 3 rd Floor Redwood City, CA 94063
Butte County District Attorney 25 County Center Drive Oroville, CA 95965	Los Angeles City Attorney's Office 200 N. Main Street, Suite 800 Los Angeles, CA 90012	Shasta County District Attorney 1355 West Street Redding, CA 96001
Colusa County District Attorney 346 Fifth Street Suite 101 Colusa, CA 95932	Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	Sierra County District Attorney PO Box 457 Downieville, CA 95936

<p>Del Norte County District Attorney 450 H Street, Suite 171 Crescent City, CA 95531</p>	<p>Marin County District Attorney 3501 Civic Center Drive, Suite 145 San Rafael, CA 94903</p>	<p>Siskiyou County District Attorney PO Box 986 Yreka, CA 96097</p>
<p>El Dorado County District Attorney 778 Pacific St. Placerville, CA 95667</p>	<p>Mendocino County District Attorney PO Box 1000 Ukiah, CA 95482</p>	<p>Solano County District Attorney 675 Texas Street Suite 4500 Fairfield, CA 94533</p>
<p>Glenn County District Attorney PO Box 430 Willows, CA 95988</p>	<p>Modoc County District Attorney 204 S. Court Street, Suite 202 Alturas, CA 96101</p>	<p>Stanislaus County District Attorney 832 12th Street, Suite 300 Modesto, CA 95354</p>
<p>Humboldt County District Attorney 825 5th Street 4th Floor Eureka, CA 95501</p>	<p>San Bernardino County District Attorney 303 West Third Street San Bernardino, CA 92415</p>	<p>Sutter County District Attorney 463 Second Street Yuba City, CA 95991</p>
<p>Imperial County District Attorney 940 West Main Street Suite 102 El Centro, CA 92243</p>	<p>Mono County District Attorney PO Box 617 Bridgeport, CA 93517</p>	<p>Tehama County District Attorney PO Box 519 Red Bluff, CA 96080</p>
<p>Kern County District Attorney 1215 Truxtun Avenue, 4th Floor Bakersfield, CA 93301</p>	<p>Orange County District Attorney PO Box 808 Santa Ana, CA 92702</p>	<p>Trinity County District Attorney PO Box 310 Weaverville, CA 96093</p>
<p>Kings County District Attorney 1400 West Lacey Boulevard, Bldg # 4 Hanford, CA 93230</p>	<p>San Benito County District Attorney 419 Fourth Street, 2nd Floor Hollister, CA 95023</p>	<p>Tuolumne County District Attorney 423 N. Washington Street Sonora, CA 95370</p>
<p>Berkeley City Attorney's Office 2180 Milvia St, 4th Floor Berkely, CA 94704</p>	<p>Oakland City Attorney 1 Frank Ogawa Plaza 6th FL Oakland, CA 94612</p>	<p>Yuba County District Attorney 215 Fifth Street, Suite 152 Marysville, CA 95901</p>

[X] BY ELECTRONIC MAIL: By transmitting via e-mail on this date the document(s) listed above to the e-mail address(es) set forth below. SEE ELECTRONIC MAIL SERVICE LIST. The transmission was completed and was reported complete and without error and in accordance with counsel's approval.

ELECTRONIC MAIL SERVICE LIST


Alameda County District Attorney CEPDProp65@acgov.org	Nevada County District Attorney DA.Prop65@co.nevada.ca.us	San Luis Obispo County Deputy District Attorney edobroth@co.slo.ca.us
Calaveras County District Attorney Prop65Env@co.calaveras.ca.us	Placer County District Attorney Prop65@placer.ca.gov	Santa Barbara Deputy District Attorney DAProp65@co.santa-barbara.ca.us
Contra Costa County Deputy District Attorney sgrassini@contracostada.org	Plumas County District Attorney davidhollister@countyofplumas.com	Santa Clara Supervising Deputy District Attorney EPU@da.sccgov.org
Fresno County District Attorney consumerprotection@fresnocountyca.gov	Riverside County District Attorney Prop65@rivcoda.org	Santa Clara City Attorney Proposition65notices@sanjoseca.gov
Inyo County District Attorney inyoda@inyocounty.us	Sacramento County District Attorney Prop65@sacda.org	Santa Cruz County District Attorney Prop65DA@santacruzcounty.us
Lassen County Program Coordinator mlatimer@co.lassen.ca.us	San Diego County District Attorney SanDiegoDAProp65@sdca.org	Sonoma County District Attorney Jeannie.Barnes@sonoma-county.org
Mariposa County District Attorney mcda@mariposacounty.org	San Diego County Deputy City Attorney CityAttyProp65@sandiego.gov	Tulare County District Attorney Prop65@co.tulare.ca.us
Merced County District Attorney Prop65@countyofmerced.com	San Francisco Deputy City Attorney Prop65@sfcityatty.org	Ventura County District Attorney daspecialops@ventura.org
Monterey County District Attorney Prop65DA@co.monterey.ca.us	San Francisco Assistant District Attorney alexandra.grayner@sfgov.org	Yolo County District Attorney cfepd@yolocounty.org
Napa County District Attorney CEPD@countyofnapa.org	San Joaquin District Attorney DAConsumer.Environmental@sjcda.org	

[X] BY ELECTRONIC UPLOAD: By uploading documents on the Office of the California Attorney General's website located at <https://oag.ca.gov/prop65/add-60-day-notice>

[X] BY U.S. CERTIFIED MAIL:

Ms. Heather K. Terry
Chief Executive Officer
GoodSam P.B.C.
14 Francine Dr
Greenwich, CT 06830

Executed on July 3, 2023, at Los Angeles, California.



Michael D. Braun