



August 2, 2023

Momentum Brands, Inc.  
c/o Eric Schiffer  
4000 Union Pacific Ave.  
City of Commerce, CA 90023

99 Cents Only Stores LLC  
c/o CT Corporation System  
330 N. Brand Blvd., Ste 700  
Glendale, CA 91203

Re: NOTICE OF VIOLATION AGAINST MOMENTUM BRANDS, INC. AND 99 CENTS ONLY STORES LLC OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.6

To Whom It May Concern and to Public Prosecutors:

Ecological Alliance, LLC, a California limited liability company ("Alliance") is a California company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxics reduction, the promotion and improvement of human health, the improvement of workers and consumer rights, environmental education and corporate accountability. As described below, Alliance 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.* by Momentum Brands, Inc. and 99 Cents Only Stores LLC (collectively the "Violators"). This letter serves to provide Alliance's notification of these violations to the Violators and elected prosecutors. Pursuant to §25249.7(d) of the statute, Alliance intends to bring an enforcement action sixty (60) days or more after effective service of this notice unless the appropriate public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

The products which are causing an exposure without a warning in violation of Proposition 65, are cases of sewing needle sets, including but not limited to UPC #818068096879 ("Products") manufactured/distributed by Momentum Brands, Inc. and offered for sale by retailers, including 99 Cents Only Stores LLC, to California consumers.

A copy of the Proposition 65 summary prepared by the Office of Environmental Health Hazard Assessment is attached, to the copy of this letter served to the Violators.

This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an

Vineet Dubey, Esq.  
dubey@CD-Lawyers.com

employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

Because of this lack of a warning, occupational users were exposed to the following chemicals without the proper required Proposition 65 warnings: 1) Di(2-ethylhexyl)phthalate [DEHP]. The routes of exposure for this chemical are ingestion and dermal. Such exposure can cause cancer, birth defects and other reproductive harm. Exposures to the listed chemical from the use of the Products have been occurring without the clear and reasonable warnings required by Proposition 65, dating as far back as August 2, 2022, and will continue every day until clear and reasonable warnings are provided to occupational users or until this known toxic chemical is removed from the Products.

Alliance 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 so as to eliminate further exposures to the identified chemicals; or (2) affix clear and reasonable Proposition 65 warning labels for products sold in the future or reformulate such products to eliminate the exposures; and (3) pay an appropriate civil penalty.

Consistent with the public interest goals of Proposition 65, Alliance is interested in seeking a constructive resolution to this matter, and invites Violators, should they seek early resolution of this matter, to communicate directly with Alliance's attorneys. Such resolution will avoid further unwarned consumer exposures, as well as resource intensive litigation.

Please direct all questions concerning this notice to Alliance's attorney, Vineet Dubey (dubey@cd-lawyers.com), Custodio & Dubey LLP, 445 S. Figueroa St., Suite 2520, Los Angeles, CA 90071, 213-593-9095.

Sincerely,



Vineet Dubey  
Custodio & Dubey LLP

cc: see attached distribution list

Attachments:  
Proposition 65 summary  
Certificate of Merit  
Certificate of Service

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

**Re: Ecological Alliance, LLC's Notice of Proposition 65 Violations by Momentum Brands, Inc. and 99 Cents Only Stores LLC**

I, Vineet Dubey, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged 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 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 cause 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 & 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.

Dated: August 2, 2023

  
\_\_\_\_\_  
Vineet Dubey, Attorney at Law

**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 445 S. Figueroa St., Ste 2520, Los Angeles, CA 90071.

On the date shown below, 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 (*only sent to Attorney General*)
- 4) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65); A Summary

on the alleged violator listed below via First Class Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entity listed below and providing such envelope to a United States Postal Service Representative:

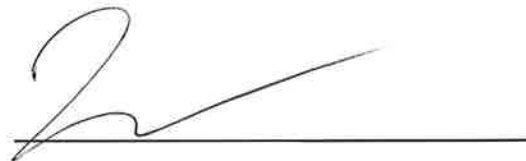
Momentum Brands, Inc.  
c/o Eric Schiffer  
4000 Union Pacific Ave.  
City of Commerce, CA 90023

99 Cents Only Stores LLC  
c/o CT Corporation System  
330 N. Brand Blvd., Ste 700  
Glendale, CA 91203

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to the parties listed on the attached Distribution List.

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

August 2, 2023



Vineet Dubey

Alameda County District Attorney 1225 Fallon St, Room 900 Oakland, CA 94612	Los Angeles County District Attorney 210 W Temple St, 18th Floor Los Angeles, CA 90012	Mono County District Attorney PO Box 617 Bridgeport, CA 93517
Alpine County District Attorney PO Box 248 Mammoth, CA 96130	Madera County District Attorney 209 W Yosemite Madera, CA 93601	San Joaquin County District Attorney PO Box 990 Stockton, CA 95209
Amador County District Attorney 708 Court, Suite 202 Yuba City, CA 95991	Mariposa County District Attorney P.O. Box 730 Mariposa, CA 95335	San Francisco County District Attorney 850 Bryant St, Rm 322 San Francisco, CA 94103
Butte County District Attorney 25 County Center Dr. Weed, CA 96094	Marin County District Attorney 3501 Civic Center Dr. San Rafael, CA 94903	San Diego County District Attorney San Diego, CA 92101-
Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95240	Mendocino County District Attorney P.O. Box 1000 Ukiah, CA 95482	San Bernardino County District Attorney 316 N Mountain View Ave San Bernardino, CA 92401
Office of the Attorney General P.O. Box 70550 Oakland, CA 94612-0550	Los Angeles City Attorney 200 N Main St Los Angeles, CA 90012	San Francisco City Attorney # 1 Dr. Carlton B. Goodlett Place, Suite 234 San Francisco, CA 94102
Colusa County District Attorney Courthouse, 547 Market St Colusa, CA Colusa, CA 95926	Inyo County District Attorney P.O. Drawer D Independence, CA 93526	Placer County District Attorney 10810 Justice Center Drive Roseville, CA 95678
Contra Costa County District Attorney 725 Court St., Room 200 Concord, CA 94520	Orange County District Attorney PO Box 808 Santa Ana, CA 92702	Merced County District Attorney 550 W. Main St. Merced, CA 95354
Del Norte County District Attorney 450 "H" St. Crescent City, CA 95531	Nevada County District Attorney 10075 Levon Ave. Nevada, CA 95959	Napa County District Attorney PO Box 720 Napa, CA 94550-0720
El Dorado County District Attorney 515 Main St. Placerville, CA 95667-5607	Plumas County District Attorney 520 Main Street, Marysville, CA 95958	Riverside County District Attorney 3960 Orange Street, Suite 200 Riverside, CA 92503
Fresno County District Attorney 2220 Tulare St, Fresno, CA 93721	Sacramento County District Attorney 901 G Street Sacramento, CA 95814	San Benito County District Attorney 419 4th St San Benito, CA 95050
Glenn County District Attorney PO Box 430 Willows, CA 95988	San Luis Obispo County District Attorney County Government Center, Rm 450 San Luis Obispo, CA 93401	Siskiyou County District Attorney PO Box 986 Eureka, CA 95501
Humboldt County District Attorney 825 5th St., 4th Fl. Eureka, CA 95501	San Mateo County District Attorney 400 County Center Redwood City, CA 94063	Solano County District Attorney 600 Union Ave Fairfield, CA 94533
Imperial County District Attorney 939 W. Main St., 2nd Floor El Centro, CA 92520	Santa Barbara County District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101	Sonoma County District Attorney 600 Administration Dr. Santa Rosa, CA 95401
Kern County District Attorney 1215 Truxtun Bakersfield, CA 93304	Santa Clara County District Attorney 70 W Hedding St. San Jose, CA 95110	Shasta County District Attorney 1355 West St. Red Bluff, CA 96077
Kings County District Attorney Gov't Ctr, 1400 West St. Hanford, CA 93231	Santa Cruz County District Attorney 501 S. Santa Ana St. Santa Cruz, CA 95060	Sierra County District Attorney PO Box 457 Tehama, CA 96090
Lake County District Attorney 255 N Forbes St. Lakeview, CA 95942	Stanislaus County District Attorney PO Box 442 Modesto, CA 95353	Trinity County District Attorney PO Box 310 Weaverville, CA 96093
Modoc County District Attorney 204 S. Court Street Yreka, CA 96097	Sutter County District Attorney 446 Second Yuba City, CA 95991	Yuba County District Attorney 215 5th St Yuba City, CA 95991
San Diego City Attorney City Center Plaza 1200 3rd St., # 1100 San Diego, CA 92101	Lassen County District Attorney 200 S Lassen St, Suite 8 Marysville, CA 95901	Monterey County District Attorney PO Box 1131 Salinas, CA 93902
Tuolumne County District Attorney 2 S Green St Sonoma, CA 95270	Tulare County District Attorney County Civic Center Tulare, CA 93276	Yolo County District Attorney 310 Second St Yuba City, CA 95991
Ventura County District Attorney 800 S Victoria Ave Ventura, CA 93000	Tehama County District Attorney P.O. Box 519 Red Bluff, CA 96080	San Jose City Attorney 200 E. Santa Clara St San Jose, CA 95131