



August 17, 2023

Votum Enterprises
Attn: Legal Department
1 Cardinal Dr.
Little Falls, NJ 07424

Burlington Coat Factory of Texas, Inc.
c/o CT Corporation System
330 N. Brand Blvd., Ste 700
Glendale, CA 91203

Macy's Backstage, Inc.
c/o Corporate Creations Network, Inc.
4640 Admiralty Way, 5th Floor
Marina del Rey, CA 90292

Re: NOTICE OF VIOLATION AGAINST VOTUM ENTERPRISES AND BURLINGTON COAT FACTORY OF TEXAS, INC. AND MACY'S BACKSTAGE, INC. 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 Votum Enterprises, Burlington Coat Factory of Texas, Inc., and Macy's Backstage, Inc. (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 nail polish sets, including but not limited UPC #492617471944; case of lotion sets, including but not limited to Style #B50T1-0533; and cases of bath & body sets, including but not limited to Style #T5067-0717 ("Products") manufactured/distributed by Votum Enterprises and offered for sale by retailers, including Burlington Coat Factory of Texas, Inc. and Macy's Backstage, Inc., to California consumers.

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

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.

Because of this lack of a warning, consumers 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 17, 2022, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from 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.

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 Votum Enterprises and Burlington Coat Factory of Texas, Inc., and Macy's Backstage, Inc.

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 17, 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:

Votum Enterprises
Attn: Legal Department
1 Cardinal Dr.
Little Falls, NJ 07424

Burlington Coat Factory of Texas, Inc.
c/o CT Corporation System
330 N. Brand Blvd., Ste 700
Glendale, CA 91203

Macy's Backstage, Inc.
c/o Corporate Creations Network, Inc.
4640 Admiralty Way, 5th Floor
Marina del Rey, CA 90292

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 17, 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 Marshallville, CA 96120	Madera County District Attorney 209 W Yosemite	San Joaquin County District Attorney PO Box 990
Amador County District Attorney 708 Court, Suite	Mariposa County District Attorney P.O. Box 730	San Francisco County District Attorney 850 Bryant St, Rm 322
Butte County District Attorney 25 County Center Dr.	Marin County District Attorney 3501 Civic	San Diego County District 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 95422	San Bernardino County District Attorney 316 N Mountain View Ave
Office of the Attorney General P.O. Box 70550 Oakland, CA 94612-0550	Los Angeles City Attorney 200 N	San Francisco City Attorney # 1 Dr. Carlton B. Goodlett Place, Suite 234 San Francisco, CA
Colusa County District Attorney Courthouse, 547 Market St Colusa, CA	Inyo County District Attorney P.O. Drawer D Independence, CA 93526	Placer County District Attorney 10810 Justice Center Drive
Contra Costa County District Attorney 725 Court St., Room	Orange County District Attorney PO Box 808 Santa Ana, CA 92702	Merced County District Attorney
Del Norte County District Attorney 450 "H" St. Crescent City, CA 95531	Nevada County District Attorney 10075 Levon Ave.	Napa County District Attorney PO Box 720 Napa, CA 94550-0720
El Dorado County District Attorney 515 Main St. Diamond Springs, CA 95667-5607	Plumas County District Attorney 520 Main Street,	Riverside County District Attorney 3960 Orange Street, Suite
Fresno County District Attorney 2220 Tulare St,	Sacramento County District Attorney 901 G Street Sacramento, CA 95814	San Benito County District Attorney 419 4th St
Glenn County District Attorney PO Box 430 Willows, CA 95988	San Luis Obispo County District Attorney County Government Center, Rm 450	Siskiyou County District Attorney PO Box 986
Humboldt County District Attorney 825 5th St., 4th	San Mateo County District Attorney 400 County Center Redwood City, CA 94063	Solano County District Attorney 600 Union Ave Fairfield, CA 94532
Imperial County District Attorney 939 W. Main St., 2nd Floor	Santa Barbara County District Attorney 1112 Santa Barbara St.	Sonoma County District Attorney 600 Administration Dr.
Kern County District Attorney 1215 Truxtun	Santa Clara County District Attorney 70 W Hedding St. San Jose, CA 95110	Shasta County District Attorney 1355 West St.
Kings County District Attorney Gov't Ctr,	Santa Cruz County District Attorney	Sierra County District Attorney PO Box 457
Lake County District Attorney 255 N Forbes St	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	Sutter County District Attorney 446 Second	Yuba County District Attorney 215 5th St
San Diego City Attorney City Center Plaza	Lassen County District Attorney 200 S Lassen St, Suite 8	Monterey County District Attorney PO Box 1131 Salinas, CA 93902
Tuolumne County District Attorney 2 S Ecological St Sonoma, CA 95270	Tulare County District Attorney County Civic	Yolo County District Attorney 310 Second St
Ventura County District Attorney 800 S Victoria Ave	Tehama County District Attorney P.O. Box 519 Red Bluff; CA 96080	San Jose City Attorney 200 E. Santa Clara St