ALVANDI LAW GROUP
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November 1, 2023

SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(*Cal. Health & Safety Code* § 25249.5, *et seq*.) ("Proposition 65")

Re: ***Violations of Proposition 65 related to unleaded gasoline***

TO: ***Office of the California Attorney General***
Prop 65 Enforcement Reporting. 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

Shell #10008007
1520 S Santa Fe Ave, Los Angeles, CA, 90021

FROM: *Sandra Assareh, by and through Alvandi Law Group*

Dear Alleged Violators and Public Enforcement Agencies:

This office, Alvandi Law Group, P.C. (hereinafter "ALG"), represents Claimant Sandra Assareh ("Claimant"), who serves this Notice of Violation ("Notice") on Shell #10008007 (collectively "Violators") pursuant to California Health & Safety Code section 25249.7(d) and in compliance with Proposition 65. This Notice satisfies a prerequisite for Claimant to commence an action against Violators in any Superior Court of California to enforce Proposition 65.

I. INTRODUCTION:

This Notice is provided to the public agencies listed above and in the attached proof of service pursuant to California Health & Safety Code § 25249.6, et seq. ("Proposition 65"). As noted above, notice is also being provided to the violator. The violations covered by this Notice consists of a summary of Proposition 65, Statement of Violation, Number and Duration of Violation, Product Category/Type, Listed Chemical(s), Preservation of Evidence, Product Exposure, Routes of Exposure and type of harm resulting from exposure to the chemicals including but not limited to (the " Chemicals") as follows:

- Unleaded gasoline, a product known to the State of California to cause cancer.

II. PROPOSITION 65 INFORMATION – SUMMARY:

A summary of Proposition 65 and its implementation regulations, prepared by the Office of Environmental Health Hazard Assessment, the lead agency designated under Proposition 65, is enclosed with the copy of the Notice served on the Notice Recipients. For more information

concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900.

III. STATEMENT OF VIOLATIONS:

Proposition 65 requires that a "clear and reasonable" warning be provided prior to exposure to certain listed chemicals. The Violators are in violation of Proposition 65 because the Violators have failed to provide a warning to consumers that they are being exposed to Chemicals. While in the course of doing business, the Violators are "knowingly and intentionally" exposing consumers to Chemicals without first providing a "clear and reasonable" warning. See *Cal. Health and Safety Code § 25249.6*. A warning for environmental exposures to listed chemicals at service stations must be provided at the most common location for exposures to listed chemicals. OEHHA has determined that these are most likely to occur at or near the gas pumps; therefore a warning must be provided at each gas pump. This process is consistent with existing industry practices. The sign must be printed in no smaller than 22-point type and be enclosed in a box so that it is set off from other warnings and information posted on the pumps. See Cal. Code Regs. tit. 27, § 25607.26 Service Station and Vehicle Repair Facilities Warnings.

The Violators have not provided any Proposition 65 warnings at the most common location for exposures to listed Chemicals. The Violators failed to post proper warning printed in at least 22-point type and be enclosed in a box so that it is set off from other warnings and information posted on the pumps.

Without such 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 Chemical at the Location(s). 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.

IV. ROUTE OF EXPOSURE

The primary route of exposure to unleaded gasoline is through inhalation of its vapors. However, the Chemical can also enter the body through other routes of exposure, such as ingestion and dermal absorption through the skin. No clear and reasonable warning is provided regarding the carcinogenic hazards of exposure to the Chemical at the Location(s).

By way of example but not limitation, exposures occur when California Citizens enter the locations owned and/or operated by Violator(s) at the Location(s) identified above and are exposed to a combination of chemicals listed under Proposition 65 while at the location(s).

V. NUMBER AND DURATION OF VIOLATIONS

These violations have been occurring every day since at least 10/22/2021, and every day, and will continue every day until clear and reasonable warnings are provided and required by State law or until these known toxic chemicals are removed or reduced to allowable levels in the products.

VI. EVIDENCE PRESERVATION REQUEST TO ALLEGED VIOLATOR(S):

Alleged Violator(s) are 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 Chemical at the Location(s) 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(s) that the Violator(s) contends provides consumers with the "clear and reasonable" warning required by Health & Safety Code section 25249.6 regarding the exposures (and prese1ving any historical depictions of such warning materials). The failure to preserve the requested evidence may result in sanctions and other penalties.

VII. CERTIFICATE OF MERIT

Pursuant to *Health & Safety Code* §25249.6 and Title 11, California Code of Regulations, section 3100, a Certificate of Merit is attached hereto. A second copy of the entire notice and Certificate of Merit is served on the Attorney General with all supporting documentation required by section 3102 attached hereto.

VIII. RESOLUTION OF NOTICED CLAIMS

Consistent with the goals of Proposition 65 and a desire to have these violations corrected, ALG is interested in seeking a resolution of this matter. Such a resolution will prevent further unwarned consumer exposure to the Chemical(s), as well as expensive and time-consuming litigation. It should be noted that counsel cannot (1) finalize any settlement until after the 60-day notice period has expired; or (2) speak for the California Attorney General or any District or City Attorney who has received this notice. Therefore, while reaching an agreement with ALG will resolve its claims; such an agreement may not satisfy the public prosecutors.

Proposition 65 requires that notice of intent to sue be given to the violator(s) sixty (60) days before the suit is filed. *Cal. Health & Safety Code* § 25249.7(d)(1). With this letter, Claimant gives notice of the alleged violations to Violator and the appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within sixty (60) calendar days of the date of sending this notice (plus ten (10) calendar days because the place of address is beyond the State of California but within the United States), Claimant may file suit. See *Cal. Code Civ. Proc.* §1013; *Cal. Health & Safety Code* § 25249.7(d)(1); and *Cal. Code Regs.* tit. 27 § 25903(d)(1). Claimant remains open and willing to discussing the possibility of resolving the grievances short of formal litigation.

All communications regarding this notice may be made to Alvandi Law Group at the above-listed firm address and telephone number.

Attachments:

Certificate of Merit
Supporting Documentation for Certificate of Merit (to Attorney General Only)
Proposition 65: A Summary
Proof of Service

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Gil Alvandi, Esq., hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health and Safety Code § 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 exposure to the Listed Chemical that is the subject of this 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 plaintiff's case can be established and the information did not prove that the alleged Violators will be able to establish any of the affirmative defenses set forth in the statute; and

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 information identified in Health and 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: 11/1/2023

Gil Alvandi, Esq.

CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

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. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. My business address is 20301 SW Acacia Street, Second Floor, Newport Beach, CA 92660.

ON THE DATE SHOWN BELOW, I SERVED THE FOLLOWING DOCUMENTS:

- *60-Day Notice of Violation of Health & Safety Code § 25249.5, ET SEQ.*
- *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary*
- *Certificate of Merit pursuant to Health & Safety Code § 25249.7(d)*

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below, and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Name:	Address:
Shell #10008007	*1520 S Santa Fe Ave, Los Angeles, CA, 90021*

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below, and depositing it at a U.S. Postal Service Office with the postage fully prepaid for delivery by USPS mail:

Name:	Address:
LA County District Attorney	c/o Prop 65 Violations, 211 W.Temple St., Ste 1200, Los Angeles, CA 90012
LA City Attorney	c/o Prop 65 violations, 200 N. Main Street, Ste. 800, Los Angeles, CA 90012

on the following parties via electronic service:

Name:	Address:

Executed on November 1, 2023, in Newport Beach, California.

Kendi Navarrete Campos

Kendi Navarrete Campos
Legal Assistant

Proof of Service via Electronic Upload

I declare that I am a citizen of the United States and a resident of the County of Orange. I am over the age of eighteen (18) and not a party to the within action. My business address is 20301 SW Acacia Street, Second Floor, Newport Beach, CA 92660.

On the date shown below, 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:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

- 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 November 1, 2023, at Newport Beach, California.

Blair Hamilton

Blair M. Hamilton
Senior Paralegal

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENTCALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986(PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statuteand OEHHA implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ONTHE NOTICE.

The text of Proposition 65 (Health and Safety Code Sections 25249.5 through 25249.13) is available online at: http://oehha.ca.gov/prop65/law/P65law72003.html. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.[1]These implementing regulations are available online at: http://oehha.ca.gov/prop65/law/P65Regs.html.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Proposition 65 List." Under Proposition 65, the lead agency (OEHHA) publishesa list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. Chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as damage to

[1] All further regulatory references are to sections of Title 27 of the California Code of Regulations unlessotherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: http://www.oehha.ca.gov/prop65/law/index.html.

female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available onthe OEHHA website at: http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under Proposition 65. Businesses that produce, use, release or otherwise engage in activities involving listedchemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical unless an exemption applies. The warning given must be "clear and reasonable." This means thatthe warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed to that chemical. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt fromthis requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (http://www.oehha.ca.gov/prop65/law/index.html) to determine all applicableexemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months afterthe chemical has been listed. The Proposition 65 discharge prohibition does not applyto a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, stateor local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor thedischarge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed under Proposition 65 as known to the State to cause cancer, a warning is not required ifthe business causing the exposure can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-yearlifetime. The Proposition 65 regulations identify specific "No Significant Risk Levels" (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA's website at: http://www.oehha.ca.gov/prop65/getNSRLs.html for a list of NSRLs, and Section 25701 *et seq*. of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business causing the exposure can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. Inother words, the level of exposure must be below the "no observable effect level" divided by 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA's website at: http://www.oehha.ca.gov/prop65/getNSRLs.html for a list of MADLs, and Section 25801 *et seq*. of the regulations for information concerninghow these levels are calculated.

Exposures to Naturally Occurring Chemicals in Food. Certain exposures to chemicals that naturally occur in foods (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant[2] it must be reduced to the lowest level feasible. Regulations explaining this exemption canbe found in Section 25501.

Discharges that do not result in a "significant amount" of the listed chemical entering any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount"of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws,regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" level for chemicals that cause cancer or that is 1,000 times below the "no observable effect" level for chemicals that cause reproductive toxicity, if an individual were exposed to thatamount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by theAttorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of

[2] See Section 25501(a)(4).

the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of Title 27 and sections 3100-3103 of Title 11. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an enforcement action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to $2,500 per day for each violation. In addition, the business may be ordered by a court tostop committing the violation.

A private party may not file an enforcement action based on certain exposures if the alleged violator meets specific conditions. For the following types of exposures, the Actprovides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator'spremises to the extent onsite consumption is permitted by law;

- An exposure to a Proposition 65 listed chemical in a food or beverage prepared and sold on the alleged violator's premises that is primarily intended for immediate consumption on- or off-premises. This only applies if the chemical wasnot intentionally added to the food, and was formed by cooking or similar preparation of food or beverage components necessary to render the food or beverage palatable or to avoid microbiological contamination;

- An exposure to environmental tobacco smoke caused by entry of persons (otherthan employees) on premises owned or operated by the alleged violator where smoking is permitted at any location on the premises;

- An exposure to listed chemicals in engine exhaust, to the extent the exposureoccurs inside a facility owned or operated by the alleged violator and primarilyintended for parking non-commercial vehicles.

If a private party alleges that a violation occurred based on one of the exposures described above, the private party must first provide the alleged violator a notice ofspecial compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form isincluded in Appendix B and can be downloaded from OEHHA's website at: http://oehha.ca.gov/prop65/law/p65law72003.html.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: May 2017

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

Appendix A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACTION 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the office of Environmental Health Hazard Assessment, the lead and Toxic Enforcement Act 1986 (commonly known as "Proposition 65") A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide law. The reader is directed to the statue and its implementing regulations (See citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code Regulations, Sections 250000 through 27000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 725 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release, or otherwise engage in activities involving those chemicals must comply with the following:

Clear and Reasonable Warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of the listing of the chemical.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of the listing of chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

Governmental agencies and public water utilities. All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime.The Proposition 65 regulations identify specific "no significant risk" levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxins"), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level (NOEL),"divided by a 1,000- fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharge that do not result in a "significant amount" of the listed chemical entering into any source of drinking water.The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the list chemical has not, does not, or will not enter any drinking water source, and that the discharge complieswith all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount; expect an amount that would meet the "no significant risk" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney andcity attorney, and the business accused of theviolation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 27. California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to $2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation.

FOR FURTHER INFORMATION....

Contact the Office of Environmental HealthHazard Assessment-s Proposition 65 Implementation Office at (916)445-6900