

**SIXTY DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF  
SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
(California Health and Safety Code Section 25249.5 *et seq.*)**

March 25, 2024

**I. Description of Violation**

**Noticing Entity:** Mothers Oversight Network for Actionable Response to Contaminant Harm, LLC (“MONARCH”)

**All Communications To:** Daniel N. Greenbaum, Esq.  
GREENBAUM LAW FIRM  
7120 Hayvenhurst Ave., Ste. 320  
Van Nuys, CA 91406  
Phone: (818) 809-2199  
Fax: (424) 243-7689  
Email: [dgreenbaum@greenbaumlawfirm.com](mailto:dgreenbaum@greenbaumlawfirm.com)

**Alleged Violator(s):** John Paul Mitchell Systems; Ulta Beauty Cosmetics

**Time Period of Exposure:** Violations have been occurring since at least November 1, 2023

**Covered Product(s):** Aerosol Shine Spray

**Exemplar Product(s):** Paul Mitchell Platinum Blonde Toning Spray

**Listed Chemical(s):** Titanium Dioxide (airborne, unbound particles of respirable size)

**Route(s) of Exposure:** Inhalation

**Potential Harm:** Carcinogen

**II. General Information**

MONARCH is organized to promote awareness of exposures to toxic chemicals in California and to improve public health and safety. This Notice is provided to the parties listed above pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly referred to as “Proposition 65”) for violations of California Health & Safety Code §25249.6, failure to provide consumers with a clear and reasonable warning of the potential for exposure to chemicals known to the State of California to cause cancer and/or reproductive harm.

The specific product(s) causing consumer exposures in violation of Proposition 65 is/are

listed below. All product(s) within the type covered by this Notice shall be referred to hereinafter as the “Covered Product(s).”

*NOTE: While MONARCH identifies Sayward Halling, 573 N Olive St. Ventura, CA 93001, (805) 665-3853 as the responsible individual within the Noticing Entity, all communication must be sent to MONARCH’s attorney, the Greenbaum Law Firm at address above*

### **III. Alleged Violation(s)**

Specific examples of products purchased by MONARCH in Los Angeles County, California are identified below. This **exemplar** product does not represent an exhaustive identification of all violative Products. The Violator(s) are obligated to perform an internal investigation into any Products that may have been manufactured, distributed, sold, or shipped during the relevant period.

The Covered Product(s) contain the Listed Chemical(s) and potentially expose consumers to the Listed Chemical(s) in amounts that require warnings to consumers as described by California Health & Safety Code §25249.6, et seq. and 27 C.C.R. 25600.2, et seq. The exemplar product purchased by MONARCH does not provide clear and reasonable warnings that comply with the code and regulations.

**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 Listed Chemical to consumers, and all communications regarding any such exposures. This also includes, without limitation, documenting (through any means, including but not limited to time-stamped photography and/or video recording) the present existence, content, and location of all warning materials—including labels, signs, tags, and other language—that the Alleged Violator(s) 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), as well as all testing and sales data related to the Covered Products, and all advertising and/or marketing materials related to the Covered Products. The failure to preserve the requested evidence may result in sanctions and other penalties.

The Covered Product(s) contains the Listed Chemical(s) as an intentionally added ingredient. The Covered Product(s) are designed, manufactured, and marketed to be used by consumers by spraying within the breathing zone. During this use, the Listed Chemical(s) may be inhaled by the consumer. This directly leads to a consumer exposure to the Listed Chemical(s) via inhalation.

Covered Product(s)	Exemplar Product Information
Aerosol Shine Spray	Paul Mitchell Platinum Blonde Toning Spray

#### **IV. Proposition 65 Information**

For general information concerning Proposition 65, please contact the Office of Environmental Health Hazard Assessment (“OEHHA”) Proposition 65 Implementation Office or to visit their website at <http://oehha.ca.gov/proposition-65>.

#### **V. Resolution of Claim(s)**

MONARCH intends to file a lawsuit against the alleged Violator(s) unless such Violator(s) enters into a binding written agreement to become compliant with California Health & Safety Code 25249.6 *et seq.* Please feel free to contact the counsel identified above to discuss this further.

### **Certificate of Merit**

I, Daniel N. Greenbaum, 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.

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 25, 2024



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Daniel N. Greenbaum, Esq.  
Attorney for MONARCH

## **PROOF OF SERVICE**

I hereby declare that I am over the age of 18 and not a party to this case or action. My business address is: **7120 Hayvenhurst Ave., Suite 320, Van Nuys CA 91406**. A True and Correct copy of the document entitled **NOTICE OF VIOLATION** will be served or was served in the manner stated below:

- I. First Class Mail: On March 25, 2024, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope with the USPS, postage prepaid, and addressed as follows:

Attn: CEO or President	John Paul Mitchell Systems 20705 Centre Point Pkwy Santa Clarita, CA 01350
Attn: Registered Agent	C T Corporation System 330 N Brand Blvd Glendale, CA 91203
Attn: CEO or President	Ulta Beauty Cosmetics, LLC 1000 Remington Blvd Ste 120 Boilingbrook, IL 60440
Attn: Registered Agent	Illinois Corporation Service Company 801 Adlai Stevenson Dr Springfield, IL 62703

- II. California Attorney General (via website Portal): On March 25, 2024, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General's website.
- III. District and City Attorneys (via First Class Mail): On March 25, 2024, I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows: **SEE ATTACHED SERVICE LIST**.
- IV. District and City Attorneys (via email): On March 25, 2024, I served the following persons and/or entities at the last known electronic addresses via email (the transmission was reported as sent without error): cfepd@yolocounty.org; sgrassini@contracosta.org; Prop65DA@co.monterey.ca.us; epu@da.sccgov.org; CEPD@countyofnapa.org; jbarnes@sonoma-county.org; Prop65@co.tulare.ca.us; cdalbey@co.santa-barbara.ca.us; CityAttyCrimProp65@sandiego.gov; CEPDProp65@acgov.org; DChandler@co.lassen.ca.us; Prop65@rivcoda.org; Prop65@sacda.org; EPU@da.sccgov.org; CityAttyCrimProp65@sandiego.gov; gregory.alker@sfgov.org; edobroth@co.slo.ca.us; DAConsumer.Environmental@sjcda.org; daspecialops@ventura.org; Prop65DA@santacruzcounty.us; Prop65@sfcityatty.org; Prop65env@co.calaveras.ca.us

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

Dated: March 25, 2024



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Megan Newman

## Service List

Alpine County District Attorney  
P.O. Box 248  
Markleeville, CA 96120

Amador County District Attorney  
708 Court St, #202  
Jackson, CA 95642

Butte County District Attorney  
25 County Center Dr  
Oroville, CA 95965

Colusa County District Attorney  
346 Fifth Street, Suite 101  
Colusa, CA 95932

Del Norte County District Attorney  
450 H Street, Room 171  
Crescent City, CA 95531

El Dorado County District Attorney  
778 Pacific St.  
Placerville, CA 95667

Fresno County District Attorney  
2220 Tulare Street, Suite 1000  
Fresno, CA 93721

Glenn County District Attorney  
P.O. Box 430  
Willows, CA 95988

Humboldt County District Attorney  
825 5th Street, 4th Floor  
Eureka, CA 95501

Imperial County District Attorney  
940 West Main Street, Suite 102  
El Centro, CA 92243

Inyo County District Attorney  
168 N Edwards St  
Independence, CA 93526

Kern County District Attorney  
1215 Truxtun Avenue  
Bakersfield, CA 93301

Kings County District Attorney  
1400 West Lacey Boulevard  
Hanford, CA 93230

Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453

Los Angeles County District Attorney  
211 West Temple Street  
Los Angeles, CA 90012

Madera County District Attorney  
209 West Yosemite Avenue  
Madera, CA 93637

Marin County District Attorney  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

Mariposa County District Attorney  
P.O. Box 730  
Mariposa, CA 95338

Mendocino County District Attorney  
P.O. Box 1000  
Ukiah, CA 95482

Merced County District Attorney 550 W.  
Main Street  
Merced, CA 95340

Modoc County District Attorney  
204 S. Court Street, Suite 202  
Alturas, CA 96101

Mono County District Attorney  
Po Box 2053  
Mammoth Lakes, CA 93546

Nevada County District Attorney  
201 Commercial Street  
Nevada City, CA 95959

Orange County District Attorney  
401 Civic Center Dr West  
Santa Ana, CA 92701

Placer County District Attorney  
10810 Justice Center Drive  
Roseville, CA 95678

Plumas County District Attorney  
520 Main Street, Room 404  
Quincy, CA 95971

San Benito County District Attorney  
419 4th Street  
Hollister, CA 95203

San Bernardino County District Attorney  
303 West 3rd Street  
San Bernardino, CA 92415

San Mateo County District Attorney  
400 County Center, Third Floor  
Redwood City, CA 94063

Shasta County District Attorney  
1355 West Street  
Redding, CA 96001

Sierra County District Attorney  
100 Courthouse Square  
Downieville, CA 95936

Siskiyou County District Attorney  
P.O. Box 986  
Yreka, CA 96097

Solano County District Attorney  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

Stanislaus County District Attorney  
832 12th Street, Suite 300  
Modesto, CA 95354

Sutter County District Attorney  
466 Second Street, Suite 102  
Yuba City, CA 95991

Tehama County District Attorney  
444 Oak Street, Room L  
Red Bluff, CA 96080

Trinity County District Attorney  
P.O. Box 310  
Weaverville, CA 96093

Tuolumne County District Attorney  
423 North Washington Street  
Sonora, CA 95370

Yuba County District Attorney  
215 Fifth Street  
Marysville, CA 95901

Office of the City Attorney, Los Angeles  
200 North Main Street  
Los Angeles, CA 90012

Office of the City Attorney, Sacramento  
915 I Street, 4th Floor  
Sacramento, CA 95814

Office of the City Attorney, San Diego  
1200 Third Avenue, Suite 1620  
San Diego, CA 92101

Office of the City Attorney, San Francisco  
1 Dr. Carlton B. Goodlett Place, Room 234  
San Francisco, CA 94102

Office of the City Attorney, San Jose  
200 East Santa Clara Street, 16th  
Floor San Jose, CA 95113