

VIA CERTIFIED FIRST CLASS MAIL

Current Manager or Managing Partner
Citarella Operating LLC
2135 Broadway
New York NY 10023

Current Manager or Managing Partner
Citarella E-Commerce
2135 Broadway
New York NY 10023

Current Manager or Managing Partner
Citarella East LLC
2135 Broadway
New York NY 10023

Current Manager or Managing Partner
Citarella Hudson Enterprises LLC
2135 Broadway
New York NY 10023

Current Manager or Managing Partner
Citarella Hudson Wines & Spirits, LLC
2135 Broadway
New York NY 10023

Current President or CEO
Citarella East Inc.
2135 Broadway
New York NY 10023

Current President or CEO
Citarella GCT Corp.
2135 Broadway
New York NY 10023

Current President or CEO
Citarella Wines & Spirits, Inc.
2135 Broadway
New York NY 10023

Current Manager or Managing Partner
Citarella Enterprises, LLC
care of The Company Corporation
251 Little Falls Drive
Wilmington, DE 19808

Current Manager or Managing Partner
Citarella Holdings, LLC
care of Business Filings Incorporated
108 West 13th Street
Wilmington, DE 19801

Current President or CEO
Sullivan & Fitzgerald, Food Brokers, Inc.
891 Route 10 East
Randolph, NJ 07869

Current President or CEO
Badger Bay Mussel Farms Ltd.
Box 316
Triton, NL A0J 1V0
Canada

VIA ELECTRONIC FILING

State of California Department of Justice
Office of Attorney General of California
Filing link: oag.ca.gov/prop65

VIA FIRST CLASS MAIL

District Attorneys of California Counties
and City Attorneys, as in the Certificate of
Service

VIA E-MAIL

District Attorneys of California Counties
and City Attorneys, as in the Certificate of
Service

RE: Cadmium, lead and lead compounds in Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd. products

May 10, 2024

THIS IS A SECOND NOTICE OF INTENT TO SUE
1st notice: AG NO 2023-02509 of 8.15.23

for violations of the Safe Drinking Water and Toxic Enforcement Act of 1986

Dear alleged violators and public enforcement agencies,

The undersigned counsel represents The Chemical Toxin Working Group, Inc., a California non-profit corporation, doing business as Healthy Living Foundation Inc., 1801 Chart Trail, Topanga, California 90290, telephone number 310 403 6995 (“HLF,” “Noticing Party”). HLF implements measures to reduce the amount of chemical toxins in consumer products posing targeted dangers to fetuses, children, pregnant women, and women of childbearing age; acts in the interest of the people with a mission to bring truth and transparency to consumer product labeling and advertising; improves safety for workers by reducing their exposure to chemicals; publishes consumer health articles, periodicals, books, comparative test results and educates the public. HLF has achieved reformulation and removal of egregiously carcinogenic products from the market.

HLF has enforced a large number of Cal. Health & Safety Code violations in the public interest and developed an extensive expertise in prosecuting manufacturers and distributors of food and consumer products for violations of health and consumer safety laws. These cases have resulted in significant public benefit, including reformulation of products to remove toxic chemicals to make them safer, and putting label and online warnings on products tested as contaminated with lead cadmium, acrylamide, dioxane, or removing them from the California market.

HLF’s Chief Officer David W. Steinman is a publisher, health and environmental journalist, and bestselling author of *Diet For A Poisoned Planet* (Crown Ed., 1990, Ballantine 2d Ed., 1992, Running Press 3d Ed., 2007). Among his other books are: *The Safe Shoppers’ Bible* (Macmillan Ed., 1995, Wiley 2d Ed., 2000) and *The Breast Cancer Prevention Program* (Macmillan Ed., 1997). Mr. Steinman represented the public interest at the National Academy of Sciences on the Safe Seafood Committee that produced *Seafood Safety* (Washington, D.C.: National Academies Press, 1991), advised Congress on related legislation, testified before Congress as an expert witness on food safety, was an early proponent of Proposition 65, and a child victim of exposure to toxic chemicals.

The Safe Drinking Water and Toxic Enforcement Act of 1986, codified in the California Health & Safety Code sections 25249.5, et seq. (“Proposition 65”), requires that a 60-day notice of intent to sue be provided to a violator of Cal. Health & Safety Code § 25249.6.



With this notice of violation (“Notice,” “NOV”) HLF gives a written notice of the alleged violation, bringing this action in the public interest, as defined under the Cal. Health & Safety Code § 25249.7(d), seeking to prosecute the alleged continuing noncompliance, and to warn consumers about their exposure to the violative chemical(s), or reduce and/or eliminate consumer exposures from product(s) (collectively, the “Specified Products” and each a “Specified Products”) listed in the table below, which are manufactured, distributed and/or sold by Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd. (referred to as the “Noticed Party[ies]”).

This Notice covers the violations of Proposition 65 that are currently known to the Noticing Party from information now available as specifically related to the violating products listed below and manufactured, distributed or/and sold by and through the Noticed Parties. HLF is continuing its investigation that may reveal further violations.

The Specified Product(s) subject to this Notice, the chemical(s) in the Specified Product(s) identified as exceeding allowable levels, and the Noticed Parties responsible for sales of the Specified Products, are as follows:

Specified Products	Violative chemical	Noticed Party
Cherrystone Clams	Cadmium, lead and lead compounds	Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.
Fishers Island Oysters	Cadmium, lead and lead compounds	Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.
Peconic Oysters	Cadmium, lead and lead compounds	Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.



Prince Edward Island Mussels	Cadmium, lead and lead compounds	Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.
Little Neck Clams	Cadmium, lead and lead compounds	Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.

Lead and lead compounds (“lead”) are listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, reproductive toxicity and cancer.

Cadmium (“cadmium”) is listed pursuant to Proposition 65 as a chemical known to the State of California to cause developmental toxicity, reproductive toxicity and cancer.

Noticed Parties have manufactured, produced, marketed, distributed and/or sold the Specified Products which, according to the test results, have exposed and continue to expose consumers within the State of California to cadmium, lead and lead compounds.

The primary route of exposure has been through ingestion.

Cal. Health & Safety Code § 25249.6 requires that a “clear and reasonable” warning be provided prior to exposure to a chemical listed under Proposition 65. The Noticed Parties are in violation of Proposition 65 because the Noticed Parties have failed to provide a warning to consumers that consumers are being exposed to cadmium, lead and lead compounds.

HLF alleges that while in the course of doing business, the Noticed Parties are knowingly and intentionally exposing consumers to cadmium, lead and lead compounds without first providing a “clear and reasonable” warning.

The method of warning should be a warning that appears on the product’s label. See Cal. Code Regs. tit. 27, § 25602, subd. (a)(3), and subd. (b) for internet purchases also at the point of sale, as applicable. The Noticed Parties have not provided Proposition 65 warnings as required by law that persons handling, ingesting and/or otherwise using the Specified Products are being exposed to cadmium, lead and lead compound.

With respect to the Specified Products listed above, the violation commenced on the latter of the date that the Specified Product was first offered for sale in California, or May 10, 2021; has continued every day since the relevant date the violation commenced; and will continue every day henceforth until cadmium, lead and lead compounds are removed from the Specified Products, reduced to allowable levels, or the Specified Product(s) are removed from the California market, or until a “clear and reasonable” warning is provided to consumers by the Noticed Parties, as applicable, in accordance with the law.



Pursuant to Title 27, C.C.R. § 25903(b), copies of the following documents are attached hereto for reference by the Notices Parties:

- (i) "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary."

Pursuant to Title 11, C.C.R. § 3100, the "Certificate of Merit" is attached hereto.

HLF offers to resolve the issue swiftly and intends to file a lawsuit after 60 days based on the facts set forth in this Notice if the resolution is not reached by the parties to this Notice. Meanwhile we encourage a prompt resolution of this matter within the said period of 60 days where the Noticed Parties agree in a written agreement to (1) eliminate or reduce cadmium to an allowable level in the Specified Products or, or remove the Specified Product(s) from the California market or, as an alternative, (2) provide a Proposition 65- compliant warning on the label of the Specified Products and online, where applicable, and/or at the point of sale; and (3) pay applicable civil penalties and costs of bringing this action.

Demand to Preserve Evidence

As stated above, if the issue is not resolved, HLF intends to file a lawsuit, in which Noticed Party[ies] will be named as defendants. When a lawsuit is anticipated, California requires a prospective party to take all reasonable steps to preserve documents, tangible things, and electronically stored information (ESI) that are potentially relevant to the anticipated lawsuit and that are in the prospective party's possession, custody, or control. The duty applies equally to hard copy documents, other tangible things and to ESI.

1. Electronically Stored Information

As ESI can be easily deleted, corrupted, or modified in the normal operations of a business, preservation measures must be implemented immediately. These measures include, but are not limited to, those explained herein.

ESI that may be subject to a duty to preserve includes information electronically, digitally, magnetically, or optically stored. Magnetic, optical and other storage media, including archival and backup media, are also potential locations of ESI.

ESI that is potentially relevant to the contemplated action, and that the Noticed Party[ies] should preserve, includes ESI generated during the relevant time period of alleged violations and relating to the allegations in this Notice.

To satisfy its preservation duties, the Noticed Party[ies] must take all reasonable measures to preserve all hard copy documents, tangible things, and ESI that are potentially relevant to the aforementioned anticipated lawsuit, including the ESI described above. These measures include:

- Halting the Noticed Party[ies]'s routine document preservation or retention policies and its backup recycling policies.
- Instituting a litigation hold and monitoring compliance with the hold on an ongoing basis until this legal matter is fully resolved. A litigation hold ensures that all sources of potentially relevant information are identified and preserved.
- Documents and tangible things must be preserved in their original, unmodified condition. ESI must be preserved in the form in which it is normally maintained (its



native format) with all metadata, both system metadata and application metadata, intact.

- Preserving all hardware, portable and personal storage devices, and any other electronic storage devices that contain potentially relevant information. Such devices need not be in current use. They may include devices no longer in use and legacy hardware if there is no other way to view potentially relevant legacy data. The Noticed Party[ies]'s shall not replace, destroy, or modify such hardware and other electronic storage devices in any manner that could delete, damage, or alter the ESI they store.
- Preserving all support information needed to access potentially relevant ESI. Support information includes, but is not limited to, operating systems, installation disks, legacy and other software, operating and user manuals, user IDs, passwords, security and license keys, and encryption/decryption information.

2. Preservation Duties Extend to Departing Employees

The Noticed Party[ies]'s preservation duties extend to potentially relevant information in the possession of officers, directors, and employees who depart from employment by the Noticed Party[ies]. Caution should be taken to preserve the ESI of departing officers, directors, and employees whose data is subject to litigation hold requirements.

3. Preservation Duties Extend to Information Controlled, but Not Actually Possessed by the Noticed Party[ies]

Since a potential party “controls” documents or information when it has the legal right to obtain them on demand, The Noticed Party[ies]'s preservation duties extend to ESI possessed by its current and former attorneys, accountants, third party information technology vendors, business service providers, and other agents and contractors, and may extend to its subsidiaries, affiliates, and divisions.

Prompt action of the Noticed Parties on this Notice will prevent further consumer exposures to a highly dangerous chemical without warning, therefore rectifying these alleged ongoing violations of the California law, and will afford the Noticed Parties the opportunity to avoid increasing costs associated with noncompliance and costly litigation.

Please contact HLF's designated agent for the purpose of resolving the issue, the undersigned counsel, as soon as possible.

Sincerely,



Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org



ATTACHMENTS

1. Certificate of Merit;
2. Confidential Factual Information supporting Certificate of Merit (to Attorney General only);
3. Certificate of Service;
4. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary” (to the Noticed Parties only).





To: California Attorney General

Notice of Violation: May 10, 2024

Noticing Party: Chemical Toxin Working Group Inc. dba Healthy Living Foundation Inc.

Noticed Parties: Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.

May 10, 2024

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)
To the Notice of Violation

I, Aida Poulsen, attorney at law, hereby declare:

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.

I am the attorney for the Noticing Party.

I have reviewed the facts of this case and have consulted with one or more persons with relevant and appropriate experience and expertise who have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the subject of the attached Notice of Violation dated May 10, 2024 (the "Notice").

I have reviewed the laboratory testing results for the chemical subject to the Notice and rely on these results. The testing was conducted by a reputable accredited testing laboratory and by experienced scientists with doctoral and other degrees in relevant sciences. The facts, studies and other data derived through this investigation overwhelmingly demonstrate that the alleged violators have exposed persons to the listed chemical that is the subject of the Notice and is known to the State of California to cause reproductive and/or developmental harm, and/or cancer.

NOTICE OF VIOLATION/CERTIFICATE OF SERVICE

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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: May 10, 2024

By:



Aida Poulsen | Managing attorney | NY | CA
contact@poulsenlaw.org

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Appendix A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT
CALIFORNIA 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 statute and 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 ON THE 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) publishes a 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 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 on the 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 listed chemicals must comply with the following:

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

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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 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 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 from this 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 applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to 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, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge 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 if the 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-year lifetime. 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. In other 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

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MADLs, and Section 25801 *et seq.* of the regulations for information concerning how 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 contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be 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 that 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. 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 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 to stop 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 Act provides an opportunity for the business to correct the alleged violation:

- An exposure to alcoholic beverages that are consumed on the alleged violator's premises 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.

² See Section 25501(a)(4).

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This only applies if the chemical was not 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 (other than 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 exposure occurs inside a facility owned or operated by the alleged violator and primarily intended 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 of special compliance procedure and proof of compliance form.

A copy of the notice of special compliance procedure and proof of compliance form is included in Appendix B and can be downloaded from OEHHHA'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 65 Implementation 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: Sections 25249.5, 25249.6, 25249.7, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

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CERTIFICATE OF SERVICE

I, Jesus Abundis, am over the age of eighteen years and am not a party to the action, process or case related to or arising out of the Notice of Violation being served under this Certificate of Service. My address is 1031 W 7th Street, Apt 2, Oxnard, CA 93030.

On May 10, 2024 between 11:00 a.m. and 9:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.
2. Certificate of Merit;
3. Appendix "A" - "The Safe Drinking Water and Toxic Enforcement act of 1986 (Proposition 65): A Summary;"

on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the parties below, and causing it to be deposited at a United States Postal Service Office in Los Angeles County, California, for delivery by Certified Mail:

Current Manager or Managing Partner Citarella Operating LLC 2135 Broadway New York NY 10023	Current President or CEO Citarella Wines & Spirits, Inc. 2135 Broadway New York NY 10023
Current Manager or Managing Partner Citarella Hudson Wines & Spirits, LLC 2135 Broadway New York NY 10023	Current Manager or Managing Partner Citarella E-Commerce 2135 Broadway New York NY 10023
Current President or CEO Citarella East Inc. 2135 Broadway New York NY 10023	Current Manager or Managing Partner Citarella Enterprises, LLC care of The Company Corporation 251 Little Falls Drive Wilmington, DE 19808

NOTICE OF VIOLATION/CERTIFICATE OF SERVICE

CITARELLA OPERATING LLC, CITARELLA E-COMMERCE, CITARELLA EAST LLC, CITARELLA HUDSON ENTERPRISES LLC, CITARELLA HUDSON WINES & SPIRITS, LLC, CITARELLA EAST INC., CITARELLA GCT CORP., CITARELLA WINES & SPIRITS, INC., CITARELLA ENTERPRISES, LLC, CITARELLA HOLDINGS, LLC, SULLIVAN & FITZGERALD, FOOD BROKERS, INC., AND BADGER BAY MUSSEL FARMS LTD.



Current President or CEO Citarella GCT Corp. 2135 Broadway New York NY 10023	Current Manager or Managing Partner Citarella Hudson Enterprises LLC 2135 Broadway New York NY 10023
Current Manager or Managing Partner Citarella Holdings, LLC care of Business Filings Incorporated 108 West 13th Street Wilmington, DE 19801	Current President or CEO Badger Bay Mussel Farms Ltd. Box 316 Triton, NL A0J 1V0 Canada
Current President or CEO Sullivan & Fitzgerald, Food Brokers, Inc. 891 Route 10 East Randolph, NJ 07869	

On May 10, 2024 between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd. on the following parties by filing electronically a true and correct copy thereof as permitted through the website of the California Office of the Attorney General via link at oag.ca.gov/prop65:

State of California Department of Justice;
Office of the Attorney General of California.

On May 10, 2024 between 11:00 a.m. and 9:00 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.

NOTICE OF VIOLATION/CERTIFICATE OF SERVICE

CITARELLA OPERATING LLC, CITARELLA E-COMMERCE, CITARELLA EAST LLC, CITARELLA HUDSON ENTERPRISES LLC, CITARELLA HUDSON WINES & SPIRITS, LLC, CITARELLA EAST INC., CITARELLA GCT CORP., CITARELLA WINES & SPIRITS, INC., CITARELLA ENTERPRISES, LLC, CITARELLA HOLDINGS, LLC, SULLIVAN & FITZGERALD, FOOD BROKERS, INC., AND BADGER BAY MUSSEL FARMS LTD.



2. Certificate of Merit

on the following parties below by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices listed below, and causing each envelope to be deposited at a United States Postal Service mail box for delivery by First Class Mail:

District Attorney Alpine County PO Box 248 Markleeville, CA 96120	District Attorney Lake County 255 North Forbes Street Lakeport, CA 95453	District Attorney Sierra County PO Box 457 Downieville, CA 95936
District Attorney Amador County 708 Court Street, Suite 202 Jackson, CA 95642	District Attorney Los Angeles County Hall of Justice 211 West Temple St. Ste 1200 Los Angeles, CA 90012	District Attorney's Office Siskiyou County Courthouse 311 Fourth Street, Room 204 Yreka, CA 96097
District Attorney Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533
District Attorney Colusa County 310 6 th Street August 22 Colusa, CA 95932	District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney Stanislaus County 832 12th Street, Ste 300 Modesto, CA 95354
District Attorney Del Norte County 450 H Street, Suite 171 Crescent City, CA 95531	District Attorney Mendocino County PO Box 1000 Ukiah, CA 95482	District Attorney Sutter County 446 Second Street Yuba City, CA 95991
District Attorney EL Dorado County 778 Pacific Street Placerville, CA 95667	District Attorney Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney Tehama County PO Box 519 Red Bluff, CA 96080
District Attorney Fresno County 2220 Tulare Street Suite 1000 Fresno, CA 93721	District Attorney Orange County 300 N Flower St. Santa Ana, CA 92703	District Attorney Trinity County Post Office Box 310 Weaverville, CA 96093
District Attorney	District Attorney	District Attorney

NOTICE OF VIOLATION/CERTIFICATE OF SERVICE

CITARELLA OPERATING LLC, CITARELLA E-COMMERCE, CITARELLA EAST LLC,
CITARELLA HUDSON ENTERPRISES LLC, CITARELLA HUDSON WINES & SPIRITS,
LLC, CITARELLA EAST INC., CITARELLA GCT CORP., CITARELLA WINES &
SPIRITS, INC., CITARELLA ENTERPRISES, LLC, CITARELLA HOLDINGS, LLC, SULLIVAN &
FITZGERALD, FOOD BROKERS, INC., AND BADGER BAY MUSSEL FARMS LTD.



Glenn County Post Office Box 430 Willows, CA 95988	San Benito County 419 4 th Street Hollister, CA 95023	Tuolumne County 423 North Washington St. Sonora, CA 95370
District Attorney Humboldt County 825 5 th Street 4 th Floor Eureka, CA 95501	District Attorney San Bernardino County 316 No. Mountain View Avenue San Bernardino, CA 92415	District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney Imperial County 940 West Main Street, Suite 102 El Centro, CA 92243	District Attorney San Mateo County 400 County Ctr., 3rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney Shasta County 1355 West Street Redding, CA 96001	San Jose City Attorney's Office 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney Mono County Post Office Box 617 Bridgeport, CA 93517	

On May 10, 2024, between 11:00 a.m. and 11:30 p.m. Pacific Time, I served the following documents:

1. Notice of Violations of California Health & Safety Code Section 25249.5 et seq. by Citarella Operating LLC, Citarella E-Commerce, Citarella East LLC, Citarella Hudson Enterprises LLC, Citarella Hudson Wines & Spirits, LLC, Citarella East Inc., Citarella GCT Corp., Citarella Wines & Spirits, Inc., Citarella Enterprises, LLC, Citarella Holdings, LLC, Sullivan & Fitzgerald, Food Brokers, Inc., and Badger Bay Mussel Farms Ltd.
2. Certificate of Merit

on each of the parties below, all of which have requested electronic service only via the following email addresses:

NOTICE OF VIOLATION/CERTIFICATE OF SERVICE

CITARELLA OPERATING LLC, CITARELLA E-COMMERCE, CITARELLA EAST LLC, CITARELLA HUDSON ENTERPRISES LLC, CITARELLA HUDSON WINES & SPIRITS, LLC, CITARELLA EAST INC., CITARELLA GCT CORP., CITARELLA WINES & SPIRITS, INC., CITARELLA ENTERPRISES, LLC, CITARELLA HOLDINGS, LLC, SULLIVAN & FITZGERALD, FOOD BROKERS, INC., AND BADGER BAY MUSSEL FARMS LTD.



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

I, Jesus Abundis, declare under penalty of perjury that the foregoing is true and correct.

Signature

May 10, 2024

1031 W 7th Street, Apt 2
Oxnard, CA 93030

NOTICE OF VIOLATION/CERTIFICATE OF SERVICE

CITARELLA OPERATING LLC, CITARELLA E-COMMERCE, CITARELLA EAST LLC, CITARELLA HUDSON ENTERPRISES LLC, CITARELLA HUDSON WINES & SPIRITS, LLC, CITARELLA EAST INC., CITARELLA GCT CORP., CITARELLA WINES & SPIRITS, INC., CITARELLA ENTERPRISES, LLC, CITARELLA HOLDINGS, LLC, SULLIVAN & FITZGERALD, FOOD BROKERS, INC., AND BADGER BAY MUSSEL FARMS LTD.