

60 DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: 12/12/2024

To: President or CEO – Gripple Inc.
President or CEO – Zack Electronics
California Attorney General’s Office;
District Attorney’s Office for 58 counties;
City Attorney’s for San Francisco, San Diego, San Jose, and Los Angeles.

From: Keep America Safe and Beautiful

- I.** Keep America Safe and Beautiful is a California nonprofit corporation acting in the interest of the general public. Keep America Safe and Beautiful seeks to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6 et seq. (“Proposition 65”). The violations covered by this Notice consist of the product exposures, routes of exposures, and types of harm potentially resulting from exposure to the toxic chemical (“listed chemical”) identified below as follows:

Product Exposure: See Section VII. Exhibit A
Listed Chemical: Diisononyl phthalate (DINP)
Routes of Exposure: Ingestion and Dermal absorption
Types of Harm: Cancer

This Notice by Keep America Safe and Beautiful, 10512 Sycamore Avenue Stanton, CA 90680, 657-621-3809.

Keep America Safe and Beautiful is a nonprofit corporation dedicated to protecting the environment, improving human health, and supporting environmentally sound practice. Lance Nyugen is the Chief Executive Officer and a responsible individual within Keep America Safe and Beautiful.

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer exposures in violation of Proposition 65, and that is covered by this Notice, is listed under “Product Category/Type” in Exhibit A in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the “products.”

The sale of these products in the state of California dating at least as far back as June 13, 2024, are subject to this notice. As a result, exposures to the listed chemical from the use of the products have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products, California citizen lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

California citizens, including children, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemical in homes, workplaces, and places throughout California where these products are used. By way of example but not limitation, exposures occur when California citizens use, store, move, remove, or otherwise handle these products, the listed chemical transfers onto the hands through routine touching of the parts and portions of the products containing readily available surface amounts of the listed chemical and is subsequently absorbed through the skin or ingested via inhalation, hand-to-mouth behavior, hand-to-food-to-mouth behavior, or through hand-to-cigarette-to-lung behavior. Exposure may continue to occur for a significant period after the initial contact. These activities cause California citizens to be exposed directly through migration of the listed chemical from the products. California citizens likely to be exposed are men, women, and children. These violations and threatened violations pertain to Proposition 65 chemicals that are listed as Carcinogen, Birth Defects and Reproductive Toxicity.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to me through my counsel's office at the following address:

Keep America Safe and Beautiful
c/o Law Offices of Stephanie Sy
11622 El Camino Real, Suite 100
San Diego, CA 92130
Tel: (858) 746-9554
Email: p65attorney@stephaniesylaw.com

IV. PROPOSITION 65 INFORMATION

For general 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. For the Violator's reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violator unless such Violator enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those whom have received such products; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the DINP exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violator is interested in resolving this dispute without resort to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III above. It should be noted that neither my counsel nor I can: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

VI. ADDITIONAL INFORMATION

THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER TITLE 22CAL.CODE REGS., §12903 (b)(4).

Identified below is a specific example of a product recently purchased and witnessed as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the example within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the Internet, and/or via catalog by the Violator and other distributors and retailers of the manufacturer.

Product*	Retailer(s)	Manufacturer(s)/Distributor(s)
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Gripple UL Approved Small Cable Zack Electronics
Cutter

Gripple Inc.

EXHIBIT A

Products:	Such As*	Toxins
Gripple UL Approved Small Cable Cutter	Gripple UL Approved Small Cable Cutter	DINP

*The specifically identified example of the type of product which is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category/type listed in Exhibit A. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product Category/Type" in Exhibit A. Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.


CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Stephanie Sy, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has 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 alleged 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 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 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: 12/12/2024



Stephanie Sy

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is, 11622 El Camino Real, Suite 100, San Diego, CA 92130.

On 12/12/2024, I served the following documents:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY
CODE §25249.7(d);
PROPOSITION 65: SUMMARY;
CERTIFICATE OF MERIT; AND
CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY
GENERAL)

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

Current President or CEO
Gripple Inc.
1611 Emily Lane Aurora, IL 60502

Current President or CEO
Zack Electronics
1075 Hamilton Rd, Duarte, CA 91010

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 each party listed below and served as follows:

By Uploading onto http://oag.ca.gov/prop65/add-60-day-notice	The Attorney General of the State of California
By placing each envelope in a United States Postal Service Box, first class postage pre-paid	The District Attorneys for 32 California Counties and; The City Attorneys for Los Angeles and San Jose.
By sending electronic mail	The following Counties: Alameda, San Joaquin, San Luis Obispo, Sonoma, Santa Clara, Napa, Lassen, Riverside, Tulare, Ventura, Yolo, Monterey, Sacramento, San Francisco, Santa Barbara, San Diego, Santa Cruz, Contra Costa, Inyo, Mariposa, Merced, Nevada, Placer, Plumas, Orange and Calaveras The City Attorneys for San Diego and San Francisco

A list of address for each of the recipient's is attached.

Executed on 12/12/2024 Carlsbad, California

Parker Smith