60-Day Notice of Violation

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

Date: ***January 22, 2025***

To: Current President/CEO Luxe + Willow and related entities;
Current President/CEO The TJX Companies, Inc. ((Marshalls), Marmaxx Operating Corp.);
California Attorney General's Office;
District Attorney's Office for 58 Counties; and
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

From: Sara Hammond

Re: **Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.***

I. INTRODUCTION

My name is Sara Hammond, a citizen of the State of California acting in the interest of the general public. I seek 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 public agencies listed above pursuant to California Health & Safety Code § 25249.6 et seq. ("Proposition 65"). As noted above, notice is also being provided to the alleged violators, the supplier of the product, Luxe + Willow, and related entities and the retailer of the product, The TJX Companies, Inc. ((Marshalls), Marmaxx Operating Corp.) and related entities (the supplier and retailer are hereinafter referred to collectively as the alleged "Violators") and entities related to each violator. The alleged violations covered by this Notice consist of the product exposures, routes of exposure, and type 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, Dermal
Types of Harm: Cancer, Birth Defects and Other Reproductive Harm

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 Section VII below. All products within the category covered by this Notice shall be referred to hereinafter as the "products." Exposures to the listed chemical from the use of the products have been occurring without the clear and reasonable warning required by Proposition 65, dating at least as far back as January 6, 2025 and are as of this date ongoing. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from contact with the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the listed chemical from the reasonably foreseeable use of the products.

California citizens, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemical. By way of example, consumers and other individuals, including women of childbearing age, ingest the listed chemical when they, among other activities, touch the products and transfer the listed chemical from the products to their mouths through hand-to-mouth activities that may continue to occur for a significant period after contact with the products stops. Additionally, consumers and other

individuals, including women of childbearing age, are exposed to the listed chemical through direct dermal contact when they, among other activities, handle, touch or otherwise use the products. The California State Plan for Occupational Safety and Health incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

III. CONTACT INFORMATION

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

Sara Hammond
c/o Joseph D. Agliozzo
Joseph D. Agliozzo, Law Corporation
1601 N. Sepulveda Blvd, #649
Manhattan Beach, CA 90266
Telephone: (424) 241-3614

Contact information for represented private enforcer:
Sara Hammond
c/o Joseph D. Agliozzo
Joseph D. Agliozzo, Law Corporation
1601 N. Sepulveda Blvd, #649
Manhattan Beach, CA 90266
Telephone: (424) 247-6486

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 who 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 resorting 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 NOTICE INFORMATION

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 warning" 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 a catalog by the Violator and other retailers and distributors of the manufacturer.

Product(s)*	**Retailer(s)**	**Manufacturer(s)/Distributor(s) / Importers**
Luxe + Willow Oral Care Kit Case SKU_127305352500800799; UPC_0842100131600	Marshalls Stores	Luxe + Willow

VII. EXHIBIT A

Product Category/Type	**Such As***	**Toxin**
Luxe + Willow Oral Care Kit Case SKU_127305352500800799; UPC_0842100131600	Luxe + Willow Oral Care Kit Case SKU_127305352500800799; UPC_0842100131600	Diisononyl phthalate ("DINP")

*The specifically identified example of the type of product that is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposures 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 were and are provided to California citizens prior to purchase.

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Joseph D. Agliozzo, 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.

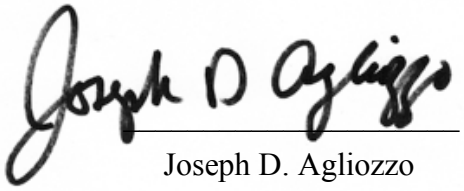
(2) I am the attorney for the noticing party.

(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.

(5) The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health 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: January 22, 2025



Joseph D. Agliozzo

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am over the age of 18 years, and not a party to the within action; my business address is 1601 N. Sepulveda Boulevard, #649 Manhattan Beach CA 90266.

On January 22, 2025, I served the following documents:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE § 25249.7(d);

PROPOSITION 65: A SUMMARY (APPENDIX A) (SERVED ONLY ON ALLEGED VIOLATOR);

CERTIFICATE OF MERIT; AND

CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)

on the entities listed below via First Class Certified Mail, Return Receipt Requested through the United States Postal Service by placing a true and correct copy in a sealed envelope, along with an unsigned copy of this declaration, addressed to the entity listed below and providing each envelope to a United States Postal Service Representative:

Current President/CEO Luxe + Willow 1 E 33rd St Floor 11 New York, NY 10016	Ernie Hermann, President/CEO (or current President/CEO) TJX Companies, Inc. (Marshalls) 770 Cochituate Road Framingham MA 01701 – 4672
	Ernie Hermann, President/CEO (or current President/CEO) Marmaxx Operating Corp. 770 Cochituate Road Framingham MA 01701 – 4672

as well as by providing copies of the above documents electronically uploaded or emailed to the public enforcers according to directions from their respective offices, and/or by placing a true and correct copy in a sealed envelope, along with an unsigned copy of this declaration, addressed to each party listed below, and served as follows:

Electronically Uploaded to the Attorney General's website:	The Attorney General of the State of California;
By placing each envelope in a United States Postal Service mailbox, postage prepaid, or at the request of the District or City Attorney, emailing a copy of the notice to the specified address:	The District Attorney for Each of the 58 counties in California; and The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento

A list of addresses for each of these recipients is attached.

Executed on January 22, 2025, at Manhattan Beach, California

Heather Hall

Heather Hall

Service List

The Honorable Michael Atwell Alpine County District Attorney P.O. Box 248 Markleeville, CA 96120	The Honorable Gilbert Otero Imperial County District Attorney 940 West Main Street, Suite 102 El Centro, CA 92243	The Honorable C. David Eyster Mendocino County Dist Attorney 100 N. State Street, RM G-10 P.O. Box 1000 Ukiah, CA 95482	The Honorable Sandra Groven Sierra County District Attorney 100 Courthouse Square, RM B1 P.O. Box 457 Downieville, CA 95936
The Honorable Todd Riebe Amador County District Attorney 708 Court Street Jackson, CA 95642	The Honorable Cynthia Zimmer Kern County District Attorney 1215 Truxtun Avenue, 4th Floor Bakersfield, CA 93301	The Honorable Samuel D. Kyllo Modoc County District Attorney 204 South Court ST, Suite 202 Alturas, CA 96101	The Hon Krishna A. Abrams Solano County District Attorney 675 Texas Street, Suite 4500 Fairfield, CA 94533
The Honorable Michael Ramsey Butte County District Attorney 25 County Center Drive, Suite 245 Oroville, CA 95965	The Honorable Keith Fagundes Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230	The Honorable Tim Kendall Mono County District Attorney 278 Main Street, P.O. Box 617 Bridgeport, CA 93517	The Honorable Birgit Fladager Stanislaus County Dist Attorney 832 12th Street, Suite 300 Modesto, CA 95354
The Hon. Matthew R. Beauchamp Colusa County District Attorney 310 Sixth Street Colusa, CA 95932-2431	The Honorable Susan J. Krones Lake County District Attorney 255 North Forbes Street Lakeport, CA 95453	The Honorable Todd Spitzer Orange County District Attorney 300 North Flower Street Santa Ana, CA 92703	The Hon Amanda L. Hopper Sutter County District Attorney 463 Second Street, Suite 102 Yuba City, CA 95991
Del Norte County District Attorney 450 H Street, RM 171 Crescent City, CA 95531	The Honorable Jackie Lacey LA County District Attorney 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012	The Hon Susan Acala Wood Off of the City Atty, Sacramento 915 I Street, 4th Floor Sacramento, CA 95814	The Honorable Matthew Rogers Tehama County District Attorney 444 Oak Street, Room L Red Bluff, CA 96080
The Honorable Vern Pierson El Dorado County District Attorney 778 Pacific Street Placerville, CA 95667	The Honorable Mike Feuer Off of the City Atty, Los Angeles James K. Hahn City Hall East 200 North Main Street, Suite 800 Los Angeles, CA 90012	The Honorable Jason Anderson San Bernardino County. Dist. Att. 303 West 3rd Street, 6th Floor San Bernardino, CA 92415-0502	The Hon Donna Daly Trinity County DA 11 Court Street, POB 310 Weaverville, CA 96093
The Honorable Dwayne Stewart Glenn County District Attorney P.O. Box 430 Willows, CA 95988	The Honorable Sally O. Moreno Madera County District Attorney 209 West Yosemite Avenue Madera, CA 93637	The Honorable Candice Hooper San Benito County Dist Attorney 419 4th Street Hollister, CA 95023	The Honorable Laura L. Krieg Tuolumne County Dist Attorney 423 North Washington Street Sonora, CA 9537
The Honorable Maggie Fleming Humboldt County District Attorney 825 5th Street, Fourth Floor Eureka, CA 95501	The Honorable Lori Frugoli Marin County District Attorney 3501 Civic Center DR, Suite 145 San Rafael, CA 94903	The Hon Stephen M. Wagstaffe San Mateo County Dist Attorney 400 County Center, 3rd Floor Redwood City, CA 94063	The Hon James Kirk Andrus Siskiyou County District Attorney 311 4th Street Yreka, CA 96097
		The Hon Stephanie A. Bridgett Shasta County District Attorney 1355 West Street Redding, CA 96001	The Honorable Clint Curry Yuba County District Attorney 215 Fifth Street Marysville, CA 95901
Via Email:			
Nancy O'Malley DA Alameda Cty 7776 Oakport Street, Suite 650 Oakland, CA 94621 CEPDProp65@acgov.org	Dije Ndreu, DDA Monterey County 1200 Aguajito Road Monterey, CA 93940 Prop65DA@co.monterey.ca.us	The Hon Summer Stephan San Diego County Dist Attorney 330 West Broadway Street San Diego, CA 92101 SanDiegoDAProp65@sdcda.org	Bud Porter, Supervising DDA Santa Clara County Dist Attorney 70 West Hedding St, West Wing San Jose, CA 95110 EPU@da.sccgov.org
The Honorable Barbara Yook Calaveras County District Atty 891 Mountain Ranch Road San Andreas, CA 95249 Prop65Env@co.calaveras.ca.us	Allison Haley, DA Napa County 1127 First Street, Suite C Napa, CA 94559 CEPD@countyofnapa.org	Mark Ankcorn, Deputy City Attorney Office of the City Atty, San Diego 1200 Third Avenue San Diego, CA 92101 CityAttyProp65@sandiego.gov	The Honorable Jeffrey S. Rosell Santa Cruz County Dist Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060 Prop65DA@santacruzcounty.us
Stacey Grassini, DDA Contra Costa County 900 Ward Street Martinez, CA 94553 sgrassini@contracostada.org	The Honorable Clifford Newell Nevada County District Attorney 201 Commercial Street Nevada City, CA 95959 DA.Prop65@co.nevada.ca.us	Gregory Alker, ADA San Francisco County 732 Brannan Street San Francisco, CA 94103 gregory.alker@sfgov.org	The Honorable Gregory D. Totten Ventura County District Attorney 800 South Victoria Ave, Ste 314 Ventura, CA 93009 daspecialops@ventura.org
The Honorable Lisa Smittcamp County District Attorney 2100 Tulare Street Fresno, CA 93721 consumerprotection@fresnocountyca.gov	The Honorable R. Scott Owens Placer County District Attorney 10810 Justice Center Dr, St 240 Roseville, CA 95678 prop65@placer.ca.gov	Valerie Lopez, Dep. City Atty Off of the City Atty, San Francisco 1390 Market Street, 7th Floor San Francisco, CA 94102 Valerie.Lopez@sfcityatty.org	The Hon. Phillip J. Cline Tulare County District Attorney 221 South Mooney Blvd, Rm 224 Visalia, CA 93291-4593 Prop65@co.tulare.ca.us
The Honorable Thomas Hardy Inyo County District Attorney P.O. Box Drawer D Independence, CA 93526 inyoda@inyocounty.us	The Honorable David Hollister Plumas County District Attorney 520 Main Street, Room 404 Quincy, CA 95971 davidhollister@countyofplumas.com	The Hon Tori Verber Salazar San Joaquin Cty Dist Attorney P.O. Box 990 Stockton, CA 95201 DAConsumer.Environmental@sjcda.org	Jeff W. Reisig, DA Yolo County 301 Second Street Woodland, CA 95695 cfepd@yolocounty.org
The Hon Stacie Montgomery Lassen County District Attorney 2950 Riverside Drive, Suite 102 Susanville, CA 96130 mlatimer@co.lassen.ca.us	Paul Zellerbach, DA Riverside Cty 3072 Orange Street Riverside, CA 92501 Prop65@rivcoda.org	Nora V. Freeman City Attorney Office of the City Atty, San Jose 200 East Santa Clara St,16th FL San Jose, CA 95113 Proposition65notices@sanjoseca.gov	
The Honorable Walter Wall Mariposa County Dist. Attorney 5101 Jones Street P.O. Box 730 Mariposa, CA 95338 mcda@mariposacounty.org	The Hon Anne Marie Schubert Sacramento Cty Dist. Attorney 901 G Street Sacramento, CA 95814 Prop65@sacda.org	Eric J. Dobroth, DDA San Luis Obispo County County Govt Center Annex, 4th Fl San Luis Obispo, CA 93408 edobroth@co.slo.ca.us	**Via upload:**
The Honorable Kimberly Lewis Merced County District Attorney 550 West Main Street Merced, CA 95340 Prop65@countyofmerced.com	The Honorable Jill Ravitch Sonoma County District Attorney 600 Administration Dr, RM 212 J Santa Rosa, CA 95403 Jeannie.Barnes@sonoma-county.org	Christopher Dalbey, DDA SB Cty 1112 Santa Barbara St. Santa Barbara, CA 93101 DAProp65@co.santa-barbara.ca.us	Office of the California Attorney General Proposition 65 Enforcement Reporting ATTN: Prop 65 Coordinator P.O. Box 70550 Oakland, CA 94612-0550 https://oag.ca.gov/prop65/add-60-day-notice