

SIXTY-DAY NOTICE OF VIOLATION

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

DATE: April 15, 2025

TO: Sergey Vorozhtsov, CEO – S3 Stores, Inc.
California Attorney General’s Office;
District Attorneys and Certain City Attorneys Throughout California

FROM: Jay Epps

My name is Jay Epps. I am a citizen of the State of California acting in furtherance of the public interest. I seek to promote awareness of exposures to certain 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, this letter is also being provided to the alleged violator, S3 Stores, Inc., which is a person in the course of doing business in California (Violator). The violations covered by this notice consist of the product exposure, routes of exposure and types of harm potentially resulting from exposure to the hazardous substance identified below (listed chemical), as follows:

Products:	Oil-Based Grounds (Branded, Supplied or Made by Natural Pigment under its registered trademark “Rublev Colours”)
Listed Chemical:	Lead
Routes of Exposure:	Inhalation, Ingestion and Dermal
Types of Harm:	Birth Defects and Other Reproductive Harm

I. NATURE OF ALLEGED VIOLATION (CONSUMER PRODUCT EXPOSURE)

The specific products that are causing consumer exposures and potentially occupational exposures, in violation of Proposition 65, and that are covered by this letter 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 as far back as April 15, 2021. Without proper warnings regarding the toxic effects of exposures to the listed chemical resulting from the use of 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, receiving 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 one or more contacts with the Products ceases.

Additionally, consumers, workers 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. Further, there are reasonably foreseeable uses of the Products that result in direct ingestion, as well as elevated concentrations of lead exposure through inhalation.

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, by which the Products are branded (e.g., manufacturer's name appears on Product label), occurring outside the State of California so long as the named manufacturer is in the United States. The approval also provides that a United States employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement be subject to the supervision of the California Occupational Safety and Health Administration.

Any settlement, civil complaint or substantive court orders in this matter must be submitted to the state Attorney General. It is important to note that the sale of the Products through online means of transaction must provide the customer with a clear and reasonable warning for the risk of reproductive toxicity pursuant to Proposition 65 and its implementing regulations, even if the Violator's role is limited that of an online retail seller.

II. CONTACT INFORMATION

Please direct all questions concerning this notice to me through my counsel's office at the following address, email and/or telephone number:¹

Jay Epps
c/o Clifford A. Chanler
Chanler, LLC
72 Huckleberry Hill Road
New Canaan, CT 06840-3801
Telephone: (475) 277-2932
clifford@chanlerllc.com

Jay Epps
c/o Steven Y. Chen
Steven Y. Chen, APLC
2650 River Avenue, Unit A
Rosemead, California 91770
Telephone: (626) 782-5017
schen@schenlaw.com

III. 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 "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" which has been prepared by OEHHA.

¹ Should your attempt to contact me through my counsel be unsuccessful, I can be reached by mail at 1010 Liberty Drive, Suisun, CA 94585, or by phone at (415) 849-6181.

IV. POTENTIAL RESOLUTION OF NOTICED CLAIMS

Based on the assertions set forth in this notice, I intend to file a citizen enforcement action against the Violator unless such alleged person in the course of doing business enters into a binding written agreement (and/or upstream party enters into an agreement) to: (a) recall Products already sold; (b) provide “clear and reasonable warnings” for Products to be sold online in the future or, preferably, undertake best efforts to ensure upstream selling entities in the chain of commerce reformulate such Products to eliminate the lead exposures; or delist the offending Products from the Violator’s website; and (c) pay an appropriate civil fine, if any, based on the factors enumerated in California Health & Safety Code §25249.7(b). If the alleged Violator is particularly interested in resolving this dispute without resorting to litigation, please feel free to contact my counsel identified in Section II above. It should be noted that neither my counsel nor I can finalize any settlement with any Violator until after the statutory sixty-day notice period has expired for the covered Products; nor speak for the state Attorney General, any state district attorney or the city attorneys who received this notice.

V. ADDITIONAL NOTICE INFORMATION

Examples of the Products that were recently purchased and remain available for purchase or use in California are identified on Exhibit A. I allege that the sale of the offending Products has also occurred without the requisite Proposition 65 “clear and reasonable warning,” as far back as April 15, 2021.

The examples on the attachment are for the recipients’ benefit to assist in their investigation of, among other things, the magnitude of potential exposures to the listed chemical from other items within the definition of Products. These examples are not meant to be a list of each specific offending Product.

The alleged Violator is obligated to conduct a good faith investigation into other specific Products in addition to the exemplars that were imported, distributed, facilitated for sale and/or otherwise within the notice recipient’s custody or control since April 15, 2021, to determine whether a clear and reasonable warning for cancer was provided on the product display pages prior to each Product purchased by a California citizen (or purchases made by non-California residents, but shipped to an address in California). Further, such investigation should also ensure that all online offering pages for the Products going forward contain the requisite conspicuous placement of, and clear language for, the risk of reproductive toxicity associated with exposure to lead.

EXHIBIT A

<i>Products</i>	<i>SKU</i>
Rublev Colours Lead Oil Ground: Superior Foundation For Oil Paintings, Size: 8 Fl Oz (236.5 Ml)	NAP-510-8LWG08
Rublev Colours Lead Alkyd Ground, Size: 8 Fl Oz (236.5 Ml)	NAP-510-8ALK08

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. I am a resident or employed in the county where the mailing occurred. My business address is 2650 River Avenue, Unit A, Rosemead, CA 91770.

On **April 15, 2025**, I caused to be served the following documents:

**SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH
HEALTH & SAFETY CODE § 25249.7(d); CERTIFICATE OF MERIT; AND
THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(PROPOSITION 65): A SUMMARY**

XXXX **By Certified Mail** through the United States Postal Service by placing true and correct copies of the above documents in a sealed envelope, addressed to each alleged violator and their agents listed below and providing such envelope to a United States Postal Service representative.

Sergey Vorozhtsov, CEO
S3 Stores, Inc.
27 Joseph St.
Chatham, Ontario N7L3G4
Canada

Sergey Vorozhtsov, CEO
S3 Stores, Inc.
2885 Sanford Ave, SW, #12717
Grandville, MI 49418
USA

On **April 15, 2025**, I caused to be served the following documents:

**SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH
HEALTH & SAFETY CODE § 25249.7(d); AND
CERTIFICATE OF MERIT**

XXXX **By Electronic Mail** by sending true and correct copies of the above documents to the electronic notification addresses on the attached "Email Service List."

On **April 15, 2025**, I caused to be served the following documents:

**SIXTY-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH
HEALTH & SAFETY CODE § 25249.7(d); CERTIFICATE OF MERIT; AND
CERTIFICATE OF MERIT ATTACHMENTS**

XXXX **By Electronic Upload** by causing true and correct copies of the above documents to be uploaded to the California Attorney General's website at the web address on the attached "Electronic Upload Service List."

Executed on **April 15, 2025**, in Rosemead, California.



Steven Chen

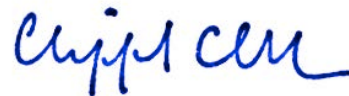
CERTIFICATE OF MERIT

California Health & Safety Code §25249.7(d)

I, Clifford A. Chanler, 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 are the subject of this action and/or the listed chemical in substantially similar products and exposes individuals through the same potential routes;
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 under Health and Safety Code §25249.7(h)(2) including (i) the identity of the persons consulted with and relied on by the certifier, and (ii) certain facts, studies, or other data reviewed by those persons.

Dated: April 15, 2025



Clifford A. Chanler

EMAIL SERVICE LIST

The Honorable Todd Riebe
Amador County District Attorney
708 Court Street
Jackson, CA 95642
amadorda@amadorgov.org

The Honorable Michael Ramsey
Butte County District Attorney
25 County Center Drive, Suite 245
Oroville, CA 95965
DA@ButteCounty.net

Devin Chandler, Program Coordinator
2950 Riverside Drive
Susanville, CA 96130
Phone: 530-251-8284
dchandler@co.lassen.ca.us

The Honorable David Hollister
Plumas County District Attorney
520 Main Street, Room 404
Quincy, CA 95971
davidhollister@countyofplumas.com

The Honorable Lisa A. Smittcamp
Fresno County District Attorney
2220 Tulare Street, Suite 1000
Fresno, CA 93721
consumerprotection@fresnocountyca.gov

The Honorable Maggie Fleming
Humboldt County District Attorney
825 5th Street, Fourth Floor
Eureka, CA 95501
districtattorney@co.humboldt.ca.us

The Honorable Pamela Y. Price
Alameda County
7776 Oakport Street, Suite 650
Oakland, CA 94621
CEPDProp65@acgov.org

The Honorable Allison Haley
Napa County
1127 First Street, Suite C
Napa, CA 94559
CEPD@countyofnapa.org

The Honorable Phillip J. Cline
Tulare County District Attorney
221 South Mooney Boulevard
Visalia, CA 93291-4593
Prop65@co.tulare.ca.us

The Honorable Tori Verber Salazar
San Joaquin County District Attorney
P.O. Box 990
222 E. Weber Avenue, Room 202
Stockton, CA 95201
DAConsumer.Environmental@sjcda.org

The Honorable Clifford H. Newell
Nevada County District Attorney
201 Commercial Street
Nevada City, CA 95959
DA.Prop65@co.nevada.ca.us

The Honorable Summer Stephan
San Diego County District Attorney
330 West Broadway Street
San Diego, CA 92101
SanDiegoDAProp65@sdccda.org

The Honorable Donna Daly
Trinity County District Attorney
P.O. Box 310
11 Court Street
Weaverville, CA 96093
trinityjournal@dcacable.net

The Honorable Sally O. Moreno
Madera County District Attorney
209 West Yosemite Avenue
Madera, CA 93637
Sally.Moreno@co.madera.ca.gov

The Honorable Thomas L. Hardy
Inyo County District Attorney
P.O. Box Drawer D
Independence, CA 93526
inyoda@inyocounty.us

Henry Lifton, Deputy City Attorney
Office of the City Attorney, San Francisco
1390 Market Street, 7th Floor
San Francisco, CA 94102
Prop65@sfcityattty.org

The Honorable C. David Eyster
Mendocino County District Attorney
100 North State Street, Room G-10
P.O. Box 1000
Ukiah, CA 95482
enviroh@mendocinocounty.org

The Honorable Kimberly Lewis
Merced County District Attorney
550 West Main Street
Merced, CA 95340
Prop65@countyofmerced.com

The Honorable Samuel D. Kylo
Modoc County District Attorney
204 South Court Street, Suite 202
Alturas, CA 96101
da@co.modoc.ca.us

The Honorable Tim Kendall
Mono County District Attorney
278 Main Street
P.O. Box 617
Bridgeport, CA 93517
districtattorney@mono.ca.gov

The Honorable Jeannine M. Pacioni
Monterey County District Attorney
1200 Aguajito Road
Monterey, CA 93940
Prop65DA@co.monterey.ca.us

The Honorable Jill R. Ravitch
Sonoma County District Attorney
600 Administration Drive
Sonoma, CA 95403
ECLD@sonoma-county.org

Mark Ankorn, Deputy City Attorney
Office of the City Attorney, San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101
CityAttyProp65@sandiego.gov

James Clinchard, Assistant DA
County of El Dorado
778 Pacific Street
Placerville, CA 95667
EDCDAPROP65@edcda.us

The Honorable Jeff W. Reisig
Yolo County
301 Second Street
Woodland, CA 95695
cfepd@yolocounty.gov

The Honorable Jason Anderson
San Bernardino County District Attorney
303 West 3rd Street, 6th Floor
San Bernardino, CA 92415-0502
da@sbcda.org

Alexandra Grayner, Assistant DA
San Francisco District Attorney's Office
350 Rhode Island Street N. Bldg., 400N
San Francisco, CA 94103
alexandra.grayner@sfgov.org

The Honorable Laura L. Krieg
Tuolumne County District Attorney
423 North Washington Street
Sonora, CA 95370
da@tuolumnecounty.ca.gov

Stacey Grassini, Deputy DA
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

The Honorable Susan J. Kronos
Lake County District Attorney
255 North Forbes Street
Lakeport, CA 95453
Susan.Kronos@lakecountyca.gov

The Honorable Jeffrey S. Rosell
Santa Cruz County District Attorney
701 Ocean Street, Room 200
Santa Cruz, CA 95060
Prop65DA@santacruzcounty.us

The Honorable Sandra Groven
Sierra County District Attorney
100 Courthouse Square, Room B1
P.O. Box 457
Downieville, CA 95936
sgroven@sierracounty.ca.gov

The Honorable Walter W. Wall
Mariposa County District Attorney
5085 Bullion Street
P.O. Box 730
Mariposa, CA 95338
mdda@mariposacounty.org

Christopher Dalbey, Deputy DA
Santa Barbara County
1112 Santa Barbara St.
Santa Barbara, CA 93101
DAProp65@co.santa-barbara.ca.us

The Honorable Barbara Yook
Calaveras County District Attorney
891 Mountain Ranch Rd.
San Andreas, CA 95249
Prop65Env@co.calaveras.ca.us

The Honorable Lori E. Frugoli
County of Marin
3501 Civic Center Drive, Room 145
San Rafael, CA 94903
consumer@marincounty.gov

The Honorable Paul E. Zellerbach
Riverside County
3072 Orange Street
Riverside, CA 92501
Prop65@rivcoda.org

The Honorable Cynthia Zimmer
Kern County District Attorney
1215 Truxtun Avenue, 4th Floor
Bakersfield, CA 93301
CZimmer@kernda.org

The Honorable Gregory D. Totten
Ventura County District Attorney
800 South Victoria Avenue, Suite 314
Ventura, CA 93009
daspecialops@ventura.org

The Honorable Anne Marie Schubert
Sacramento County District Attorney
901 G Street
Sacramento, CA 95814
Prop65@sacda.org

The Honorable Morgan Briggs Gire
Placer County District Attorney
10810 Justice Center Drive, Suite 240
Roseville, CA 95678
Prop65@placer.ca.gov

The Honorable Nora V. Frimann
City of San Jose
200 E. Santa Clara Street, 16th Floor
San Jose, CA 96113
Proposition65notices@sanjoseca.gov

The Honorable James Kirk Andrus
Siskiyou County District Attorney
311 4th Street
Yreka, CA 96097
da@siskiyouda.org

Bud Porter, Deputy District Attorney
Santa Clara County
70 West Hedding Street
San Jose, CA 95110
EPU@da.sccgov.org

Eric J. Dobroth, Deputy District Attorney
San Luis Obispo County
County Govt Center Annex, 4th Floor
San Luis Obispo, CA 93408
edobroth@co.slo.ca.us

The Honorable Susan Alcala Wood
Office of the City Attorney, Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814
clerk@cityofsacramento.org

The Honorable Krishna A. Abrams
Solano County District Attorney
675 Texas Street, Suite 4500
Fairfield, CA 94533
SolanoDA@solanocounty.com

ELECTRONIC UPLOAD SERVICE LIST

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>