

November 5, 2025

Re: AMENDED 60-DAY NOTICE OF INTENT TO SUE

For violation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (California Health and Safety Code Section 25249.5 et seq.)

This notice supersedes Notice No. 2025-03581

ALLEGED VIOLATORS

Kimberly-Clark 351 Phelps Drive Irving, TX 75038	CVS Pharmacy Inc. One CVS Drive Woonsocket, RI 02895
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This Notice of Violation (the “Notice”) is provided to you pursuant to and in compliance with California Health & Safety Code §25249.7(d).

Law Offices of Martin Jerisat represents Chuck Hazan in the State of California acting in the public interest related to protecting consumers and the environment from chemical exposures.

This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section §25249.5 of the Health and Safety Code (“Proposition 65”). The violation has occurred and continues to occur because the alleged Violator(s) failed to provide a clear and reasonable health hazard warning in connection with the sale or use of the product(s) detailed below (the “Product(s)”) in California.

This Notice satisfies a prerequisite to commence an action against the Violator(s) in any Superior Court of California.

DESCRIPTION OF THE VIOLATION

1. Enforcer: Chuck Hazan
2. Alleged Violator(s):

Kimberly-Clark Company	
CVS Pharmacy, Inc.	

3. Location of Purchase: The products were purchased from CVS pharmacy in Rancho Santa Margarita, CA.
4. Time Period of Exposure: Violations have been occurring since at least August 2, 2025 and are continuing to this day.
5. Listed Chemical(s): Perfluorooctane sulfonic acid (PFOS) and its salts and transformation and degradation precursors, in particular, PFOSA, which is listed under Proposition 65 as a chemical known to the State to cause reproductive toxicity.
6. Product(s): Examples of the product

U Balance personal care product	
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Note: The identified Product(s) above are identified to assist the recipient's investigation into, among other things, the breadth of potential exposures to the Listed Chemical from other items within the Product Type(s). **This is not intended to be a comprehensive identification of each offending Product.** Enforcer maintains the position that alleged Violator(s) is/are obligated to conduct a good faith investigation into other Products that may have been manufactured, distributed, sold, shipped or stored during the period to ensure full compliance.

7. Route(s) of Exposure: Exposures that are the subject of this Notice result from the purchase, acquisition, handling and normal use of this product, which includes dermal route.
8. Warnings Provided: As the Product(s) was/were purchased via the Internet, per §25602(b), Proposition 65-compliant, clear and reasonable warnings must be made on both the product packaging AND the product display page/point of sale page
 - a. The Product(s) DO NOT contain Proposition 65-compliant, clear and reasonable warnings on the product packaging
 - b. The Product(s) DO NOT contain Proposition 65-compliant, clear and reasonable warnings on the product display page/point of sale page

RESOLUTION OF THE CLAIMS

Based on the allegations set forth in this Notice, we intend to file a citizen enforcement lawsuit on behalf of the Enforcer against the alleged Violator(s) unless such Violator(s) agree in a binding written agreement to:

1. Recall Product(s) sold in California; or

2. Provide Proposition 65 compliant exposure warnings for Product(s) sold in the future or formulate the Product(s) to eliminate exposures to the Listed Chemical(s); and
3. Pay an appropriate civil penalty based on the factors enumerated in Health & Safety Code §25249.7(b).

REQUEST TO PRESERVE EVIDENCE ADDITIONAL EXPECTATIONS
PURSUANT TO THIS NOTICE

Alleged Violator(s) are hereby requested to preserve any and all evidence relating to the violations described herein. This includes, without limitation, preserving any and all:

- Warning materials concerning exposure
- Testing reports related to the Product(s)
- Advertising and marketing material related to the Product(s)
- Sales information related to the Product(s)
- Efforts to comply with Proposition 65 with respect to the Product(s)
- Communications with any person relating to the presence or potential presence of the Listed Chemical(s) in the Product(s).

DEMAND FOR RETAILER, PURSUANT TO 25600.2(g) TO IDENTIFY
MANUFACTURER(S), PRODUCER(S), PACKAGER(S), IMPORTER(S),
SUPPLIER(S), AND DISTRIBUTOR(S) OF PRODUCT(S)

Pursuant to §25600.2(g), “[t]he retail seller of a product that may cause a consumer product exposure shall promptly provide the name and contact information for the manufacturer, producer, packager, importer, supplier, and distributor of the product to the following persons on written request, to the extent that this information is reasonably available to the retail seller,” including “[a]ny person who has served notice under Section §25249.7(d)(1) of the Act alleging that the consumer product causes an exposure that requires a warning under the Act”.

Please accept this Notice as a formal demand for any non-manufacturing seller or distributor receiving this notice to promptly provide such information. This information should be provided by electronic mail to the address in the head of this Notice.

The retail seller noticed on this 60-Day Notice is hereby requested to promptly provide the names and contact information for any and all manufacturer(s), producer(s), packager(s), importer(s), supplier(s), and/or distributor(s) of the Product(s)

While we are interested in seeking resolution of the claim(s) in this Notice without engaging in costly and protracted litigation, we stand ready to file a civil complaint in

superior court should no appropriate governmental authority take action and should resolution not be reached in 60 days.

The Enforcer has retained me as legal counsel in connection with this Notice. Please direct all communications regarding this notice to Law Offices of Martin Jerisat, 18650 MacArthur Blvd, Ste 300, Irvine, CA 92612, Email: mjerisat@jlawoffices.com.

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

Re: Notice of Proposition 65 Violations by Kimberly-Clark Company and CVS Pharmacy Inc.

I, Martin Jerisat, hereby declare:

1. This Certificate of Merit accompanies the attached sixty (60) day notice in which it is alleged that the parties identified in the notice have violated Health & 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 have 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 all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that a “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 includes factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code § 25249.7(h)(2): (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.

Executed on November 5, 2025 at Irvine, California.

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

/s/Martin E. Jerisat
Martin Jerisat
Law Offices of Martin Jerisat
18650 Macarthur Blvd, Ste 300
Irvine, CA 92612-1269
mjerisat@jlawoffices.com

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this action. I am employed in the County of Orange, California, where the mailing occurs, and my business address is 18650 MacArthur Blvd., Ste. 300, Irvine, CA 92612.

On November 5, 2025, I served the following documents: (1) 60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE SECTION 25249.7(d); (2) CERTIFICATE OF MERIT; (3) PROPOSITION 65: A SUMMARY; and (4) CERTIFICATE OF MERIT ATTACHMENT(served only on the Attorney General) on the parties listed below by placing a true and correct copy thereof in a sealed envelope, addressed to each party and depositing it at my business address with the U.S. Postal Service for delivery by Certified Mail with the postage thereon fully prepaid via Mail:

Kimberly-Clark
351 Phelps Drive
Irving, TX 75038

Legal Department
CVS Pharmacy Inc.
One CVS Drive
Woonsocket, RI 02895

CVS Pharmacy, Inc.
c/o C T Corporation System
330 N Brand Blvd Glendale, CA 91203

On November 5, 2025, I served the California Attorney General (via website Portal) by uploading a true and correct copy thereof as a PDF file via the California Attorney General's website.

On November 5, 2025, I transmitted via electronic mail the above-listed documents to the electronic mail addresses of the City and/or District Attorneys who have specifically authorized e-mail service and the authorization appears on the Attorney General's web site.

See Attached Service List

On November 5, 2025, I served the following persons and/or entities at the last known address by placing a true and correct copy thereof in a sealed envelope and depositing it at my business address with the U.S. Postal Service for delivery with the postage thereon fully prepaid, and addressed as follows:
See Attached Service List

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on November 5, 2025.

By: /s/Martin Jerisat
Martin Jerisat