CLIFFWOOD LAW FIRM, PC
12100 WILSHIRE BLVD, SUITE 800
LOS ANGELES, CALIFORNIA 90025
(310)200-3227

**60-DAY NOTICE OF INTENT TO SUE**

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

November 12, 2026

Current Agent For Service of Process
Botticelli Foods LLC
℅ Salvatore Asaro
1000 Prime Place
Hauppauge, NY 11788

Current Agent For Service of Process
Costco Wholesale Corporation
℅ C T Corporation System
28 Liberty Street
New York, NY 10005

Re: NOTICE OF VIOLATION AGAINST BOTTICELLI FOODS LLC; COSTCO WHOLESALE CORPORATION, OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.6

To Whom It May Concern and to Public Prosecutors:

Clean Product Advocates, LLC ("CPA") is a California company acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxics reduction, the promotion and improvement of human health, the improvement of workers and consumer rights, environmental education and corporate accountability. As described below, CPA has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65" or "Act"), codified at Cal. Health & Safety Code § 25249.5 et seq. by Botticelli Foods LLC; Costco Wholesale Corporation, (collectively the "Violators''). This letter serves to provide CPA's notification of these violations to the Violators and elected prosecutors. Pursuant to § 25249.7(d) of the statute, CPA intends to bring an enforcement action against the Violators sixty (60) days after the effective service of this notice unless public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

The products that are causing exposure without a warning in violation of Proposition 65 are Botticelli Margherita Handcrafted Pizza, including but not limited to UPC # 810095662393 ("Products") manufactured/distributed by Botticelli Foods LLC; Costco Wholesale Corporation and offered for sale by retailers to California consumers.

Identified below is a specific example of Covered Products recently purchased and witnessed as being available for purchase in California (the "Exemplar Product"). Based on publicly available information, the retailers, distributors, importers, and/or manufacturers of the Exemplar Product are also provided. The Exemplar Product is identified for the Notice Recipients' benefit to assist in their investigation of the allegations set forth in this Notice. The Exemplar Product is not meant to be an exhaustive or comprehensive identification of products falling within the specific category of the Covered Products. The Exemplar Product is a representative of a class of products called "Botticelli Margherita Handcrafted Pizza". It is the CPA's position that the Violators are obligated to conduct a good-faith investigation into

other products falling within the category of the Covered Products, including variations thereof, which have been manufactured, imported, distributed, shipped, stored, or sold in the State of California.

The type of product that is causing exposure in violation of proposition 65 is pizza, including but not limited to:

| **Exemplar Product(s)** | **Violative chemical** | **Violators** |
|---|---|---|
| Botticelli Margherita Handcrafted Pizza UPC: 810095662393 | Lead | Botticelli Foods LLC; Costco Wholesale Corporation |

A copy of the Proposition 65 summary prepared by the Office of Environmental Health Hazard Assessment is attached to the copy of this letter served to the Violators.

Because of this lack of a warning, consumers were exposed to the following chemicals without the proper required Proposition 65 warnings: Lead. The route of exposure for this chemical is through ingestion. Such exposure can cause cancer, birth defects, and other reproductive harm. Exposures to the listed chemical from the use of each Product have been occurring without the clear and reasonable warning required by Proposition 65, dating as far back as October 27, 2026 and will continue every day henceforth until clear and reasonable warnings are provided to product purchasers and users or until this known toxic chemical is removed from the Products. Without proper warnings regarding the toxic effect of exposure to the listed chemical resulting from ingestion 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 use of the Products.

CPA intends to file a private enforcement action as provided for in the Act for the alleged violations by the Violators, unless Violators agree in an enforceable written instrument to: (1) recall the listed products so as to eliminate further exposures to the identified chemicals; or (2) affix clear and reasonable Proposition 65 warning labels for the products sold in the future or reformulate such products to eliminate the exposures; and (3) pay applicable civil penalties and the costs of bringing this action.

Consistent with the public interest goals of Proposition 65, CPA is interested in seeking a constructive resolution to this matter, and invites Violators, should they seek early resolution of this matter, to communicate directly with CPA's attorneys. Such resolution will avoid further unwarned consumer exposures, as well as resource intensive litigation.

CPA identifies Dekee Yangzom as a responsible individual within the entity; 2934 1/2 Beverly Glen Blvd., Suite 46, Los Angeles, CA 90077; 424-599-0406. Ms. Yangzom requests all communications be directed to CPA's attorneys.

Please direct all communication regarding this notice to CPA's attorney, Elham Shabatian (ellie@cliffwoodlaw.com), Cliffwood Law Firm PC, 12100 Wilshire Blvd., Suite 800, Los Angeles, CA 90025, 310-200-3227.

Sincerely,



Elham Shabatian
CLIFFWOOD LAW FIRM, PC
Cc: see attached distribution list

Attachments:
1. Certificate of Merit;
2. Certificate of Service;
3. Appendix “A” - “The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary” (to the Noticed Parties only);
4. Certificate of Merit (Attorney General Copy); Factual information sufficient to establish the basis of the certificate of merit (only sent to Attorney General)

**CERTIFICATE OF MERIT**
Health and Safety Code Section 25249.7(d)

**Re: Clean Product Advocates, LLC's Notice of Proposition 65 Violations by Botticelli Foods LLC; Costco Wholesale Corporation.**

I, Elham Shabatian, attorney at law, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice 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 have reviewed facts, studies, and/or other data regarding the alleged exposures to the listed chemical that is the cause of 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: November 12, 2026

By 
Elham Shabatian

**PROOF OF SERVICE**

I, Elham Shabatian, am over the age of 18 and am not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 12100 Wilshire Blvd, Suite 800, Los Angeles, CA 90025

On November 12, 2026, I served the following documents:

1. 60-Day Notice of Intent to Sue Under Health and Safety Code section 25249.6
2. Certificate of Merit; Health and Safety Code Section 25249.7 (d)
3. Certificate of Merit (Attorney General Copy); Factual information sufficient to establish the basis of the certificate of merit *(only sent to Attorney General)*
4. The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary

on the alleged violator (s) listed below via First Class Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the entity listed below and providing such envelope to a United States Postal Service Representative:

| | | |
|---|---|---|
| Current Agent For Service of Process<br>Botticelli Foods LLC<br>℅ Salvatore Asaro<br>1000 Prime Place<br>Hauppauge, NY 11788 | Current Agent For Service of Process<br>Costco Wholesale Corporation<br>℅ C T Corporation System<br>28 Liberty Street<br>New York, NY 10005 | |

as well as 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
Filing link: oag.ca.gov/prop65

Copies of the notice were provided to the public enforcers by placing a true and correct copy thereof in a sealed envelope, addressed to each of the District Attorney and City Attorney offices the parties listed on the attached Distribution List. The District Attorney and City Attorney offices that have requested electronic service only were served electronically via the email addresses listed on the Distribution List.

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

Signature



_____ November 12, 2026

Elham Shabatian

**DISTRIBUTION LIST**

| | | |
|---|---|---|
| District Attorney Alpine County<br>PO Box 248<br>Markleeville, CA 96120 | District Attorney Lake County<br>255 North Forbes Street<br>Lakeport, CA 95453 | District Attorney Sierra County<br>PO Box 457<br>Downieville, CA 95936 |
| District Attorney Amador County<br>708 Court Street, Suite 202<br>Jackson, CA 95642 | District Attorney Los Angeles County<br>Hall of Justice 211 W. Temple St. Ste 1200<br>Los Angeles, CA 90012 | DA's Office Siskiyou County Courthouse<br>311 Fourth Street, Room 204<br>Yreka, CA 96097 |
| District Attorney Butte County<br>25 County Center Drive, Suite 245<br>Oroville, CA 95965 | District Attorney Madera County<br>209 West Yosemite Avenue<br>Madera, CA 93637 | District Attorney Solano County<br>675 Texas Street, Ste 4500<br>Fairfield, CA 94533 |
| District Attorney Colusa County<br>310 6th Street<br>Colusa, CA 95932 | District Attorney Kings County<br>1400 West Lacey Blvd.<br>Hanford, CA 93230 | District Attorney Stanislaus County<br>832 12th Street, Ste 300<br>Modesto, CA 95354 |
| District Attorney Del Norte County<br>450 H Street, Suite 171<br>Crescent City, CA 95531 | District Attorney Mendocino County<br>PO Box 1000<br>Ukiah, CA 95482 | District Attorney Sutter County<br>446 Second Street<br>Yuba City, CA 95991 |
| District Attorney EL Dorado County<br>778 Pacific Street<br>Placerville, CA 95667 | District Attorney Modoc County<br>204 S Court Street, Room 202<br>Alturas, CA 96101-4020 | District Attorney Tehama County<br>PO Box 519<br>Red Bluff, CA 96080 |
| District Attorney Mono County<br>Post Office Box 617<br>Bridgeport, CA 93517 | District Attorney Orange County<br>300 N Flower St.<br>Santa Ana, CA 92703 | District Attorney Trinity County<br>Post Office Box 310<br>Weaverville, CA 96093 |
| District Attorney Glenn County<br>Post Office Box 430<br>Willows, CA 95988 | District Attorney San Benito County<br>419 4th Street<br>Hollister, CA 95023 | District Attorney Tuolumne County<br>423 North Washington St.<br>Sonora, CA 95370 |
| District Attorney Humboldt County<br>825 5th Street 4th Floor<br>Eureka, CA 95501 | DA San Bernardino County<br>316 No. Mountain View Avenue<br>San Bernardino, CA 92415 | District Attorney Yuba County<br>215 Fifth Street, Suite 152<br>Marysville, CA 95901 |
| District Attorney Imperial County<br>940 West Main Street, Suite 102<br>El Centro, CA 92243 | District Attorney San Mateo County<br>400 County Ctr., 3rd Floor<br>Redwood City, CA 94063 | Los Angeles City Attorney's Office<br>City Hall East 200 N. Main St., Suite 800<br>Los Angeles, CA 90012 |
| District Attorney Kern County<br>1215 Truxtun Avenue<br>Bakersfield, CA 93301 | District Attorney Shasta County<br>1355 West Street<br>Redding, CA 96001 | Marin County District Attorney's Office<br>consumer@marincounty.gov |
| Alameda County District Attorney<br>CEPDProp65@acgov.org | Calaveras County District Attorney<br>Prop65Env@co.calaveras.ca.us | Contra Costa County District Attorney<br>sgrassini@contracostada.org |
| Inyo County District Attorney<br>inyoda@inyocounty.us | Lassen County District Attorney<br>mlatimer@co.lassen.ca.us | Mariposa County District Attorney<br>mcda@mariposacounty.org |
| Merced County District Attorney<br>Prop65@countyofmerced.com | Monterey County District Attorney<br>Pro65DA@co.monterey.ca.us | Napa County District Attorney<br>CEPD@countyofnapa.org |
| Nevada County District Attorney<br>DA.Prop65@co.nevada.ca.us | Placer County District Attorney<br>Prop65@placer.ca.gov | Plumas County District Attorney<br>davidhollister@countyofplumas.com |
| Riverside County District Attorney<br>Prop65@rivcoda.org | Sacramento County District Attorney<br>Prop65@sacda.org | San Diego City Attorney<br>CityAttyProp65@sandiego.gov |
| San Diego County District Attorney<br>SanDiegoDAProp65@sdcda.org | San Francisco County District Attorney<br>alexandra.grayner@sfgov.org | San Francisco City Attorney<br>Valerie.Lopez@sfcityatty.org |
| San Joaquin County District Attorney DA<br>DAConsumer.Environmental@sjcda.org | San Luis Obispo County DA<br>edobroth@co.slo.ca.us | Santa Barbara County District Attorney<br>DAProp65@co.santa-barbara.ca.us |
| Santa Clara County District Attorney<br>EPU@da.sccgov.org | Santa Cruz County District Attorney<br>Prop65DA@santacruzcounty.us | Sonoma County District Attorney<br>jbarnes@sonoma-county.org |
| Tulare County District Attorney<br>Prop65@co.tulare.ca.us | Ventura County District Attorney<br>daspecialops@veutura.org | Yolo County District Attorney<br>cfepd@yolocounty.org |
| San Jose City Attorney's Office<br>proposition65notices@sanjoseca.gov | District Attorney Fresno<br>consumerprotection@fresnocountyca.gov | District Attorney of Roseville<br>pwp65@place.ca.gov |

## APPENDIX A

CLIFFWOOD LAW FIRM, PC
12100 Wilshire Blvd, Suite 800 ✧ Los Angeles, CA 90025 ✧ ellie@cliffwoodlaw.com

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:

***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.

[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.*

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 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 contaminant[2] 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

[2] *See Section 25501(a)(4).*

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. 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 OEHHA'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.