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14 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
15 COUNTY OF ALAMEDA

16 ENVIRONMENTAL RESEARCH  
17 CENTER, INC., a California non-profit  
18 corporation

19 Plaintiff,

20 vs.

21 IMONEY TOOLS LLC, individually and  
22 dba TRANONT; and DOES 1-100

23 Defendants.

CASE NO. 22CV023635

STIPULATED CONSENT  
JUDGMENT

Health & Safety Code § 25249.5 *et seq.*

Action Filed: December 12, 2022

Trial Date: None set

24 1. INTRODUCTION

25 1.1 On December 12, 2022, Plaintiff Environmental Research Center, Inc. (“ERC”),  
26 a non-profit corporation, as a private enforcer and in the public interest, initiated this action by  
27 filing a Complaint for Injunctive and Declaratory Relief and Civil Penalties (the “Complaint”)  
28 pursuant to the provisions of California Health and Safety Code section 25249.5 *et seq.*

1 (“Proposition 65”), against IMoney Tools LLC, individually and dba Tranont (“Tranont”) and  
2 Does 1-100. In this action, ERC alleges that a number of products manufactured, distributed, or  
3 sold by Tranont contain lead and/or mercury, chemicals listed under Proposition 65 as  
4 carcinogens and/or reproductive toxins, and expose consumers to these chemicals at a level  
5 requiring a Proposition 65 warning. These products (referred to hereinafter individually as a  
6 “Covered Product” or collectively as “Covered Products”) are: (1) Tranont Nourish GOS  
7 Prebiotic Meal Replacement Coconut Cream (lead), (2) Tranont Nourish GOS Prebiotic Meal  
8 Replacement Brownie Batter (lead), (3) Tranont Boost (lead), (4) Tranont Glow Advanced  
9 Type 1 Collagen with Superfood Antioxidant Support Strawberry Banana (mercury), and (5)  
10 Tranont Glow Advanced Type 1 Collagen with Superfood Antioxidant Support Orange Cream  
11 (mercury).

12       **1.2**     ERC and Tranont are hereinafter referred to individually as a “Party” or  
13 collectively as the “Parties.”

14       **1.3**     For purposes of this Consent Judgment, the Parties agree that ERC is a 501  
15 (c)(3) California non-profit corporation dedicated to, among other causes, helping safeguard  
16 the public from health hazards by reducing the use and misuse of hazardous and toxic  
17 chemicals, facilitating a safe environment for consumers and employees, and encouraging  
18 corporate responsibility.

19       **1.4**     For purposes of this Consent Judgment, the Parties agree that Tranont is a business  
20 entity that has employed ten or more persons at all times relevant to this action and qualifies as a  
21 “person in the course of doing business” within the meaning of Proposition 65. Tranont  
22 manufactures, distributes, and/or sells the Covered Products.

23       **1.5**     The Complaint is based on allegations contained in ERC’s Notices of Violation  
24 dated September 1, 2022 and September 15, 2022 that were served on the California Attorney  
25 General, other public enforcers, and Tranont (“Notices”). True and correct copies of the 60-  
26 Day Notices dated September 1, 2022 and September 15, 2022 are attached hereto as *Exhibits*  
27 *A* and *B* and incorporated herein by reference. More than 60 days have passed since the  
28 Notices were served on the Attorney General, public enforcers, and Tranont and no designated

1 governmental entity nor public enforcer has filed a Complaint against Tranont with regard to  
2 the Covered Products or the alleged violations.

3       **1.6**     ERC’s Notices and Complaint allege that use of the Covered Products by  
4 California consumers exposes them to lead and/or mercury without first receiving clear and  
5 reasonable warnings from Tranont, which allegedly violates California Health and Safety Code  
6 section 25249.6. Tranont denies all material allegations contained in the Notices and  
7 Complaint.

8       **1.7**     The Parties have entered into this Consent Judgment in order to settle,  
9 compromise, and resolve disputed claims and thus avoid prolonged and costly litigation.  
10 Nothing in this Consent Judgment nor compliance with this Consent Judgment shall constitute  
11 or be construed as an admission by any of the Parties or by any of their respective officers,  
12 directors, shareholders, employees, agents, parent companies, subsidiaries, divisions,  
13 franchisees, licensees, customers, suppliers, distributors, wholesalers, or retailers of any fact,  
14 issue of law, violation of law, conclusions of law, wrongdoing, or liability, including without  
15 limitation, any admission concerning any alleged violation of Proposition 65 or any other  
16 statutory, regulatory, common law, or equitable doctrine, or the meaning of the terms  
17 “knowingly and intentionally expose” or “clear and reasonable warning” as used in Cal. Health  
18 & Safety Code § 25249.6, nor shall this Consent Judgment be offered or admitted as evidence  
19 in any other administrative or judicial proceeding or litigation in any court, agency, or forum,  
20 except for any purpose necessary in this case, including an action seeking to enforce the terms  
21 of this Consent Judgment.

22       **1.8**     Except as expressly set forth herein, nothing in this Consent Judgment shall  
23 prejudice, waive, or impair any right, remedy, argument, or defense the Parties may have in  
24 any current or future legal proceeding unrelated to these proceedings.

25       **1.9**     The Effective Date of this Consent Judgment is the date on which it is entered  
26 as a Judgment by this Court.

27       **2.     JURISDICTION AND VENUE**

28       For purposes of this Consent Judgment and any further court action that may become

1 necessary to enforce this Consent Judgment, the Parties stipulate that this Court has subject matter  
2 jurisdiction over the allegations of violations contained in the Complaint and personal jurisdiction  
3 over Tranont as to the acts alleged in the Complaint, that venue is proper in Alameda County, and  
4 that this Court has jurisdiction to enter this Consent Judgment as a full and final resolution of all  
5 claims up through and including the Effective Date that were or could have been asserted in this  
6 action based on the facts alleged in the Notices and Complaint.

7 **3. INJUNCTIVE RELIEF, REFORMULATION, TESTING AND WARNINGS**

8 **3.1** Beginning on the Effective Date, Tranont shall be permanently enjoined from  
9 manufacturing for sale in the State of California, “Distributing into the State of California,” or  
10 directly selling in the State of California, any Covered Product that exposes a person to a  
11 “Daily Lead Exposure Level” of more than 0.5 micrograms of lead per day and/or “Daily  
12 Mercury Exposure Level” of more than 0.3 micrograms of mercury per day unless it meets the  
13 warning requirements under Section 3.2. However, if the California Office of Environmental  
14 Health Hazard Assessment establishes a “safe harbor” Maximum Allowable Dose Level  
15 (“MADL”) for either mercury or lead that is higher than 0.5 micrograms of lead per day for  
16 lead or .3 micrograms of mercury per day for mercury, then those MADLs shall substitute for  
17 the levels identified in this Section 3.1.

18 **3.1.1** As used in this Consent Judgment, the term “Distributing into the State  
19 of California” shall mean to directly ship a Covered Product into California for sale in  
20 California or to sell a Covered Product to a distributor that Tranont knows or has reason to  
21 know will sell the Covered Product in California.

22 **3.1.2** For purposes of this Consent Judgment, the “Daily Lead Exposure  
23 Level” shall be measured in micrograms, and shall be calculated using the following formula:  
24 micrograms of lead per gram of product, multiplied by grams of product per serving of the  
25 product (using the largest serving size appearing on the product label), multiplied by servings  
26 of the product per day (using the largest number of recommended daily servings appearing on  
27 the label), which equals micrograms of lead exposure per day. If the label contains no  
28 recommended daily servings, then the number of recommended daily servings shall be one.

1                   3.1.3 For purposes of this Consent Judgment, the “Daily Mercury Exposure  
2 Level” shall be measured in micrograms, and shall be calculated using the following formula:  
3 micrograms of mercury per gram of product, multiplied by grams of product per serving of the  
4 product (using the largest serving size appearing on the product label), multiplied by servings  
5 of the product per day (using the largest number of recommended daily servings appearing on  
6 the label), which equals micrograms of mercury exposure per day. If the label contains no  
7 recommended daily servings, then the number of recommended daily servings shall be one.

8                   **3.2 Clear and Reasonable Warnings**

9                   If Tranont is required to provide a warning pursuant to Section 3.1, the following warning  
10 must be utilized (“Warning”):

11                   **WARNING:** Consuming this product can expose you to chemicals including  
12 [lead][mercury], which is known to the State of California to cause [cancer and] birth  
13 defects or other reproductive harm. For more information go to  
14 www.P65Warnings.ca.gov/food.

15                   Tranont shall use the phrase “cancer and” in the Warning if Tranont has reason to believe  
16 that the “Daily Lead Exposure Level” is greater than 15 micrograms of lead as determined  
17 pursuant to the quality control methodology set forth in Section 3.4 or if Tranont has reason to  
18 believe that another Proposition 65 chemical is present which may require a cancer warning. As  
19 identified in the brackets, the warning shall appropriately reflect whether there is lead or mercury  
20 present in each of the Covered Products. However, if there is lead and mercury present in a  
21 Covered Product, the warning required under this section 3.2 may either identify only lead or only  
22 mercury or identify both lead and mercury.

23                   If subsequently enacted changes to Proposition 65 or its implementing regulations require  
24 the use of additional or different information on any warning specifically applicable to the  
25 Covered Products (the “New Safe Harbor Warning”), the Parties agree that the New Safe Harbor  
26 warning may be utilized in place of or in addition to, as applicable, the warnings set forth in this  
27 Section.

28                   The Warning shall be securely affixed to or printed upon the label of each Covered  
Product, and it must be set off from other surrounding information and enclosed in a box. In

1 addition, for any Covered Product sold over the internet, the Warning shall appear on the  
2 checkout page when a California delivery address is indicated for any purchase of any Covered  
3 Product. An asterisk or other identifying method must be utilized to identify which products on  
4 the checkout page are subject to the Warning. In no event shall any internet or website  
5 Warning be contained in or made through a link.

6 The Warning shall be at least the same size as the largest of any other health or safety  
7 warnings also appearing on the website or on the label and the word “WARNING” shall be in all  
8 capital letters and in bold print. No statements intended to or likely to have the effect of  
9 diminishing the impact of the Warning on the average lay person shall accompany the Warning.  
10 Further no statements may accompany the Warning that state or imply that the source of the listed  
11 chemical has an impact on or results in a less harmful effect of the listed chemical.

12 Tranont must display the above Warning with such conspicuousness, as compared with  
13 other words, statements or designs on the label, or on its website, if applicable, to render the  
14 Warning likely to be read and understood by an ordinary individual under customary conditions  
15 of purchase or use of the product.

16 For purposes of this Consent Judgment, the term “label” means a display of written,  
17 printed or graphic material that is printed on or affixed to a Covered Product or its immediate  
18 container or wrapper.

### 19 **3.3 Conforming Covered Products**

20 A Conforming Covered Product is a Covered Product for which the “Daily Lead Exposure  
21 Level” is no greater than 0.5 micrograms of lead per day and/or the “Daily Mercury Exposure  
22 Level” is no greater than 0.3 micrograms of mercury per day as determined by the exposure  
23 methodology set forth in Section 3.1.2 and the quality control methodology described in Section  
24 3.4, and that is not known by Tranont to contain other chemicals that violate Proposition 65’s safe  
25 harbor thresholds. The Parties agree that Conforming Covered Products may be offered for sale in  
26 California without the Warning stated in Section 3.2.

### 27 **3.4 Testing and Quality Control Methodology**

28 **3.4.1** Beginning within one year of the Effective Date, Tranont shall arrange

1 for lead and mercury testing of the Covered Products at least once a year for a minimum of five  
2 consecutive years by arranging for testing of three (3) randomly selected samples of each of  
3 the Covered Products, in the form intended for sale to the end-user, which Tranont intends to  
4 sell or is manufacturing for sale in California, directly selling to a consumer in California or  
5 “Distributing into the State of California.” If tests conducted pursuant to this Section  
6 demonstrate that no Warning is required for a Covered Product during each of five consecutive  
7 years, then the testing requirements of this Section will no longer be required as to that  
8 Covered Product. However, if during or after the five-year testing period, Tranont changes  
9 ingredient suppliers for any of the Covered Products and/or reformulates any of the Covered  
10 Products, Tranont shall test that Covered Product annually for at least four (4) consecutive  
11 years after such change is made.

12           **3.4.2** For purposes of measuring the “Daily Lead Exposure Level” and/or the  
13 “Daily Mercury Exposure Level,” the highest lead and/or mercury detection result of the three  
14 (3) randomly selected samples of the Covered Products will be controlling.

15           **3.4.3** All testing pursuant to this Consent Judgment shall be performed using a  
16 laboratory method that complies with the performance and quality control factors appropriate  
17 for the method used, including limit of detection and limit of quantification, sensitivity,  
18 accuracy and precision that meets the following criteria: Inductively Coupled Plasma-Mass  
19 Spectrometry (“ICP-MS”) achieving a limit of quantification of less than or equal to 0.005  
20 mg/kg.

21           **3.4.4** All testing pursuant to this Consent Judgment shall be performed by an  
22 independent third party laboratory certified by the California Environmental Laboratory  
23 Accreditation Program or an independent third-party laboratory that is registered with the  
24 United States Food & Drug Administration.

25           **3.4.5** Nothing in this Consent Judgment shall limit Tranont’s ability to  
26 conduct, or require that others conduct, additional testing of the Covered Products, including  
27 the raw materials used in their manufacture.

28           **3.4.6** Within thirty (30) days of ERC’s written request, Tranont shall deliver

1 lab reports obtained pursuant to Section 3.4 to ERC. Tranont shall retain all test results and  
2 documentation for a period of five years from the date of each test.

3           **3.4.7** The testing and reporting requirements of Section 3.4 do not apply to any  
4 Covered Product for which Tranont is providing a Warning, continuously and without  
5 interruption from the Effective Date, pursuant to Section 3.2 of this Consent Judgment. In the  
6 event a Warning is provided after the Effective Date but Tranont thereafter ceases to provide the  
7 Warning, the testing and reporting requirements of Section 3.4 of this Consent Judgment shall  
8 apply beginning within one year after the date the Warning ceases to be provided, unless Tranont  
9 can show to the satisfaction of ERC that the cessation in providing the Warning was a temporary  
10 error that was resolved when discovered.

#### 11 **4. SETTLEMENT PAYMENT**

12           **4.1** In full satisfaction of all potential civil penalties, additional settlement payments  
13 attorney's fees, and costs, Tranont shall make a total payment of \$95,000.00 ("Total Settlement  
14 Amount") to ERC within 10 business days of the Effective Date ("Due Date"). Tranont shall  
15 make this payment by wire transfer to ERC's account, for which ERC will give Tranont the  
16 necessary account information. ERC shall be responsible for allocating and sending the  
17 payments to the other recipients as follows:

18           **4.2** \$32,750.00 shall be considered a civil penalty pursuant to California Health and  
19 Safety Code section 25249.7(b)(1). ERC shall remit 75% (\$24,562.50) of the civil penalty to  
20 the Office of Environmental Health Hazard Assessment ("OEHHA") for deposit in the Safe  
21 Drinking Water and Toxic Enforcement Fund in accordance with California Health and Safety  
22 Code section 25249.12(c). ERC will retain the remaining 25% (\$8,187.50) of the civil penalty.  
23 ERC's counsel shall send proof of the amount remitted to the OEHHA to Tranont's counsel

24           **4.3** \$3,394.77 shall be distributed to ERC as reimbursement to ERC for reasonable  
25 costs incurred in bringing this action.

26           **4.4** \$24,475.76 shall be distributed to ERC in lieu of further civil penalties and as an  
27 Additional Settlement Payment ("ASP"), pursuant to California Code of Regulations, title 11,  
28 sections 3203, subdivision (d) and 3204. ERC will utilize the ASP for activities that address



1 the same public harm as allegedly caused by Defendant in this matter. These activities are  
2 detailed below and support ERC's overarching goal of reducing and/or eliminating hazardous  
3 and toxic chemicals in dietary supplement products in California. ERC's activities have had,  
4 and will continue to have, a direct and primary effect within the State of California because  
5 California consumers will be benefitted by the reduction and/or elimination of exposure to lead  
6 and/or mercury in dietary supplements and/or by providing clear and reasonable warnings to  
7 California consumers prior to ingestion of the products.

8         Based on a review of past years' actual budgets, ERC is providing the following list of  
9 activities ERC engages in to protect California consumers through Proposition 65 citizen  
10 enforcement, along with a breakdown of how ASP funds will be utilized to facilitate those  
11 activities: (1) ENFORCEMENT (up to 65-80%): obtaining, shipping, analyzing, and testing  
12 dietary supplement products that may contain lead and/or mercury and are sold to California  
13 consumers. This work includes continued monitoring and enforcement of past consent  
14 judgments and settlements to ensure companies are in compliance with their obligations  
15 thereunder, with a specific focus on those judgments and settlements concerning lead and/or  
16 mercury. This work also includes investigation of new companies that ERC does not obtain  
17 any recovery through settlement or judgment; (2) VOLUNTARY COMPLIANCE PROGRAM  
18 (up to 10-20%): maintaining ERC's Voluntary Compliance Program by acquiring products  
19 from companies, developing and maintaining a case file, testing products from these  
20 companies, providing the test results and supporting documentation to the companies, and  
21 offering guidance in warning or implementing a self-testing program for lead and/or mercury  
22 in dietary supplement products; and (3) "GOT LEAD" PROGRAM (up to 5%): maintaining  
23 ERC's "Got Lead?" Program which reduces the numbers of contaminated products that reach  
24 California consumers by providing access to free testing for lead in dietary supplement  
25 products (Products submitted to the program are screened for ingredients which are suspected  
26 to be contaminated, and then may be purchased by ERC, catalogued, sent to a qualified  
27 laboratory for testing, and the results shared with the consumer that submitted the product).

28         ERC shall be fully accountable in that it will maintain adequate records to document

1 and will be able to demonstrate how the ASP funds will be spent and can assure that the funds  
2 are being spent only for the proper, designated purposes described in this Consent Judgment.  
3 ERC shall provide the Attorney General, within thirty days of any request, copies of  
4 documentation demonstrating how such funds have been spent.

5       **4.5**     \$11,760.00 shall be distributed to Lozeau Drury LLP as reimbursement of  
6 ERC's attorney fees, while \$22,619.47 shall be distributed to ERC for its in-house legal fees.

7 Except as explicitly provided herein, each Party shall bear its own fees and costs.

8       **4.6**     In the event that Tranont fails to remit the Total Settlement Amount owed under  
9 Section 4 of this Consent Judgment on or before the Due Date, Tranont shall be deemed to be  
10 in material breach of its obligations under this Consent Judgment. ERC shall provide written  
11 notice of the delinquency to Tranont via electronic mail. If Tranont fails to deliver the Total  
12 Settlement Amount within five (5) days from the written notice, the Total Settlement Amount  
13 shall accrue interest at the statutory judgment interest rate provided in the California Code of  
14 Civil Procedure section 685.010. Additionally, Tranont agrees to pay ERC's reasonable  
15 attorney's fees and costs for any efforts to collect the payment due under this Consent  
16 Judgment.

17     **5.    MODIFICATION OF CONSENT JUDGMENT**

18       **5.1**     This Consent Judgment may be modified only as to injunctive terms by written  
19 stipulation of the Parties and upon entry by the Court of a modified consent judgment.

20       **5.2**     If Tranont seeks to modify this Consent Judgment under Section 5.1, then  
21 Tranont must provide written notice to ERC of its intent ("Notice of Intent"). If ERC seeks to  
22 meet and confer regarding the proposed modification in the Notice of Intent, then ERC must  
23 provide written notice to Tranont within thirty (30) days of receiving the Notice of Intent. If  
24 ERC notifies Tranont in a timely manner of ERC's intent to meet and confer, then the Parties  
25 shall meet and confer in good faith as required in this Section. The Parties shall meet in person  
26 or via telephone within thirty (30) days of ERC's notification of its intent to meet and confer.  
27 Within thirty (30) days of such meeting, if ERC disputes the proposed modification, ERC shall  
28 provide to Tranont a written basis for its position. The Parties shall continue to meet and

1 confer for an additional thirty (30) days in an effort to resolve any remaining disputes. Should  
2 it become necessary, the Parties may agree in writing to different deadlines for the meet-and-  
3 confer period.

4 **6. RETENTION OF JURISDICTION, ENFORCEMENT OF CONSENT**  
5 **JUDGMENT**

6 **6.1** This Court shall retain jurisdiction of this matter to enforce, modify, or  
7 terminate this Consent Judgment.

8 **6.2** If ERC alleges that any Covered Product fails to qualify as a Conforming  
9 Covered Product (for which ERC alleges that no Warning has been provided), then ERC shall  
10 inform Tranont in a reasonably prompt manner of its test results, including information  
11 sufficient to permit Tranont to identify the Covered Products at issue. Tranont shall, within  
12 thirty (30) days following such notice, either (1) withdraw the Covered Product from sales in  
13 California; (2) provide the warning described in Section 3.1 for the Covered Product, or (3)  
14 refute the information provided by ERC by providing ERC with testing information, from an  
15 independent third-party laboratory meeting the requirements of Sections 3.4.3 and 3.4.4,  
16 demonstrating Tranont's compliance with the Consent Judgment. The Parties shall first  
17 attempt to resolve the matter prior to ERC taking any further legal action. To the extent that  
18 any enforcement action pursuant to Section 16 is based on the failure of Tranont to comply  
19 with the warning provisions of Section 3.1 and/or 3.2, ERC shall comply with this Section 6.2  
20 prior to commencing such enforcement action pursuant to Section 16.

21 **6.3** In the event that Proposition 65 is repealed, preempted, or is otherwise  
22 specifically rendered inapplicable to the Covered Products by reason of a change made by the  
23 OEHHA to the Proposition 65 implementing regulations or by a decision of the California  
24 Supreme Court, then Tranont may provide written notice to ERC of any asserted change in the  
25 law, and shall have no further obligations pursuant to this Consent Judgment with respect to the  
26 Covered Products, but only to the extent that the Covered products are so affected.

27 **7. APPLICATION OF CONSENT JUDGMENT**

28 This Consent Judgment may apply to, be binding upon, and benefit the Parties and their

1 respective officers, directors, shareholders, employees, agents, parent companies, subsidiaries,  
2 divisions, franchisees, licensees, customers (excluding private labelers), distributors, wholesalers,  
3 retailers, predecessors, successors, assigns, and all other entities in the distribution chain down to  
4 the consumer of any Covered Product, and the predecessors, successors and assigns of any of  
5 them. This Consent Judgment shall have no application to any Covered Product that is distributed  
6 or sold exclusively outside the State of California and that is not used by California consumers.

7 **8. BINDING EFFECT, CLAIMS COVERED AND RELEASED**

8 **8.1** This Consent Judgment is a full, final, and binding resolution between ERC, on  
9 behalf of itself, and in the public interest, and Tranont and its respective officers, directors,  
10 shareholders, employees, agents, parent companies, subsidiaries, divisions, suppliers,  
11 franchisees, licensees, customers (not including private label customers of Tranont),  
12 distributors, wholesalers, retailers, and all other upstream and downstream entities in the  
13 distribution chain of any Covered Product, and the predecessors, successors, and assigns of any  
14 of them (collectively, "Released Parties").

15 **8.2** ERC, acting in the public interest, releases the Released Parties from any and all  
16 claims for violations of Proposition 65 up through the Effective Date based on exposure to lead  
17 and/or mercury from the Covered Products as set forth in the Notices of Violation. ERC, on  
18 behalf of itself only, hereby fully releases and discharges the Released Parties from any and all  
19 claims, actions, causes of action, suits, demands, liabilities, damages, penalties, fees, costs, and  
20 expenses asserted, or that could have been asserted from the handling, use, or consumption of  
21 the Covered Products, as to any alleged violation of Proposition 65 or its implementing  
22 regulations arising from the failure to provide Proposition 65 warnings on the Covered  
23 Products regarding lead and/or mercury up to and including the Effective Date.

24 **8.3** ERC on its own behalf only, and Tranont on its own behalf only, further waive  
25 and release any and all claims they may have against each other for all actions or statements  
26 made or undertaken in the course of seeking or opposing enforcement of Proposition 65 in  
27 connection with the Notices and Complaint up through and including the Effective Date,  
28 provided, however, that nothing in Section 8 shall affect or limit any Party's right to seek to

1 enforce the terms of this Consent Judgment.

2           **8.4** It is possible that other claims not known to the Parties, arising out of the facts  
3 alleged in the Notices and Complaint, and relating to the Covered Products, will develop or be  
4 discovered. ERC on behalf of itself only, and Tranont on behalf of itself only, acknowledge  
5 that this Consent Judgment is expressly intended to cover and include all such injuries,  
6 damages, liability, and claims up through and including the Effective Date, including all rights  
7 of action therefore. ERC and Tranont have full knowledge of the contents of Cal. Civil Code §  
8 1542, and acknowledge that the claims released in Sections 8.2 and 8.3 above may include  
9 unknown claims, and nevertheless waive California Civil Code section 1542 as to any such  
10 unknown claims. California Civil Code section 1542 reads as follows:

11           A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS THAT THE  
12           CREDITOR OR RELEASING PARTY DOES NOT KNOW OR SUSPECT TO  
13           EXIST IN HIS OR HER FAVOR AT THE TIME OF EXECUTING THE RELEASE  
14           AND THAT, IF KNOWN BY HIM OR HER, WOULD HAVE MATERIALLY  
15           AFFECTED HIS OR HER SETTLEMENT WITH THE DEBTOR OR RELEASED  
16           PARTY.

15 ERC on behalf of itself only, and Tranont on behalf of itself only, acknowledge and understand  
16 the significance and consequences of this specific waiver of California Civil Code section  
17 1542.

18           **8.5** Compliance with the terms of this Consent Judgment shall be deemed to  
19 constitute compliance with Proposition 65 by any of the Released Parties regarding alleged  
20 exposures to lead and/or mercury in the Covered Products as set forth in the Notices and  
21 Complaint.

22           **8.6** Nothing in this Consent Judgment is intended to apply to any occupational or  
23 environmental exposures arising under Proposition 65, nor shall it apply to any of Tranont's  
24 products other than the Covered Products.

25           **9. SEVERABILITY OF UNENFORCEABLE PROVISIONS**

26           In the event that any of the provisions of this Consent Judgment are held by a court to be  
27 unenforceable, the validity of the remaining enforceable provisions shall not be adversely  
28 affected.

1     **10. GOVERNING LAW**

2             The terms and conditions of this Consent Judgment shall be governed by and construed in  
3 accordance with the laws of the State of California.

4     **11. PROVISION OF NOTICE**

5             All notices required to be given to either Party to this Consent Judgment by the other shall  
6 be in writing and sent to the following agents listed below via first-class mail or via electronic  
7 mail where required. Courtesy copies via email may also be sent.

8     **FOR ENVIRONMENTAL RESEARCH CENTER, INC.:**

9 Chris Heptinstall, Executive Director, Environmental Research Center  
10 3111 Camino Del Rio North, Suite 400  
11 San Diego, CA 92108  
12 Ph: (619) 500-3090  
13 Email: chris.heptinstall@erc501c3.org

14 With a copy to:  
15 RICHARD T. DRURY  
16 REBECCA L. DAVIS  
17 LOZEAU | DRURY LLP  
18 1939 Harrison Street, Suite 150  
19 Oakland, CA 94612  
20 Ph: 510-836-4200  
21 Email: richard@lozeaudrury.com  
22         rebecca@lozeaudrury.com

23     **IMONEY TOOLS LLC, individually and dba TRANONT:**

24 Leslie Gallacher, General Counsel  
25 3451 N. Triumph Blvd., Garden Level  
26 Lehi, Utah 84042  
27 leslie@Tranont.com

28 With a copy to:  
29 CHRISTOPHER J. MARTINEZ  
30 DORSEY & WHITNEY LLP  
31 111 South Main St, Ste 2100  
32 Salt Lake City, UT 84111  
33 Ph: (801) 933-8940  
34 Email: martinez.chris@dorsey.com

35     **12. COURT APPROVAL**

36             **12.1** Upon execution of this Consent Judgment by the Parties, ERC shall notice a

1 Motion for Court Approval. The Parties shall use their best efforts to support entry of this  
2 Consent Judgment.

3 **12.2** If the California Attorney General objects to any term in this Consent Judgment,  
4 the Parties shall use their best efforts to resolve the concern in a timely manner, and if possible  
5 prior to the hearing on the motion.

6 **12.3** If this Stipulated Consent Judgment is not approved by the Court, it shall be  
7 void and have no force or effect.

### 8 **13. EXECUTION AND COUNTERPARTS**

9 This Consent Judgment may be executed in counterparts, which taken together shall be  
10 deemed to constitute one document. A facsimile or .pdf signature shall be construed to be as valid  
11 as the original signature.

### 12 **14. DRAFTING**

13 The terms of this Consent Judgment have been reviewed by the respective counsel for  
14 each Party prior to its signing, and each Party has had an opportunity to fully discuss the terms  
15 and conditions with legal counsel. The Parties agree that, in any subsequent interpretation and  
16 construction of this Consent Judgment, no inference, assumption, or presumption shall be drawn,  
17 and no provision of this Consent Judgment shall be construed against any Party, based on the fact  
18 that one of the Parties and/or one of the Parties' legal counsel prepared and/or drafted all or any  
19 portion of the Consent Judgment. It is conclusively presumed that all of the Parties participated  
20 equally in the preparation and drafting of this Consent Judgment.

### 21 **15. GOOD FAITH ATTEMPT TO RESOLVE DISPUTES**

22 If a dispute arises with respect to either Party's compliance with the terms of this Consent  
23 Judgment entered by the Court, the Parties shall meet and confer in person, by telephone, and/or  
24 in writing and endeavor to resolve the dispute in an amicable manner. No action or motion may  
25 be filed in the absence of such a good faith attempt to resolve the dispute beforehand.

### 26 **16. ENFORCEMENT**

27 ERC may, by motion or order to show cause before the Superior Court of Alameda  
28 County, enforce the terms and conditions contained in this Consent Judgment. In any action

1 brought by ERC to enforce this Consent Judgment, ERC may seek whatever fines, costs,  
2 penalties, or remedies as are provided by law for failure to comply with the Consent Judgment.  
3 To the extent the failure to comply with the Consent Judgment constitutes a violation of other  
4 laws, ERC shall not be limited to enforcement of this Consent Judgment, but may seek in  
5 another action whatever fines, costs, penalties, or remedies as are provided by law for failure to  
6 comply with other laws.

7 **17. ENTIRE AGREEMENT, AUTHORIZATION**

8 **17.1** This Consent Judgment contains the sole and entire agreement and  
9 understanding of the Parties with respect to the entire subject matter herein, including any and  
10 all prior discussions, negotiations, commitments, and understandings related thereto. No  
11 representations, oral or otherwise, express or implied, other than those contained herein have  
12 been made by any Party. No other agreements, oral or otherwise, unless specifically referred to  
13 herein, shall be deemed to exist or to bind any Party.

14 **17.2** Each signatory to this Consent Judgment certifies that he or she is fully  
15 authorized by the Party he or she represents to stipulate to this Consent Judgment.

16 **18. REQUEST FOR FINDINGS, APPROVAL OF SETTLEMENT AND ENTRY OF**  
17 **CONSENT JUDGMENT**

18 This Consent Judgment has come before the Court upon the request of the Parties. The  
19 Parties request the Court to fully review this Consent Judgment and, being fully informed  
20 regarding the matters which are the subject of this action, to:

21 (1) Find that the terms and provisions of this Consent Judgment represent a fair and  
22 equitable settlement of all matters raised by the allegations of the Complaint that the matter has  
23 been diligently prosecuted, and that the public interest is served by such settlement; and

24 (2) Make the findings pursuant to California Health and Safety Code section  
25 25249.7(f)(4), approve the Settlement, and approve this Consent Judgment.

26 ///

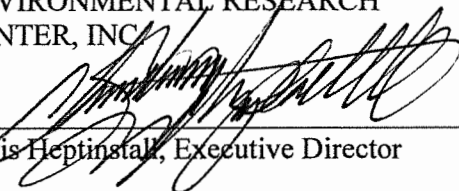
27 ///

28 ///



1 **IT IS SO STIPULATED:**

2 Dated: 2/28/, 2023

ENVIRONMENTAL RESEARCH  
CENTER, INC  
By:   
Chris Heptinstall, Executive Director


6 Dated: \_\_\_\_\_, 2023

IMONEY TOOLS LLC, individually and  
dba TRANONT

By: \_\_\_\_\_  
Its: \_\_\_\_\_

12 **APPROVED AS TO FORM:**

14 Dated: March 1, 2023

LOZEAU | DRURY LLP  
By:   
Richard T. Drury  
Rebecca L. Davis  
Attorneys for Plaintiff Environmental  
Research Center, Inc.

20 Dated: \_\_\_\_\_, 2023

DORSEY & WHITNEY LLP  
By: \_\_\_\_\_  
Kent J. Schmidt  
Attorney for Defendant IMoney Tools  
LLC, individually and dba Tranont

1 **IT IS SO STIPULATED:**

2 Dated: \_\_\_\_\_, 2023

ENVIRONMENTAL RESEARCH  
CENTER, INC.

3  
4 By: \_\_\_\_\_  
Chris Heptinstall, Executive Director

5  
6 Dated: FEBRUARY 28, 2023

IMONEY TOOLS LLC, individually and  
dba TRANONT

7  
8 

9  
10 By: RUSSELL LOSEE  
Its: COO

11  
12 **APPROVED AS TO FORM:**

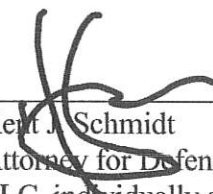
13  
14 Dated: \_\_\_\_\_, 2023

LOZEAU | DRURY LLP

15  
16  
17 By: \_\_\_\_\_  
Richard T. Drury  
Rebecca L. Davis  
Attorneys for Plaintiff Environmental  
Research Center, Inc.

18  
19  
20 Dated: February 23, 2023

DORSEY & WHITNEY LLP

21  
22 By:  \_\_\_\_\_  
Kent J. Schmidt  
Attorney for Defendant IMoney Tools  
LLC, individually and dba Tranont

**ORDER AND JUDGMENT**

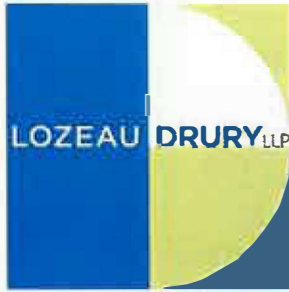
Based upon the Parties' Stipulation, and good cause appearing, this Consent Judgment is approved and Judgment is hereby entered according to its terms.

IT IS SO ORDERED, ADJUDGED AND DECREED.

Dated: \_\_\_\_\_, 2023

\_\_\_\_\_  
Judge of the Superior Court

# **EXHIBIT A**



T 510.836.4200  
F 510.836.4205

1939 Harrison Street, Ste. 150  
Oakland, CA 94612

www.lozeaudrury.com  
richard@lozeaudrury.com

**VIA CERTIFIED MAIL**

Current CEO or President  
IMoney Tools LLC, individually and dba Tranont  
3451 N. Triumph Blvd  
Garden Level  
Lehi, UT 84043

Current CEO or President  
IMoney Tools LLC, individually and dba Tranont  
1605 N State St  
Lehi, UT 84043

Guardian Law LLC  
(Registered Agent for IMoney Tools LLC,  
individually and dba Tranont)  
833 E Pioneer Rd, Ste 102  
Draper, UT 84020

**VIA ELECTRONIC MAIL**

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7677 Oakport Street, Suite 650  
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CEPDProp65@acgov.org

Barbara Yook, District Attorney  
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Stacey Grassini, Deputy District Attorney  
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Jeff W. Reisig, District Attorney  
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301 Second Street  
Woodland, CA 95695  
cfepd@yolocounty.org

**VIA ONLINE SUBMISSION**

Office of the California Attorney General

**VIA FIRST CLASS MAIL**

District Attorneys of Select California  
Counties and Select City Attorneys  
(See Attached Certificate of Service)

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

Dear Addressees:

I represent Environmental Research Center, Inc. (“ERC”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the “Violator”) is:

**IMoney Tools LLC, individually and dba Tranont**

The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

- **Tranont Nourish GOS Prebiotic Meal Replacement Coconut Cream-Lead**
- **Tranont Nourish GOS Prebiotic Meal Replacement Brownie Batter -Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which has exposed and continue to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead. Each of these ongoing violations has occurred on every day since September 1, 2019, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemical; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time consuming litigation.

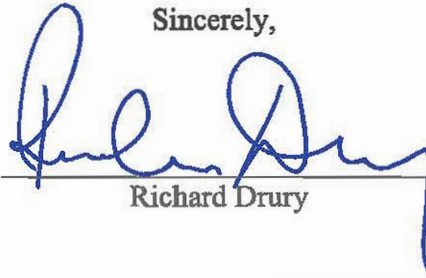


September 1, 2022

Page 5

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Richard Drury

**Attachments**

**Certificate of Merit**

**Certificate of Service**

**OEHHA Summary (to IMoney Tools LLC, individually and dba Tranont and its Registered Agent for Service of Process only)**

**Additional Supporting Information for Certificate of Merit (to AG only)**

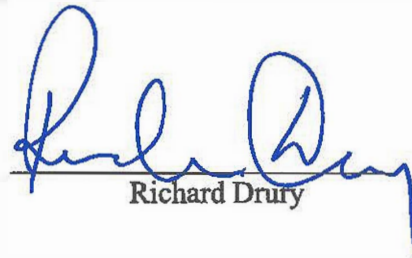
**CERTIFICATE OF MERIT**

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations by IMoney Tools LLC, individually and dba Tranont**

I, Richard Drury, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an 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 exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on 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 that 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. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & 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: September 1, 2022

  
Richard Drury

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On September 1, 2022, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; “THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current CEO or President  
IMoney Tools LLC, individually and  
dba Tranont  
3451 N. Triumph Blvd  
Garden Level  
Lehi, UT 84043

Guardian Law LLC  
(Registered Agent for IMoney Tools LLC,  
individually and dba Tranont)  
833 E Pioneer Rd, Ste 102  
Draper, UT 84020

Current CEO or President  
IMoney Tools LLC, individually and  
dba Tranont  
1605 N State St  
Lehi, UT 84043

On September 1, 2022, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On September 1, 2022, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

September 1, 2022

Page 8

Nancy O'Malley, District Attorney  
Alameda County  
7677 Oakport Street, Suite 650  
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CEPDProp65@acgov.org

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San Andreas, CA 95249  
Prop65Env@co.calaveras.ca.us

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sgrassini@contracostada.org

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CityAttyProp65@sandiego.gov

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

September 1, 2022

Page 9

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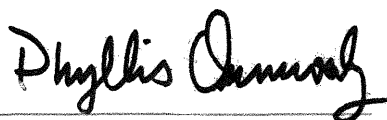
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cfepd@yolocounty.org

On September 1, 2022, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the Service List attached hereto, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on September 1, 2022, in Fort Oglethorpe, Georgia.



Phyllis Dunwoody

Service List

District Attorney, Alpine  
County  
P.O. Box 248  
Markleeville, CA 96120

District Attorney,  
Amador County  
708 Court Street, Suite  
202  
Jackson, CA 95642

District Attorney, Butte  
County  
25 County Center Drive,  
Suite 245  
Oroville, CA 95965

District Attorney, Colusa  
County  
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152  
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Los Angeles City  
Attorney's Office  
City Hall East  
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800  
Los Angeles, CA 90012

## APPENDIX A

### 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.<sup>1</sup> 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

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<sup>1</sup> 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>.

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](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. 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<sup>2</sup> 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 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.

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<sup>2</sup> See Section 25501(a)(4).

## *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](mailto: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.

# **EXHIBIT B**



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Current CEO or President  
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Lehi, UT 84043

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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

September 15, 2022

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**VIA ONLINE SUBMISSION**

Office of the California Attorney General

**VIA FIRST CLASS MAIL**

District Attorneys of Select California  
Counties and Select City Attorneys  
(See Attached Certificate of Service)

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

Dear Addressees:

I represent Environmental Research Center, Inc. (“ERC”) in connection with this Notice of Violations of California’s Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the “Violator”) is:

**IMoney Tools LLC, individually and dba Tranont**

The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

- 1. Tranont Boost - Lead**
- 2. Tranont Glow Advanced Type 1 Collagen with Superfood Antioxidant Support Strawberry Banana - Mercury**
- 3. Tranont Glow Advanced Type 1 Collagen with Superfood Antioxidant Support Orange Cream - Mercury**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

On July 1, 1990, the State of California officially listed mercury and mercury compounds as chemicals known to cause developmental toxicity and male and female reproductive toxicity.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which has exposed and continue to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the recommended use of these products by consumers. The route of exposure to lead has been through ingestion. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons ingesting these products that they are being exposed to lead. Each of these ongoing violations has occurred on every day since September 15, 2019, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemical; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time consuming litigation.



September 15, 2022

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ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rebecca Davis

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to IMoney Tools LLC, individually and dba Tranont and its Registered Agent for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

**CERTIFICATE OF MERIT**

**Re: Environmental Research Center, Inc.’s Notice of Proposition 65 Violations by IMoney Tools LLC, individually and dba Tranont**

I, Rebecca Davis, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an 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 exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on 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 that 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. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & 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: September 15, 2022

  
\_\_\_\_\_  
Rebecca Davis

**CERTIFICATE OF SERVICE PURSUANT TO 27 CCR § 25903**

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States and over the age of 18 years of age. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On September 15, 2022, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; “THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY”** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current CEO or President  
IMoney Tools LLC, individually and  
dba Tranont  
3451 N. Triumph Blvd  
Garden Level  
Lehi, UT 84043

Guardian Law LLC  
(Registered Agent for IMoney Tools LLC,  
individually and dba Tranont)  
833 E Pioneer Rd, Ste 102  
Draper, UT 84020

Current CEO or President  
IMoney Tools LLC, individually and  
dba Tranont  
1605 N State St  
Lehi, UT 84043

On September 15, 2022, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General’s website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Oakland, CA 94612-0550

On September 15, 2022, between 8:00 a.m. and 5:00 p.m. Eastern Time, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following parties when a true and correct copy thereof was sent via electronic mail to each of the parties listed below:

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

September 15, 2022

Page 8

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Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

September 15, 2022

Page 9

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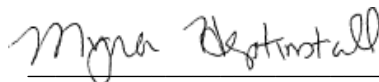
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On September 15, 2022, between 8:00 a.m. and 5:00 p.m. Eastern Time, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by First Class Mail.

Executed on September 15, 2022, in Fort Oglethorpe, Georgia.



Myra Heptinstall

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## APPENDIX A

### 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.<sup>1</sup> 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

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<sup>1</sup> 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>.

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](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. 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<sup>2</sup> 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 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.

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<sup>2</sup> See Section 25501(a)(4).

## *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](mailto: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.