

## AMENDMENT TO SETTLEMENT AGREEMENT

**WHEREAS**, Michael DiPirro (referred to herein as “DiPirro”) represented by his attorneys, Law Office of David R. Bush and Jeremy Fietz, Attorney-at-Law, on the one hand; and Sullivan Supply, Inc. (referred to herein as “Noticed Party”) represented by its attorneys, Barnes & Thornburg, LLP, on the other hand, entered into that certain Settlement Agreement with an effective date of October 2, 2023 (the “Settlement Agreement”), a copy of which is attached hereto as Exhibit “A”; and

**WHEREAS**, DiPirro notified the California Attorney General’s office of the Settlement Agreement and by and through his attorneys, Law Office of David R. Bush and Jeremy Fietz, Attorney -at-Law, represents that the California Attorney General’s office has requested certain modifications to Section 2.3 of the Settlement Agreement; and

**WHEREAS**, DiPirro and the Noticed Party (the “Parties”) desire to amend the Settlement Agreement and do hereby amend the Settlement Agreement by and through this Amendment to Settlement Agreement (“Amendment”) to reflect the modifications to Section 2.3 that the California Attorney General’s office has requested;

**NOW THEREFORE**, the Parties agree via this Amendment to amend and modify the Settlement Agreement to reflect the modifications to Section 2.3 that the California Attorney General’s office has requested, as follows:

- A. Section 2.3 of the Settlement Agreement shall be of no further force and effect and shall be and hereby is replaced with the following:

**2.3 Text of the Warning.** The Noticed Parties shall use one of the warnings set forth below, which shall either (a) include a symbol consisting of a black exclamation point in a yellow equilateral triangle with a bold black outline as shown below (the symbol may be black or white if the color yellow is otherwise not used on the Product’s packaging):



**WARNING: This product can expose you to chemicals including Diethylhexyl Phthalate (DEHP) which is known to the State of California to cause cancer and birth defects or other reproductive harm. For more information go to [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).**

or (b) use the short-form warning as follows:

**⚠ WARNING: Cancer and Reproductive Harm - [www.P65Warnings.ca.gov](http://www.P65Warnings.ca.gov).**

**Foreign Language Requirement.** Where a product sign, label or shelf tag used to provide a warning includes consumer information in a language other than English, the warning must also be provided in that language in addition to English.

B. Except as hereby specifically amended and modified in this Amendment, the Settlement Agreement remains in full force and effect.

IN WITNESS WHEREOF, the Parties have duly executed this Amendment as of the date the final requisite signature is applied to this Amendment.

AGREED TO:

AGREED TO:

Date: October 11, 2023

Date: October 11, 2023

By: 

By: 

Michael DiPirro

Sullivan Supply, Inc.

Print Name: Matt Burkhart

Title: GM / Partner