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ATTORNEYS AT LAW

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225 Broadway, 19th Floor
San Diego, CA 92101

June 22, 2020

Via Certified Mail

San Diego Cash & Carry
1090 E. Washington Ave.
El Cajon, CA 92020

Re: **Withdrawal of Proposition 65 Notice of Violation**

To Whom It May Concern:

Please take notice that Kim Embry hereby withdraws her 60-Day Notice of Violation AG 2018-02304, a copy of which is enclosed with this letter.

Please do not hesitate to contact our office with any questions.

Sincerely,



Shaun Markley

Enclosure

cc(via email): Harrison M. Pollak
Robert Thomas
Trish Gerken

NICHOLAS & TOMASEVIC LLP
ATTORNEYS AT LAW

Tel: 619-325-0492
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225 Broadway, 19th Floor
San Diego, CA 92101

December 21, 2018

Via Certified Mail

San Diego Cash & Carry
1090 E. Washington Ave.
El Cajon, CA 92020

Re: Proposition 65 Notice of Violation

To Whom It May Concern,

We represent Kim Embry, a citizen of the State of California acting in the interest of the general public. This letter serves as notice that the parties listed above are in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, commencing with section 25249.5 of the Health and Safety Code ("Proposition 65"). In particular, the violations alleged by this notice consist of types of harm that may potentially result from exposures to the carcinogens and reproductive toxins found in charcoals used for smoking hookah. Charcoals used for hookah smoking have been found to have high levels of carbon monoxide (CO), listed as a developmental toxin on July 1, 1989. Additionally, raw charcoals and steam stones listed as tobacco alternatives have been found to have high concentrations of arsenic, cadmium, lead, nickel and other toxic metals. A number of other carcinogens listed on the Proposition 65 chemical list have been found in the smoke released from charcoals. These carcinogens include, but are not limited to: benzene, quinoline, benzofuran, ethylbenzene, and styrene.

The specific type(s) of product(s) that are causing exposures in violation of Proposition 65, include the following:

- Coco Nara® Coconut Shell Charcoals – UPC 5287000553124
- Starbuzz Tobacco; Coco Buzz® Coconut Charcoal – UPC 847244005602
- Charc Blze® Coconut Shell Charcoals – UPC 793573113078
- Three Kings® Quick Lighting Charcoal Briquets – UPC 8716294331004
- Coco Nara® Quick-Lighting Charcoal 33mm – UPC 819291012278
- Hookah John® Coconut Coals – UPC 636431685556
- Fumari; Fuoco® Pure Coconut Hookah Coal – UPC 036663955654
- Hookah John® Titanium Flats Coconut Coals – UPC 852668154997
- Red Cube® Coconut Charcoals – UPC 039962696635

The route of exposure to the chemicals listed above have been and are from smoking through inhalation, meaning that smoke has been and is being breathed in via the ambient air by the exposed persons causing inhalation contact with their mouths, throats, bronchi, esophagi, and lungs. In addition, the route of exposure for users of hookah pipes occurs through inhalation from a mouthpiece on the hookah device. These exposures occur through the reasonably foreseeable use of the products. The sales of these products have been occurring since at least December of 2018, are continuing to this day and will continue to occur as long as the products subject to this notice are sold to and used by consumers.

Proposition 65 requires that a clear and reasonable warning is provided with these products regarding the exposures to carcinogens caused by ordinary use of charcoals. The Parties are in violation of Proposition 65 by failing to provide such warning to consumers and as a result of the sales of these products, exposures have been occurring without proper warnings.

Pursuant to Proposition 65, notice and intent to sue shall be provided to violators 60 days before filing a complaint. This letter provides notice of the alleged violation to the parties listed above and the appropriate governmental authorities. A summary of Proposition 65 is attached.

If you have any questions or wish to discuss any of the above, please contact me.

Sincerely,



Shaun Markley

Enclosures