



WITHDRAWAL OF SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE  
SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986  
(*Cal. Health & Safety Code § 25249.5, et seq.*) (“Proposition 65”)

May 10, 2021

Re: Notice of Violation 2020-00751

Dear Alleged Violators and the Appropriate Public Enforcement Agencies:

This letter serves as notice of our withdrawal of the following Notice of Violation from March 20, 2020, filed against Kroger for the following product:

**Kroger Dark Sweet Cherries – Heavy Syrup, Pitted (15.25 oz)**

Sincerely,

A handwritten signature in black ink, appearing to read "Kyle Wallace", is written over a horizontal line. Below the line, the name "Kyle Wallace" is printed in a serif font, followed by the word "Partner" in a smaller serif font.

Davitt, Lalley, Dey, & McHale, PC



## **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 250 Steel St., Denver, CO. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Denver, CO.

On May 10, 2021, between 8:00 a.m. and 5:00 p.m. Mountain Time, I served the following documents: **WITHDRAWAL OF NOTICE OF VIOLATION** 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 President or CEO  
Kroger  
1014 Vine Street  
Cincinnati, OH 45202

The Kroger Co.  
Kroger  
1014 Vine Street  
Cincinnati, OH 45202

On May 10, 2021, between 8:00 a.m. and 5:00 p.m. Mountain Time, I verified the following documents **WITHDRAWAL OF NOTICE OF VIOLATION** 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/node/add/prop65-withdrawal-record/>:

Office of the California Attorney General  
Prop 65 Enforcement Reporting  
1515 Clay Street, Suite 2000  
Post Office Box 70550  
Oakland, CA 94612-0550

Executed on May 10, 2021, in Denver, CO

  
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Christine Alford