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8 Attorneys for Plaintiff,
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

9
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SAN FRANCISCO
12 (Unlimited Jurisdiction)

13 MATEEL ENVIRONMENTAL
JUSTICE FOUNDATION,

14 Plaintiff,

15 v.

16
17 COMPUSA, INC., and DOES 1 through 100
inclusive,

18 Defendants.

CASE NO. 05-442958

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

19
20 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

21 INTRODUCTION

22 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
23 failure of defendants COMPUSA, INC., and DOES 1 through 100 inclusive (hereinafter
24 "Defendants"), to give clear and reasonable warnings to those residents of California, who handle
25 and use products that are or that incorporate thermoset/thermoplastic coated wires and cables in
26 which the coating material contains lead (hereinafter referred to as "Leaded Wire or Cable
27 Products"), that handling and use of these products causes those residents to be exposed to lead
28 and lead compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter, collectively,

ENDORSED
FILED
San Francisco County Superior Court

JUL 11 2005

GORDON PARK-LI, Clerk
BY: ~~CRISTINA E. BAUTISTA~~ Deputy Clerk
CASE MANAGEMENT CONFERENCE SET

PLAN I DEC 9 - 2005 900AM

DEPARTMENT 212

1 “lead”). The types of products to which this Complaint pertains are those types listed in the
2 Product List appended to the Proposition 65 60-Day Notice Letter that is attached to and
3 incorporated by reference into this Complaint. This means each and every extension cable for
4 Playstation games; each and every earphone set that can be plugged into a Gameboy; and each
5 and every Stereo Headset with Boom Microphone. This complaint pertains to these specific
6 types of products and not just the model or item number represented by the Stock Keeping Unit
7 (“SKU”) number that is listed on the aforementioned Product List. This complaint does not
8 pertain to any other types of products. Lead is known to the State of California to cause cancer,
9 birth defects and male and female reproductive toxicity. Defendants manufacture, distribute,
10 and/or market Leaded Wire or Cable Products. These products cause exposures to lead and lead
11 compounds, which are chemicals known to the State of California to cause cancer, birth defects
12 and other reproductive harm.

13 2. Defendants are businesses that manufacture, market, and/or distribute Leaded
14 Wire or Cable Products. Defendants intend that residents of California handle and use Leaded
15 Wire or Cable Products that Defendants manufacture, market, and/or distribute. When these
16 products are handled and used in their normally intended manner, they expose people to lead. In
17 spite of knowing that residents of California were and are being exposed to these chemicals when
18 they handle and use Leaded Wire or Cable Products, Defendants did not and do not provide clear
19 and reasonable warnings that these products cause exposure to chemicals known to cause cancer,
20 birth defects and other reproductive harm.

21 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
22 to compel Defendants to bring their business practices into compliance with section 25249.5 et
23 seq. by providing a clear and reasonable warning to each individual who has been and who in the
24 future may be exposed to the above mentioned toxic chemicals from the use of Defendants’
25 products. Plaintiff seeks an order that defendants identify and locate each individual person who
26 in the past has purchased Leaded Wire or Cable Products and to provide to each such purchaser a
27 clear and reasonable warning that the Leaded Wire or Cable Products will cause exposures to
28 chemicals known to cause birth defects.

1 Mateel sent identical 60-Day Notice letters to each defendant. Attached to the 60-Day Notice
2 Letters sent to each defendant was a summary of Proposition 65 that was prepared by
3 California's Office of Environmental Health Hazard Assessment. In addition, each 60-Day
4 Notice Letter plaintiff sent was accompanied by a Certificate of Service attesting to the service of
5 the 60-Day Notice Letter on each entity which received it. Pursuant to California Health & Safety
6 Code Section 25249.7(d), a Certificate of Merit attesting to the reasonable and meritorious basis
7 for the action was also sent with each 60-Day Notice Letter. Factual information sufficient to
8 establish the basis of the Certificate of Merit was enclosed with the 60-Day Notice letter Mateel
9 sent to the Attorney General.

10 9. Defendants are all businesses that employ more than ten people.

11 JURISDICTION

12 10. The Court has jurisdiction over this action pursuant to California Health & Safety
13 Code Section 25249.7. California Constitution Article VI, Section 10 grants the Superior Court
14 "original jurisdiction in all causes except those given by statute to other trial courts." Chapter 6.6
15 of the Health & Safety Code, which contains the statutes under which this action is brought, does
16 not grant jurisdiction to any other trial court.

17 11. This Court also has jurisdiction over Defendants because they are businesses that
18 have sufficient minimum contacts in California and within the City and County of San Francisco.
19 Defendants intentionally availed themselves of the California and San Francisco County markets
20 for Leaded Wire or Cable Products. It is thus consistent with traditional notions of fair play and
21 substantial justice for the San Francisco Superior Court to exercise jurisdiction over them.

22 12. Venue is proper in this Court because Defendants market their products in and
23 around San Francisco and thus cause people to be exposed to lead and lead compounds while
24 those people are physically present in San Francisco. Liability for Plaintiff's causes of action, or
25 some parts thereof, has accordingly arisen in San Francisco during the times relevant to this
26 Complaint and Plaintiff seeks civil penalties and forfeitures imposed by statutes.

FIRST CAUSE OF ACTION
(Claim for Injunctive Relief)

1
2
3 13. Plaintiff realleges and incorporates by reference into this First Cause of Action, as
4 if specifically set forth herein, paragraphs 1 through 12, inclusive.

5 14. The People of the State of California have declared by referendum under
6 Proposition 65 (California Health & Safety Code § 25249.5 et seq.) their right "[t]o be informed
7 about exposures to chemicals that cause cancer, birth defects, and reproductive harm."

8 15. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates
9 that persons who, in the course of doing business, knowingly and intentionally expose any
10 individual to a chemical known to the State of California to cause cancer or birth defects must
11 first provide a clear and reasonable warning to such individual prior to the exposure.

12 16. Since at least April 1, 2002, Defendants have engaged in conduct that violates
13 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
14 intentionally exposing to the above mentioned toxic chemicals, those California residents who
15 handle and use Leaded Wire or Cable Products. The normally intended use of Leaded Wire or
16 Cable Products causes exposure to lead and lead compounds, which are chemicals known to the
17 State of California to cause cancer, birth defects and other reproductive harm. Defendants have
18 not provided clear and reasonable warnings, within the meaning of Health & Safety Code
19 Sections 25249.6 and 25249.11.

20 17. At all times relevant to this action, Defendants knew that the Leaded Wire or
21 Cable Products they manufactured, distributed or marketed were causing exposures to lead and
22 lead compounds. Defendants intended that residents of California handle and use Leaded Wire
23 or Cable Products in such ways as would lead to significant exposures to these chemicals.

24 18. By the above described acts, Defendants have violated Cal. Health & Safety Code
25 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition
26 65 and requiring them to provide warnings to their past customers who purchased defendants'
27 products without receiving a clear and reasonable warning.
28



Klamath

March 11, 2005

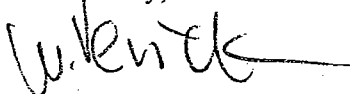
EDWARD G. WEIL
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY GENERAL
P.O. BOX 70550
OAKLAND CA 94612-0550

**ATTORNEY GENERAL COPY
CONTAINS OFFICIAL
INFORMATION PURSUANT TO
EVIDENCE CODE §1040**

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") hereby give you notice that the private business on the attached service list is in violation of Cal. Health & Safety Code § 25249.6. This office and Mateel are both private enforcers of Proposition 65, both organizations may be reached at the below listed address and telephone number, I may be considered a "responsible individual" at both organizations, and I may be contacted at the same address and telephone number. The above referenced violations occur when California residents come into contact with thermoset/thermoplastic-coated wires, cables, and/or cords/cord sets, including PVC-coated wires, cords/cord sets, plugs and connectors, and both SPT and HPN cords/cord sets (hereinafter collectively "Cords") when these cords are part of or incorporated into those products listed in the attached product list. The business markets products with, or that are themselves, Cords. Handling of, and contact with, these Cords exposes people to acrylonitrile, antimony trioxide, arsenic, 1,3 butadiene, carbon tetrachloride, carbon black extracts, chlorinated paraffins, chloroform, ethyl acrylate, ethylene thiourea, nickel, toluene, cadmium, hexavalent chromium, vinyl chloride, lead and lead compounds, lead acetate, lead phosphate, lead subacetate, and di(2ethylhexyl) phthalate. Handling Cords causes these chemicals to come off the coating of the Cords and to be transferred to the skin of the person handling the Cords. These chemicals are then ingested through hand-to-mouth contact and hand-to-food-to-mouth and hand-to-cigarette-to-mouth behavior. These chemicals are also absorbed through the skin, through mucous membranes and enter the body through cuts, punctures and abrasions. Smokers also inhale those chemicals transferred from hands to cigarettes. People are thus exposed to these chemicals via the ingestion, inhalation, dermal absorption, mucous membrane absorption and subcutaneous routes. These exposures (and resulting violations) occur occupationally, environmentally, and as the result of the sale of consumer products and services. In occupational settings, the type of work that is done during which the above-referenced exposures occur is the handling of, and contact with, Cords, including during the manufacture, installation, maintenance, handling and/or use of the products to which these Cords are attached, or which these cords are a part of. As described above, the exposures that are the subject of this notice occur via the dermal absorption, inhalation, ingestion and subcutaneous routes. These violations have occurred every day since at least March 11, 2004 and will continue every day until reasonable warnings are given to those people exposed. Environmental exposure violations occur in every county of the State and occur both on and off the property of the aforementioned private business.

Cordially,



William Verick

SERVICE LIST

EDWARD G. WEIL
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY
GENERAL
P.O. BOX 70550
OAKLAND CA 94612-0550

OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND
505 14TH ST. 12TH FLOOR
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY
CITY OF SAN FRANCISCO
CITY HALL ROOM 206
400 VAN NESS
SAN FRANCISCO, CA 94102

OFFICE OF THE CITY ATTORNEY
CITY OF SACRAMENTO
980 9th Street, 10th Floor
SACRAMENTO, CA 95814

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
151 W. MISSION ST.
SAN JOSE, CA 95110

OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES
200 N. MAIN ST.
LOS ANGELES, CA 90012

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO
202 C ST. FLOOR 3
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF ALAMEDA
225 FALLON ST. #9
OAKLAND, CA 94612

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF ALPINE
P.O. BOX 248
MARKLEEVILLE, CA 96120

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF AMADOR
108 COURT ST. SUITE 202
JACKSON, CA 95642

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF BUTTE
25 COUNTY CENTER DR.
OROVILLE, CA 95965

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF CALAVERAS
GOVERNMENT CENTER
891 MOUNTAIN RANCH ROAD
SAN ANDREAS, CA 95249

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF COLUSA
547 MARKET ST.
COLUSA, CA 95932

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF CONTRA COSTA
P.O. BOX 670
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF DEL NORTE
450 H ST #171
CRESCENT CITY, CA 95531

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF EL DORADO
515 MAIN ST.
PLACERVILLE, CA 95667

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF FRESNO
2220 TULARE ST #1000
FRESNO, CA 93721

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF GLENN
P.O. BOX 430
WILLOWS, CA 95988

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF HUMBOLDT
825 5TH ST.
EUREKA, CA 95501

COUNTY OF IMPERIAL
COURTHOUSE, FLOOR 2
939 W. MAIN ST
EL CENTRO, CA 92243

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF INYO
P.O. DRAWER D
INDEPENDENCE, CA 93526

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF KERN
1215 TRUXTON AVE. FLOOR 4
BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF KINGS
1400 W. LACEY BLVD.
HANFORD, CA 93230

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LAKE
255 N. FORBES ST # 424
LAKEPORT, CA 95453

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LASSEN
COUNTY ADMINISTRATION
BUILDING
707 NEVADA ST.
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LOS ANGELES
18000 CRIMINAL COURTS
BUILDING
210 W. TEMPLE ST.
LOS ANGELES, CA 90012

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MADERA
209 W. YOSEMITE AVE.
MADERA, CA 93637

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MARIN
HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MARIPOSA
P.O. BOX 748
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MENDOCINO
301 S. STATE ST.
UKIAH, CA 95482

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MERCED
2222 M ST.
MERCED, CA 95340

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MODOC
P.O. BOX 1171
ALTURAS, CA 9610

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MONO
P.O. BOX 617
BRIDGEPORT, CA 93517

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONTEREY
240 CHURCH ST.
P.O. BOX 180
SALINAS, CA 93902

COUNTY OF NAPA
931 PARKWAY MALL
P.O. BOX 720
NAPA, CA 94559-0720

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF NEVADA
COURTHOUSE ANNEX
NEVADA CITY, CA 95959

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ORANGE
400 CIVIC CENTER DR WEST
SANTA ANA, CA 92701

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLACER
11562 B AVE
AUBURN, CA 95603-2687

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
P.O. BOX 10716
QUINCY, CA 95971

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE
4075 MAIN ST.
RIVERSIDE, CA 92501

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SACRAMENTO
P.O. BOX 749
SACRAMENTO, CA 95804

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BENITO
419 4TH ST
HOLLISTER, CA 95023

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BERNARDINO
316 MT. VIEW AVE.
SAN BERNARDINO, CA 92415-0004

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO
101 W. BROADWAY #1440
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN FRANCISCO
850 BRYANT ST #322
SAN FRANCISCO, CA 94103

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN JOAQUIN
222 E. WEBER AVE #202
STOCKTON, CA 95202

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93408

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN MATEO
HALL OF JUSTICE AND RECORDS
REDWOOD CITY, CA 94063

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA
1105 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
SANTA CRUZ, CA 95060

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SHASTA
1525 COURT ST.
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNEVILLE, CA 95936

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SISKIYOU
P.O. BOX 986
YREKA, CA 96097

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SOLANO
600 UNION AVE
FAIRFIELD, CA 94533

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SONOMA
600 ADMINISTRATION DR. #212J
SANTA ROSA, CA 95403

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF STANISLAUS
1100 I ST. #200
MODESTO, CA 95354

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SUTTER
1160 CIVIC CENTER BLVD. #A
YUBA CITY, CA 95993

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TEHAMA
P.O. BOX 519
REDBLUFF, CA 96080

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TRINITY
P.O. BOX 310
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE
COURTHOUSE #224
VISALIA, CA 93291

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TUOLUMNE
2 S. GREEN ST.
SONORA, CA 95370

VENTURA COUNTY DISTRICT
ATTORNEY'S OFFICE
c/o GREGORY BROSE D.D.A.
4245 MARKET ST. #205
VENTURA, CA 93003

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
204 4TH ST
P.O. BOX 1247
WOODLAND, CA 95695

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

JAMES F. HALPIN, CEO
LARRY MONDRY, CEO
COMPUSA INC.
14951 N. DALLAS PARKWAY
DALLAS TX 75240

PRODUCT LIST

GAMING EDGE EXTENSION CABLE FOR USE WITH PLAYSTATION 2 #GE1003

Uniform Product Code Number: 059045 605480. The number that appears on the receipt for this product is: 307539. This product description pertains not only to the specific model of the product listed, but for all units of all models of the same brand of the Gaming Edge Extension Cable for Use With Playstation 2.

GAMING EDGE SP EARPHONES WITH CONNECTOR FOR USE WITH GAMEBOY ADVANCE SP #GE1015

Uniform Product Code Number: 059045 605817. The number that appears on the receipt for this product is 307526. This product description pertains not only to the specific model of the product listed, but for all units of all models of the same brand of the Gaming Edge SP Earphones With Connector for Use with Gameboy Advance.

HIP GEAR SP STEREO HEADPHONES WITH DUAL SP CONNECTOR FOR USE WITH GAMEBOY ADVANCE SP #LM549

Uniform Product Code Number: 059045 603547. The number that appears on the receipt for this product is 302706. This product description pertains not only to the specific model of the product listed, but for all units of all models of the same brand of the Hip Gear Sp Stereo Headphones with Dual Sp Connector for Use with Gameboy Advance SP.

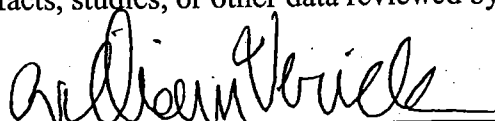
STEREO HEADSET WITH BOOM MICROPHONE

(Stock Keeping Unit "SKU" No. 240275) This product description pertains not only to the specific model of the product listed, but for all units of all models of the same brand of the Stereo Headset with Boom Microphone.

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings. I am the attorney for the noticing party. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 10, 2005


William Verick

This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliances in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

CERTIFICATE OF SERVICE

I, Alison Nichols, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 424 First Street, Eureka, California, 95501. On March 11, 2005, I caused the attached 60-DAY NOTICE LETTER, or a letter identical in substance, to be served by U.S. Mail on those public enforcement agencies listed on the attached SERVICE LIST; in addition on the same date and by U.S. Mail I caused the attached 60-DAY NOTICE LETTER and PROPOSITION 65: A SUMMARY to be sent by Certified U.S. Mail to the private business entities also listed on the attached SERVICE LIST. I deposited copies of these documents in envelopes, postage pre-paid, with the U.S. Postal Service on the day on which the mail is collected. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration was executed on March 11, 2005, at Eureka, California.


ALISON NICHOLS