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9 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

ENDORSED
FILED
San Francisco County Superior Court

OCT 6 - 2006

CASE MANAGEMENT CONFERENCE SET
BY: CRISTINA E. BAUTISTA
Deputy Clerk

MAR 9 - 2007 - 9:00 AM

DEPARTMENT 212

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

13 MATEEL ENVIRONMENTAL
14 JUSTICE FOUNDATION,

15 Plaintiff,

16 v.

17 THE BOMBAY COMPANY, INC.; SUR LA
18 TABLE, INC., and DOES 1 through 100
19 inclusive,

20 Defendants.

CASE NO.

CC06-456745

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

21
22 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

23 INTRODUCTION

24 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
25 failure of defendants THE BOMBAY COMPANY, INC., and DOES 1 through 50 inclusive,
26 (collectively "Bombay Defendants") to give clear and reasonable warnings to those residents of
27 California, who handle and use products that are or that incorporate thermoset/thermoplastic
28 coated wires and cables in which the coating material contains lead (hereinafter referred to as

1 “Bombay Leaded Wire or Cable Products”), that handling and use of these products causes those
2 residents to be exposed to lead and lead compounds, lead acetate, lead phosphate, and lead
3 subacetate (hereinafter, collectively, “lead”), and to give clear and reasonable warnings to those
4 residents of California who drink beverages or consume food from crystal glassware (such as
5 wine glasses, champagne flutes, tumblers, high ball glasses, martini glasses, desert cups plates,
6 and decanters) that contain lead and lead compounds (hereinafter collectively “Bombay Leaded
7 Crystal Products”) that drinking from or otherwise using these products causes these residents to
8 be exposed to lead and lead compounds, lead acetate, lead phosphate, and lead subacetate
9 (hereinafter, collectively, “lead”).

10 2. The types of Bombay Leaded Wire or Cable Products to which this Complaint
11 pertains are those types listed in the Product List appended to the Proposition 65 60-Day Notice
12 Letter, dated December 31, 2004, which is attached to and incorporated by reference into this
13 Complaint. The types of Leaded Crystal Products to which this Complaint pertains are those
14 types listed in the Product List appended to the Proposition 65 60-Day Notice Letter dated April
15 19, 2006, which is attached to and incorporated by reference into this Complaint. Collectively
16 Bombay Leaded Wire or Cable Products and Bombay Leaded Crystal Products are referred to as
17 Covered Products.

18 3. This Complaint also seeks civil penalties and an injunction to remedy the
19 continuing failure of defendants SUR LA TABLE, INC., and DOES 51 through 100 inclusive
20 (collectively “Sur La Table Defendants”), to give clear and reasonable warnings to those
21 residents of California who drink beverages or consume food from crystal glassware (such as
22 wine glasses, champagne flutes, tumblers, high ball glasses, martini glasses, desert cups plates,
23 and decanters) that contain lead and lead compounds (hereinafter collectively “Sur La Table
24 Leaded Crystal Products”) that drinking from or otherwise using these products causes these
25 residents to be exposed to lead and lead compounds, lead acetate, lead phosphate, and lead
26 subacetate (hereinafter, collectively, “lead”). .

27 4. The types of Sur La Table Leaded Crystal Products to which this Complaint
28 pertains are those types listed in the Product List appended to the Proposition 65 60-Day Notice

1 Letter, types listed in the Product List appended to the Proposition 65 60-Day Notice Letter dated
2 July 20, 2006, which is attached to and incorporated by reference into this Complaint.

3 5. Lead is a chemical listed as known to the State of California to cause cancer, birth
4 defects and male and female reproductive toxicity. Defendants are businesses that manufacture,
5 distribute, and/or market Leaded Wire or Cable Products and Leaded Crystal Products. These
6 products cause exposures to lead and lead compounds, which are chemicals known to the State of
7 California to cause cancer, birth defects and other reproductive harm.

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

15 7. Bombay Defendants intend that residents of California drink liquids and consume
16 foods which have been stored or served in Bombay Leaded Crystal Products that Bombay
17 Defendants manufacture, market and/or distribute. Drinking or consuming liquids or foods
18 which have been contained or served in these Bombay Leaded Crystal Products, used in their
19 normally intended manner, exposes people to lead. In spite of knowing that residents of
20 California were and are being exposed to these chemicals when they consume beverages and
21 foods so served and contained in Bombay Leaded Crystal Products, Defendants did not and do
22 not provide clear and reasonable warnings that these products cause exposure to chemicals
23 known to cause cancer, birth defects and other reproductive harm.

24 8. Sur La Table Defendants intend that residents of California drink liquids and
25 consume foods which have been stored or served in Sur La Table Leaded Crystal Products that
26 Sur La Table Defendants manufacture, market and/or distribute. Drinking or consuming liquids
27 or foods which have been contained or served in these Sur La Table Leaded Crystal Products,
28 used in their normally intended manner, exposes people to lead. In spite of knowing that

1 residents of California were and are being exposed to these chemicals when they consume
2 beverages and foods so served and contained in Sur La Table Leaded Crystal Products,
3 Defendants did not and do not provide clear and reasonable warnings that these products cause
4 exposure to chemicals known to cause cancer, birth defects and other reproductive harm.

5 9. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
6 to compel Defendants to bring their business practices into compliance with section 25249.5 et
7 seq. by providing a clear and reasonable warning to each individual who has been and who in the
8 future may be exposed to the above mentioned toxic chemicals from the use of Bombay Leaded
9 Wire and Cable Products, Bombay Leaded Crystal Products, Sur La Table Crystal Products
10 (collectively "Covered Products"). Plaintiff seeks an order that defendants identify and locate
11 each individual person who in the past has purchased Covered Products and to provide to each
12 such purchaser a clear and reasonable warning that the Covered Products will cause exposures to
13 chemicals known to cause birth defects.

14 10. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure
15 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known
16 to cause cancer, birth defects and other reproductive harm.

17 PARTIES

18 11. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION ("Mateel")
19 is a non-profit organization dedicated to, among other causes, the protection of the environment,
20 promotion of human health, environmental education, and consumer rights. Mateel is based in
21 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a
22 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement
23 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of
24 California are regularly exposed to lead and lead compounds from Leaded Wire or Cable
25 Products manufactured, distributed or marketed by Defendants and are so exposed without a
26 clear and reasonable Proposition 65 warning.

27 12. Bombay Defendants and Sur La Table Defendants are each a person doing
28 business within the meaning of Health & Safety Code Section 25249.11. Defendants are

1 businesses that manufacture, distribute, and/or market Covered Products in California, including
2 the City and County of San Francisco. Manufacture, distribution and/or marketing of these
3 products in the City and County of San Francisco and/or to people who live in San Francisco,
4 causes people to be exposed to lead and lead compounds while they are physically present in the
5 City and County of San Francisco.

6 13. Mateel is unaware of the true names or capacities of the Defendants sued herein
7 under the fictitious names DOES 1 through 100, inclusive. Defendants DOES 1 through 100
8 inclusive are therefore sued herein pursuant to Cal. Code Civ. Proc. §474. When Mateel learns
9 their identities, it will amend the complaint.

10 14. Plaintiff brings this enforcement action against Bombay Defendants and Sur La
11 Table Defendants pursuant to Health & Safety Code Section 25249.7(d). Attached hereto and
12 incorporated by reference is a copy of a 60-day Notice letter dated December 31, 2004, a 60-day
13 Notice letter dated April 19, 2006, and a 60-day Notice letter dated July 20, 2006, each of which
14 Mateel sent to California's Attorney General. Substantially identical letters were sent to every
15 District Attorney in the state, and to the City Attorneys of every California city with a population
16 greater than 750,000. For the letters of December 31, 2004 and April 19, 2006, on the same
17 date, Mateel sent identical 60-Day Notice letters to defendant, The Bombay Company, Inc. For
18 the letter of July 20, 2006, on the same date, Mateel sent identical 60-Day Notice letters to
19 defendant, Sur La Table, Inc. Attached to the 60-day Notice letters sent to defendant Bombay
20 Company, Inc., and the 60-day Notice letter sent to Sur La Table, Inc., was a summary of
21 Proposition 65 that was prepared by California's Office of Environmental Health Hazard
22 Assessment. In addition, each 60-Day Notice Letter plaintiff sent was accompanied by a
23 Certificate of Service attesting to the service of the 60-Day Notice Letter on each entity which
24 received it. Pursuant to California Health & Safety Code Section 25249.7(d), a Certificate of
25 Merit attesting to the reasonable and meritorious basis for the action was also sent with each 60-
26 Day Notice Letter. Factual information sufficient to establish the basis of the Certificate of Merit
27 was enclosed with the 60-Day Notice letter Mateel sent to the Attorney General.

1 15. Defendants are all businesses that employ more than ten people.

2 JURISDICTION

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

8 17. This Court also has jurisdiction over Defendants because they are businesses that
9 have sufficient minimum contacts in California and within the City and County of San Francisco.
10 Defendants intentionally availed themselves of the California and San Francisco County markets
11 for Covered Products. It is thus consistent with traditional notions of fair play and substantial
12 justice for the San Francisco Superior Court to exercise jurisdiction over them.

13 18. Venue is proper in this Court because Defendants market their Covered Products
14 in and around San Francisco and thus cause people to be exposed to lead and lead compounds
15 while those people are physically present in San Francisco. Liability for Plaintiff's causes of
16 action, or some parts thereof, has accordingly arisen in San Francisco during the times relevant to
17 this Complaint and Plaintiff seeks civil penalties and forfeitures imposed by statutes.

18 FIRST CAUSE OF ACTION
(Claim for Injunctive Relief)

19 Count One

20 19. Plaintiff realleges and incorporates by reference into this First Cause of Action, as
21 if specifically set forth herein, paragraphs 1 through 18, inclusive.

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

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

1 22. Since at least April 6, 2002, Bombay Defendants have engaged in conduct that
2 violates Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
3 intentionally exposing to the above mentioned toxic chemicals, those California residents who
4 handle and use Leaded Wire or Cable Products. The normally intended use of Leaded Wire or
5 Cable Products causes exposure to lead and lead compounds, which are chemicals known to the
6 State of California to cause cancer, birth defects and other reproductive harm. Bombay
7 Defendants have not provided clear and reasonable warnings, within the meaning of Health &
8 Safety Code Sections 25249.6 and 25249.11.

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

14 21. By the above described acts, Bombay Defendants have violated Cal. Health &
15 Safety Code § 25249.6 and are therefore subject to an injunction ordering them to stop violating
16 Proposition 65 and requiring them to provide warnings to their past customers who purchased
17 defendants' products without receiving a clear and reasonable warning.

18 Count Two

19 22. Since at least October 10, 2003, Bombay Defendants have engaged in conduct that
20 violates Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
21 intentionally exposing to the above mentioned toxic chemicals, those California residents who
22 consume beverages or foods which have been served, stored, contained or otherwise held in
23 contact with Bombay Leaded Crystal Products. The normally intended use of Bombay Leaded
24 Crystal Products causes exposure to lead and lead compounds, which are chemicals known to the
25 State of California to cause cancer, birth defects and other reproductive harm. Defendants have
26 not provided clear and reasonable warnings, within the meaning of Health & Safety Code
27 Sections 25249.6 and 25249.11.

28 23. At all times relevant to this action, Bombay Defendants knew that the Bombay

1 Leaded Crystal Products they manufactured, distributed or marketed were causing exposures to
2 lead and lead compounds. Bombay Defendants intended that residents of California use Bombay
3 Leaded Crystal Products in such ways as would lead to significant exposures to these chemicals.

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

8
9 Count Three

10 25. Since at least October 10, 2003, Sur La Table Defendants have engaged in
11 conduct that violates Health and Safety Code Section 25249.6 et seq. This conduct includes
12 knowingly and intentionally exposing to the above mentioned toxic chemicals, those California
13 residents who consume beverages or foods which have been served, stored, contained or
14 otherwise held in contact with Sur La Table Leaded Crystal Products. The normally intended use
15 of Sur La Table Leaded Crystal Products causes exposure to lead and lead compounds, which are
16 chemicals known to the State of California to cause cancer, birth defects and other reproductive
17 harm. Defendants have not provided clear and reasonable warnings, within the meaning of
18 Health & Safety Code Sections 25249.6 and 25249.11.

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

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

1
2 SECOND CAUSE OF ACTION
3 (Claim for Civil Penalties)

4 Count One

5 28. Plaintiff realleges and incorporates by reference into this Second Cause of Action,
6 as if specifically set forth herein, paragraphs 1 through 27, inclusive.

7 29. By the above described acts, Bombay Defendants are liable and should be liable
8 pursuant to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each
9 individual exposed without proper warning to lead and lead compounds from the handling or use
10 of Bombay Leaded Wire or Cable Products.

11 Count Two

12 30. By the above described acts, Bombay Defendants are liable and should be liable
13 pursuant to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each
14 individual exposed without proper warning to lead and lead compounds from the handling or use
15 of Bombay Leaded Crystal Products.

16 Count Three

17 31. By the above described acts, Sur La Table Defendants are liable and should be
18 liable pursuant to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for
19 each individual exposed without proper warning to lead and lead compounds from the handling
20 or use of Bombay Leaded Crystal Products.
21

22 PRAYER FOR RELIEF

23 Wherefore, plaintiff prays for judgment against DEFENDANTS, as follows:

24 1. Pursuant to the First Cause of Action, that all Defendants be enjoined, restrained,
25 and ordered to comply with the provisions of Section 25249.6 of the California Health & Safety
26 Code;
27
28

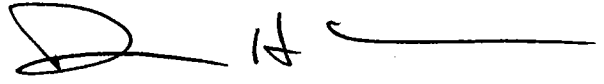
1 2. Pursuant to the Second Cause of Action, that Defendants be assessed a civil
2 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section
3 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of
4 Defendants' manufacturing, distributing or marketing of Leaded Wire or Cable Products, or
5 Leaded Crystal Products;

6 3. That Defendants be ordered to identify and locate each individual who purchased
7 Leaded Wire or Cable Products or Leaded Crystal Products and provide a warning to each such
8 person that the Leaded Wire or Cable Products or Leaded Crystal Product the person purchased
9 will expose that person to chemicals known to cause birth defect;

10 4. That, pursuant to Civil Procedure Code § 1021.5, Defendants be ordered to pay to
11 Plaintiff the attorneys fees and costs it incurred in bringing this enforcement action.

12 5. For such other relief as this court deems just and proper.

13 Dated: October 4, 2006

14
15 By 
16 David H. Williams, Esq.
17 Attorney for Plaintiff
18 Mateel Environmental Justice Foundation



Klamath


December 31, 2004

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 businesses on the attached service list are 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"). These businesses market products with, or that are themselves, Cords. Some examples of the products that incorporate Cords are those listed in the attached Appendix A. 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 electrical equipment to which these Cords are attached. 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 December 31, 2003 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 businesses.

Cordially,

William Verick

SERVICE LIST

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SAN LUIS OBISPO, CA 93408

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70 W. HEDDING ST.
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COUNTY OF SISKIYOU
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YREKA, CA 96097

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FAIRFIELD, CA 94533

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ATTORNEY
COUNTY OF SONOMA
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SANTA ROSA, CA 95403

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ATTORNEY
COUNTY OF STANISLAUS
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MODESTO, CA 95354

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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

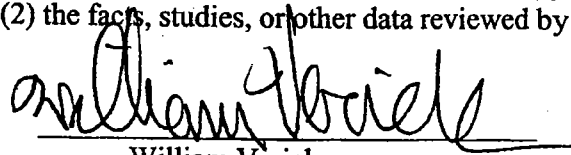
James D. Carreker, President
The Bombay Company, Inc.
5930 Desco Drive
Dallas, TX 75225

Edward H. Ruff, CEO
Santa's Best
770 W. Frontage Rd. Ste 160
Winnetka, IL 60093

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: December 31, 2004



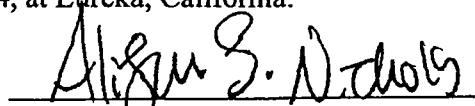
William Verick

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 S. 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 December 31, 2004, 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 December 31, 2004, at Eureka, California.



Alison S. Nichols

PRODUCT LIST

COMPANY NAME	PRODUCT
BOMBAY COMPANY, INC.	BOMBAY KIDS FLOWER HOLIDAY LIGHTS #5885314
SANTA'S BEST	SANTAS BEST MICKEY MOUSE EZ LIGHT ILLUMINATED TREE TRIMMER SET MODEL #6618



Klamath

April 19, 2006

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 Bombay Company, Inc., 550 Bailey Avenue, Fort Worth, Texas, is, has been, will be and threatens to be 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 The Bombay Company, Inc., markets leaded crystal vessels such as decanters, tumblers, wine glasses, champagne flutes, and cocktail glasses (as for martinis) (collectively hereinafter “leaded crystal vessels”). Handling of, contact with, drinking from, and cleaning up broken glass from leaded crystal vessels exposes people to lead and lead compounds, lead phosphate, lead acetate, and lead subacetate (hereinafter, collectively, “lead”). Lead leaches from the vessel into the food or beverage stored in, or served from, the vessel. The food or beverage is then consumed and the accompanying lead ingested. These exposures (and resulting violations) occur occupationally, environmentally, and as the result of the sale of consumer products and/or services. In occupational settings, the type of work that is done during which the above-referenced exposures occur is handling the leaded crystal vessels, cleaning up broken glass from them, and drinking from them, such as at wine tastings and office parties. These exposures occur via the dermal absorption, inhalation, ingestion, and subcutaneous routes. These violations have occurred every day since at least April 19, 2003, and will continue every day until reasonable warnings are given to those people exposed or until The Bombay Company, Inc. stops selling leaded crystal. Environmental exposure violations occur in every county of the State and occur both on and off the property of the aforementioned private businesses.

Cordially,

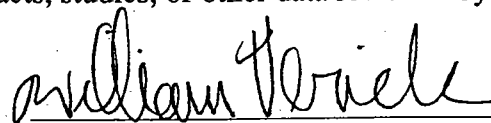


William Verick

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: April 19, 2006



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, Nicole Frank, 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 April 19, 2006 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 April 19, 2006, at Eureka, California.


Nicole Frank

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

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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 TRUXTUN 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

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COUNTY OF RIVERSIDE
4075 MAIN ST.
RIVERSIDE, CA 92501

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COUNTY OF SACRAMENTO
P.O. BOX 749
SACRAMENTO, CA 95804

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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 #1300
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
1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101-2008

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
DOWNIEVILLE, 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

The Bombay Company, Inc.
James D. Carreker, CEO
550 Bailey Avenue
Fort Worth, TX 76107



Klamath

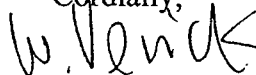
July 20, 2006

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

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") hereby give you notice that Sur La Table, Inc., 5701 Sixth Avenue South, Suite 486, Seattle WA, 98108, is, has been, will be and threatens to be 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 Sur La Table, Inc., markets leaded crystal vessels such as decanters, tumblers, wine glasses, champagne flutes, and cocktail glasses (as for martinis) (collectively hereinafter "leaded crystal vessels"). Handling of, contact with, drinking from, and cleaning up broken glass from leaded crystal vessels exposes people to lead and lead compounds, lead phosphate, lead acetate, and lead subacetate (hereinafter, collectively, "lead"). Lead leaches from the vessel into the food or beverage stored in, or served from, the vessel. The food or beverage is then consumed and the accompanying lead ingested. These exposures (and resulting violations) occur occupationally, environmentally, and as the result of the sale of consumer products and/or services. In occupational settings, the type of work that is done during which the above-referenced exposures occur is handling the leaded crystal vessels, cleaning up broken glass from them, and drinking from them, such as at wine tastings and office parties. These exposures occur via the dermal absorption, inhalation, ingestion, and subcutaneous routes. These violations have occurred every day since at least July 20, 2003, and will continue every day until reasonable warnings are given to those people exposed or until Sur La Table, Inc. stops selling leaded crystal. Environmental exposure violations occur in every county of the State and occur both on and off the property of the aforementioned private businesses.

Cordially,



William Verick

SERVICE LIST

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

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OAKLAND, CA 94612

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CITY HALL ROOM 206
400 VAN NESS
SAN FRANCISCO, CA 94102

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980 9th Street, 10th Floor
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151 W. MISSION ST.
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200 N. MAIN ST.
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CITY OF SAN DIEGO
202 C ST. FLOOR 3
SAN DIEGO, CA 92101

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

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ATTORNEY
COUNTY OF ALPINE
P.O. BOX 248
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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

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547 MARKET ST.
COLUSA, CA 95932

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P.O. BOX 670
MARTINEZ, CA 94553

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

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF EL DORADO
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PLACERVILLE, CA 95667

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EL CENTRO, CA 92243

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P.O. DRAWER D
INDEPENDENCE, CA 93526

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ATTORNEY
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HANFORD, CA 93230

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ATTORNEY
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LAKEPORT, CA 95453

OFFICE OF THE DISTRICT
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COUNTY ADMINISTRATION
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ATTORNEY
COUNTY OF LOS ANGELES
18000 CRIMINAL COURTS
BUILDING
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OFFICE OF THE DISTRICT
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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

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ATTORNEY
COUNTY OF MARIPOSA
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301 S. STATE ST.
UKIAH, CA 95482

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ATTORNEY
COUNTY OF MERCED
2222 M ST.
MERCED, CA 95340

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COUNTY OF MODOC
P.O. BOX 1171
ALTURAS, CA 9610

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

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240 CHURCH ST.
P.O. BOX 180
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931 PARKWAY MALL
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OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF NEVADA
COURTHOUSE ANNEX
NEVADA CITY, CA 95959

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COUNTY OF ORANGE
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SANTA ANA, CA 92701

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COUNTY OF PLACER
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AUBURN, CA 95603-2687

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RIVERSIDE, CA 92501

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316 MT. VIEW AVE.
SAN BERNARDINO, CA 92415-0004

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SAN DIEGO, CA 92101

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COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93408

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COUNTY OF SAN MATEO
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REDWOOD CITY, CA 94063

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COUNTY OF SANTA BARBARA
1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101-2008

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
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COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
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P.O. BOX 457
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COUNTY OF SISKIYOU
P.O. BOX 986
YREKA, CA 96097

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600 UNION AVE
FAIRFIELD, CA 94533

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

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

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1160 CIVIC CENTER BLVD. #A
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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

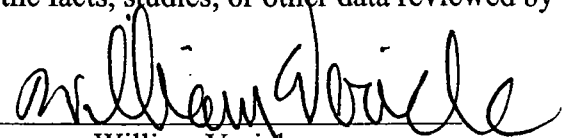
OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

SUR LA TABLE, INC.
KATHLEEN C. TIERNEY, CEO
SEATTLE DESIGN CENTER
5701 SIXTH AVENUE SOUTH, STE 486
SEATTLE, WA 98108

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: July 20, 2006


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, Nicole Frank, 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 July 20, 2006 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 July 20, 2006, at Eureka, California.


Nicole Frank