

ENDORSED  
FILED  
San Francisco County Superior Court

OCT 10 2006

GORDON PARK-LI, Clerk  
BY: JUN P. PANELO  
Deputy Clerk

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Klamath Environmental Law Center  
2 FREDRIC EVENSON, SBN 198059  
424 First Street  
3 Eureka, CA 95501  
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CASE MANAGEMENT CONFERENCE SET

5 DAVID WILLIAMS, SBN 144479  
BRIAN ACREE, SBN 202505  
6 370 Grand Avenue, Suite 5  
Oakland, CA 94610  
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MAR 09 2007 - 9<sup>00</sup> AM

DEPARTMENT 212

8 Attorneys for Plaintiff,  
9 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

13 MATEEL ENVIRONMENTAL  
14 JUSTICE FOUNDATION,  
15 Plaintiff,

CASE NO. **CGC -06 -456810**

16 v.

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

17 EZ-FLO INTERNATIONAL, INC.;  
18 HAMPTON PRODUCTS  
INTERNATIONAL CORPORATION;  
19 HICKORY HARDWARE;  
MASTER LOCK COMPANY; ORCHARD  
20 SUPPLY HARDWARE CORPORATION;  
SEARS, ROEBUCK AND CO.; VARIFLEX,  
21 INC., and DOES 1 through 100 inclusive,  
22 Defendants.

TOXIC TORT/ENVIRONMENTAL

23 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

24 INTRODUCTION

25 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
26 failure of defendants EZ-FLO INTERNATIONAL, INC.; HAMPTON PRODUCTS  
27 INTERNATIONAL CORPORATION; HICKORY HARDWARE; MASTER LOCK  
28

1 COMPANY; ORCHARD SUPPLY HARDWARE CORPORATION; SEARS, ROEBUCK  
2 AND CO.; VARIFLEX, INC., and DOES 1 through 100 inclusive (hereinafter “Defendants”), to  
3 give clear and reasonable warnings to those residents of California, who handle and use leaded  
4 brass padlock products (Leaded Brass Padlocks) and/or PVC covered cable locks or U-shaped  
5 PVC covered bicycle locks (PVC Covered Padlocks). The bodies of the Leaded Brass Padlocks  
6 are made from leaded brass, the PVC in the PVC Covered Padlocks are made from leaded PVC.  
7 The leaded brass and leaded PVC contain lead and lead compounds (“lead”), which are  
8 chemicals known to cause cancer, birth defects and other reproductive harm. California residents  
9 are exposed to lead when they handle these Leaded Brass Padlocks.

10 2. Defendants are businesses that manufacture, market, and/or distribute Leaded  
11 Brass Padlocks or PVC Covered Padlocks (collectively referred to as Leaded Padlocks).  
12 Defendants intend that residents of California handle and use Leaded Padlocks that Defendants  
13 manufacture, market, and/or distribute. When these products are handled and used in their  
14 normally intended manner, they expose people to lead. In spite of knowing that residents of  
15 California were and are being exposed to these chemicals when they handle and use Leaded  
16 Padlocks, Defendants did not and do not provide clear and reasonable warnings that these  
17 products cause exposure to chemicals known to cause cancer, birth defects and other  
18 reproductive harm.

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

27 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure  
28 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known

1 to cause cancer, birth defects and other reproductive harm.

2 PARTIES

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

12 6. Defendants are each a person doing business within the meaning of Health &  
13 Safety Code Section 25249.11. Defendants are businesses that manufacture, distribute, and/or  
14 market Leaded Padlocks in California, including the City and County of San Francisco.  
15 Manufacture, distribution and/or marketing of these products in the City and County of San  
16 Francisco and/or to people who live in San Francisco, causes people to be exposed to lead and  
17 lead compounds while they are physically present in the City and County of San Francisco.

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

22 8. Plaintiff brings this enforcement action against Defendants pursuant to Health &  
23 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a  
24 60-day Notice letter, dated June 29, 2006, and a 60-Day Notice letter dated July 12, 2006, which  
25 Mateel sent to California's Attorney General. Substantially identical letters were sent to every  
26 District Attorney in the state, and to the City Attorneys of every California city with a population  
27 greater than 750,000. On the same date a 60 Day Notice letter was sent to the Attorney General,  
28 Mateel sent to a substantively identical letter it sent to the Defendant whose product or products

1 the 60-Day Notice letter concerned. In addition, upon learning that address information for  
2 defendant Variflex, Inc., may have changed, on July 24, 2006, a substantively identical version of  
3 the July 12, 2006 60-Day Notice Letter was sent to Anthony Armand, CEO; Variflex, Inc.; 6600  
4 Katella Avenue; Cypress, CA 90630. Attached to the 60-Day Notice Letter, or Letters, sent to  
5 each defendant was a summary of Proposition 65 that was prepared by California's Office of  
6 Environmental Health Hazard Assessment. In addition, each 60-Day Notice Letter plaintiff sent  
7 was accompanied by a Certificate of Service attesting to the service of the 60-Day Notice Letter  
8 on each entity which received it. Pursuant to California Health & Safety Code Section  
9 25249.7(d), a Certificate of Merit attesting to the reasonable and meritorious basis for the action  
10 was also sent with each 60-Day Notice Letter. Factual information sufficient to establish the  
11 basis of the Certificate of Merit was enclosed with the 60-Day Notice letters Mateel sent to the  
12 Attorney General on the two dates.

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

#### 14 JURISDICTION

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

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

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

1 Complaint and Plaintiff seeks civil penalties and forfeitures imposed by statutes.

2 FIRST CAUSE OF ACTION  
3 (Claim for Injunctive Relief)

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

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

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

13 16. Since at least three (3) years prior to the filing of this complaint Defendants have  
14 engaged in conduct that violates Health and Safety Code Section 25249.6 et seq. This conduct  
15 includes knowingly and intentionally exposing to the above mentioned toxic chemicals, those  
16 California residents who handle and use Leaded Padlocks. The normally intended use of Leaded  
17 Padlocks causes exposure to lead and lead compounds, which are chemicals known to the State  
18 of California to cause cancer, birth defects and other reproductive harm. Defendants have not  
19 provided clear and reasonable warnings, within the meaning of Health & Safety Code Sections  
20 25249.6 and 25249.11.

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

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



# Klamath

June 29, 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") give you notice that the private businesses on the attached service list have been, are, will be and threaten to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual at both Mateel and this office. The above referenced violations occur when California residents come into contact with brass padlocks. A list of specific examples of the specific types of products at issue is attached. The bodies of these brass locks are made from leaded brass, which contains lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle these lockwhile using them to secure their property, or when they are unlocking them to gain access to their property. Lead is transferred from the brass locks to their hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred from the skin to the mouth via oral contact either directly with the brass, from oral contact with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten. These lead exposures thus occur via the dermal absorption, subcutaneous, mucus membrane, ingestion and inhalation routes. The listed businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since at least June 29, 2003, and will continue every day until the lead is removed from the brass locks, or until clear and reasonable warnings are given. The above-referenced violations are alleged for occupational exposures as well as for consumer and environmental exposures. We do not, however, allege occupational exposure violations as to any brass locks made outside of California, except as to workplaces these companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off these private businesses and in each of California's 58 counties.

Cordially,  
  
William Verick

## PRODUCT LIST

### **AMERICAN LOCK COMPANY/MASTER LOCK COMPANY**

AMERICAN LOCK SOLID BRASS PADLOCK #42CC UPC: 037325 090119: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **EZ-FLO INTERNATIONAL, INC.**

EZ-FLO 1-1/2" BRASS PADLOCK PART NO. 57158 UPC: 091712 571582: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **HAMPTON PRODUCTS INTERNATIONAL CORPORATION/MOUNTAIN SECURITY**

MOUNTAIN SECURITY 2" SOLID BRASS PADLOCK #201-50001 UPC: 039208 955409: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **HICKORY HARDWARE, INC.**

FIRST WATCH 2" PADLOCK #4140: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **ORCHARD SUPPLY HARDWARE CORPORATION**

BRASS PADLOCK Item#73301 SKU#6690580 MODEL#25B3040 UPC:732799 823200: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **RITE-HITE CORPORATION**

RITE-HITE SECURITY TOP SECURITY SOLID BRASS PADLOCK MODEL NO: FJL01-250L UPC: 758309 433745: This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### **SEARS ROEBUCK AND CO.**

CRAFTSMAN HIGH SECURITY 2 IN. BRASS COMBINATION LOCK #958707 NO UPC and CRAFTSMAN 2-3/8 IN. BRASS PADLOCK #958706 UPC: 078217 587065: This product description pertains not only to the specific models of the products listed, but also for all units of all models of similar types of products.

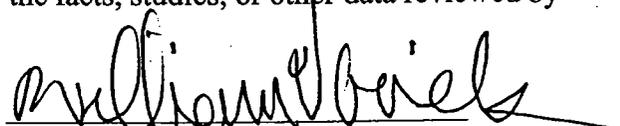
## SERVICE LIST

EDWARD G. WEIL DEPUTY ATTORNEY GENERAL OFFICE OF THE ATTORNEY GENERAL P.O. BOX 70550 OAKLAND CA 94612-0550	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF GLENN P.O. BOX 430 WILLOWS, CA 95988	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONTEREY 240 CHURCH ST. P.O. BOX 180 SALINAS, CA 93902	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SISKIYOU P.O. BOX 986 YREKA, CA 96097
OFFICE OF THE CITY ATTORNEY CITY OF OAKLAND 505 14TH ST 12TH FLOOR OAKLAND, CA 94612	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF HUMBOLDT 825 5TH ST. EUREKA, CA 95501	COUNTY OF NAPA 931 PARKWAY MALL P.O. BOX 720 NAPA, CA 94559-0720	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SOLANO 600 UNION AVE FAIRFIELD, CA 94533
OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102	OUNTY OF IMPERIAL COURTHOUSE, FLOOR 2 939 W. MAIN ST EL CENTRO, CA 92243	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF NEVADA COURTHOUSE ANNEX NEVADA CITY, CA 95959	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA 600 ADMINISTRATION DR. #212J SANTA ROSA, CA 95403
OFFICE OF THE CITY ATTORNEY CITY OF SACRAMENTO 980 9 <sup>th</sup> Street, 10 <sup>th</sup> Floor SACRAMENTO, CA 95814	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF INYO P.O. DRAWER D INDEPENDENCE, CA 93526	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ORANGE 400 CIVIC CENTER DR WEST SANTA ANA, CA 92701	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF STANISLAUS 1100 I ST. #200 MODESTO, CA 95354
OFFICE OF THE CITY ATTORNEY CITY OF SAN JOSE 151 W. MISSION ST. SAN JOSE, CA 95110	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KERN 1215 TRUXTUN AVE. FLOOR 4 BAKERSFIELD, CA 93301	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLACER 11562 B AVE AUBURN, CA 95603-2687	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SUTTER 1160 CIVIC CENTER BLVD. #A YUBA CITY, CA 95993
OFFICE OF THE CITY ATTORNEY CITY OF LOS ANGELES 200 N. MAIN ST. LOS ANGELES, CA 90012	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KINGS 1400 W. LACEY BLVD. HANFORD, CA 93230	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLUMAS P.O. BOX 10716 QUINCY, CA 95971	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080
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 LAKE 255 N. FORBES ST # 424 LAKEPORT, CA 95453	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE 4075 MAIN ST. RIVERSIDE, CA 92501	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TRINITY P.O. BOX 310 WEAVERVILLE, CA 96093
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALAMEDA 225 FALLON ST. #9 OAKLAND, CA 94612	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN COUNTY ADMINISTRATION BUILDING 707 NEVADA ST. SUSANVILLE, CA 96130	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SACRAMENTO P.O. BOX 749 SACRAMENTO, CA 95804	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALPINE P.O. BOX 248 MARKLEEVILLE, CA 96120	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 SAN BENITO 419 4TH ST HOLLISTER, CA 95023	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF AMADOR 108 COURT ST. SUITE 202 JACKSON, CA 95642	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BERNARDINO 316 MT. VIEW AVE. SAN BERNARDINO, CA 92415-0004	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 BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO 101 W. BROADWAY #1300 SAN DIEGO, CA 92101	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 CALAVERAS GOVERNMENT CENTER 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIN HALL OF JUSTICE #183 SAN RAFAEL, CA 94903	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF COLUSA 547 MARKET ST. COLUSA, CA 95932	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202	JOHN N. HEPPNER, PRESIDENT MASTER LOCK COMPANY 137 W. FOREST HILL AVE. OAK CREEK, WI 53154
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MENDOCINO 301 S. STATE ST. UKIAH, CA 95482	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN LUIS OBISPO COUNTY GOVERNMENT CENTER #450 SAN LUIS OBISPO, CA 93408	EZ-FLO INTERNATIONAL, INC. SALEEM A LAHLOUH, PRESIDENT 2750 E MISSION BLVD ONTARIO, CA 91761
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MERCED 2222 M ST. MERCED, CA 95340	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN MATEO HALL OF JUSTICE AND RECORDS REDWOOD CITY, CA 94063	HAYWARD K KELLEY III, PRESIDENT HAMPTON PRODUCTS INTERNATIONAL CORPORATION 50 ICON STREET FOOTHILL RANCH, CA 92610
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC P.O. BOX 1171 ALTURAS, CA 9610	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1112 SANTA BARBARA ST. SANTA BARBARA, CA 93101-2008	JOHN WESTENDORF, PRESIDENT, HICKORY HARDWARE 109 KIRBY DRIVE PORTLAND, TN 37148
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONO P.O. BOX 617 BRIDGEPORT, CA 93517	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CRUZ 701 OCEAN ST. #200 SANTA CRUZ, CA 95060	ORCHARD SUPPLY HARDWARE CORPORATION ROBERT LYNCH, CEO 3333 BEVERLY ROAD, B2-130B HOFFMAN ESTATES, IL 60179
	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	MICHAEL WHITE, CEO RITE-HITE CORPORATION P.O. BOX 245020 MILWAUKEE, WI 53224

### 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: June 29, 2006

  
William Verick

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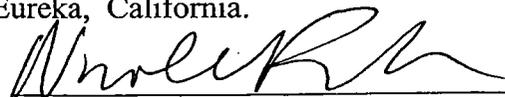
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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.

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### 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 June 29, 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 June 29, 2006, at Eureka, California.

  
Nicole Frank



# Klamath

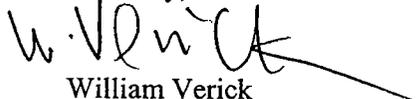
July 12, 2006

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") give you notice that the private businesses on the attached service list have been, are, will be and threaten to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual for both Mateel and this office. The above referenced violations occur when California residents come into contact with the coatings on bicycle brake and derailleur cables, and the coating on bicycle cable locks and bicycle "U" shaped bicycle locks. The plastic coatings on all of these products contains lead and lead compounds. Though a specific model or SKU or product number is given as an example for each type of product, this notice pertains to all models, and all variations, of the specific type of product of which the named model is an example. The plastic on these cables, cable locks and "U" shaped bicycle locks contains high levels of lead and lead compounds ("lead"), chemicals known to cause cancer, birth defects, and other reproductive harm. The listed businesses either make or market these cables, cable locks and "U" shaped bicycle locks. California residents are exposed to lead when they handle these plastic coated cables or locks. Lead in the plastic is transferred from the plastic to their hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred from the skin to the mouth via oral contact either directly with the plastic, from oral contact with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten. These exposures thus occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. These companies did not and do not provide people with clear and reasonable warnings before they expose them to lead. The above referenced violations have occurred every day since at least July 12, 2003 and will continue every day until the lead is taken out of these products or until warnings are given. These violations are alleged for occupational exposures as well as for consumer and environmental exposures. We do not, however, allege occupational exposure violations as to any of these products these businesses make outside of California, except as to workplaces these businesses themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the property of these businesses and in each of California's 58 counties.

Cordially,



William Verick

## PRODUCT LIST

### MASTER LOCK COMPANY

MASTER LOCK COMBINATION U-LOCK WITH CARRIER BRACKET #8180-05702 UPC: 071649  
087011

This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of products.

### VARIFLEX, INC.

VARIFLEX CYCLE FORCE SECURITY SHACKLE LOCK #B-022 UPC: 085955 000220

VARIFLEX KID'S ZONE! 6' CABLE AND COMBO LOCK #B-518 UPC: 085955 005188

These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of products.

## 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 9<sup>th</sup> Street, 10<sup>th</sup> 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

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

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

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COUNTY OF ALPINE  
P.O. BOX 248  
MARKLEEVILLE, CA 96120

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

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

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

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ATTORNEY  
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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  
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CRESCENT CITY, CA 95531

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

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ATTORNEY  
COUNTY OF FRESNO  
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FRESNO, CA 93721

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WILLOWS, CA 95988

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EUREKA, CA 95501

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

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P.O. DRAWER D  
INDEPENDENCE, CA 93526

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ATTORNEY  
COUNTY OF KERN  
1215 TRUXTUN AVE. FLOOR 4  
BAKERSFIELD, CA 93301

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

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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

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

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COUNTY OF MARIN  
HALL OF JUSTICE #183  
SAN RAFAEL, CA 94903

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

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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

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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

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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 #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

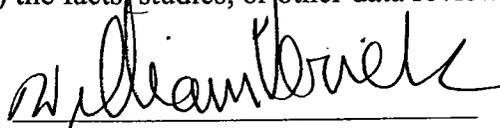
JOHN M. HEPFNER, CEO  
MASTER LOCK COMPANY  
PO BOX 927  
OAK CREEK, WI 53154-0927

RAYMOND H. LOSI II, CEO  
VARIFLEX, INC.  
6600 KATELLA AVENUE  
CYPRESS, CA 90630

**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 12, 2006

  
\_\_\_\_\_  
William Verick

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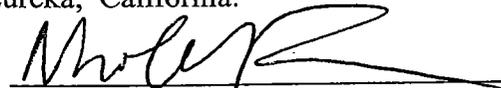
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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.

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**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 12, 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 12, 2006, at Eureka, California.

  
\_\_\_\_\_  
Nicole Frank