

NOTICE TO PLAINTIFF

A Case Management Conference is set for

DATE: MAR-09-2007

TIME: 9:00AM

**PLACE: Department 212
400 McAllister Street
San Francisco, CA 94102-3680**

All parties must appear and comply with Local Rule 3.

CRC 212 (g)(1) requires the filing and service of a case management statement form CM-110 no later than 15 days before the case management conference.

However, it would facilitate the issuance of a case management order

without an appearance at the case management conference if the case management statement is filed, served and lodged in Department 212 twenty-five (25) days before the case management

Plaintiff must serve a copy of this notice upon each party to this action with the summons and complaint. Proof of service subsequently filed with this court shall so state.

ALTERNATIVE DISPUTE RESOLUTION POLICY REQUIREMENTS

**IT IS THE POLICY OF THE SUPERIOR COURT THAT EVERY CIVIL CASE PARTICIPATE IN EITHER MEDIATION, JUDICIAL OR NON-JUDICIAL ARBITRATION, THE EARLY SETTLEMENT PROGRAM OR SOME SUITABLE FORM OF ALTERNATIVE DISPUTE RESOLUTION PRIOR TO A MANDATORY SETTLEMENT CONFERENCE OR TRIAL.
(SEE LOCAL RULE 4)**

Plaintiff must serve a copy of the Alternative Dispute Resolution Information Package on each defendant along with the complaint. All counsel must discuss ADR with clients and opposing counsel and provide clients with a copy of the Alternative Dispute Resolution Information Package prior to filing the Case Management Statement.

[DEFENDANTS: Attending the Case Management Conference does not take the place of filing a written response to the complaint. You must file a written response with the court within the time limit required by law. See Summons.]

Superior Court Alternative Dispute Resolution Coordinator
400 McAllister Street, Room 103
San Francisco, CA 94102
(415) 551-3876

See Local Rules 3.6, 6.0 C and 10 D re stipulation to commissioners acting as temporary judges

**SUMMONS
(CITACION JUDICIAL)**

SUM-100

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

ENERCO GROUP, INC.; FIESTA GAS GRILLS, LLC.;
MANCHESTER TANK & EQUIPMENT CO.; SEARS, ROEBUCK
AND CO.; For Additional Defendants, See Attachment A

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

ORIGINAL

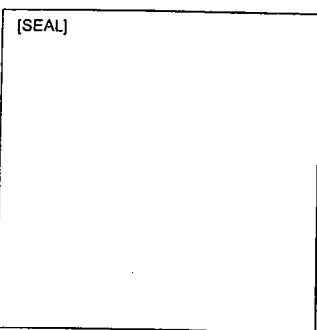
The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of San Francisco
400 McAllister Street, San Francisco, CA 94102

CASE NUMBER:
(Número del Caso):
CGC-06-456753

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
William Verick (CSB #140972), Klamath Environmental Law Center, 424 First Street, Eureka, CA 95502
Phone #: 707-268-8900, Fax #: 707-268-8901

DATE: **OCT - 6 2006** Clerk, by **GORDON PARK-LI**, Deputy
(Fecha) **Gordon Park-Li** (Secretario) (Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

SUMMONS CASE NO.

ATTACHMENT A (Additional Defendants)

W.C. BRADLEY CO.; WEBER-STEPHEN PRODUCTS CO.; WOLFEDALE ENGINEERING
LIMITED and DOES 1 through 100 inclusive

1 WILLIAM VERICK, SBN 140972
Klamath Environmental Law Center
2 FREDRIC EVENSON, SBN 198059
424 First Street
3 Eureka, CA 95501
Telephone: (707) 268-8900
4 Facsimile: (707) 268-8901

5 DAVID WILLIAMS, SBN 144479
BRIAN ACREE, SBN 202505
6 370 Grand Avenue, Suite 5
Oakland, CA 94610
7 Telephone: (510) 271-0826
Facsimile: (510) 271-0829

8 Attorneys for Plaintiff,
9 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

**ENDORSED
FILED**
San Francisco County Superior Court

OCT - 6 2006

GORDON PARK-LI, Clerk
BY: PARAM NATT
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

MAR - 9 2007 - 9⁰⁰ AM

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF SAN FRANCISCO
12 (Unlimited Jurisdiction)

DEPARTMENT 212

13 MATEEL ENVIRONMENTAL
14 JUSTICE FOUNDATION,

CASE NO.

CGC - 06 - 456753

15 Plaintiff,

16 v.

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

17 ENERCO GROUP, INC.; FIESTA GAS
18 GRILLS, LLC.; MANCHESTER TANK &
EQUIPMENT CO.; SEARS, ROEBUCK
19 AND CO; W.C. BRADLEY CO.; WEBER-
STEPHEN PRODUCTS CO.; WOLFEDALE
20 ENGINEERING LIMITED and DOES 1
through 100 inclusive,

TOXIC TORT/ENVIRONMENTAL

21 Defendants.
22 _____ /

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 ENERCO GROUP, INC.; FIESTA GAS GRILLS, LLC.; MANCHESTER
27 TANK & EQUIPMENT CO.; SEARS, ROEBUCK AND CO.; W.C. BRADLEY CO.;
28 WEBER-STEPHEN PRODUCTS CO.; WOLFEDALE ENGINEERING LIMITED; and DOES

1 1 through 100 inclusive, (hereinafter “Defendants”), to give clear and reasonable warnings to
2 those residents of California, concerning brass valve handles and connector hoses with brass
3 fittings that are associated with propane (or other compressed flammable gas) tanks (“Propane
4 Tanks”). The brass valve handles and brass fittings on connector hoses are made from leaded
5 brass alloys which contains lead and lead compounds (“lead”), which are chemicals known to
6 cause cancer, birth defects and other reproductive harm. California residents are exposed to lead
7 when they handle these leaded brass valve handles and brass fittings.

8 2. Defendants are businesses that manufacture, market, and/or distribute Propane
9 Tanks and intend that residents of California handle and use Propane Tanks that Defendants
10 manufacture, market, and/or distribute. When these products are handled and used in their
11 normally intended manner, they expose people to lead. In spite of knowing that residents of
12 California were and are being exposed to lead when they handle and use Propane Tanks,
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 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
16 to compel Defendants to bring their business practices into compliance with section 25249.5 et
17 seq. by providing a clear and reasonable warning to each individual who has been and who in the
18 future may be exposed to the above mentioned toxic chemicals from the use of Defendants’
19 products. Plaintiff seeks an order that defendants identify and locate each individual person who
20 in the past has purchased a Propane Tank and to provide to each such purchaser a clear and
21 reasonable warning that the Propane Tank will cause exposures to chemicals known to cause
22 birth defects.

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

26 PARTIES

27 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION (“Mateel”)
28 is a non-profit organization dedicated to, among other causes, the protection of the environment,

1 promotion of human health, environmental education, and consumer rights. Mateel is based in
2 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a
3 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement
4 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of
5 California are regularly exposed to lead and lead compounds from Propane Tanks manufactured,
6 distributed or marketed by Defendants and are so exposed without a clear and reasonable
7 Proposition 65 warning.

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

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

18 8. Plaintiff brings this enforcement action against Defendants pursuant to Health &
19 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a
20 60-day Notice letter, dated July 27, 2006 which Mateel sent to California's Attorney General.
21 Substantially identical letters were sent to every District Attorney in the state, and to the City
22 Attorneys of every California city with a population greater than 750,000. On the same date,
23 Mateel sent to each Defendant a letter substantively identical to the Notice letter it sent on that
24 date to the Attorney General. Attached to the 60-Day Notice Letters sent to each defendant was a
25 summary of Proposition 65 that was prepared by California's Office of Environmental Health
26 Hazard Assessment. In addition, each 60-Day Notice Letter plaintiff sent was accompanied by a
27 Certificate of Service attesting to the service of the 60-Day Notice Letter on each entity which
28 received it. Pursuant to California Health & Safety Code Section 25249.7(d), a Certificate of

1 Merit attesting to the reasonable and meritorious basis for the action was also sent with each 60-
2 Day Notice Letter. Factual information sufficient to establish the basis of the Certificate of Merit
3 was enclosed with the 60-Day Notice letters Mateel sent to the Attorney General on the two
4 dates.

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

6 JURISDICTION

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

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

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

22 FIRST CAUSE OF ACTION 23 (Claim for Injunctive Relief)

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

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

1 PRAYER FOR RELIEF

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

3 1. Pursuant to the First Cause of Action, that all Defendants be enjoined, restrained,
4 and ordered to comply with the provisions of Section 25249.6 of the California Health & Safety
5 Code;

6 2. Pursuant to the Second Cause of Action, that Defendants be assessed a civil
7 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section
8 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of
9 Defendants' manufacturing, distributing or marketing of Propane Tanks;

10 3. That Defendants be ordered to identify and locate each individual who purchased
11 Propane Tanks and provide a warning to each such person that the Propane Tanks the person
12 purchased will expose that person to chemicals known to cause birth defects.

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

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

16 Dated: October 6, 2006

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18 _____
19 David H. Williams
20 Attorney for Plaintiff
21 Mateel Environmental Justice Foundation
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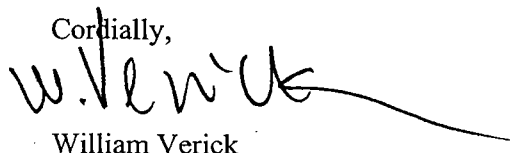
Klamath

July 27, 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 pertain to valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks"). These propane tanks are connected to, and serve as a fuel source for, appliances such as outdoor gas grills, burners or heaters. These connectors and valves are made from leaded-brass alloys. In the case of the valves, these valves are on the propane tank itself and are used to turn the gas off and on at the tank. A list of the types of products to which this notice pertains is provided in the attached products list. These products violate Health & Safety Code § 25249.6 when California residents handle the valves and connectors when connecting a propane tank to a gas appliance or when turning the gas on or off using the valve on the tank. Lead from the alloy comes off on their hands and is then absorbed through the skin, enters the body through cuts and abrasions, is ingested orally by being transferred from hands to food which is then eaten, or by hand-to-mouth (or other mucous membranes) behavior such as nail biting, or lead is transferred from hands to cigarettes and then inhaled when the cigarette is smoked. 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 July 27, 2003, and will continue every day until the lead is removed from the alloys used to make these valves. 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 leaded-brass valves made 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 these businesses' property and in each of California's 58 counties.

Cordially,

William Verick

424 First Street, Eureka, CA 95501 • 707.268.8900 (phone) 707.268.8901 (fax)


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	JOHN P MCCONNELL, CEO WORTHINGTON CYLINDER CORPORATION 200 OLD WILSON BRIDGE ROAD COLUMBUS, OH 43085
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	QUINTY 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 th Street, 10 th 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 MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637	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 MARIN HALL OF JUSTICE #183 SAN RAFAEL, CA 94903	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 MARIPOSA P.O. BOX 748 MARIPOSA, CA 95338	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 MENDOCINO 301 S. STATE ST. UKIAH, CA 95482	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202	MIKE BUTLER, PRESIDENT CHAR-BROIL, LLC PO BOX 140 COLUMBUS, GA 31902-0140	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MERCED 2222 M ST. MERCED, CA 95340	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN LUIS OBISPO COUNTY GOVERNMENT CENTER #450 SAN LUIS OBISPO, CA 93408	THEODORE D. WARD, CEO ENERCO GROUP, INC. 4560 W. 160TH STREET CLEVELAND, OH 44135-2628	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC P.O. BOX 1171 ALTURAS, CA 9610	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN MATEO HALL OF JUSTICE AND RECORDS REDWOOD CITY, CA 94063	PRESIDENT OR CEO FIESTA GAS GRILLS, LLC ONE FIESTA DRIVE DICKSON, TN 37055	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONO P.O. BOX 617 BRIDGEPORT, CA 93517	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1112 SANTA BARBARA ST. SANTA BARBARA, CA 93101-2008	G. RUFFNER PAGE, CEO MANCHESTER TANK & EQUIPMENT CO. 1000 CORPORATE CENTRE DRIVE #300 FRANKLIN, TN 37607-6206	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	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	AYLWIN B LEWIS, CEO SEARS, ROEBUCK AND CO. 3333 BEVERLY ROAD 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 DOWNIEVILLE, CA 95936	STEPHEN T. BUTLER, CEO W.C. BRADLEY CO. 1017 FRONT AVE. COLUMBUS, GA 31901	
			JAMES C. STEPHEN, PRESIDENT WEBER-STEPHEN PRODUCTS CO. 200 E. DANIELS ROAD PALATINE, IL 60067	
			PRESIDENT OR CEO WOLFEDALE ENGINEERING LIMITED 3644 WOLFEDALE ROAD MISSISSAUGA, ON L5C 3E6	

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 27, 2006



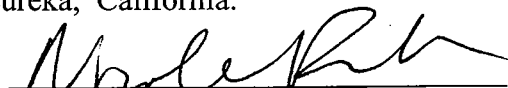
William Verick

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 27, 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 27, 2006, at Eureka, California.



Nicole Frank

PRODUCT LIST

CHAR-BROIL, LLC/ W.C. BRADLEY CO.

CHAR-BROIL 12' NATURAL GAS HOSE KIT MODEL 4615

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

ENERCO GROUP, INC.

MR HEATER PROPANE GRILL "QUICK CONNECT" F276334 UPC 089301763340

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

MANCHESTER TANK & EQUIPMENT CO.

MANCHESTER TANK PROPANE CYLINDER UPC: 013734 105026

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

SEARS ROEBUCK AND COMPANY

KENMORE 20-LB WITH QUICK CONNECT VALVE #7122960

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

WEBER-STEPHEN PRODUCTS CO.

WEBER ADAPTER HOSE 41455 UPC 077924 049422

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

WOLFDAL ENGINEERING LTD/FIESTA GAS GRILLS LLC

WOLFDAL ENGINEERING O.P.D. PROPANE CYLINDER #WP24-36, #GG20-27, MADE FOR FIESTA GAS GRILLS, L.L.C.

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")

WORTHINGTON CYLINDER CORPORATION

PROPANE TANK #303957

This product description pertains not only to the specific model of the products listed, but also for all units of all models of valves (including the valve handles) and connector hoses with brass fittings that are associated with propane (or other compressed flammable gas) tanks ("propane tanks")