

**SUMMONS
(CITACION JUDICIAL)**

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

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**
CAMPBELL HAUSFELD/SCOTT FETZER COMPANY

**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.

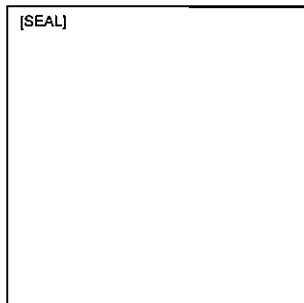
The name and address of the court is:
(El nombre y dirección de la corte es):
Superior Court of California, County of San Francisco
400 McAllister Street, San Francisco, CA 94102

CASE NUMBER:
(Número del Caso) **18C-08-472380**

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, David Williams, Klamath Environmental Law Center, 424 First Street, Eureka, CA 95501
Phone #: 707-268-8900, Fax #: 707-268-8901

DATE: **FEB 21 2008** **Gordon Park-Li** Clerk, by **P. NATT**, Deputy
(Fecha) (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: <input type="checkbox"/> CCP 416.10 (corporation)	<input type="checkbox"/> CCP 416.60 (minor)
<input type="checkbox"/> CCP 416.20 (defunct corporation)	<input type="checkbox"/> CCP 416.70 (conservatee)
<input type="checkbox"/> CCP 416.40 (association or partnership)	<input type="checkbox"/> CCP 416.90 (authorized person)
<input type="checkbox"/> other (specify):	
4. by personal delivery on (date):

ENDORSED
FOR COURT USE ONLY
FILED

San Francisco County Superior Court

FEB 21 2008

GORDON PARK-LI, Clerk

BY: PARAM NATT
Deputy Clerk

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
William Verick (SBN # 140972)
David Williams (SBN # 144479)
Klamath Environmental Law Center, 424 First Street, Eureka, CA 95501
TELEPHONE NO.: 707-268-8900 FAX NO.: 707-268-8901
ATTORNEY FOR (Name): Mateel Environmental Justice Foundation, Plaintiff
SUPERIOR COURT OF CALIFORNIA, COUNTY OF San Francisco
STREET ADDRESS: 400 McAllister Street
MAILING ADDRESS:
CITY AND ZIP CODE: San Francisco, CA 94102
BRANCH NAME:

CASE NAME:
Mateel v. CAMPBELL HAUSFELD/SCOTT FETZER COMPANY

CIVIL CASE COVER SHEET
 Unlimited (Amount demanded exceeds \$25,000)
 Limited (Amount demanded is \$25,000 or less)

Complex Case Designation
 Counter **Joinder**
Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:
CGC-08-472380
JUDGE:
DEPT:

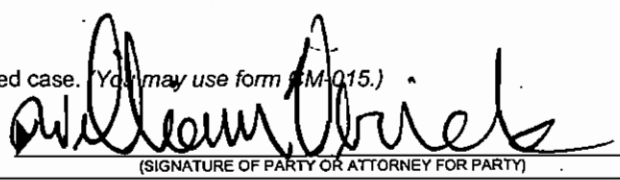
Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
--	---	---

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: February 13, 2008
William Verick


(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

(TYPE OR PRINT NAME)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

NOTICE TO PLAINTIFF

A Case Management Conference is set for

DATE: JUL-25-2008

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 3.725 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

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
Email: wverick@igc.org
5 ecorights@earthlink.net

6 DAVID WILLIAMS, SBN 144479
BRIAN ACREE, SBN 202505
7 370 Grand Avenue, Suite 5
Oakland, CA 94610
8 Telephone: (510) 271-0826
Facsimile: (510) 271-0829
9 Email: davidhwilliams@earthlink.net
brianacree@earthlink.net

10 Attorneys for Plaintiff,
11 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO
14 (Unlimited Jurisdiction)

ENDORSED
FILED
San Francisco County Superior Court

FEB 21 2008
GORDON PARK-LI, Clerk
BY: PARAM NATT
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

JUL 25 2008 - 9⁰⁰AM

DEPARTMENT 212

CGC -08-472380

15 MATEEL ENVIRONMENTAL
16 JUSTICE FOUNDATION,

CASE NO.

17 Plaintiff,
18 v.

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

19 CAMPBELL HAUSFELD/SCOTT FETZER
20 COMPANY,

21 Defendant.

TOXIC TORT/ENVIRONMENTAL

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 defendant CAMPBELL HAUSFELD/SCOTT FETZER COMPANY (hereinafter
27 "Defendant"), to give clear and reasonable warnings to those residents of California, who handle
28

1 and use leaded brass air hose connectors (collectively hereinafter “Leaded Brass Air Hose
2 Connectors”). The handling and use of these products causes those residents to be exposed to
3 lead and lead compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter,
4 collectively, “lead”). The types of products to which this Complaint pertains are those types
5 listed in the Proposition 65 60-Day Notice Letter that is attached to and incorporated by
6 reference into this Complaint. Lead is known to the State of California to cause cancer, birth
7 defects and male and female reproductive toxicity. Defendant manufactures, distributes, and/or
8 markets Leaded Brass Air Hose Connectors. These products cause exposures to lead and lead
9 compounds, which are chemicals known to the State of California to cause cancer, birth defects
10 and other reproductive harm. The Leaded Brass Air Hose Connectors that Defendant markets
11 are sometimes sold in conjunction with the air compressors that Defendant also markets. At the
12 same time, however, these Leaded Brass Air Hose Connectors are sold as stand-alone products
13 individually packaged as a simple connector that can be used with any air hose in conjunction
14 with any air compressor, no matter when that air compressor was made and/or marketed, and no
15 matter which air compressor manufacturer made that air compressor. In other words, the Leaded
16 Brass Air Hose Connectors that Defendant markets are often purchased by consumers who never
17 have purchased an air compressor from Defendant and these consumers use Defendant’s Leaded
18 Brass Air Hose Connectors in conjunction with air compressors that were never manufactured,
19 distributed, marketed or sold by Defendant and, thus, are not “Covered Products” as Covered
20 Products are defined in paragraph 1.4 in the Consent Judgment that was entered on July 18, 2006
21 in the case *Mateel v. Senco Products, Inc., et al.*, San Francisco Superior Court Case No.
22 436587. Defendant intends that its Leaded Brass Air Hose Connectors be purchased by
23 consumers who never have purchased an air compressor from Defendant and Defendant intends
24 that these consumers use Defendant’s Leaded Brass Air Hose Connectors in conjunction with air
25 compressors that Defendant never manufactured, distributed, marketed or sold.

26 2. Defendant is a business that manufactures, markets, and/or distributes Leaded
27 Brass Air Hose Connectors. Defendant intends that residents of California handle and use
28 Leaded Brass Air Hose Connectors that Defendant manufactures, markets, and/or distributes.

1 When these products are handled and used in their normally intended manner, they expose
2 people to lead. In spite of knowing that residents of California were and are being exposed to
3 these chemicals when they handle and use Leaded Brass Air Hose Connectors, Defendant did not
4 and does not provide clear and reasonable warnings that these products cause exposure to
5 chemicals known to cause cancer, birth defects and other reproductive harm.

6 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
7 to compel Defendant to bring its business practices into compliance with section 25249.5 et seq.
8 by providing a clear and reasonable warning to each individual who has been and who in the
9 future may be exposed to the above mentioned toxic chemicals from the use of Defendant's
10 products. Plaintiff seeks an order that defendant identify and locate each individual person who
11 in the past has purchased Leaded Brass Air Hose Connectors and to provide to each such
12 purchaser a clear and reasonable warning that the Leaded Brass Air Hose Connectors will cause
13 exposures to chemicals known to cause birth defects.

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

17 PARTIES

18 5. 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 Brass Air Hose
25 Connectors manufactured, distributed or marketed by Defendant and are so exposed without a
26 clear and reasonable Proposition 65 warning.

27 6. Defendant is a person doing business within the meaning of Health & Safety
28 Code Section 25249.11. Defendant is a business that manufactures, distributes, and/or markets

1 Leaded Brass Air Hose Connectors in California, including the City and County of San
2 Francisco. Manufacture, distribution and/or marketing of these products in the City and County
3 of San Francisco and/or to people who live in San Francisco, causes people to be exposed to lead
4 and lead compounds while they are physically present in the City and County of San Francisco.

5 7. Plaintiff brings this enforcement action against Defendant pursuant to Health &
6 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a
7 60-day Notice letter dated May 24, 2007, which Mateel sent to California's Attorney General.
8 Substantially identical letters were sent to every District Attorney in the state, and to the City
9 Attorneys of every California city with a population greater than 750,000. On that same day,
10 Mateel sent identical 60-Day Notice letters to Defendant. Attached to the 60-Day Notice Letters
11 sent to Defendant was a summary of Proposition 65 that was prepared by California's Office of
12 Environmental Health Hazard Assessment. In addition, each 60-Day Notice Letter plaintiff sent
13 was accompanied by a Certificate of Service attesting to the service of the 60-Day Notice Letter
14 on each entity which received it. Pursuant to California Health & Safety Code Section
15 25249.7(d), a Certificate of Merit attesting to the reasonable and meritorious basis for the action
16 was also sent with each 60-Day Notice Letter. Factual information sufficient to establish the
17 basis of the Certificate of Merit was enclosed with the 60-Day Notice letter Mateel sent to the
18 Attorney General.

19 9. Defendant is a business that employs more than ten people.

20 JURISDICTION

21 10. The Court has jurisdiction over this action pursuant to California Health & Safety
22 Code Section 25249.7. California Constitution Article VI, Section 10 grants the Superior Court
23 "original jurisdiction in all causes except those given by statute to other trial courts." Chapter
24 6.6 of the Health & Safety Code, which contains the statutes under which this action is brought,
25 does not grant jurisdiction to any other trial court.

26 11. This Court also has jurisdiction over Defendant because Defendant is a business
27 that has sufficient minimum contacts in California and within the City and County of San
28 Francisco. Defendant intentionally avails itself of the California and San Francisco County

1 markets for Leaded Brass Air Hose Connectors. It is thus consistent with traditional notions of
2 fair play and substantial justice for the San Francisco Superior Court to exercise jurisdiction over
3 Defendant.

4 12. Venue is proper in this Court because Defendant markets its products in and
5 around San Francisco and thus causes people to be exposed to lead and lead compounds while
6 those people are physically present in San Francisco. Liability for Plaintiff's causes of action, or
7 some parts thereof, has accordingly arisen in San Francisco during the times relevant to this
8 Complaint and Plaintiff seeks civil penalties and forfeitures imposed by statutes.

9 FIRST CAUSE OF ACTION
10 (Claim for Injunctive Relief)

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

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

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

20 16. Since at least May 24, 2004, Defendant has engaged in conduct that violates
21 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
22 intentionally exposing to the above mentioned toxic chemicals, those California residents who
23 handle and use Leaded Brass Air Hose Connectors. The normally intended use of Leaded Brass
24 Air Hose Connectors causes exposure to lead and lead compounds, which are chemicals known
25 to the State of California to cause cancer, birth defects and other reproductive harm. Defendant
26 has not provided clear and reasonable warnings, within the meaning of Health & Safety Code
27 Sections 25249.6 and 25249.11.

28 17. At all times relevant to this action, Defendant knew that the Leaded Brass Air

1 Hose Connectors they manufactured, distributed or marketed was causing exposures to lead and
2 lead compounds. Defendant intended that residents of California handle and use Leaded Brass
3 Air Hose Connectors in such ways as would lead to significant exposures to these chemicals.

4 18. By the above described acts, Defendant has violated Cal. Health & Safety Code
5 § 25249.6 and is therefore subject to an injunction ordering them to stop violating Proposition 65
6 and requiring them to provide warnings to their past customers who purchased defendant's
7 products without receiving a clear and reasonable warning.

8 SECOND CAUSE OF ACTION
9 (Claim for Civil Penalties)

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

12 20. By the above described acts, Defendant is liable and should be liable pursuant to
13 Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each individual
14 exposed without proper warning to lead and lead compounds from the handling or use of
15 Defendant's Leaded Brass Air Hose Connectors.

16 PRAYER FOR RELIEF

17 Wherefore, plaintiff prays for judgment against DEFENDANT, as follows:

18 1. Pursuant to the First Cause of Action, that Defendant be enjoined, restrained, and
19 ordered to comply with the provisions of Section 25249.6 of the California Health & Safety
20 Code;

21 2. Pursuant to the Second Cause of Action, that Defendant be assessed a civil
22 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section
23 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of
24 Defendant's manufacturing, distributing or marketing of Leaded Brass Air Hose Connectors;

25 3. That Defendant be ordered to identify and locate each individual who purchased
26 Leaded Brass Air Hose Connectors and provide a warning to each such person that the Leaded
27 Brass Air Hose Connectors the person purchased will expose that person to chemicals known to
28 cause birth defects.

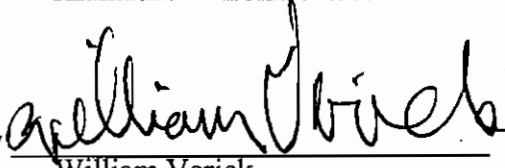
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

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

Dated: February 13, 2008

Klamath Environmental Law Center

By 

William Verick
Attorney for Plaintiff
Mateel Environmental Justice Foundation



Klamath

ENVIRONMENTAL JUSTICE FOUNDATION
LAW CENTER

May 24, 2007

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 Campbell Hausfeld/Scott Fetzer Company has been, is, will be and threatens 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 the brass air hose connectors this business markets. Specific examples of the specific types of products at issue are: CAMPBELL HAUSFELD 1/4" I/M COUPLER #MP3234 UPC: 045564 203344 1/4" INDUSTRIAL COUPLER - 1/4" NPT #MP2883. The brass air hose couplings that people handle 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 couplers. Lead is transferred from the brass air hose couplers to peoples' 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 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 Campbell Hausfeld/Scott Fetzer Company did not and does not provide people with clear and reasonable warnings before it exposes them to lead. These violations have occurred every day since at least May 24, 2004, and will continue every day until the lead is removed from the brass air hose couplers, 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 air hose couplers made outside of California, except as to workplaces the Campbell Hausfeld/Scott Fetzer Company itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the company's property and in each of California's 58 counties.

Cordially,

William Verick

SERVICE LIST

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

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

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

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

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

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

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO CONSUMER &
ENVIRONMENTAL PROTECTION
1200 THIRD AVENUE, SUITE 700
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF ALAMEDA
1225 FALLON STREET ROOM 900
OAKLAND, CA 94612

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

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF AMADOR
708 COURT STREET
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 STREET
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
220 SOUTH LASSEN ST. STE 8
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 730
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MENDOCINO
PO BOX 1000
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
204 SOUTH COURT STREET
ALTURAS, CA 96101

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 STREET
P.O. BOX 1131
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
401 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
520 MAIN STREET #404
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
901 G STREET
SACRAMENTO, CA 95814

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
330 W. BROADWAY
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

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
DOWNTONVILLE, 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
800 SOUTH VICTORIA AVE
VENTURA, CA 93009

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
301 SECOND STREET
WOODLAND, CA 95695

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

GARY HEEMAN, PRESIDENT
CAMPBELL HAUSFELD/SCOTT
FETZER COMPANY
100 PRODUCTION DR
HARRISON, OH 45030

KENNETH J. SEMELSBERGER, CEO
CAMPBELL HAUSFELD/SCOTT
FETZER COMPANY
28800 CLEMENS ROAD
WESTLAKE, OH 44145

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: May 24, 2007



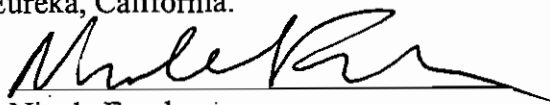
William Verick

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 May 24, 2007, 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 May 24, 2007, at Eureka, California.



Nicole Frank