

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)

15 MATEEL ENVIRONMENTAL
16 JUSTICE FOUNDATION,

17 Plaintiff,

18 v.

19 THE FAUCET-QUEENS, INC.; ACE
20 HARDWARE CORPORATION; 99 CENTS
21 ONLY STORES; TARGET CORPORATION;
22 TRG ACCESSORIES, LLC; TRUE VALUE
COMPANY; AMERCO, INC.; U-HAUL CO.
OF CALIFORNIA; WALGREEN CO.;
23 WINNER INTERNATIONAL LLC,

24 Defendants.

CASE NO. ~~88~~08-471406

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

25
26 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

27 INTRODUCTION

28 1. This Complaint seeks civil penalties and an injunction to remedy the continuing

ENDORSED
FILED
San Francisco County Superior Court

JAN 25 2008

GORDON PARKER, Clerk
BY CRISTINA E. BAUTISTA
Deputy Clerk

CASE MANAGEMENT CONFERENCE SET

JUN 27 2008 - 9:00 AM

DEPARTMENT 212

1 failure of defendants THE FAUCET-QUEENS, INC.; ACE HARDWARE CORPORATION; 99
2 CENTS ONLY STORES; TARGET CORPORATION; TRG ACCESSORIES, LLC; TRUE VALUE
3 COMPANY; AMERCO, INC.; U-HAUL CO. OF CALIFORNIA; WALGREEN CO.; and WINNER
4 INTERNATIONAL LLC (hereinafter "Defendants"), to give clear and reasonable warnings to
5 those residents of California, who handle and use locks made of brass and bronze alloys which
6 contain lead (collectively hereinafter "Leaded Brass Locks"). The handling and use of these
7 products causes those residents to be exposed to lead and lead compounds, lead acetate, lead
8 phosphate, and lead subacetate (hereinafter, collectively, "lead"). The types of products to which
9 this Complaint pertains are those types listed in the Proposition 65 60-Day Notice Letter that is
10 attached to and incorporated by reference into this Complaint. Lead is known to the State of
11 California to cause cancer, birth defects and male and female reproductive toxicity. Defendants
12 manufacture, distribute, and/or market Leaded Brass Locks. These products cause exposures to
13 lead and lead compounds, which are chemicals known to the State of California to cause cancer,
14 birth defects and other reproductive harm.

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

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

1 reasonable warning that the Leaded Brass Locks will cause exposures to chemicals known to
2 cause birth defects.

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

6 PARTIES

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

16 6. Defendants are persons doing business within the meaning of Health & Safety
17 Code Section 25249.11. Defendants are businesses that manufacture, distribute, and/or market
18 Leaded Brass Locks in California, including the City and County of San Francisco.
19 Manufacture, distribution and/or marketing of these products in the City and County of San
20 Francisco and/or to people who live in San Francisco, causes people to be exposed to lead and
21 lead compounds while they are physically present in the City and County of San Francisco.

22 7. Plaintiff brings this enforcement action against Defendants pursuant to Health &
23 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference are copies of
24 60-day Notice letters, dated May 24, 2007 and July 24, 2007, which Mateel sent to California's
25 Attorney General. Substantially identical letters were sent to every District Attorney in the state,
26 and to the City Attorneys of every California city with a population greater than 750,000. On
27 those same days, Mateel sent identical 60-Day Notice letters to Defendants. Attached to the 60-
28 Day Notice Letters sent to Defendants was a summary of Proposition 65 that was prepared by

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

8 9. Defendants are businesses that employ more than ten people.

9 JURISDICTION

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

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

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

26 FIRST CAUSE OF ACTION
27 (Claim for Injunctive Relief)

28 13. Plaintiff realleges and incorporates by reference into this First Cause of Action, as

1 if specifically set forth herein, paragraphs 1 through 12, inclusive.

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

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

9 16. Since at least May 24, 2004, Defendants have engaged in conduct that violates
10 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
11 intentionally exposing to the above mentioned toxic chemicals, those California residents who
12 handle and use Leaded Brass Locks. The normally intended use of Leaded Brass Locks causes
13 exposure to lead and lead compounds, which are chemicals known to the State of California to
14 cause cancer, birth defects and other reproductive harm. Defendants have not provided clear
15 and reasonable warnings, within the meaning of Health & Safety Code Sections 25249.6 and
16 25249.11.

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

21 18. By the above described acts, Defendants have violated Cal. Health & Safety Code
22 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition
23 65 and requiring them to provide warnings to their past customers who purchased defendants'
24 products without receiving a clear and reasonable warning.

25 SECOND CAUSE OF ACTION
26 (Claim for Civil Penalties)

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



Klamath

ENVIRONMENTAL
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 private businesses listed 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 locks while 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, mucous membrane, ingestion and inhalation routes. The listed private 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 May 24, 2004, 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 the private businesses themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the private businesses' property and in each of California's 58 counties.

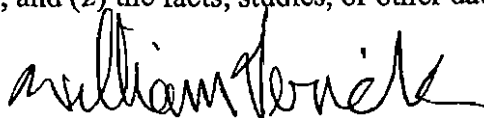
Cordially,

William Verick

CERTIFICATE OF MERIT

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

Dated: May 24, 2007



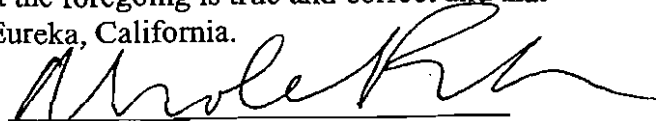
William Verick

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

PRODUCT LIST

ABUS/ABUS LOCK CO.

DO IT 1 3/16" SOLID BRASS PADLOCK 219452 O/M 1-4-24 1830DDIB 50169; DO IT 1 1/2" SOLID BRASS PADLOCK 200492 O/M 1-4-24 1840DLJDIB 50176; DO IT 3/4" SOLID BRASS 219444 O/M 1-4-24 1820DDIB 50167 DO IT 1 1/2" SOLID BRASS 40MM PADLOCK 219460 O/M 1-4-24 1840DDIB 50171 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass padlocks.

ACE HARDWARE CORPORATION

ACE 2" PADLOCK SOLID BRASS BODY HIGH SECURITY ITEM# 54543 UPC# 082901; ACE 1-1/4" PADLOCK SOLID BRASS BODY RESETTABLE COMBINATION GENERAL SECURITY ITEM# 5094172 UPC# 082901 039075; ACE 3/4" LUGGAGE PADLOCKS SOLID BRASS BODY GENERAL SECURITY ITEM# 5021746 UPC# 082901 006909; ACE 2" UPC# 082901 006909; ACE 3/4" PADLOCK SOLID BRASS BODY RESETTABLE COMBINATION GENERAL SECURITY UPC# 082901 039068; ACE 3/4" PADLOCK SOLID BRASS BODY GENERAL SECURITY ITEM# 53077 UPC# 082901 530770; ACE 1" PADLOCK SOLID BRASS BODY GENERAL SECURITY ITEM# 54539 UPC# 082901 545392; ACE MAXIMUM SECURITY PADLOCK 2 3/8 IN. ITEM# 5002217; ACE PADLOCK SOLID BRASS 1 3/4" MAXIMUM SECURITY ITEM# 5237433; ACE LUGGAGE PADLOCKS GENERAL SECURITY 3/4 IN. ITEM# 50321746 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass padlocks.

BELWITH INTERNATIONAL LTD/HICKORY HARDWARE, INC.

FIRST WATCH 2" COMBINATION PADLOCK 3175 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass padlocks.

E& B GIFTWARE LLC

SAMSONITE 4 DIAL BRASS COMBINATION LOCK SET OF 2 SM2106BS 021276 121060; SAMSONITE BRASS LOCK SET OF 4 SM0002FO UPC 021276 300205 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass padlocks.

THE FAUCET-QUEENS, INC.

HELPING HAND SOLID BRASS PADLOCK 40030 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass padlocks.

99 CENTS ONLY STORES

TUFF BUILT BRASS PADLOCK KEYED ALIKE 20MM SOLID BRASS Item no. S20X2 UPC: 691374 372208; STATE 50MM TOP SECURITY LOCK - "GOLDBIRD" STAMPED ON LOCK - ITEM# 46176 UPC: 032329 461767 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass padlocks.

TRUE VALUE COMPANY

TRUE VALUE 2" SOLID BRASS PADLOCK ITEM #245-217 501-50001 UPC: 052088 071687; RESETTABLE COMBINATION SOLID BRASS LOCK ITEM # 551-412 501-40051 UPC #0520880722110 ;RESETTABLE COMBINATION SOLID BRASS LOCK ITEM #553-412 501-40051 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass padlocks.

ORCHARD SUPPLY HARDWARE CORPORATION

2PC. BRASS PADLOCK -SIZE: 1-1/4" -WITH 3 KEYS ITEM# 6690580 UPC: 4897013 590156; 2 PIECE BRASS PADLOCK -WITH THREE KEYS -SIZE: 1-1/4" ITEM#73301SKU#6690580 MODEL# 25B3040 UPC: 732799 823200 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass padlocks.

WALGREEN CO.

LOCKAGE 40MM BRASS PADLOCK #832774 UPC: 049022 113756 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass padlocks.

WINNER INTERNATIONAL LLC

WINNER INTERNATIONAL NEW YORK, INC.

THE CLUB SECURITY SERIES SOLID BRASS PADLOCK #UTL815 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass padlocks

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
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
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

THOMAS LAITALA, CEO
ABUS LOCK, CO.
P.O. BOX 2367
WOBURN, MA 01888

ABUS
AUGUST BREMICKER SOHNE KG
ALTENHOFER WEG 25
58300 WEITER
GERMANY

RAY A GRIFFITH, CEO
ACE HARDWARE CORPORATION
2200 KENSINGTON CT
OAK BROOK, IL 60523-2100

JOHN PALKA, CEO
BELWITH INTERNATIONAL, LTD
3100 BROADWAY AVE. SW
GRANDVILLE, MI 49418-1581

JOHN PALKA, CEO
HICKORY HARDWARE, INC.
3100 BROADWAY AVE. SW
GRANDVILLE, MI 49418-1581

DAVID MAUER, CEO
E&B GIFTWARE LLC
4 EXECUTIVE PLAZA
YONKERS, NY 10701-6803

WILLIAM SCHMIDT, PRESIDENT
THE FAUCET QUEENS, INC.
650 FOREST EDGE DRIVE
VERNON HILLS, IL 60061

ERIC SCHIFFER, CEO
99 CENTS ONLY STORES
4000 UNION PACIFIC AVE
COMMERCE, CA 90023

ROBERT LYNCH, CEO
ORCHARD SUPPLY HARDWARE
CORPORATION
3333 BEVERLY ROAD, B2-130B
HOFFMAN ESTATES, IL 60179

LYLE G. HEIDEMANN, CEO
TRUE VALUE COMPANY
8600 W. BRYN MAWR AVE.
CHICAGO, IL 60631-3505

JEFFREY A REIN, CEO
WALGREEN CO.
200 WILMONT RD
DEERFIELD, IL 60015

JAMES E WINNER JR. PRESIDENT
WINNER INTERNATIONAL LLC
WINNER INTERNATIONAL
NEW YORK, INC.
32 W STATE STREET
SHARON, PA 16146



Klamath

ENVIRONMENTAL
LAW CENTER

July 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 private businesses listed 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 locks while 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, mucous membrane, ingestion and inhalation routes. The listed private 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 July 24, 2004, 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 the private businesses themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the private businesses' property and in each of California's 58 counties.

Cordially,

William Verick

PRODUCT LIST

T.R.G. ACCESSORIES, LLC

EMBARK TRAVEL SENTRY APPROVED LUGGAGE LOCK SET#069 06 0018 ID57465-V
UPC: 674204 424582 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass padlocks.

Purchased at: **TARGET CORPORTION**

AMERCO, INC.

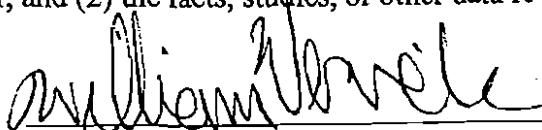
U-HAUL 1-9/16" BRASS LOCK LIGHT DUTY #40L UPC: 801000 400292; U-HAUL 2" BRASS LOCK SECURITY # 50L UPC: 801000 400308 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass padlocks.

Purchased at: **U-HAUL CO. OF CALIFORNIA**

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 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 July 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 July 24, 2007, at Eureka, California.


Nicole Frank

SERVICE LIST

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

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

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

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

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

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

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO 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.
OROYILLE, 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
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
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

EDWARD J. SHOEN, PRESIDENT
AMERCO, INC.
A325 AIRMOTIVE WAY, STE 100
RENO, NV 89502-3239

JOHN D. WHITE, CEO
AMERCO, INC.
29633 MEADOW LANE
COARSEGOLD, CA 93611

PRESIDENT OR CEO
T.R.G. ACCESSORIES L.L.C.
2047 WESTPORT CENTER DR
SANT LOUIS, MO 63146

ROBERT J ULRICH, CEO
TARGET CORPORATION
1000 NICOLLET MALL TPN-0945
MINNEAPOLIS, MN 55403

RICHARD T. FERREIRA, CEO
U-HAUL CO. OF CALIFORNIA
U-HAUL LEGAL DEPARTMENT
2721 N. CENTRAL AVE
PHOENIX, AZ 85004