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8 Attorneys for Plaintiff,
9 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

13 MATEEL ENVIRONMENTAL
14 JUSTICE FOUNDATION,

15 Plaintiff,

16 v.

17 ASCASO FACTORY, SL
18 Defendant.

ENDORSED
FILED
San Francisco County Superior Court

JAN - 3 2008

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

CASE MANAGEMENT CONFERENCE SET

JUN - 6 2008 - 9⁰⁰ AM

DEPARTMENT 212

CASE NO. **06C-08-470688**

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

19 _____ /
20 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

21 INTRODUCTION

22 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
23 failure of defendant ASCASO FACTORY, SL (hereinafter "Defendant"), to give clear and
24 reasonable warnings to those residents of California, who handle, use, and drink beverages made
25 in espresso machines that utilize leaded brass components (hereinafter referred to as "espresso
26 machines"), that handling and use of these espresso machines causes those residents to be
27 exposed to lead and lead compounds, lead acetate, lead phosphate, and lead subacetate
28 (hereinafter, collectively, "lead"). The types of products to which this Complaint pertains are

1 those types listed in the Product List appended to the Proposition 65 60-Day Notice Letter that is
2 attached to and incorporated by reference into this Complaint. Lead is known to the State of
3 California to cause cancer, birth defects and male and female reproductive toxicity. Defendant
4 distributes, and/or markets espresso machines. These products cause exposures to lead and lead
5 compounds, which are chemicals known to the State of California to cause cancer, birth defects
6 and other reproductive harm.

7 2. Defendant markets, and/or distributes espresso machines. Defendant intends that
8 residents of California handle, use and drink beverages made using the espresso machines that
9 Defendant markets, and/or distributes. When these products are handled and used in their
10 normally intended manner and when people drink beverages made from water that has been
11 heated in them, these espresso machines expose people to lead. In spite of knowing that residents
12 of California were and are being exposed to these chemicals when they handle, use and drink
13 beverages made using espresso machines, Defendant did not and does not provide clear and
14 reasonable warnings that these products cause exposure to chemicals known to cause cancer,
15 birth defects and other reproductive harm.

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

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

PARTIES

1
2 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION (“Mateel”)
3 is a non-profit organization dedicated to, among other causes, the protection of the environment,
4 promotion of human health, environmental education, and consumer rights. Mateel is based in
5 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a
6 “person” pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement
7 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of
8 California are regularly exposed to lead and lead compounds from espresso machines
9 manufactured, distributed or marketed by Defendant and are so exposed without a clear and
10 reasonable Proposition 65 warning.

11 6. Defendant is a person doing business within the meaning of Health & Safety Code
12 Section 25249.11. Defendant is a business that distributes, and/or markets espresso machines in
13 California, including the City and County of San Francisco. Distribution and/or marketing of
14 these products in the City and County of San Francisco and/or to people who live in San
15 Francisco, causes people to be exposed to lead and lead compounds while they are physically
16 present in the City and County of San Francisco.

17 7. Plaintiff brings this enforcement action against Defendant pursuant to Health &
18 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a
19 60-day Notice letter, dated June 27, 2007, which Mateel sent to California's Attorney General.
20 Substantively identical letters were sent to every District Attorney in the state, and to the City
21 Attorneys of every California city with a population greater than 750,000, and to the Defendant.
22 Attached to the 60-Day Notice Letter sent to the Defendant was a summary of Proposition 65 that
23 was prepared by California’s Office of Environmental Health Hazard Assessment. In addition,
24 each 60-Day Notice Letter plaintiff sent was accompanied by a Certificate of Service attesting to
25 the service of the 60-Day Notice Letter on each entity which received it. Pursuant to California
26 Health & Safety Code Section 25249.7(d), a Certificate of Merit attesting to the reasonable and
27 meritorious basis for the action was also sent with each 60-Day Notice Letter. Factual
28

1 information sufficient to establish the basis of the Certificate of Merit was enclosed with the 60-
2 Day Notice letter Mateel sent to the Attorney General.

3 8. Defendant employs more than ten people.

4 JURISDICTION

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

10 10. This Court also has jurisdiction over Defendant because it is a businesses that has
11 sufficient minimum contacts in California and within the City and County of San Francisco.
12 Defendant intentionally availed itself of the California and San Francisco County markets for
13 espresso machines. It is thus consistent with traditional notions of fair play and substantial
14 justice for the San Francisco Superior Court to exercise jurisdiction over Defendant.

15 11. Venue is proper in this Court because Defendant markets its products in and
16 around San Francisco and thus causes people to be exposed to lead and lead compounds while
17 those people are physically present in San Francisco. Liability for Plaintiff's causes of action, or
18 some parts thereof, has accordingly arisen in San Francisco during the times relevant to this
19 Complaint and Plaintiff seeks civil penalties imposed by statute.

20 FIRST CAUSE OF ACTION
21 (Claim for Injunctive Relief)

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

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

27 14. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates
28 that businesses that knowingly and intentionally expose any individual to a chemical known to

1 the State of California to cause cancer or birth defects must first provide a clear and reasonable
2 warning to such individual prior to the exposure.

3 15. Since at least June 27, 2004, Defendant has engaged in conduct that violates
4 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
5 intentionally exposing to the above mentioned toxic chemicals, those California residents who
6 handle, use or drink beverages made using espresso machines. The normally intended use of
7 espresso machines causes exposure to lead and lead compounds, which are chemicals known to
8 the State of California to cause cancer, birth defects and other reproductive harm. Defendant has
9 not provided clear and reasonable warnings, within the meaning of Health & Safety Code
10 Sections 25249.6 and 25249.11.

11 16. At all times relevant to this action, Defendant knew that the espresso machines it
12 distributed or marketed were causing exposures to lead and lead compounds. Defendant
13 intended that residents of California handle, use and drink beverages made using espresso
14 machines in such ways as would lead to significant exposures to these chemicals.

15 17. By the above described acts, Defendant has violated Cal. Health & Safety Code
16 § 25249.6 and is therefore subject to an injunction ordering it to stop violating Proposition 65, to
17 provide warnings to all present and future customers and to provide warnings to its past
18 customers who purchased Defendant's products without receiving a clear and reasonable
19 warning.

20 SECOND CAUSE OF ACTION
21 (Claim for Civil Penalties)

22 18. Plaintiff realleges and incorporates by reference into this Second Cause of Action,
23 as if specifically set forth herein, paragraphs 1 through 17, inclusive.

24 19. By the above described acts, Defendant is liable and should be liable pursuant to
25 Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each individual
26 exposed without proper warning to lead and lead compounds from the handling, use of, or the
27 drinking of beverages made using Defendant's espresso machines.
28

1 PRAYER FOR RELIEF

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

3 1. Pursuant to the First Cause of Action, that Defendant be enjoined, restrained, and
4 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 Defendant 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 Defendant's distributing or marketing of espresso machines;

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

13 4. That, pursuant to Civil Procedure Code § 1021.5, Defendant 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: December 31, 2007

17 KLAMATH ENVIRONMENTAL LAW
18 CENTER,

19 BY 

20 William Verick

21 Attorney for Plaintiff

22 Mateel Environmental Justice Foundation



Klamath

ENVIRONMENTAL JUSTICE FOUNDATION
1000 10TH STREET, SUITE 100
EUREKA, CA 95501

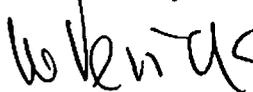
June 27, 2007

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 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 leaded brass components (brass group heads, boilers, tubes, fittings, steam wands and porta filters, collectively hereinafter "leaded brass plumbing") in espresso machines and when they drink beverages, the water for which has flowed through the leaded brass plumbing in these machines. A list of specific examples of the specific types of products at issue is attached. The leaded brass plumbing through which water flows in these espresso machines is 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 whenever they handle the leaded brass plumbing in these machines, such as when adjusting, maintaining or repairing the machines, or when drinking beverages (such as coffee drinks or tea) that are made from water that has flowed through the leaded brass plumbing. Lead is transferred from the brass 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. Lead also leaches from the leaded brass plumbing into the water that flows through this plumbing and is then made into drinks that are drunk. These lead exposures thus occur via the dermal absorption, subcutaneous, mucus membrane, ingestion and inhalation routes. The listed businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since at least June 27, 2004, and will continue every day until the lead is removed from the brass plumbing in these machines, 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 espresso machine made outside of California, except as to workplaces these companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the private 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 STREET P.O. BOX 1131 SALINAS, CA 93902	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SISKIYOU P.O. BOX 986 YREKA, CA 96097	ELVINO A. CAGNARDI, CEO GENSACO, INC. 153 EAST 43 RD STREET NEW YORK, NY 10017-4012
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	ROBERT L. NARDELLI, CEO HOME DEPOT U.S.A., INC. 2455 PACES FERRY ROAD ATLANTA, GA 30339
OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102	COUNTY 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	ILLY CAFFE SPA VIA FLAVIA 110 34147 TRIESTE ITALY
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 401 CIVIC CENTER DR WEST SANTA ANA, CA 92701	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF STANISLAUS 1100 I ST. #200 MODESTO, CA 95354	GREGORY C. FEA, CEO ILLY CAFFE NORTH AMERICA, INC. 200 CLEARBROOK ROAD ELMSFORD, NY 10523
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 TRUXTON 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	GREGORY C FEA, CEO ILLY CAFFE NORTH AMERICA, INC. 800 WESTCHESTER AVE., SUITE S440 RYE BROOK, NY 10573
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 520 MAIN STREET #404 QUINCY, CA 95971	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080	LA PAVONI SPA VIA PRIVATA GORIZIA 7 20098 SAN GIULIANO MILANESE (MILANO) ITALY
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 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	NUOVA SIMONELLI SPA VIA MADONNA DELL'ANTEGLIANO, 6 62031 BELFORTE DEL CHIANTI ITALY
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALAMEDA 1225 FALLON STREET ROOM 900 OAKLAND, CA 94612	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN 220 SOUTH LASSEN ST. STE 8 SUSANVILLE, CA 96130	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SACRAMENTO 901 G STREET SACRAMENTO, CA 95814	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291	JAMES DONALD, CEO STARBUCKS CORPORATION 2401 UTAH AVENUE SOUTH SUITE 800 MS-SLA1 SEATTLE, WA 98134
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	KATHY TIERNEY, CEO SUR LA TABLE, INC. 5701 SIXTH AVE SOUTH #486 SEATTLE, WA 98108
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF AMADOR 708 COURT STREET 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 800 SOUTH VICTORIA AVE VENTURA, CA 93009	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MENDOCINO PO BOX 1000 UKIAH, CA 95482	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO 330 W. BROADWAY SAN DIEGO, CA 92101	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YOLO 301 SECOND STREET 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 730 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 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 JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202	JOSE LUIS LOPEZ ASCASO ASCASO FACTORY SL ENERGIA, 39-41 POL. IND. FAMADAS C.P. 08940 CORNELLIA DE LLOBREGAT CORNELLA/BARCELONA/SPAIN	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST #171 CRESCENT CITY, CA 95531	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	STEVEN TEMARES, CEO BED BATH & BEYOND, INC. 650 LIBERTY AVE UNION, NJ 07083	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC 204 SOUTH COURT STREET ALTURAS, CA 96101	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CLARA 70 W. HEDDING ST. SAN JOSE, CA 95110	VALDEMAR MARQUES RIBIERO BRIEL-INDUSTRIA DE ELECTRODOMESTICOS, SA. RUA SIDONIO PAIS, 390 LUGAR DO RIO NOGUEIRA DA MAIA 4475-498 MAIA PORTUGAL	
OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST #1000 FRESNO, CA 93721	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SIERRA P.O. BOX 457 DOWNIEVILLE, CA 95936	OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SHASTA 1525 COURT ST. REDDING, CA 96001	FLORINDO FREGNAN, MANAGING DIRECTOR ELEKTRA SRL VIA A. VOLTA 18 31030 DOSSON DI CASIER ITALY	
		OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SIERRA P.O. BOX 457 DOWNIEVILLE, CA 95936	FRANCIS!FRANCIS INTERNATIONAL - SICETA A RESPONSABILITA LIMITADA VIA CABOTO 19 34147 TRIESTE ITALY	
			JEAN MARINO PALUDETTO GAGGIA SPA VIA GOMES CARLO 16 20124 MILANO ITALY	

PRODUCTS LIST

ASCASO

Purchased at:

**HOME DEPOT U.S.A., INC.
STARBUCKS CORPORATION**

ASCASO DREAM M.F. S/N# 034177 UPC: 786818 410131 SKU: 762111 714244 SKU: 242325; ASCASO ARC ESPRESSO COFFEE MACHINE BRUSHED COPPER UPC: 786818 410285 ASCASO DREAM M.F. UPC: 786818 410131 S/N# 034177 SKU: 242325 SECONDARY UPC: 762111 714244 This product description pertains not only to the specific models of the products listed, but also for all units of all models of brass espresso machines.

BRIEL INDUSTRIA DE ELECTRODOMESTICOS, SA

Purchased at:

HOME DEPOT U.S.A., INC.

BRIEL MULTI-PRO SERIES MODEL# ES200 ATB-PG UPC: 786818 300043 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

ELEKTRA SRL

ELEKTRA "FAMILY" MICRO CASA SEMIAUTOMATICA This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

FRANCIS!FRANCIS! INTERNATIONAL SRL

ILLYCAFFE SPA

ILLY CAFFE NORTH AMERICA, INC.

Purchased at:

SUR LA TABLE, INC.

FRANCIS FRANCIS X1 TYPE: FF1 X1 TRIO USA SERIAL # 0529 UPC: 733411 011005 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

GAGGIA SPA

Purchased at:

BED BATH & BEYOND, INC.

GAGGIA CLASSIC MODEL# 14101 SERIAL#: 1106182713 UPC: 693042 141017 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

GENSACO, INC.

GENSACO CAPUCIO SERIAL #: 08640 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

LA PAVONI SPA

LA PAVONI ROMANTICA MODEL: EPG-8 UPC: 725182 000197 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

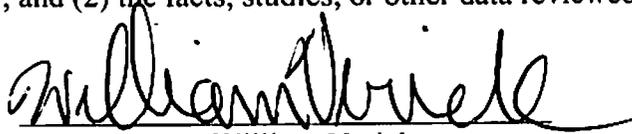
NUOVA SIMONELLI SPA

NUOVA SIMONELLI OSCAR PROFESSIONAL S/N# 196812 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass espresso machines.

CERTIFICATE OF MERIT

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

Dated: June 27, 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 June 27, 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 June 27, 2007, at Eureka, California.


Nicole Frank