

1 WILLIAM VERICK, CSB #140972
Klamath Environmental Law Center
2 FREDRIC EVENSON, CSB #198059
Law Offices of Fredric Evenson
3 424 First Street
Eureka, CA 95501
4 Telephone: (707) 268-8900
Facsimile: (707) 268-8901
5 wverick@igc.org
ecorights@earthlink.org

**ENDORSED
FILED**
San Francisco County Superior Court

MAR - 4 2008

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

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

CASE MANAGEMENT CONFERENCE SET

AUG - 1 2008 - 9⁰⁰AM

DEPARTMENT 212

11 Attorneys for Plaintiff,
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO
(Unlimited Jurisdiction)

16 MATEEL ENVIRONMENTAL
17 JUSTICE FOUNDATION,

CASE NO. **CGC-08-472876**

18 Plaintiff,

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

19 v.

20 GENSACO, INC.
Defendant.

TOXIC TORT/ENVIRONMENTAL

22 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

23 INTRODUCTION

24 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
25 failure of defendant GENSACO, INC. (hereinafter "Defendant"), to give clear and reasonable
26 warnings to those residents of California who handle, use, and drink beverages made in, espresso
27 machines that utilize leaded brass components (hereinafter referred to as "espresso machines"),
28 that handling, use of, and drinking beverages made in these espresso machines causes those

1 residents to be exposed to lead compounds such as, lead acetate, lead phosphate, and lead
2 subacetate (hereinafter, collectively, "lead"). The types of products to which this Complaint
3 pertains are those types listed in the Product List appended to the 60-Day Notice Letters that are
4 attached to and incorporated by reference into this Complaint. Lead is known to the State of
5 California to cause cancer, birth defects and male and female reproductive toxicity. Defendant
6 distributes, and/or markets espresso machines. These products cause exposures to lead and lead
7 compounds, which are chemicals known to the State of California to cause cancer, birth defects
8 and other reproductive harm.

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

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

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

1 PARTIES

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 Defendants 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
12 Code Section 25249.11. Defendant is a business that distributes, and/or markets espresso
13 machines in California, including the City and County of San Francisco. Distribution and/or
14 marketing of these products in the City and County of San Francisco and/or to people who live
15 in San Francisco, causes people to be exposed to lead and lead compounds while they are
16 physically 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. On
20 that same date, substantively identical letters were sent to the District Attorney for each of
21 California's 58 counties, and to the City Attorneys of each California city that has a population
22 greater than 750,000. Attached hereto and incorporated by reference is a copy of a 60 Day
23 Notice letter dated December 13, 2007, which Mateel sent to Defendant Gensaco, Inc. Attached
24 to the December 13, 2007 60-Day Notice Letter sent to the Defendant was a summary of
25 Proposition 65 that was prepared by California's Office of Environmental Health Hazard
26 Assessment. In addition, each 60-Day Notice Letter plaintiff sent to all of the above-referenced
27 entities was accompanied by a Certificate of Service attesting to the service of the 60-Day Notice
28 Letter on each entity which received it. Pursuant to California Health & Safety Code Section

1 25249.7(d). A Certificate of Merit attesting to the reasonable and meritorious basis for the action
2 was also sent with each 60-Day Notice Letter. Factual information sufficient to establish the
3 basis of the Certificate of Merit was enclosed with the 60-Day Notice letter that Mateel sent to
4 the Attorney General.

5 8. Defendant has more than ten people who work for it.

6 JURISDICTION

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

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

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

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

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

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

1 drinking of beverages made using Defendant's espresso machines.

2 PRAYER FOR RELIEF

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

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

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

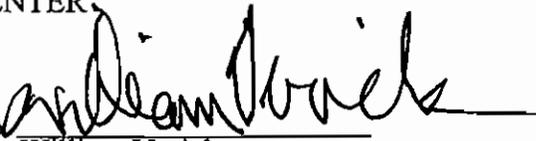
11 3. That Defendant be ordered to identify and locate each individual who purchased
12 espresso machines and provide a warning to each such person that the espresso machines the
13 person purchased will expose that person to chemicals known to cause birth defects.

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

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

17 Dated: February 28, 2008

18 KLAMATH ENVIRONMENTAL LAW
19 CENTER

20 By 
21 William Verick
22 Attorney for Plaintiff
23 Mateel Environmental Justice Foundation
24
25
26
27
28



Klamath

ENVIRONMENTAL
LAW CENTER

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 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
513 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
VISALLA, 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 95665

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

JOSE LUIS LOPEZ ASCASO
ASCASO FACTORY SL
ENERGIA, 39-41
POL. IND. FAMADAS
C.P. 08940 CORNELLIA DE LLOBREGAT
CORNELLIA/BARCELONA/SPAIN

STEVEN TEMARES, CEO
BED BATH & BEYOND, INC.
650 LIBERTY AVE
UNION, NJ 07083

VALDEMAR MARQUES RIBIERO
BRIEL-INDUSTRIA DE
ELECTRODOMESTICOS, SA.
RUA SIDONIO PAIS, 390 LUGAR DO RIO
NOGUEIRA DA MAIA
4475-498 MAIA PORTUGAL

FLORINDO FREGNAN, MANAGING
DIRECTOR
ELEKTRA SRL
VIA A. VOLTA 18
31030 DOSSON DI CASIER
ITALY

FRANCISIFRANCIS INTERNATIONAL -
SICETA A RESPONSABILITA LIMITADA
VIA CABOTO 19
34147 TRIESTE
ITALY

JEAN MARINO PALUDETTO
GAGGIA SPA
VIA GOMES CARLO 16
20124 MILANO
ITALY

ELVINO A. CAGNARDI, CEO
GENSACO, INC.
153 EAST 43RD STREET
NEW YORK, NY 10017-4012

ROBERT L. NARDELLI, CEO
HOME DEPOT U.S.A., INC.
2455 PACES FERRY ROAD
ATLANTA, GA 30339

ILLY CAFFE SPA
VIA FLAVIA 110
34147 TRIESTE
ITALY

GREGORY C. FEA, CEO
ILLY CAFFE NORTH AMERICA, INC.
200 CLEARBROOK ROAD
ELMSFORD, NY 10523

GREGORY C FEA, CEO
ILLY CAFFE NORTH AMERICA, INC.
800 WESTCHESTER AVE., SUITE S440
RYE BROOK, NY 10573

LA PAVONI SPA
VIA PRIVATA GORIZIA 7
20098 SAN GIULIANO MILANESE
(MILANO)
ITALY

NUOVA SIMONELLI SPA
VIA MADONNA DELL'ANTEGLANO, 6
62031 BELFORTE DEL CHIANTI
ITALY

JAMES DONALD, CEO
STARBUCKS CORPORATION
2401 UTAH AVENUE SOUTH
SUITE 800 MS-SLA1
SEATTLE, WA 98134

KATHY TIERNEY, CEO
SUR LA TABLE, INC.
5701 SIXTH AVE SOUTH #486
SEATTLE, WA 98108

PRODUCTS LIST

ASCASO

Purchased at:

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

ASCASO DREAM M.F. S/N# 034177 UPC: 786818 410131 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.

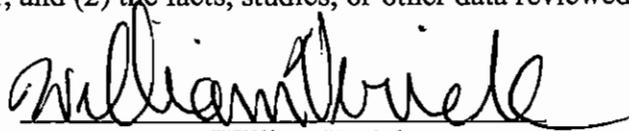
NUOVA SIMONELLI SPA

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



Klamath

December 13, 2007

Elvino A. Cagnardi, CEO
Gensaco, Inc.
PO Box 1399
New York, NY 10163-1399

Greetings:

This office and the Mateel Environmental Justice Foundation ("Mateel") give you notice that your 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 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. Your company did not and does not provide people with clear and reasonable warnings before you expose them to lead. These violations have occurred every day since at least December 13, 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 your company itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off your company's property and in each of California's 58 counties.

Cordially,



William Verick

PROOF OF SERVICE

I, Nicole Frank, declare:

I am a citizen of the United States and a resident of Humboldt County, California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 424 First Street, Eureka, CA 95501.

I am familiar with this office's practice whereby mail, after being placed in a designated area, is given the appropriate postage and is deposited in a U.S. mailbox in the City of Eureka, California, or which is personally delivered to the postmaster at the post office, or which is given the appropriate billing code, an appropriate shipping label affixed, and is deposited in the FedEx pickup box in Eureka, California at the close of the day's business.

On December 13, 2007, I served the within
60 DAY NOTICE LETTER DATED JUNE, 27, THE CERTIFICATE OF MERIT, SERVICE LIST;
AND PRODUCTS LIST
AND
60 DAY NOTICE LETTER DATED DECEMBER 13, 2007

 X by placing a true copy thereof enclosed in a sealed envelope with proper postage for Certified Mail and Return Receipt and giving it to the Postmaster in the City of Eureka addressed as set forth below:

Elvino A Cagnardi, CEO
Gensaco, Inc.
PO Box 1399
New York, NY 10163-1399

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 at Eureka, California on December 13, 2007.


Nicole Frank