

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
E-mail: wverick@igc.org

5 DAVID WILLIAMS, SBN 144479
6 BRIAN ACREE, SBN 202505
370 Grand Avenue, Suite 5
7 Oakland, CA 94610
Telephone: (510) 271-0826
8 Facsimile: (510) 271-0829
E-mail: dhwill7@gmail.com

9 Attorneys for Plaintiff,
10 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

14 MATEEL ENVIRONMENTAL
15 JUSTICE FOUNDATION,

16 Plaintiff,

17 v.

18 THE VOLLRATH COMPANY, THE
19 MEYER COMPANY

20 Defendant.

CASE NO. CGC 08-476369

21 **SECOND**
22 AMENDED COMPLAINT FOR
23 INJUNCTIVE RELIEF AND CIVIL
24 PENALTIES

25 TOXIC TORT/ENVIRONMENTAL

26 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

27 INTRODUCTION

28 1. This Complaint seeks civil penalties and an injunction to remedy the continuing failure of defendants THE VOLLRATH COMPANY and THE MEYER COMPANY (a.k.a. TOMLINSON INDUSTRIES) (hereinafter collectively "Defendants"), to give clear and reasonable warnings to those residents of California, who handle, use, and consume beverages and food made in or served from vessels that use leaded brass valves and stopcocks (hereinafter

ENDORSED
FILED
Superior Court of California
County of San Francisco

NOV 05 2009

GORDON PARK-LI, Clerk
BY: CAROLYN BALISTRERI
Deputy Clerk

1 referred to as “brass-valved vessels”), that handling, use of and consumption of food prepared in
2 or served from these brass-valved vessels causes those residents to be exposed to lead and lead
3 compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter, collectively, “lead”).
4 The types of products to which this Complaint pertains are those types described in the
5 Proposition 65 60-Day Notice Letters that are attached to and incorporated by reference into this
6 Amended Complaint. Lead is known to the State of California to cause cancer, birth defects and
7 male and female reproductive toxicity. Defendant distributes, and/or markets brass-valved
8 vessels or the brass-valves used in these vessels. These products cause exposures to lead and lead
9 compounds, which are chemicals known to the State of California to cause cancer, birth defects
10 and other reproductive harm.

11 2. Defendants market, and/or distribute brass-valved vessels, or the brass-valve used
12 in the vessel. Defendants intend that residents of California handle, use and consume food
13 prepared in the vessel or served through the brass-valve that Defendants market, and/or
14 distribute. When these products are handled and used in their normally intended manner and,
15 thus, when people consume food prepared in or served from, these brass-valved vessels, they are
16 exposed to lead. In spite of knowing that residents of California were and are being exposed to
17 these chemicals when they handle, use and consume food prepared in or served from brass-
18 valved vessels, Defendants did not and do not provide clear and reasonable warnings that these
19 products cause exposure to chemicals known to cause cancer, birth defects and other
20 reproductive harm.

21 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
22 to compel Defendants to bring its business practices into compliance with Health & Safety Code
23 Section 25249.5 et seq. by providing a clear and reasonable warning to each individual who has
24 been and who in the future may be exposed to the above mentioned toxic chemicals from the use
25 of Defendants’ products. Plaintiff seeks an order that Defendants identify and locate each
26 individual person who in the past has purchased brass-valved vessels or brass valves and to
27 provide to each such purchaser a clear and reasonable warning that the brass-valved vessel or
28 brass valve will cause exposures to chemicals known to cause birth defects.

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

4 PARTIES

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

14 6. Each Defendant is a person doing business within the meaning of Health & Safety
15 Code Section 25249.11. Defendant is a businesses that distributes, and/or markets brass-valved
16 vessels in California, including in the City and County of San Francisco. Distribution and/or
17 marketing of these products in the City and County of San Francisco and/or to people who live in
18 San Francisco, causes people to be exposed to lead and lead compounds while they are physically
19 present in the City and County of San Francisco.

20 7. Plaintiff brings this enforcement action against Defendant pursuant to Health &
21 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a
22 60-day Notice letter, dated March 12, 2008, and a copy of a 60-day Notice letter, dated August
23 13, 2009. Mateel sent each letter to California's Attorney General. Substantively identical letters
24 were sent to every District Attorney in the state, to the City Attorneys for every California city
25 with a population greater than 750,000. A letter substantially identical to the March 12, 2008
26 letter was sent to Defendant The Vollrath Company. A letter substantially identical to the August
27 13, 2009 letter was sent to The Meyer Company. Attached to each of the 60-Day Notice Letter
28 sent to each Defendant was a summary of Proposition 65 that was prepared by California's

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

8 8. Each Defendant employs more than ten people.

9 JURISDICTION

10 9. 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 6.6
13 of the Health & Safety Code, which contains the statutes under which this action is brought, does
14 not grant jurisdiction to any other trial court.

15 10. This Court also has jurisdiction over each Defendant because it is a businesses
16 that has sufficient minimum contacts in California and within the City and County of San
17 Francisco. Defendant intentionally availed itself of the California and San Francisco County
18 markets for brass-valved vessels. It is thus consistent with traditional notions of fair play and
19 substantial justice for the San Francisco Superior Court to exercise jurisdiction over Defendant.

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

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

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



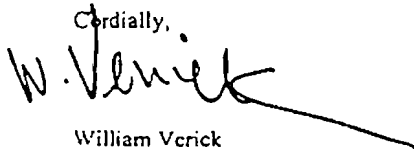
Klamath

March 12, 2008

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 Vollrath 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 lead alloys in the valves or stopcocks on coffee urns and stock pots (hereinafter "food and drink dispensers with leaded valves"), and when they drink beverages or consume food that has flowed through the leaded alloy valves/stopcocks. A specific example of the products to which this notice pertains is: Stainless Steel/Brass Spigot Coffee Urn Vol 46093; 4Q Qt Stock Pot Item No: 68640. These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of food and drink dispensers with leaded valves. The valves or stopcocks on these food and drink dispensers are made from metal alloys which contain 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 valves/stopcocks, such as when serving beverages from these products, when washing them, or when drinking beverages or consuming food that has flowed through the valves/stopcocks. Lead is transferred from the valves/stopcocks 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 valves/stopcocks into the beverages and food that flow through the valves/stopcocks and is then drunk or eaten. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. The Vollrath Company did not and does not provide people with clear and reasonable warnings before it exposes them to lead. These violations have occurred every day since at least March 11, 2005, and will continue every day until the lead is removed from the brass valves/stopcocks, 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 food and drink dispensers with leaded valves made outside of California, except as to workplaces The Vollrath Company itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off The Vollrath Company's 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

LEONARD G. WELLS
DEPUTY ATTORNEY GENERAL
OFFICE OF THE ATTORNEY
GENERAL
P.O. BOX 7044
OAKLAND, CA 94612-0554

OFFICE OF THE CITY ATTORNEY
CITY OF OAKLAND
501 4TH ST. 11TH FLOOR
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY
CITY OF SAN FRANCISCO
CITY HALL ROOM 704
401 VANNESS
SAN FRANCISCO, CA 94102

OFFICE OF THE CITY ATTORNEY
CITY OF SACRAMENTO
540 9th Street, 10th Floor
SACRAMENTO, CA 95814

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
151 W. MISSION ST.
SAN JOSE, CA 95101

OFFICE OF THE CITY ATTORNEY
CITY OF LOS ANGELES
1000 MAIN ST.
LOS ANGELES, CA 90012

OFFICE OF THE CITY ATTORNEY
CITY OF SAN DIEGO CONSUMER &
ENVIRONMENTAL PROTECTION
1300 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 A. JONES
P.O. BOX 244
MARKLEVILLE, CA 96121

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF AMADOR
100 COURT STREET
LAGUNA, CA 94642

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF BUTTE
25 COUNTY CENTER DR
OROVILLE, CA 95967

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF CALAVERAS
GOVERNMENT CENTER
100 MOUNTAIN RANCH ROAD
SAN ANDREAS, CA 95349

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF COLUSA
300 MARKET STREET
COLUSA, CA 95923

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF CONTRA COSTA
P.O. BOX 471
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF DEL NORTE
400 WEST 4TH
CRESCENT CITY, CA 95531

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF EL DORADO
200 MAIN ST.
DORADO, CA 95832

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF FRESNO
200 E. CLARE ST. #104
FRESNO, CA 93701

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF GLENN
P.O. BOX 410
WILLOWS, CA 95986

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF HUMBOLDT
823 3TH 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
1213 TRUXTUN AVE. FLOOR 4
BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF KINGS
1400 W. LACEY BLVD.
HANTORD, CA 93230

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LAKE
233 N. FORBES ST. # 424
LAKEPORT, CA 95453

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LASSEN
220 SOUTH LASSEN ST. STE. 1
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LOS ANGELES
18000 CROWNAL 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
P.O. 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 95317

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 730
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 95601-2687

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
320 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 95033

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 #702
STOCKTON, CA 95202

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #150
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
1323 COURT ST
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNVILLE, CA 95936

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SISKIYOU
P.O. BOX 1946
YREKA, CA 96097

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SOLANO
500 UNION AVE
FAIRFIELD, CA 94533

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SONOMA
600 ADMINISTRATION DR. #212J
SANTA ROSA, CA 95401

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF STANISLAUS
1100 1ST. #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
300 50TH VICTORIA AVE
VENTURA, CA 93009

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YOLO
301 SECOND STREET
WOODLAND, CA 95693

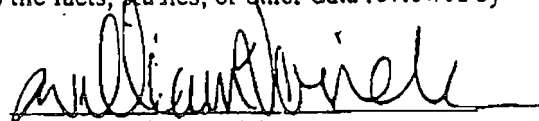
OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 3TH ST.
MARYSVILLE, CA 95901

TOM BELOT, PRESIDENT
TERRY J. KOELLER, CEO
THE WILLRATH COMPANY
1236 N 34TH 18TH STREET
SHEBECYGAN, WI 53082-0111

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: March 12, 2008

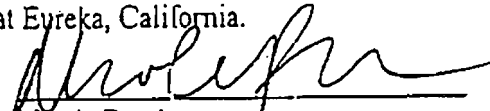

William Verick

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 compliance 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 March 12, 2008, 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 March 12, 2008, at Eureka, California.


Nicole Frank

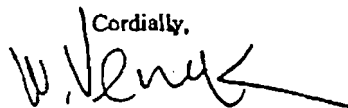


August 13, 2009

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 companies 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 the brass valves or stopcocks on beverage dispensers such as lemonade jars, coffee urns, stock pots, coffee machines, soda machines and beverage servers, (hereinafter "brass valved beverage dispensers"), and when they drink beverages that have flowed through the leaded brass valves/stopcocks that the listed businesses market. Specific examples of the products to which this notice pertains are listed on the attached products list. Though a specific model or SKU or product number is given as an example, this notice pertains to all models, and all variations, of the specific type of product of which the named model is an example. The valves or stopcocks on these brass valved beverage dispensers 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 whenever they handle the brass valves/stopcocks, such as when serving beverages from these products, when washing them, or when drinking beverages that have flowed through the brass valves/stopcocks. 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 brass into the beverages that flow through the brass valves/stopcocks and is then drunk. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. These private businesses either market the brass spigots/faucets themselves, or market the finished beverage dispensers that utilize the brass stopcocks/faucets. The listed companies 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 August 13, 2006, and will continue every day until the lead is removed from the brass valves/stopcocks, 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 valved beverage dispenser made outside of California, except as to workplaces the companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off the companies private business properties 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
PO BOX 1948
SACRAMENTO, CA 95812-1948

OFFICE OF THE CITY ATTORNEY
CITY OF SAN JOSE
200 EAST SANTA CLARA STREET
SAN JOSE, CA 95113

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
MARPLEVILLE, CA 96120

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF AMADOR
708 COURT STREET
JACKSON, CA 95842

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF BUTTE
25 COUNTY CENTER DR.
OAKVILLE, 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 93525

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF KERN
1215 TRUXTON AVE. FLOOR 4
BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF KINGS
1400 W. LACEY BLVD.
HANTFORD, 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
720 SOUTH LASSEN ST. STE 8
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF LOS ANGELES
1800 CRIMINAL COURTS
BUILDING
110 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
704 SOUTH COURT STREET
ALTURAS, CA 96101

OFFICE OF THE DISTRICT
ATTORNEY
COUNTY OF MONO
P.O. BOX 617
BRIDGEPORT, CA 95117

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
116 UNION STREET
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
10410 JUSTICE CENTER DR., STE 240
ROSEVILLE, CA 95678

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
330 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 BERNITO
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, SUITE 1100
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
272 E. WEBER AVE #702
STOCKTON, CA 95202

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER #450
SAN LUIS OBISPO, CA 93403

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. #100
SANTA CRUZ, CA 95060

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 319
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 #174
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

DAVID W. LI, PRESIDENT
D.W.L. INTERNATIONAL TRADING, INC
65 INDUSTRIAL RD
LODI, NJ 07644

H. P. MEYER, PRESIDENT
THE MEYER COMPANY, INC
13700 BROADWAY AVE
CLEVELAND, OH 44123

PRESIDENT OR CEO
TOMLINSON INDUSTRIES
13700 BROADWAY AVE
CLEVELAND, OH 44123

DEAN J SMITH, CEO
WEB INFUSIONS, LLC
759 RED RIVER TRL
IRVING, TX 75063

DEAN J SMITH, CEO
WEB INFUSIONS
6004 RIVERSIDE DR. BLDO B
IRVING, TX 75039

PRODUCT LIST

DWL INDUSTRIES CO./D.W.L. INTERNATIONAL TRADING INC.

PURCHASED AT: INSTAWARES.COM

**WINWARE BY WINCO STAINLESS STEEL JUICE DISPENSER WITH GOLD
PLATED ACCENT TRIM ITEM #901 UPC CODE: 812944 005658** This product description
pertains not only to the specific model of the product listed, but also for all units of all models of
brass valved beverage dispensers.

THE MEYER COMPANY, INC./TOMLINSON INDUSTRIES

The types of spigots/faucets that are on the following stockpots/beverage dispensers/coffee urns,
regardless of whether these types of spigots are on stockpots/beverage dispensers/coffee urns
other than those listed below:

**VOLLRATH 2 GALLON NYNY COLD BEVERAGE/JUICE DISPENSER 92246280;
VOLLRATH 3 GALLON COFFEE URN 46093 UPC CODE: 029419 097371; VOLLRATH 40
QT. STOCK POT WITH FAUCET SERIAL # Z125-00373696-001 68641 UPC CODE: 029419
353200; VOLLRATH 32 QUART HEAVY DUTY ALUMINUM STOCK POT WITH SPIGOT
PART # 68631 SKU# SOVOL68631 serial # Y329-00344456-001 UPC CODE: 029419 363187;
40 QT STOCK POT ITEM ID 68640; COFFEE URN VOL 46093** These product descriptions
pertain not only to the specific model of the products listed, but also for all units of all models of
brass valved beverage dispensers.

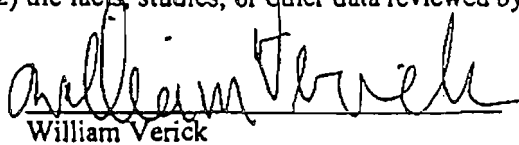
WEB INFUSIONS LLC

**MESSINA 204 OZ GLASS JAR; POMPEII INFUSION JAR; SIENA INFUSION JAR;
VERONA MINI INFUSION JAR; CURVED NECK SPIGOT** These product descriptions pertain
not only to the specific model of the products listed, but also for all units of all models of brass
valved beverage dispensers.

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: August 13, 2009

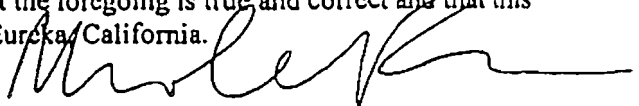

William Verick

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 August 13, 2009, 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 August 13, 2009, at Eureka, California.



Nicole Frank