

ENDORSED  
FILED  
SAN FRANCISCO COUNTY  
SUPERIOR COURT

2010 APR 12 AM 1:03

CLERK OF THE COURT  
BY: ~~DESS, DUTK~~

CASE MANAGEMENT CONFERENCE SET

SEP 10 2010 - 9<sup>00</sup> AM

DEPARTMENT 212

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brianacree@earthlink.net

10 Attorneys for Plaintiff,  
11 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN FRANCISCO  
14 (Unlimited Jurisdiction)

15 MATEEL ENVIRONMENTAL  
16 JUSTICE FOUNDATION,

CASE NO. **08C-10-498559**

17 Plaintiff,

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

18 v.

19 MICRO MATIC, USA, INC.; MICRO  
20 MATIC, A/S; MICRO MATIC USA, LLC;  
21 and NORTH AMERICAN DISPENSE  
SYSTEM, INC.,

TOXIC TORT/ENVIRONMENTAL

22 Defendants.

23 \_\_\_\_\_ /  
24 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

25 INTRODUCTION

26 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
27 failure of Defendants MICRO MATIC, USA, INC.; MICRO MATIC A/S; MICRO MATIC  
28 USA, LLC; and NORTH AMERICAN DISPENSE SYSTEM, INC. (hereinafter individually

1 "Defendant" or collectively, "Defendants"), to give clear and reasonable warnings to those  
2 residents of California, who handle and use, and drink beverages stored or dispensed from drink  
3 dispensers which use leaded brass valves, stopcocks or beer taps ("Brass Drink Dispensing  
4 Products"), that handling and use of and drinking from these Brass Drink Dispensing Products  
5 causes those residents to be exposed to lead and lead compounds, lead acetate, lead phosphate,  
6 and lead subacetate (hereinafter, collectively, "lead"). The types of products to which this  
7 Complaint pertains are those types listed in the Product List appended to the Proposition 65  
8 Notice of Violation Letter that is attached to and incorporated by reference into this Complaint.  
9 Lead is known to the State of California to cause cancer, birth defects and male and female  
10 reproductive toxicity. Each Defendant distributes, and/or markets Brass Drink Dispensing  
11 Products. These Brass Drink Dispensing Products cause exposures to lead and lead compounds,  
12 which are chemicals known to the State of California to cause cancer, birth defects and other  
13 reproductive harm.

14 2. Each Defendant markets, and/or distributes Brass Drink Dispensing Products.  
15 Defendant intends that residents of California handle, use and drink beverages stored or  
16 contained in the Brass Drink Dispensing Products that each Defendant markets, and/or  
17 distributes. When these products are handled and used in their normally intended manner and  
18 when people drink beverages that have been stored in or contained in these products the people  
19 is exposed to lead. In spite of knowing that residents of California were and are being exposed to  
20 lead when they handle, use and drink beverages contained or stored in Brass Drink Dispensing  
21 Products, each Defendant did not and does not provide clear and reasonable warnings that these  
22 products cause exposure to chemicals known to cause cancer, birth defects and other  
23 reproductive harm.

24 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
25 to compel each Defendant to bring its business practices into compliance with section 25249.5 et  
26 seq. by providing a clear and reasonable warning to each individual who has been and who in the  
27 future may be exposed to the above mentioned toxic chemicals from the use of Defendant's  
28 Brass Drink Dispensing Products. Plaintiff seeks an order that each defendant identify and locate

1 each individual person who in the past has purchase Brass Drink Dispensing Products and to  
2 provide to each such purchaser a clear and reasonable warning that the product will cause  
3 exposures to chemicals known to cause birth defects.

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

#### 7 PARTIES

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

17 6. Each Defendant is a person doing business within the meaning of Health & Safety  
18 Code Section 25249.11. Each Defendant is a business that distributes, and/or markets Brass  
19 Drink Dispensing Products in California, including the City and County of San Francisco.  
20 Distribution and/or marketing of these products in the City and County of San Francisco and/or  
21 to people who live in San Francisco, causes people to be exposed to lead and lead compounds  
22 while they are physically present in the City and County of San Francisco.

23 7. Plaintiff brings this enforcement action against each defendant pursuant to Health  
24 & Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a  
25 60-day Notice letter, dated December 23, 2009, which Mateel sent to California's Attorney  
26 General. Substantively identical letters were sent to every District Attorney in the state, and to  
27 the City Attorneys of every California city with a population greater than 750,000, and to each  
28 defendant. Attached to the 60-Day Notice Letter sent to each defendant was a summary of

1 Proposition 65 that was prepared by California's Office of Environmental Health Hazard  
2 Assessment. In addition, each 60-Day Notice Letter plaintiff sent was accompanied by a  
3 Certificate of Service attesting to the service of the 60-Day Notice Letter on each entity which  
4 received it. Pursuant to California Health & Safety Code Section 25249.7(d), a Certificate of  
5 Merit attesting to the reasonable and meritorious basis for the action was also sent with each 60-  
6 Day Notice Letter. Factual information sufficient to establish the basis of the Certificate of Merit  
7 was enclosed with the 60-Day Notice letter Mateel sent to the 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  
13 6.6 of the Health & Safety Code, which contains the statutes under which this action is brought,  
14 does not grant jurisdiction to any other trial court.

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

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

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

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

1 if specifically set forth herein, paragraphs 1 through 11, inclusive.

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

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

9 15. Since at least December 23, 2006, each Defendant has engaged in conduct that  
10 violates Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
11 intentionally exposing to the above mentioned toxic chemicals, those California residents who  
12 handle, use or drink beverages stored or contained in Brass Drink Dispensing Products. The  
13 normally intended use of Brass Drink Dispensing Products causes exposure to lead and lead  
14 compounds, which are chemicals known to the State of California to cause cancer, birth defects  
15 and other reproductive harm. Each Defendant has not provided clear and reasonable warnings,  
16 within the meaning of Health & Safety Code Sections 25249.6 and 25249.11.

17 16. At all times relevant to this action, each Defendant knew that the Brass Drink  
18 Dispensing Products it distributed or marketed were causing exposures to lead and lead  
19 compounds. Each Defendant intended that residents of California handle, use and drink  
20 beverages stored or contained in Brass Drink Dispensing Products in such ways as would lead to  
21 significant exposures to these chemicals.

22 17. By the above described acts, each Defendant has violated Cal. Health & Safety  
23 Code § 25249.6 and is therefore subject to an injunction ordering them to stop violating  
24 Proposition 65, to provide warnings to all present and future customers and to provide warnings  
25 to their past customers who purchased that defendant's products without receiving a clear and  
26 reasonable warning.

27 SECOND CAUSE OF ACTION  
28 (Claim for Civil Penalties)

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

3 19. By the above described acts, each Defendant is liable and should be liable  
4 pursuant to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each  
5 individual exposed without proper warning to lead and lead compounds from the handling, use  
6 of, or the drinking of beverages stored or contained in Defendant's Brass Drink Dispensing  
7 Products.

8 PRAYER FOR RELIEF

9 Wherefore, plaintiff prays for judgment against each Defendant, as follows:

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

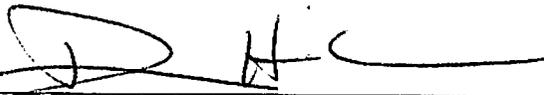
13 2. Pursuant to the Second Cause of Action, that each Defendant be assessed a civil  
14 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section  
15 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of  
16 Defendant's distributing or marketing of Brass Drink Dispensing Products;

17 3. That each Defendant be ordered to identify and locate each individual who  
18 purchased Brass Drink Dispensing Products and provide a warning to each such person that the  
19 Brass Drink Dispensing Product the person purchased will expose that person to chemicals  
20 known to cause birth defects.

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

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

24 Dated: April 11, 2010

25  
26 By   
27 David H. Williams  
28 Attorney for Plaintiff  
Mateel Environmental Justice Foundation



# Klamath

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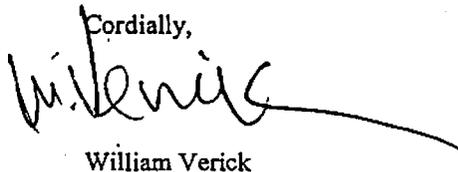
ENVIRONMENTAL  
LAW CENTER

December 23, 2009

PROPOSITION 65 ENFORCEMENT REPORTING  
ATTENTION: PROP 65 COORDINATOR  
1515 CLAY STREET, SUITE 2000  
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 valves, beer taps or stopcocks that are made in whole or in part of brass or other metal alloys containing lead, on beverage dispensers such as lemonade jars, coffee urns, and beverage servers, (hereinafter "beverage dispensers"), and when they drink beverages that have flowed through the lead bearing valves, beertaps or stopcocks that the listed businesses market. Specific examples of the products to which this notice pertains are listed on the attached products list. The valves or stopcocks on these brass valved beverage dispensers are made from brass or other metal alloys containing 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, beertaps, or stopcocks, such as when serving beverages from these products, when washing them, or when drinking beverages that have flowed through them. Lead is transferred from the valves, beertaps, or 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, beertaps, or stopcocks into the beverages that flow through them and is then drunk. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. 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 December 23, 2006, and will continue every day until the lead is removed from the valves, beertaps, or 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

# SERVICE LIST

PROPOSITION 65 ENFORCEMENT  
REPORTING  
ATTENTION: PROP 65 COORDINATOR  
1515 CLAY STREET, SUITE 2000  
PUS 1 OFFICE 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  
MARKLEEVILLE, CA 96120

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF AMADOR  
708 COURT STREET  
JACKSON, CA 95642

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF BUTTE  
25 COUNTY CENTER DR.  
OROVILLE, CA 95965

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF CALAVERAS  
GOVERNMENT CENTER  
891 MOUNTAIN RANCH ROAD  
SAN ANDREAS, CA 95249

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF COLUSA  
547 MARKET STREET  
COLUSA, CA 95932

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF CONTRA COSTA  
P.O. BOX 670  
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF DEL NORTE  
450 H ST #171  
CRESCENT CITY, CA 95531

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF EL DORADO  
515 MAIN ST.  
PLACERVILLE, CA 95667

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF FRESNO  
2220 TULARE ST #1000  
FRESNO, CA 93721

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF GLENN  
P.O. BOX 430  
WILLOWS, CA 95988

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF HUMBOLDT  
825 5TH ST.  
EUREKA, CA 95501

COUNTY OF IMPERIAL  
COURTHOUSE, FLOOR 2  
939 W. MAIN ST  
EL CENTRO, CA 92243

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF INYO  
P.O. DRAWER D  
INDEPENDENCE, CA 93526

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

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

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

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF LASSEN  
220 SOUTH LASSEN ST. STE 8  
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF LOS ANGELES  
18000 CRIMINAL COURTS  
BUILDING  
210 W. TEMPLE ST.  
LOS ANGELES, CA 90012

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MADERA  
209 W. YOSEMITE AVE.  
MADERA, CA 93637

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MARIN  
HALL OF JUSTICE #183  
SAN RAFAEL, CA 94903

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MARIPOSA  
P.O. BOX 730  
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MENDOCINO  
PO BOX 1000  
UKIAH, CA 95482

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MERCED  
2222 M ST.  
MERCED, CA 95340

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MODOC  
204 SOUTH COURT STREET  
ALTURAS, CA 96101

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MONO  
P.O. BOX 617  
BRIDGEPORT, CA 93517

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF MONTEREY  
240 CHURCH STREET  
P.O. BOX 1131  
SALINAS, CA 93902

COUNTY OF NAPA  
931 PARKWAY MALL  
P.O. BOX 720  
NAPA, CA 94559-0720

OFFICE OF THE DISTRICT  
ATTORNEY  
COUNTY OF NEVADA

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  
10810 JUSTICE CENTER DR., STE 240  
ROSEVILLE, CA 95678

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, 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  
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  
DOWNEYVILLE, 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 95404

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 #224  
VISALIA, CA 93291

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TUOLUMNE  
2 S. GREEN ST.  
SONORA, CA 95370

VENTURA COUNTY DISTRICT ATTORNEY'S  
OFFICE  
800 SOUTH VICTORIA AVE  
VENTURA, CA 93009

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

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

JOHN F CALLAHAN, CEO  
CAL-MIL PLASTIC PRODUCTS, INC.  
4979 CALLE PLATINO  
OCEANSIDE, CA 92056

JAN AALBERTS, CHAIRMAN  
CRAIG SWANSON, GENERAL MANAGER  
NORTH AMERICAN DISPENSE SYSTEMS, INC.  
3240 NORTHWESTERN  
SAN ANTONIO, TX 78238-4043

SØREN K. VILBY, CEO  
MICRO MATIC A/S  
HOLKEBERGVEJ 48  
5250 ODENSE SV  
DENMARK

TORBEN TOFTEGAARD, MANAGER  
IRMELIN TOFTEGAARD, MANAGER  
KURT CHRISTIANSEN, MANAGER  
PETER J MUZZONIGRO, MANAGER  
MICRO MATIC USA, LLC  
2386 TURBINE CRT.  
BROOKSVILLE, FL 34604

PETER MUZZONIGRO, CEO  
MICRO MATIC USA, INC.  
19791 BAHAMA ST  
NORTH RIDGE, CA 91324

JOHN HJALMARSON, PRESIDENT  
JIM GERSON PRESIDENT  
THE GERSON COMPANY  
1450 SOUTH LONE ELM  
OLATHE, KS 66061

NORMAN GLASSBURG, PRESIDENT  
TRADE ASSOCIATES GROUP LTD  
1730 W WRIGHTWOOD AVE  
CHICAGO, IL 60614-1972

## PRODUCT LIST

### **CAL-MIL PLASTIC PRODUCTS, INC.**

S/S STEEL BEVERAGE DISPENSER ITEM# , UPC #688640 118134. This product description pertains not only to the specific type of product listed, but also for all units of all similar products that are beverage dispensers with brass spigots.

### **Micro Matic A/S; MICRO MATIC USA, INC.; MICRO MATIC USA, LLC**

2 1/2" COLUMN - BRASS FINISH ITEM # D4740B; G LEGEND W/ GOLD PLATED BASE ITEM # 7509E-G. These product descriptions pertain not only to the specific types of products listed, but also for all units of all similar products with brass parts that are used to dispense beverages.

### **NORTH AMERICAN DISPENSE SYSTEMS, INC.**

POLISHED BRASS BEER FAUCET W/BRASS LEVER MM4933KBR; CHROME FAUCET W/SS LEVER BF CFSL; ECONOMY BRASS GUINNESS STOUT BEER FAUCET TF SF2000; ECONOMY CHROME PLATED GUINNESS STOUT BEER FAUCET TF 2001; POLISHED BRASS BEER FAUCET W/BRASS LEVER; 5/16" - 3 1/8" SHANK WITH 5/16" OD BOR ITEM # 4333A-5/16; CHROME FAUCET W/ BRASS LEVER ITEM#CFBL; COUPLER ASSEMBLY 3" X 5/16" ITEM# 605A-5; RESTRICTED ROD PUMP ASSEMBLY WITH 8" METAL PUMP ITEM # JERR-9; KEG TAP COUPLER -D SYSTEM-LEVER HANDLE ITEM# KT85D-L; STAINLESS STEEL COIL TIGHTLY WRAPPED 50' ITEM #C050X These product descriptions pertain not only to the specific types of products listed, but also for all units of all similar products with brass parts that are used to dispense beverages.

### **THE GERSON COMPANY**

2.5 GAL GLASS BEVERAGE SERVER W/METAL BASE, ITEM#31556, UPC # 037916 315560; 2.5 GAL GLASS BEVERAGE SERVER W/METAL BASE ITEM#31558, UPC # 037916 315584. These product descriptions pertain not only to the specific types of products listed, but also for all units of all similar products that are beverage dispensers with brass spigots.

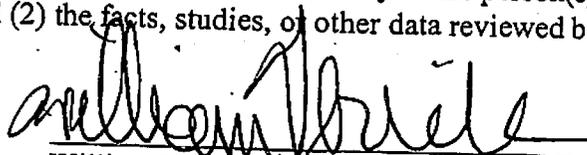
### **TRADE ASSOCIATES GROUP LTD.**

TAG CERAMIC BEVERAGE DISPENSER CODE 187-8547.G; TAG FLORA LIME GREEN CERAMIC 42-CUP DRINK DISPENSER #550598. These product descriptions pertain not only to the specific types of products listed, but also for all units of all similar products that are beverage dispensers with brass spigots.

**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: December 23, 2009

  
William Verick

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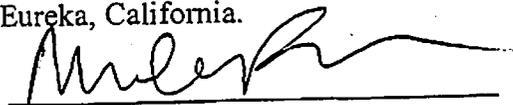
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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.

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**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 December 23, 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 December 23, 2009, at Eureka, California.

  
Nicole Frank