

1 WILLIAM VERICK, SBN 140972  
2 KLAMATH ENVIRONMENTAL LAW CENTER  
3 FREDRIC EVENSON, SBN 198059  
4 424 First Street  
5 Eureka, CA 95501  
6 Telephone: (707) 268-8900  
7 Fax: (707) 268-8901  
8 E-mail: wverick@igc.org  
9 E-mail: ecorights@earthlink.net

6 DAVID WILLIAMS, SBN 144479  
7 BRIAN ACREE, SBN 202505  
8 370 Grand Avenue, Suite 5  
9 Oakland, CA 94610-4874  
10 Telephone: (510) 271-0826  
11 Fax: (510) 271-0829  
12 E-mail: dhwill7@gmail.com  
13 E-mail: brianacree@earthlink.net

11 Attorneys for Plaintiff,  
12 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO  
15 (Unlimited Jurisdiction)

16 MATEEL ENVIRONMENTAL  
17 JUSTICE FOUNDATION,

18 Plaintiff,

19 v.

20 H.D. HUDSON MANUFACTURING  
21 COMPANY; AMAZON.COM, INC.; DO IT  
22 BEST CORP.; ORCHARD SUPPLY  
23 STORES; WAL-MART  
24 STORES, INC.

25 Defendants.

CASE NO. ~~000~~-10-500847

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

BUSINESS TORT

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 H.D. HUDSON MANUFACTURING COMPANY; AMAZON.COM,

SUMMONS ISSUED  
**FILED**  
San Francisco County Superior Court

JUN 21 2010

CLERK OF THE COURT

BY: Deputy Clerk  
**DENNIS T. ...**

ASE MANAGEMENT CONFERENCE SF

NOV 19 2010

9:00 AM

DEPARTMENT 212

1 INC.; DO IT BEST CORP.; ORCHARD SUPPLY HARDWARE STORES; and WAL-MART  
2 STORES, INC. (hereinafter "Defendants"), to give clear and reasonable warnings to those  
3 residents of California, who handle, use and/or maintain sprayers and sprayer accessories  
4 marketed by Defendant H.D. Hudson Manufacturing company ("H.D. Hudson") that handling  
5 and use of H.D. Hudson's sprayers causes those residents to be exposed to lead and lead  
6 compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter, collectively, "lead").  
7 These sprayers and sprayer accessories (collectively hereinafter "sprayers") utilize components  
8 that are made from leaded brass. The specific H.D. Hudson sprayers at issue in the complaint are  
9 those listed in the Products Lists of the Proposition 65 Notice of Violation Letter that is attached  
10 to this complaint and which is incorporated into it. Lead is known to the State of California to  
11 cause cancer, birth defects and male and female reproductive toxicity. Defendants manufacture,  
12 distribute, and/or market H.D. Hudson sprayers. These products cause exposures to lead and lead  
13 compounds, which are chemicals known to the State of California to cause cancer, birth defects  
14 and other reproductive harm.

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

23 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
24 to compel Defendants to bring their business practices into compliance with section 25249.5 et  
25 seq. by providing a clear and reasonable warning to each individual who has been and who in the  
26 future may be exposed to the above mentioned toxic chemicals from the use of Defendants'  
27 products.

28 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure

1 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known  
2 to cause cancer, birth defects and other reproductive harm. Plaintiff also seeks an order that  
3 defendants identify and locate each individual person who in the past has purchased H.D.  
4 Hudson sprayers and to provide to each such purchaser a clear and reasonable warning that the  
5 H.D. Hudson sprayers will cause exposures to chemicals known to cause birth defects.

6  
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 H.D. Hudson sprayers  
15 manufactured, distributed or marketed by Defendants and are so exposed without a clear and  
16 reasonable Proposition 65 warning.

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

23 7. Plaintiff brings this enforcement action against Defendants pursuant to Health &  
24 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a  
25 Notice of Violation letter dated March 11, 2010, which Mateel sent to California's Attorney  
26 General. Letters identical in substance were sent to every District Attorney in the state, and to the  
27 City Attorneys of every California city with a population greater than 750,000. On those same  
28 respective dates, Mateel sent an identical Notice of Violation letter to each defendant. Attached

1 to the Notice of Violation Letters sent to each defendant was a summary of Proposition 65 that  
2 was prepared by California's Office of Environmental Health Hazard Assessment. In addition,  
3 each Notice of Violation Letter plaintiff sent was accompanied by a Certificate of Service  
4 attesting to the service of the Notice of Violation Letter on each entity which received it.  
5 Pursuant to California Health & Safety Code Section 25249.7(d), a Certificate of Merit attesting  
6 to the reasonable and meritorious basis for the action was also sent with each Notice of Violation  
7 Letter. Factual information sufficient to establish the basis of the Certificate of Merit was  
8 enclosed with the Notice of Violation letter Mateel sent to the Attorney General.

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

#### 10 JURISDICTION

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

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

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

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

28 12. Plaintiff realleges and incorporates by reference into this First Claim for Relief, 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 persons who, in the course of doing business, knowingly and intentionally expose any  
7 individual to a chemical known to the State of California to cause cancer or birth defects must  
8 first provide a clear and reasonable warning to such individual prior to the exposure.

9 15. Since at least March 11, 2007, Defendants have engaged in conduct that violates  
10 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
11 intentionally exposing to the above mentioned toxic chemicals, those California residents who  
12 handle, use, and/or maintain H.D. Hudson sprayers. The normally intended use of H.D. Hudson  
13 sprayers causes exposure to lead and lead compounds, which are chemicals known to the State of  
14 California to cause cancer, birth defects and other reproductive harm. Defendants have not  
15 provided clear and reasonable warnings, within the meaning of Health & Safety Code Sections  
16 25249.6 and 25249.11.

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

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

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

28 18. Plaintiff realleges and incorporates by reference into this First Claim for Relief, as

1 if specifically set forth herein, paragraphs 1 through 17, inclusive.

2 19. By the above described acts, Defendants are liable and should be liable pursuant  
3 to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each

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1 individual exposed to lead and lead compounds from the handling or use of Defendants' H.D.  
2 Hudson sprayers.

3 PRAYER FOR RELIEF

4 Wherefore, plaintiff prays for judgment against DEFENDANTS, as follows:

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

8 B. Pursuant to the Second Cause of Action, that each Defendants be assessed a civil  
9 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section  
10 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of  
11 Defendants' manufacturing, distributing or marketing of H.D. Hudson sprayers;

12 C. That Defendants be ordered to identify and locate each individual who purchased  
13 H.D. Hudson sprayers and provide a warning to each such person that the H.D. Hudson sprayers  
14 the person purchased will expose that person to chemicals known to cause birth defects.

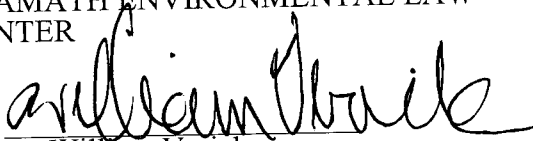
15 D. That Defendants be ordered to pay Mateel's attorney's fees and costs incurred in  
16 prosecuting this action.

17 E. For such other relief as this court deems just and proper.

18 Dated: May 27, 2010

19 KLAMATH ENVIRONMENTAL LAW  
20 CENTER

21 By



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



March 11, 2010

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 for both Mateel and this office. The above referenced violations occur when California residents use and/or maintain the sprayers and sprayer accessories (hereinafter collectively, "sprayers") listed on the attached Product List. These sprayers are manufactured and/or marketed by H.D. Hudson Mfg. Co. These sprayers expose people to lead and lead compounds (hereinafter "lead") while those people are physically present within the geographical boundaries of the state of California. These sprayers cause lead exposures when people touch components of these products that are made of leaded brass. Components of these products that are made of leaded brass are: the control valves, the spray wands, the extension assemblies, the connectors, and the nozzles and nozzle assemblies (hereinafter "leaded brass components"). People have to touch these leaded brass components when they hold the spray wand while spraying, when they adjust the spray pattern, and when they maintain or replace the spray wands. Lead is continuously on the surface of the leaded brass components and when people touch the leaded brass components, lead from the components comes off on the hands of these people. Lead is thus transferred from the sprayers to the hands of the people using and/or maintaining these products. The lead then enters their bodies when it is absorbed directly through the skin, through mucous membranes, or through cuts and/or abrasions, when the lead-exposed sprayer-users touch their hands to their mouths and other mucous membranes, or when they touch cigarettes or food and then smoke the cigarettes or ingest the food. These exposures thus occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. The listed private businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. The above referenced violations have occurred every day since at least March 11, 2007, and will continue every day until the lead is taken out of these products or until warnings are given. These 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 leaded-brass or bronze tools 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 listed businesses' properties and in each of California's 58 counties.

Cordially,

A handwritten signature in black ink that reads "W. Verick". The signature is written in a cursive style with a long horizontal stroke at the end.

William Verick



# SERVICE LIST

PROPOSITION 65 ENFORCEMENT REPORTING  
ATTENTION: PROP 65 COORDINATOR  
1515 CLAY STREET, SUITE 2000  
POST 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  
110 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  
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  
DOWNIEVILLE, CA 95936

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SISKIYOU  
P.O. BOX 986  
YREKA, CA 96097

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

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SONOMA  
600 ADMINISTRATION DR. #212J  
SANTA ROSA, CA 95403

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF STANISLAUS  
1100 I ST. #200  
MODESTO, CA 95354

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF SUTTER  
1160 CIVIC CENTER BLVD. #A  
YUBA CITY, CA 95993

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TEHAMA  
P.O. BOX 519  
REDBLUFF, CA 96080

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TRINITY  
P.O. BOX 310  
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF TULARE  
COURTHOUSE #224  
VISALIA, CA 93291

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

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

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

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

JEFFREY P. BEZOS, CEO  
AMAZON.COM, INC.  
1200 12TH AVE. SOUTH, SUITE 1200  
SEATTLE, WA 98144-2734

ROBERT TAYLOR, PRESIDENT  
DO IT BEST CORP.  
6502 NELSON ROAD  
FORT WAYNE, IN 46803

R C HUDSON III, CEO  
H. D HUDSON MANUFACTURING COMPANY  
170 HILLTOP AVE  
BARRINGTON, IL 60010

ROBERT M LYNCH, CEO  
ORCHARD SUPPLY HARDWARE STORES CORPORATION  
3333 BEVERLY ROAD  
HOFFMAN ESTATES, IL 60179

MICHAEL DUKE, PRESIDENT  
WAL-MART STORES, INC.  
702 SW 8TH STREET SUITE 0555  
BENTONVILLE, AR 72716-0555

## PRODUCT LIST

### AMAZON.COM

HUDSON 2-N-1 YARD & GARDEN SPRAYER 3 GALLON MODEL #66193 UPC CODE: 029925 661936;  
HUDSON LIMITED EDITION SPRAYER 2 GALLON MODEL #1905S2 UPC CODE: 029925 109056;  
HUDSON 2 N 1 SPRAYER 1 GALLON #66191 UPC CODE: 029925 661912; HUDSON 2 N 1 SPRAYER 2  
GALLON MODEL #66192 UPC CODE: 029925 661929; HUDSON CURING COMPOUND SPRAYER 3.52  
GALLON MODEL #91004CCV UPC CODE: 690247 910042

### DO IT BEST CORP.

HUDSON 2-N-1 YARD & GARDEN SPRAYER 2 GALLON MODEL #66192 UPC CODE: 029925 661929;  
HUDSON 2 N 1 DECK & FENCE SPRAYER 1 GALLON #66191 UPC CODE: 029925 661912; HUDSON  
CONE NOZZLE-BRASS SPRAYER PARTS #69940 UPC CODE: 029925 699403; HUDSON 2 N 1 YARD &  
GARDEN SPRAYER 3 GALLON MODEL #66193 UPC CODE: 029925 661936

### H.D. HUDSON MANUFACTURING COMPANY

HUDSON EXT-18" CURVED BRASS W/BRASS CONE NOZZLE 141-402 UPC CODE: 029925 414020;  
HUDSON PARTS NOZZLE CAP 9206889; HUDSON 2 N 1 DECK & FENCE SPRAYER 1 GALLON MODEL  
#66191 UPC CODE: 029925 661912; HUDSON 2 N 1 YARD & GARDEN SPRAYER 3 GALLON MODEL  
#66193 UPC CODE: 029925 661936; HUDSON BUGWISER SPRAYER 1.3 GALLON MODEL 67215 UPC  
CODE: 029925 672154; HUDSON CONE NOZZLE-BRASS SPRAYER PARTS #69940 UPC CODE: 029925  
699403; HUDSON 2-N-1 YARD & GARDEN SPRAYER 2 GALLON MODEL #66192 UPC CODE: 029925  
661929; GENUINE SPRAYER SERVICE PARTS FLAT FAN NOZZLE-BRASS 115-405 UPC CODE: 029925  
154056; HUDSON CURING COMPOUND SPRAYER 3.52 GALLON MODEL #91004CCV UPC CODE: 690247  
910042; HUDSON GENUINE SPRAYER SERVICE PARTS CONE-NOZZLE-BRASS 69940 UPC CODE:  
029925 699403; HUDSON LIMITED EDITION SPRAYER 2 GALLON MODEL #1905S2 UPC CODE: 029925  
109056; RANGER BAK-PAK FIRE PUMP SKU# 69024794015 5-GALLON

### ORCHARD SUPPLY HARDWARE

HUDSON BUGWISER SPRAYER 1.3 GALLON MODEL 67215 UPC CODE: 029925 672154; HUDSON  
GENUINE SPRAYER SERVICE PARTS CONE-NOZZLE-BRASS 69940 UPC CODE: 029925 699403;  
GENUINE SPRAYER SERVICE PARTS FLAT FAN NOZZLE-BRASS 115-405 UPC CODE: 029925 154056;  
HUDSON PARTS FAN NOZZLE CAP SKU 9206905 115-405/115-403; HUDSON EXT-18' CURVED BRASS  
W/BRASS CONE NOZZLE REPLACEMENT SPRAY WAND 141-102 UPC CODE: 029925 414020

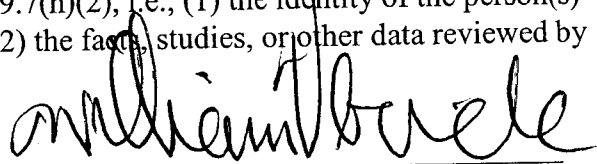
### WAL-MART STORES, INC.

HUDSON BUGWISER SPRAYER 1.3 GALLON MODEL # 67215 UPC CODE: 029925 672154

**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 11, 2010



William Verick

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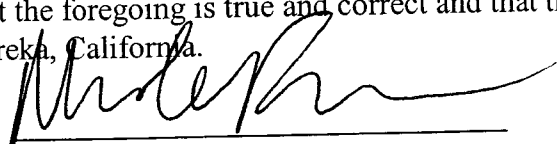
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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 March 11, 2010, 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 11, 2010, at Eureka, California.



Nicole Frank