

**ENDORSED  
FILED**  
San Francisco County Superior Court

DEC - 9 2010

CLERK OF THE COURT  
BY: PARAM NATT  
Deputy Clerk

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  
wverick@igc.org  
5 ecorights@earthlink.net

6 DAVID WILLIAMS, SBN 144479  
BRIAN ACREE, SBN 202505  
7 Public Interest Lawyers Group  
370 Grand Avenue, Suite 5  
8 Oakland, CA 94610  
Telephone: (510) 271-0826  
9 Facsimile: (510) 271-0829  
davidwilliams@earthlink.net  
10 brianacree@earthlink.net

CASE MANAGEMENT CONFERENCE SET

MAY 13 2011 9<sup>00</sup> AM

DEPARTMENT 212

11 Attorneys for Plaintiff,  
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO  
(Unlimited Jurisdiction)

16 MATEEL ENVIRONMENTAL  
JUSTICE FOUNDATION,

CASE NO. CGC-10-505984

17 Plaintiff,

18 v.

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

20 BRINKER RESTAURANT CORPORATION  
and CHILI'S INC.  
21 Defendants.

TOXIC TORT/ENVIRONMENTAL

22 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

23 INTRODUCTION

24 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
25 failure of defendants BRINKER RESTAURANT CORPORATION and CHILI'S, INC.  
26 (hereinafter "Defendants"). to give clear and reasonable warnings to those residents of  
27 California, who contact the chili pepper-shaped door handles of Chili's restaurants. Defendants  
28

1 failed to warn these California residents that contact with these door handles causes those  
2 residents to be exposed to lead and lead compounds, lead acetate, lead phosphate, and lead  
3 subacetate (hereinafter, collectively, "lead"). The above-referenced "contact" occurs when  
4 California residents grasp the door handle to open the front door to Chili's restaurants, or when  
5 residents touch the handle to clean or maintain it. The above-referenced door handles are made  
6 from leaded copper alloys, such as brass (hereinafter "leaded brass"). This complaint pertains to  
7 all California Chili's restaurants that utilize leaded brass-door handles. Lead is known to the  
8 State of California to cause cancer, birth defects and male and female reproductive toxicity.  
9 Defendants' California restaurants utilize leaded brass door handles. These door handles cause  
10 exposures to lead and lead compounds, which are chemicals known to the State of California to  
11 cause cancer, birth defects and other reproductive harm.

12 2. Defendants own and/or operate California restaurants that utilize leaded brass  
13 door handles. Defendants intend that residents of California contact these door handles on the  
14 California restaurants that Defendants own and/or operate. When these door handles are  
15 contacted in their normally intended manner, they expose people to lead. In spite of knowing that  
16 residents of California were and are being exposed to these chemicals when they contact leaded  
17 brass door handles, Defendants did not and do not provide clear and reasonable warnings that  
18 these door handles cause exposure to chemicals known to cause cancer, birth defects and other  
19 reproductive harm.

20 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
21 to compel Defendants to bring their business practices into compliance with section 25249.5 et  
22 seq. by providing a clear and reasonable warning to each individual who has been and who in the  
23 future may be exposed to lead from contact with Defendants' door handles. Plaintiff also seeks  
24 an order that defendants provide warnings to people who in the past were exposed to lead from  
25 Defendants' chili pepper-shaped leaded brass door handles.

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

PARTIES

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

10           6.     Defendants are each a person doing business within the meaning of Health &  
11 Safety Code Section 25249.11. Defendants are businesses that own and/or operate California  
12 restaurants that utilize chili pepper-shaped leaded brass door handles. Contact with Defendants’  
13 door handles at restaurants located in California, including restaurants located in the City and  
14 County of San Francisco, causes people to be exposed to lead and lead compounds while they  
15 are physically present in the City and County of San Francisco.

16           7.     Plaintiff brings this enforcement action against Defendants pursuant to Health &  
17 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a  
18 Notice of Violation letter dated September 15, 2010, which Mateel sent to California’s Attorney  
19 General. Substantially identical letters were sent to the District Attorney for each of California’s  
20 58 counties, and to the City Attorney of each California city that has a population greater than  
21 750,000. On that same day, Mateel sent identical Notice of Violation letters to each defendant.  
22 Attached to the Notice of Violation Letters sent to each defendant was a summary of Proposition  
23 65 that was prepared by California’s Office of Environmental Health Hazard Assessment. In  
24 addition, each Notice of Violation Letter plaintiff sent was accompanied by a Certificate of  
25 Service attesting to the service of the Notice of Violation Letter on each entity that received it.  
26 Pursuant to California Health & Safety Code Section 25249.7(d), a Certificate of Merit attesting  
27 to the reasonable and meritorious basis for the action was also sent with each Notice of Violation  
28 Letter. Factual information sufficient to establish the basis of the Certificate of Merit was

1 enclosed with the Notice of Violation letter Mateel sent to the Attorney General.

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

3 JURISDICTION

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

9 10. This Court also has jurisdiction over Defendants because they are businesses that  
10 have sufficient minimum contacts in California and within the City and County of San Francisco.  
11 Defendants intentionally opened, own and/or operate restaurants in the California and San  
12 Francisco County markets. It is thus consistent with traditional notions of fair play and  
13 substantial justice for the San Francisco Superior Court to exercise jurisdiction over them.

14 11. Venue is proper in this Court because Defendants operate their restaurants in and  
15 around San Francisco and thus cause people to be exposed to lead and lead compounds while  
16 those people are physically present in San Francisco. Liability for Plaintiff's causes of action, or  
17 some parts thereof, has accordingly arisen in San Francisco during the times relevant to this  
18 Complaint and Plaintiff seeks civil penalties and forfeitures imposed by statutes.

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

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

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

26 14. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates  
27 that persons who, in the course of doing business, knowingly and intentionally expose any  
28 individual to a chemical known to the State of California to cause cancer or birth defects must

1 first provide a clear and reasonable warning to such individual prior to the exposure.

2 15. Since at least September 15, 2007, Defendants have engaged in conduct that  
3 violates Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
4 intentionally exposing to lead, those California residents who contact Defendants' leaded brass  
5 door handles. People who enter Defendants' restaurants in the normally intended way — *by*  
6 *opening the front door* — are exposed to lead and lead compounds, which are chemicals known  
7 to the State of California to cause cancer, birth defects and other reproductive harm. Defendants  
8 have not provided clear and reasonable warnings, within the meaning of Health & Safety Code  
9 Sections 25249.6 and 25249.11.

10 16. At all times relevant to this action, Defendants knew that contact with the leaded  
11 brass door handles on their restaurants were causing exposures to lead and lead compounds.  
12 Defendants intended that residents of California contact Defendants' leaded brass door handles  
13 in such ways as would lead to significant exposures to these chemicals.

14 17. By the above described acts, Defendants have violated Cal. Health & Safety Code  
15 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition  
16 65 and requiring them to provide warnings to their past and future customers who contact, or  
17 who have contacted or will contact Defendants' leaded brass door handles.

18 SECOND CAUSE OF ACTION  
19 (Claim for Civil Penalties)

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

22 19. By the above described acts, Defendants are liable and should be liable pursuant  
23 to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each time an  
24 individual was exposed without proper warning to lead and lead compounds from the contact  
25 with Defendants' leaded brass door handles.

26 PRAYER FOR RELIEF

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

28 1. Pursuant to the First Cause of Action, that all Defendants be enjoined, restrained,

1 and ordered to comply with the provisions of Section 25249.6 of the California Health & Safety  
2 Code;

3 2. Pursuant to the Second Cause of Action, that Defendants be assessed a civil  
4 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section  
5 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of  
6 contact with Defendants' leaded brass door handles;

7 3. That Defendants be ordered to provide Proposition 65-complaint warning to those  
8 people who, in the past, came into contact with Defendants' leaded brass door handles.

9 4. That Defendant be ordered to pay Mateel's attorney's fees and costs incurred in  
10 prosecuting this action.

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

12 Dated: December 9, 2010

13  
14  
15 By   
16 David Williams  
17 Attorney for Plaintiff  
18 Mateel Environmental Justice Foundation  
19  
20  
21  
22  
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24  
25  
26  
27  
28



# Klamath

ENVIRONMENTAL  
LAW CENTER

September 15, 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 businesses on the attached service list have been, are, will 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 brass handles on the entrance doors to Chili's restaurants (collectively "Chili's door handles"). Chili's door handles are made in whole, or in part, from leaded brass, 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 put their hands on the Chili's door handles to open and close the doors to Chili's restaurants. Lead is transferred from the Chili's door handles to their 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. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. These businesses did not and do not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since at least September 15, 2007 and will continue every day until the lead is removed from the Chili's door handles, 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 products made outside of California, except as to workplaces these businesses themselves maintain in California.

Cordially,

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 95842

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  
500 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

TODD DIENER, PRESIDENT  
CHILIS, INC.  
6820 LBJ FWY  
DALLAS, TX 75240-6511

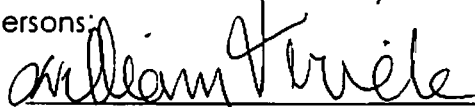
BRYAN D. MCCRORY, CEO  
BRINKER RESTAURANT CORPORATION  
6820 LBJ FWY  
DALLAS, TX 75240-6511



### 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: September 15, 2010

  
William Verick

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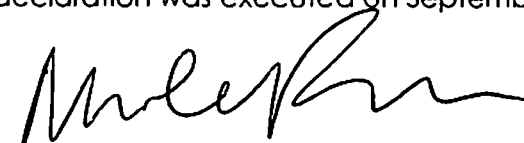
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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 September 15, 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 September 15, 2010, at Eureka, California.

  
Nicole Frank