

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES
 NOTICE OF CASE ASSIGNMENT - UNLIMITED CIVIL CASE
 Case Number _____

BC454452

THIS FORM IS TO BE SERVED WITH THE SUMMONS AND COMPLAINT

Your case is assigned for all purposes to the judicial officer indicated below (Local Rule 7.3©). There is additional information on the reverse side of this form

ASSIGNED JUDGE	DEPT	ROOM	ASSIGNED JUDGE	DEPT	ROOM
Hon. Carolyn B. Kuhl	1	534	Hon. Holly E. Kendig	42	416
Hon. J. Stephen Czuleger	3	224	Hon. Mel Red Recana	45	529
Hon. Luis A. Lavin	13	630	Hon. Debre Katz Weintraub	47	507
Hon. Terry A. Green	14	300	Hon. Elizabeth Allen White	48	506
Hon. Richard Fruin	15	307	Hon. Deirdre Hill	49	509
Hon. Rita Miller	16	306	Hon. John Shepard Wiley Jr.	50	508
Hon. Richard E. Rico	17	309	Hon. Abraham Khan	51	511
Hon. Rex Heeseman	19	311	Hon. Susan Bryant-Deason	52	510
Hon. Kevin C. Brazile	20	310	Hon. John P. Shook	53	513
Hon. Zaven V. Sinanian	23	315	Hon. Ernest M. Hiroshige	54	512
Hon. Robert L. Hess	24	314	Hon. Malcolm H. Mackey	55	515
Hon. Mary Ann Murphy	25	317	Hon. Michael Johnson	56	514
Hon. James R. Dunn	26	316	Hon. Ralph W. Dau	57	517
Hon. Yvette M. Palazuelos	28	318	Hon. Rolf M. Treu	58	516
Hon. John A. Kronstadt	30	400	Hon. David L. Minning	61	632
Hon. Alan S. Rosenfield	31	407	Hon. Michael L. Stern	62	600
Hon. Mary H. Strobel	32	406	Hon. Kenneth R. Freeman	64	601
Hon. Charles F. Palmer	33	409	Hon. Mark Mooney	68	617
Hon. Amy D. Hogue	34	408	Hon. Ramona See	69	621
Hon. Daniel Buckley	35	411	Hon. Soussan G. Bruguera	71	729
Hon. Gregory Alarcon	36	410	Hon. Ruth Ann Kwan	72	731
Hon. Joanne O'Donnell	37	413	Hon. Teresa Sanchez-Gordon	74	735
Hon. Maureen Duffy-Lewis	38	412	Hon. William F. Fahey	78	730
Hon. Michael C. Solner	39	415	Hon. Emilie H. Elias*	324	CCW
Hon. Michelle R. Rosenblatt	40	414	other		
Hon. Ronald M. Sohigian	41	417			

***Class Actions**

All class actions are initially assigned to Judge Emilie H. Elias in Department 324 of the Central Civil West Courthouse (600 S. Commonwealth Ave., Los Angeles 90005). This assignment is for the purpose of assessing whether or not the case is complex within the meaning of California Rules of Court, rule 3.400. Depending on the outcome of that assessment, the class action case may be reassigned to one of the judges of the Complex Litigation Program or reassigned randomly to a court in the Central District.

Given to the Plaintiff/Cross-Complainant/Attorney of Record on _____ **JOHN A. CLARKE**, Executive Officer/Clerk
 By _____, Deputy Clerk

1 GIDEON KRACOV (SBN 179815)
801 S. Grand Avenue, Ste. 1100
2 Los Angeles, CA 90017
213.629.2071
3 FAX 213.623.7755
gk@gideonlaw.net

4 Attorneys for Plaintiff
5 Environmental Research Center

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

FEB 04 2011

John A. Clarke, Executive Officer/Clerk
By A.E. LaFleur-Clayton, Deputy
A.E. LaFLEUR-CLAYTON

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7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

BC454452

11 ENVIRONMENTAL RESEARCH CENTER,)
a non-profit California corporation;)
12 Plaintiff,)
13 v.)
14 GREAT AMERICAN PRODUCTS, INC.,)
DOES 1 through 10;)
15 Defendant(s).)
16)
17)

Case No. _____

COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES

Health & Safety Code §25249.5, et seq.

18 Plaintiff Environmental Research Center brings this action in the interests of the
19 general public and, on information and belief, hereby alleges:

20 INTRODUCTION

21 1. This action seeks to remedy Defendant(s)' continuing failure to warn thousands
22 of consumers in California that they are being exposed to lead, a substance known to the State
23 of California to cause cancer, birth defects and other reproductive harm. Defendant(s)
24 manufactures, packages, distributes, markets, and/or sells in California certain herbal products
25 including Green Spectrum Powder, Joint Absorb-Lemon Lime Flavor, Master Protein & Fiber
26 and Red Spectrum containing lead (the "PRODUCTS").

1 2. Lead and lead compounds (hereinafter, the "LISTED CHEMICALS") are
2 substances known to the State¹ of California to cause cancer, birth defects and other
3 reproductive harm.

4 3. The use and/or handling of the PRODUCTS causes exposures to the LISTED
5 CHEMICALS at levels requiring a "clear and reasonable warning" under California's Safe
6 Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code ("H&S Code")
7 §25249.5, *et seq.* (also known as "Proposition 65"). Defendant(s) has failed to provide the
8 health hazard warnings required by Proposition 65.

9 4. Defendant(s)' continued manufacturing, packaging, distributing, marketing
10 and/or sales of the PRODUCTS without the required health hazard warnings, causes
11 individuals to be involuntarily and unwittingly exposed to levels of the LISTED CHEMICALS
12 that violate Proposition 65.

13 5. Plaintiff seeks injunctive relief enjoining Defendant(s) from the continued
14 manufacturing, packaging, distributing, marketing and/or sales of the PRODUCTS in
15 California without provision of clear and reasonable warnings regarding the risks of cancer,
16 birth defects and other reproductive harm posed by exposure to the LISTED CHEMICALS
17 through the use and/or handling of the PRODUCTS. Plaintiff seeks an injunctive order
18 compelling Defendant(s) to bring its business practices into compliance with Proposition 65 by
19 providing a clear and reasonable warning to each individual who has been and who in the
20 future may be exposed to LISTED CHEMICALS from the use of the PRODUCTS. Plaintiff
21 also seeks an order compelling Defendant(s) to identify and locate each individual person who
22 in the past has purchased the PRODUCTS, and to provide to each such purchaser a clear and
23 reasonable warning that the use of the PRODUCTS will cause exposures to the LISTED
24 CHEMICALS.

25
26

¹ All statutory and regulatory references herein are to California law, unless otherwise specified.

1 corporate, associate or otherwise, are presently unknown to PLAINTIFF, who therefore sue
2 said Defendants by such fictitious names. PLAINTIFF will amend this Complaint to show
3 their true names and capacities when the same have been ascertained.

4 14. DEFENDANT(S) manufactures, packages, distributes, markets and/or sells the
5 PRODUCTS for sale or use in California and in Los Angeles County.

6 STATUTORY BACKGROUND

7 15. The People of the State of California have declared in Proposition 65 their right
8 "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
9 reproductive harm." (Section 1(b) of Initiative Measure, Proposition 65).

10 16. To effect this goal, Proposition 65 requires that individuals be provided with a
11 "clear and reasonable warning" before being exposed to substances listed by the State of
12 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent
13 part:

14 No person in the course of doing business shall knowingly and intentionally
15 expose any individual to a chemical known to the state to cause cancer or
16 reproductive toxicity without first giving clear and reasonable warning to such
17 individual....

18 17. Proposition 65 provides that any person "violating or threatening to violate" the
19 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7.) The phrase
20 "threatening to violate" is defined to mean creating "a condition in which there is a substantial
21 likelihood that a violation will occur." (H&S Code §25249.11(e).) Violators are liable for civil
22 penalties of up to \$2,500 per day for each violation of the Act. (H&S Code §25249.7.)

23 FACTUAL BACKGROUND

24 18. On February 27, 1987, the State of California officially listed the chemical lead
25 as a chemical known to cause reproductive toxicity. Lead became subject to the warning
26 requirement one year later and was therefore subject to the "clear and reasonable" warning
requirements of Proposition 65 beginning on February 27, 1988. (27 California Code of
Regulations ("CCR") §25000, *et seq.*; H&S Code §25249.5, *et seq.*)

1 19. On October 1, 1992, the State of California officially listed the chemicals lead
2 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became
3 subject to the warning requirement one year later and were therefore subject to the "clear and
4 reasonable" warning requirements of Proposition 65 beginning on October 1, 1993. (27 CCR §
5 25000, *et seq.*; H&S Code §25249.6, *et seq.*)

6 20. PLAINTIFF is informed and believes, and based on such information and belief
7 alleges the PRODUCTS have been distributed and/or sold to individuals in California without
8 clear and reasonable warning since at least October 22, 2007. The PRODUCTS continue to be
9 distributed and sold in California without the requisite warning information.

10 21. As a proximate result of acts by DEFENDANT(S), as a person in the course of
11 doing business within the meaning of Health & Safety Code §25249.11, individuals throughout
12 the State of California, including in the County of Los Angeles, have been exposed to the
13 LISTED CHEMICALS without clear and reasonable warning. The individuals subject to the
14 violative exposures include normal and foreseeable users of the PRODUCTS, as well as all
15 other persons exposed to the PRODUCTS.

16 22. At all times relevant to this action, DEFENDANT(S) has knowingly and
17 intentionally exposed the users and/or handlers of the PRODUCTS to LISTED CHEMICALS
18 without first giving a clear and reasonable warning to such individuals.

19 23. Individuals using or handling the PRODUCTS are exposed to the LISTED
20 CHEMICALS in excess of the "maximum allowable daily" and "no significant risk " levels
21 determined by the State of California, as applicable, within the meaning of H&S Code
22 §25249.10(c).

23 24. At all times relevant to this action, DEFENDANT(S) has, in the course of doing
24 business, failed to provide individuals using and/or handling the PRODUCTS with a clear and
25 reasonable warning that the PRODUCTS expose individuals to the LISTED CHEMICALS.

26 25. The PRODUCTS continue to be distributed and sold in California without the
requisite clear and reasonable warning.

1
2 **FIRST CAUSE OF ACTION**

3 **(Injunctive Relief for Violations of Health and Safety Code § 25249.5, et seq. concerning**
4 **the PRODUCTS described in PLAINTIFF's October 22, 2010 60-Day Notice of**
5 **Violation)**

6 **Against All DEFENDANT(S) and DOES**

7 26. PLAINTIFF realleges and incorporates by reference Paragraphs 1 through 25,
8 inclusive, as if specifically set forth herein.

9 27. On October 22, 2010, PLAINTIFF sent a 60-Day Notice of Proposition 65
10 violations to the requisite public enforcement agencies, and to all defendants ("Notice")
11 attached hereto as Exhibit A. The Notice was issued pursuant to, and in compliance with, the
12 requirements of H&S Code §25249.7(d) and the statute's implementing regulations regarding
13 the notice of the violations to be given to certain public enforcement agencies and to the
14 violator. The notice given included, *inter alia*, the following information: the name, address,
15 and telephone number of the noticing individual; the name of the alleged violator; the statute
16 violated; the approximate time period during which violations occurred; and descriptions of the
17 violations, including the chemicals involved, the routes of toxic exposure, and the specific
18 product or type of product causing the violations, and was issued as follows:

- 19 a. DEFENDANT(S) and the California Attorney General were provided
20 copies of the Notice by Certified Mail.
- 21 b. DEFENDANT(S) was provided a copy of a document entitled "The Safe
22 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
23 Summary," which is also known as Appendix A to Title 27 of CCR
24 §25903.
- 25 c. The California Attorney General was provided with a Certificate of Merit
26 by the attorney for the noticing party, stating that there is a reasonable
and meritorious case for this action, and attaching factual information
sufficient to establish a basis for the certificate, including the identify of
the persons consulted with and relied on by the certifier, and the facts

1 studies, or other data reviewed by those persons, pursuant to H&S Code
2 §25249.7(h) (2).

3 28. The appropriate public enforcement agencies have failed to commence and
4 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against
5 DEFENDANT(S) based on the allegations herein.

6 29. By committing the acts alleged in this Complaint DEFENDANT(S) at all times
7 relevant to this action, and continuing through the present, has violated H&S Code §25249.6 by,
8 in the course of doing business, knowingly and intentionally exposing individuals who use or
9 handle the PRODUCTS set forth in the Notice to the LISTED CHEMICALS, without first
10 providing a clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6
11 and 25249.11(f).

12 30. By the above-described acts, DEFENDANT(S) has violated H&S Code §
13 25249.6 and is therefore subject to an injunction ordering DEFENDANT(S) to stop violating
14 Proposition 65, to provide warnings to all present and future customers and to provide
15 warnings to DEFENDANT(S)' past customers who purchased or used the PRODUCTS
16 without receiving a clear and reasonable warning.

17 31. An action for injunctive relief under Proposition 65 is specifically authorized by
18 Health & Safety Code §25249.7(a).

19 32. Continuing commission by DEFENDANT(S), of the acts alleged above will
20 irreparably harm the citizens of the State of California, for which harm they have no plain,
21 speedy, or adequate remedy at law.

22 Wherefore, PLAINTIFF prays judgment against DEFENDANT(S), as set forth
23 hereafter.
24
25
26

1 **SECOND CAUSE OF ACTION**

2 **(Civil Penalties for Violations of Health and Safety Code § 25249.5, et seq. concerning the**
3 **PRODUCTS described in PLAINTIFF's October 22, 2010 60-Day Notice of Violation)**
4 **Against all DEFENDANT(S) and DOES**

5 33. PLAINTIFF realleges and incorporates by reference Paragraphs 1 through 32,
6 inclusive, as if specifically set forth herein.

7 34. On October 22, 2010, PLAINTIFF sent a 60-Day Notice of Proposition 65
8 violations to the requisite public enforcement agencies, and to DEFENDANT(S) attached hereto
9 as Exhibit A ("Notice"). The Notice was issued pursuant to, and in compliance with, the
10 requirements of H&S Code §25249.7(d) and the statute's implementing regulations regarding
11 the notice of the violations to be given to certain public enforcement agencies and to the
12 violator. The notice given included, *inter alia*, the following information: the name, address,
13 and telephone number of the noticing individual; the name of the alleged violator; the statute
14 violated; the approximate time period during which violations occurred; and descriptions of the
15 violations, including the chemicals involved, the routes of toxic exposure, and the specific
16 product or type of product causing the violations, and was issued as follows:

- 17 a. DEFENDANT(S) and the California Attorney General were provided
18 copies of the Notice by Certified Mail.
- 19 b. DEFENDANT(S) was provided a copy of a document entitled "The Safe
20 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
21 Summary," which is also known as Appendix A to Title 27 of CCR
22 §25903.
- 23 c. The California Attorney General was provided with a Certificate of Merit
24 by the attorney for the noticing party, stating that there is a reasonable
25 and meritorious case for this action, and attaching factual information
26 sufficient to establish a basis for the certificate, including the identify of
the persons consulted with and relied on by the certifier, and the facts
studies, or other data reviewed by those persons, pursuant to H&S Code

1 §25249.7(h) (2).

2 35. The appropriate public enforcement agencies have failed to commence and
3 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against
4 DEFENDANT(S) based on the allegations herein.

5 36. By committing the acts alleged in this Complaint, DEFENDANT(S) at all times
6 relevant to this action, and continuing through the present, has violated H&S Code §25249.6 by,
7 in the course of doing business, knowingly and intentionally exposing individuals who use or
8 handle the PRODUCTS set forth in the Notice to the LISTED CHEMICALS, without first
9 providing a clear and reasonable warning to such individuals pursuant to H&S Code §§ 25249.6
10 and 25249.11(f).

11 37. By the above-described acts, DEFENDANT(S) is liable, pursuant to H&S Code
12 §25249.7(b), for a civil penalty of \$2,500 per day per violation for each unlawful exposure to a
13 LISTED CHEMICAL from the PRODUCTS.

14 Wherefore, PLAINTIFF prays judgment against DEFENDANT(S), as set forth
15 hereafter.

16 **THE NEED FOR INJUNCTIVE RELIEF**

17 38. PLAINTIFF realleges and incorporates by this reference Paragraphs 1 through
18 37, as if set forth below.

19 39. By committing the acts alleged in this Complaint, DEFENDANT(S) has caused
20 irreparable harm for which there is no plain, speedy or adequate remedy at law. In the absence
21 of equitable relief, DEFENDANT(S) will continue to create a substantial risk of irreparable
22 injury by continuing to cause consumers to be involuntarily and unwittingly exposed to the
23 LISTED CHEMICALS through the use and/or handling of the PRODUCTS.

24 **PRAYER FOR RELIEF**

25 Wherefore, PLAINTIFF accordingly prays for the following relief:

26 A. a preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),
enjoining DEFENDANT(S), its agents, employees, assigns and all persons acting in concert or

1 participating with DEFENDANT(S), from distributing or selling the PRODUCTS in California
2 without first providing a clear and reasonable warning, within the meaning of Proposition 65,
3 that the users and/or handlers of the PRODUCTS are exposed to the LISTED CHEMICALS.

4 B. an injunctive order, pursuant to H&S Code §25249.7(b), compelling
5 DEFENDANT(S) to identify and locate each individual who has purchased the PRODUCTS
6 since October 22, 2007, and to provide a warning to such person that the use of the
7 PRODUCTS will expose the user to chemicals known to cause cancer, birth defects, and other
8 reproductive harm.

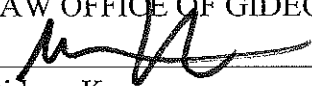
9 C. an assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),
10 against Defendant in the amount of \$2,500 per day for each violation of Proposition 65;

11 D. an award to PLAINTIFF of its reasonable attorneys fees and costs of suit
12 pursuant to California Code of Civil Procedure §1021.5, as PLAINTIFF shall specify in further
13 application to the Court; and,

14 E. such other and further relief as may be just and proper.

15
16 DATED: 2/9, 2011

LAW OFFICE OF GIDEON KRACOV



Gideon Kracov
Attorneys for Plaintiff
Environmental Research Center

EXHIBIT A



Environmental Research Center

5694 Mission Center Road #199
San Diego, CA 92108
619.309.4194

October 22, 2010

VIA CERTIFIED MAIL

Current CEO or President
Great American Products, Inc.
101 Mattie M Kelly Blvd
Destin, FL 32541

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550

Re: Notice of Violation against Great American Products, Inc. for Violation of California Health & Safety Code Section 25249.6

Dear Prosecutors:

The Environmental Research Center ("ERC"), the noticing entity is a California corporation whose mission is to safeguard the public from health hazards that impact families, workers and the environment. ERC is dedicated to reducing the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees and encouraging corporate responsibility. ERC is located at 5694 Mission Center Road, # 199, San Diego, CA 92108. Tel. (619) 309-4194, Executive Director: Chris Heptinstall. Through this Notice of Violation, ERC seeks to reduce exposure to the public from lead that is contained in the named products manufactured and distributed by Great American Products, Inc.

This letter constitutes notification that Great American Products, Inc. located at 101 Mattie M Kelly Blvd, Destin, FL 32541 has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with section 25249.5 of the Health and Safety Code).

In particular, this Company has manufactured and distributed products that have exposed and continue to expose numerous individuals within California to lead. Lead was listed pursuant to Proposition 65 as a chemical known to cause developmental toxicity, and male and female reproductive toxicity on February 27, 1987. Lead was listed pursuant to Proposition 65 as a carcinogen on October 1, 1992. The time period of these violations commenced one year after the listed dates above, at least since October 22, 2007, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to purchasers and users.

The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and recommended use of these products by consumers. Accordingly, the primary route of exposure for consumers has been oral through ingestion, but may also occur through the inhalation and/or dermal contact route of exposure.

Great American Products, Inc. is exposing people to lead from the following products:

- Great American Products Green Spectrum Powder**
- Great American Products - Joint Absorb-Lemon Lime Flavor**
- Great American Products - Master Protein & Fiber**
- Great American Products - Red Spectrum**

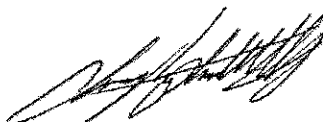
Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. Great American Products, Inc. is in violation of Proposition 65 because the Company failed to provide a warning to persons using their products that they are being exposed to lead. (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing people to lead without first providing clear and reasonable warning. (Health and Safety Code section 25249.6.) The method of warning should be a warning that appears on the product's label. 22 C.C.R. section 12601 (b)(1) (A).

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, ERC gives notice of the alleged violation to the noticed party and the appropriate governmental authorities. This notice covers all violations of Proposition 65 that are currently known to ERC from information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

Based on the allegations set forth in this Notice, ERC intends to file a citizen enforcement action against Great American Products, Inc. unless they agree in an enforceable written instrument to: instrument to: (1) recall or reformulate the listed products so as to eliminate further unwarned exposures to the identified chemicals; and (2) pay an appropriate civil penalty. Consistent with the public interest goals of Proposition 65, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemicals and expensive and time consuming litigation.

Please direct all questions concerning this notice to ERC's attorney, Gideon Kracov, 801 S. Grand Ave., 11th Fl., Los Angeles, CA 90017, 213-629-2071, gk@gideonlaw.net.

Sincerely,



Chris Heptinstall
Executive Director, Environmental Research Center

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

October 22, 2010

Page 3

cc: Karen A. Evans

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Great American Products, Inc. Only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

Re: Environmental Research Center's Notice of Proposition 65 Violations by Great American Products, Inc.

I, Gideon Kracov, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on 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 plaintiff's case can be established and that the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.



Dated: October 22, 2010

Gideon Kracov, Attorney At Law

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742

On October 22, 2010, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"**

On the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

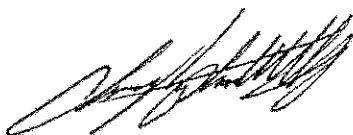
Current CEO or President
Great American Products, Inc.
101 Mattie M Kelly Blvd
Destin, FL 32541

On October 22, 2010, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a US Postal Service Office for delivery by Certified Mail:

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, CA 94612-0550

On October 22, 2010, I served the following documents: **NOTICE OF VIOLATION, CALIFORNIA HEALTH & SAFETY CODE §25249.5 *ET SEQ.*; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service for delivery by Priority Mail.

Executed on October 22, 2010, in Fort Oglethorpe, Georgia.



Chris Heptinstall

Service List

District Attorney, Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
547 Market Street
Colusa, CA 95932

District Attorney, Contra Costa County
900 Ward Street
Martinez, CA 94553

District Attorney, Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney, Imperial County
939 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
230 W. Line Street
Bishop, CA 93514

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Lassen County
220 South Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney, Los Angeles County
210 West Temple Street, Rm 345
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
2222 M Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
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