

SUMMONS ISSUED

**FILED**  
San Francisco County Superior Court

JUL 11 2011

CLERK OF THE COURT

BY: [Signature]  
Deputy Clerk

1 WILLIAM VERICK, CSB #140972  
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10 brianacree@earthlink.net

11 Attorneys for Plaintiff,  
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

12  
13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO  
15 (Unlimited Jurisdiction)

16 MATEEL ENVIRONMENTAL  
JUSTICE FOUNDATION,

CASE NO. **CGC-11-512375**

17 Plaintiff,

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

18 v.

19  
20 GODINGER SILVER ART LTD., and  
WILBUR CURTIS CO., 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 GODINGER SILVER ART LTD., and WILBUR CURTIS CO., INC.,  
26 (hereinafter "Defendants"), to give clear and reasonable warnings to those residents of California,  
27 who handle and use, and drink beverages stored in or served from drink dispensers, such as  
28

1 coffee and tea dispensers, that utilize valves, faucets, spigots and stopcocks made from lead-  
2 containing alloys (hereinafter referred to as "drink dispensers"), that handling and use of and  
3 drinking from these drink dispensers causes those residents to be exposed to lead and lead  
4 compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter, collectively, "lead").  
5 The types of products to which this Complaint pertains are those types listed in the Product Lists  
6 appended to the Proposition 65 Notice of Violation Letters that are attached to and incorporated  
7 by reference into this Complaint. Lead is known to the State of California to cause cancer, birth  
8 defects and male and female reproductive toxicity. Defendants distribute, and/or market drink  
9 dispensers. These products cause exposures to lead and lead compounds, which are chemicals  
10 known to the State of California to cause cancer, birth defects and other reproductive harm.

11 2. Defendants market, and/or distribute drink dispensers. Defendants intend that  
12 residents of California handle, use and drink beverages stored or contained in the drink  
13 dispensers that Defendants market, and/or distribute. When these products are handled and used  
14 in their normally intended manner and when people drink beverages that have been stored in or  
15 served from these drink dispensers the drink dispensers expose people to lead. In spite of  
16 knowing that residents of California were and are being exposed to this toxic heavy metal when  
17 they handle, use and drink beverages contained or served from drink dispensers, Defendants did  
18 not and do not provide clear and reasonable warnings that these products cause exposure to  
19 chemicals known to cause cancer, birth defects and other 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 the above mentioned toxic chemicals from the use of Defendants'  
24 products. Plaintiff seeks an order that defendants identify and locate each individual person who  
25 in the past has purchased drink dispensers and to provide to each such purchaser a clear and  
26 reasonable warning that the drink dispensers will cause exposures to chemicals known to cause  
27 birth defects.

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.

3 PARTIES

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

13 6. Defendants are persons doing business within the meaning of Health & Safety  
14 Code Section 25249.11. Defendants are businesses that distribute, and/or market drink dispensers  
15 in California, including the City and County of San Francisco. Distribution and/or marketing of  
16 these products in the City and County of San Francisco and/or to people who live in San  
17 Francisco, causes people to be exposed to lead and lead compounds while they are physically  
18 present in the City and County of San Francisco.

19 7. Plaintiff brings this enforcement action against Defendants pursuant to Health &  
20 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference are a copies of  
21 the Notice of Violation letters, dated May 13, 2010 and February 10, 2010, which Mateel sent to  
22 California's Attorney General. Substantively identical letters were sent to every District Attorney  
23 in the state, and to the City Attorneys of every California city with a population greater than  
24 750,000, and to each defendant. Attached to the Notice of Violation Letter sent to each  
25 defendant was a summary of Proposition 65 that was prepared by California's Office of  
26 Environmental Health Hazard Assessment. In addition, each Notice of Violation Letter plaintiff  
27 sent was accompanied by a Certificate of Service attesting to the service of the Notice of  
28 Violation Letter on each entity which received it. Pursuant to California Health & Safety Code

1 Section 25249.7(d), a Certificate of Merit attesting to the reasonable and meritorious basis for the  
2 action was also sent with each Notice of Violation Letter. Factual information sufficient to  
3 establish the basis of the Certificate of Merit was enclosed with the Notice of Violation letter  
4 Mateel sent to the Attorney General.

5 8. Each defendant employs more than ten people.

6 JURISDICTION

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

12 10. This Court also has jurisdiction over Defendants because they are businesses that  
13 have sufficient minimum contacts in California and within the City and County of San Francisco.  
14 Defendants intentionally availed themselves of the California and San Francisco County markets  
15 for drink dispensers. It is thus consistent with traditional notions of fair play and substantial  
16 justice for the San Francisco Superior Court to exercise jurisdiction over Defendants.

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

22 FIRST CAUSE OF ACTION  
23 (Claim for Injunctive Relief)

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

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



1 of, or the drinking of beverages stored or contained in Defendants' drink dispensers.

2 PRAYER FOR RELIEF

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

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

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


11 3. That Defendants be ordered to identify and locate each individual who purchased  
12 drink dispensers and provide a warning to each such person that the drink dispensers the person  
13 purchased will expose that person to chemicals known to cause birth defects.

14 4. That, pursuant to Civil Procedure Code § 1021.5, Defendants be ordered to pay to  
15 Plaintiff the attorneys fees and costs it incurred in bringing this enforcement action.

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

17 Dated: May 19, 2011

KLAMATH ENVIRONMENTAL LAW CENTER

18  
19  
20 By   
21 William Verick  
22 Attorney for Plaintiff  
23 Mateel Environmental Justice Foundation  
24  
25  
26  
27  
28



# Klamath

ENVIRONMENTAL  
LAW CENTER

March 13, 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 Godinger Silver Art LTD (hereinafter "Godinger") has been, is, will be and threatens to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual at both Mateel and this office. The above referenced violations occur when California residents come into contact with the brass valves, taps, faucets and stopcocks (hereinafter collectively "brass valves") that are made in whole or in part of brass or other metal alloys containing lead, on beverage dispensers such as coffee urns, and beverage servers, (hereinafter "beverage dispensers"), and when they drink beverages that have flowed through the lead bearing brass valves that your company markets. A specific example of the product to which this notice pertains is: SILVER PLATED 25 CUPS COFFEE URN STYLE #5090. These products also utilize leaded solder to fasten parts of these products together. This product description pertains not only to the specific model of the product listed, but also for all units of all models of drink dispensers with leaded valves. The brass valves on these 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 brass valves, 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 brass valves to peoples' hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred from the skin to the mouth via oral contact either directly with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten. Lead also leaches from the brass valves into the beverages that flow through them and is then drunk. Lead also leaches from the solder, which is exposed where there are plating defects. This lead thus leaches into the food and beverages that are stored in or served from these products. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. Godinger did not and does not provide people with clear and reasonable warnings before it expose them to lead. These violations have occurred every day since at least May 13, 2007, and will continue every day until the lead is removed from the brass valves 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 Godinger itself maintains in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off Godinger's 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  
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 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

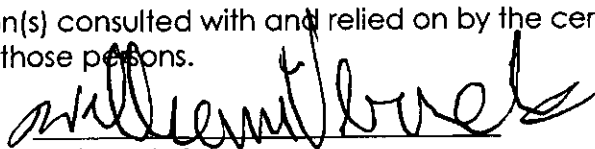
ARNOLD GODINGER, PRESIDENT  
GODINGER SILVER ART LTD.  
6315 TRAFFIC AVE  
RIDGECREEK, NY 11385



**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: May 13, 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.

---

**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 May 13, 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 May 13, 2010, at Eureka, California.



Nicole Frank



February 10, 2011

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 Wilbur Curtis Co., Inc. has been, is, will be and threatens to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual at both Mateel and this office. The above referenced violations occur when California residents use or come into contact with the brass valves, taps, faucets and stopcocks (hereinafter collectively "brass valves") that are made in whole or in part of brass or other metal alloys containing lead, which Wilbur Curtis Co., Inc. markets. These brass valves are used on beverage servers and dispensers such as coffee urns, and iced tea and lemonade jars (hereinafter "beverage dispensers"). Specific examples of the products to which this notice pertains are: CURTIS GEMINI SATELLITE SERVER SERIAL# 12206162; STAINLESS STEEL 3 GALLON TEA DISPENSER TC-3H SERIAL #12191540 UPC CODE: 032405 350015. These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of drink dispensers with leaded valves. The brass valves on these beverage dispensers are made from brass or other leaded copper alloys containing lead, which contain lead and lead compounds ("lead"). Lead and lead compounds are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead whenever they handle the brass valves, 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 brass valves to peoples' hands and to other parts of their skin. This lead is then absorbed through the skin, taken into cuts and abrasions, absorbed through mucous membranes, and transferred from the skin to the mouth via oral contact either directly with the lead-contaminated skin, and when lead is transferred from contaminated skin to cigarettes and food and the contaminated cigarettes and food are smoked and/or eaten. Lead also leaches from the brass valves into the beverages and/or food that are stored in or served from these beverage servers and dispensers. People then drink this lead-contaminated food and/or beverages, causing oral exposure to lead. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. Wilbur Curtis Co., Inc. did not and does not provide people with clear and reasonable warnings before it exposes them to lead. These violations have occurred every day since at least February 10, 2008, and will continue every day until the lead is removed from the brass valves or until clear and reasonable warnings are given.

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 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  
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OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF HUMBOLDT  
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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  
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SALINAS, CA 93902

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

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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  
1081D 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

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COUNTY OF SAN LUIS OBISPO  
COUNTY GOVERNMENT CENTER  
#450  
SAN LUIS OBISPO, CA 93408

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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  
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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  
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P.O. BOX 519  
REDBLUFF, CA 96080

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

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COUNTY OF TULARE  
COURTHOUSE #224  
VISALIA, CA 93291

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COUNTY OF TUOLUMNE  
2 S. GREEN ST.  
SONORA, CA 95370

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ATTORNEY'S OFFICE  
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VENTURA, CA 93009

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COUNTY OF YOLO  
301 SECOND STREET  
WOODLAND, CA 95695

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

ROBERT A CURTIS, CEO  
WILBUR CURTIS CO., INC.  
6913 ACCO ST  
MONTEBELLO, CA 90640

**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: February 10, 2011



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 February 10, 2011, 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 NOTICE OF VIOLATION 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 February 10, 2011, at Eureka, California.



Nicole Frank