

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
E-mail: wverick@igc.org;
5 ecorights@earthlink.net

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

10 Attorneys for Plaintiff,
11 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 COUNTY OF SAN FRANCISCO
14 (Unlimited Jurisdiction)

15 MATEEL ENVIRONMENTAL
16 JUSTICE FOUNDATION,

17 Plaintiff,

18 v.

19 ANTHROPOLOGIE, INC.,

20 Defendant.

CASE NO. **CGC-11-511552**

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

21 _____ /
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 defendant ANTHROPOLOGIE, INC. (hereinafter "Defendant"), to give clear and
26 reasonable warnings to those residents of California, who handle and use home products made
27 from leaded-brass (such as bottle openers, small serving dishes, decorative hooks and
28 accessories, glass containers with brass tops, brass stand magnifying glasses and other brass

SUMMONS ISSUED

FILED

San Francisco County Superior Court

JUN - 8 2011

CLERK OF THE COURT

By:  Deputy Clerk

1 home products) (hereinafter “leaded brass home products”), that handling and use of these
2 products causes those residents to be exposed to lead and lead compounds, lead acetate, lead
3 phosphate, and lead subacetate (hereinafter, collectively, “lead”). The types of products to which
4 this Complaint pertains are those types listed in the Product List that is appended to the
5 Proposition 65 Notice of Violation Letter that is attached to and incorporated by reference into
6 this Complaint. Lead is known to the State of California to cause cancer, birth defects and male
7 and female reproductive toxicity. Defendant markets leaded-brass home products. These
8 products cause exposures to lead and lead compounds, which are chemicals known to the State of
9 California to cause cancer, birth defects and other reproductive harm.

10 2. Defendant markets leaded-brass home products. Defendant intends that residents
11 of California handle and use leaded-brass home products that Defendant markets. When these
12 products are handled and used in their normally intended manner, they expose people to lead. In
13 spite of knowing that residents of California were and are being exposed to these chemicals when
14 they handle and use leaded-brass home products, Defendant did not and does not provide clear
15 and reasonable warnings that these products cause exposure to chemicals known to cause cancer,
16 birth defects and other reproductive harm.

17 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7
18 to compel Defendant to bring its business practices into compliance with section 25249.5 et seq.
19 by providing a clear and reasonable warning to each individual who has been and who in the
20 future may be exposed to the above mentioned toxic chemicals from the use of Defendant’s
21 products. Plaintiff seeks an order that defendant identify and locate each individual person who
22 in the past has purchased leaded-brass home products and to provide to each such purchaser a
23 clear and reasonable warning that the leaded-brass home products will cause exposures to
24 chemicals known to cause birth defects.

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

28 PARTIES

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

10 6. Defendant is a person doing business within the meaning of Health & Safety Code
11 Section 25249.11. Defendant is a business that markets leaded-brass home products in
12 California, including San Francisco County. Marketing of these products in San Francisco
13 County, and/or to people who live in San Francisco County, causes people to be exposed to lead
14 and lead compounds while they are physically present in San Francisco County.

15 7. Plaintiff brings this enforcement action against Defendant pursuant to Health &
16 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a
17 Notice of Violation Letter, dated March 3, 2011 which Mateel sent to California's Attorney
18 General. Substantively identical letters were sent to the District Attorney in each of the state's 58
19 counties, the City Attorneys of every California city with a population greater than 750,000, and
20 to defendant. Attached to the Notice of Violation Letter sent to defendant was a summary of
21 Proposition 65 that was prepared by California's Office of Environmental Health Hazard
22 Assessment. In addition, each Notice of Violation Letter plaintiff sent was accompanied by a
23 Certificate of Service attesting to the service of the Notice of Violation Letter on each entity
24 which received it. Pursuant to California Health & Safety Code Section 25249.7(d), a Certificate
25 of Merit attesting to the reasonable and meritorious basis for the action was sent with each Notice
26 of Violation Letter, and factual information sufficient to establish the basis of the Certificate of
27 Merit was enclosed with the Notice of Violation Letter Mateel sent to the Attorney General.

28 8. Defendant employs more than ten people.

1 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and
2 intentionally exposing to the above mentioned toxic chemicals, those California residents who
3 handle and use leaded-brass home products. The normally intended use of leaded-brass home
4 products causes exposure to lead and lead compounds, which are chemicals known to the State of
5 California to cause cancer, birth defects and other reproductive harm. Defendant has not
6 provided clear and reasonable warnings, within the meaning of Health & Safety Code Sections
7 25249.6 and 25249.11.

8 16. At all times relevant to this action, Defendant knew that the leaded-brass home
9 products it, distributed or marketed were causing exposures to lead and lead compounds.
10 Defendant intended that residents of California handle and use leaded-brass home products in
11 such ways as would lead to significant exposures to these chemicals.

12 17. By the above described acts, Defendant has violated Cal. Health & Safety Code
13 § 25249.6 and is therefore subject to an injunction ordering it to stop violating Proposition 65, to
14 provide warnings to all present and future customers and to provide warnings to its past
15 customers who purchased defendant's products without receiving a clear and reasonable warning.

16 SECOND CAUSE OF ACTION
17 (Claim for Civil Penalties)

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

20 19. By the above described acts, Defendant is liable and should be liable pursuant to
21 Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each individual
22 exposed without proper warning to lead and lead compounds from the handling or use of
23 Defendant's leaded-brass home products.

24 PRAYER FOR RELIEF

25 Wherefore, plaintiff prays for judgment against DEFENDANT, as follows:

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

1 2. Pursuant to the Second Cause of Action, that Defendant be assessed a civil
2 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section
3 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of
4 Defendant's distributing or marketing of leaded-brass home products;

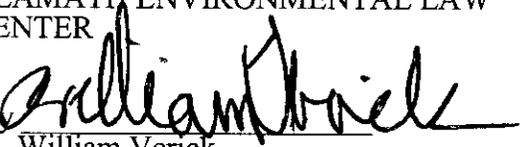
5 3. That Defendant be ordered to identify and locate each individual who purchased
6 leaded-brass home products and provide a warning to each such person that the leaded-brass
7 home products the person purchased will expose that person to chemicals known to cause birth
8 defects.

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

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

12 Dated: June 1, 2011

KLAMATH ENVIRONMENTAL LAW
CENTER

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B. 

William Verick
Attorney for Plaintiff
Mateel Environmental Justice Foundation



Klamath

ENVIRONMENTAL
LAW CENTER

March 3, 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 Anthropologie, 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 come into contact with products that are made of, or that incorporate as components, leaded-brass or bronze (collectively "brass products"). A list of examples of the specific types of products at issue is attached. Anthropologie, Inc. markets these products. Though the products on the attached list may list a product numbers or SKU, this notice pertains to all products of the same specific types, not just to those products, the specific numbers for which are listed in the product list. The brass or bronze parts on these brass products 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 handle these brass products, such as when buying them, when handling them, or when using them. Lead is transferred from the brass products 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. Anthropologie, 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 March 3, 2008, and will continue every day until the lead is removed from the brass products, or until clear and reasonable warnings are given. These violations are alleged for occupational and consumer product exposures. We do not allege occupational exposure violations as to any brass products made outside of California, except as to workplaces Anthropologie, Inc. itself maintains in California. This notice does not allege any environmental exposure violations.

Cordially,


William Verick

SERVICE LIST

<p>PROPOSITION 65 ENFORCEMENT REPORTING ATTENTION: PROP 65 COORDINATOR 1515 CLAY STREET, SUITE 2000 POST OFFICE BOX 70550 OAKLAND, CA 94612-0550</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF HUMBOLDT 825 5TH ST. EUREKA, CA 95501</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ORANGE 401 CIVIC CENTER DR WEST SANTA ANA, CA 92701</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SONOMA 600 ADMINISTRATION DR. #212J SANTA ROSA, CA 95403</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF OAKLAND 505 14TH ST 12TH FLOOR OAKLAND, CA 94612</p>	<p>COUNTY OF IMPERIAL COURTHOUSE, FLOOR 2 939 W. MAIN ST EL CENTRO, CA 92243</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLACER 10810 JUSTICE CENTER DR. STE 240 ROSEVILLE, CA 95678</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF STANISLAUS 1100 I ST. #200 MODESTO, CA 95354</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN FRANCISCO CITY HALL ROOM 206 400 VAN NESS SAN FRANCISCO, CA 94102</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF INYO P.O. DRAWER D INDEPENDENCE, CA 93526</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF PLUMAS 520 MAIN STREET #404 QUINCY, CA 95971</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SUTTER 1160 CIVIC CENTER BLVD. #A YUBA CITY, CA 95993</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SACRAMENTO PO BOX 1948 SACRAMENTO, CA 95812-1948</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KERN 1215 TRUXTUN AVE. FLOOR 4 BAKERSFIELD, CA 93301</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF RIVERSIDE 4075 MAIN ST. RIVERSIDE, CA 92501</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TEHAMA P.O. BOX 519 REDBLUFF, CA 96080</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN JOSE 200 EAST SANTA CLARA STREET SAN JOSE, CA 95113</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF KINGS 1400 W. LACEY BLVD. HANFORD, CA 93230</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SACRAMENTO 901 G STREET SACRAMENTO, CA 95814</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TRINITY P.O. BOX 310 WEAVERVILLE, CA 96093</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF LOS ANGELES 200 N. MAIN ST. LOS ANGELES, CA 90012</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LAKE 255 N. FORBES ST # 424 LAKEPORT, CA 95453</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BENITO 419 4TH ST HOLLISTER, CA 95023</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TULARE COURTHOUSE #224 VISALIA, CA 93291</p>
<p>OFFICE OF THE CITY ATTORNEY CITY OF SAN DIEGO CONSUMER & ENVIRONMENTAL PROTECTION 1200 THIRD AVENUE, SUITE 700 SAN DIEGO, CA 92101</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LASSEN 220 SOUTH LASSEN ST. STE B SUSANVILLE, CA 96130</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN BERNARDINO 316 MT. VIEW AVE. SAN BERNARDINO, CA 92415-0004</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF TUOLUMNE 2 S. GREEN ST. SONORA, CA 95370</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALAMEDA 1225 FALLON STREET ROOM 900 OAKLAND, CA 94612</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF LOS ANGELES 18000 CRIMINAL COURTS BUILDING 210 W. TEMPLE ST. LOS ANGELES, CA 90012</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN DIEGO 330 W. BROADWAY, SUITE 1100 SAN DIEGO, CA 92101</p>	<p>VENTURA COUNTY DISTRICT ATTORNEY'S OFFICE 800 SOUTH VICTORIA AVE VENTURA, CA 93009</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF ALPINE P.O. BOX 248 MARKLEEVILLE, CA 96120</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MADERA 209 W. YOSEMITE AVE. MADERA, CA 93637</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN FRANCISCO 850 BRYANT ST #322 SAN FRANCISCO, CA 94103</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YOLO 301 SECOND STREET WOODLAND, CA 95695</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF AMADOR 708 COURT STREET JACKSON, CA 95642</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIN HALL OF JUSTICE # 183 SAN RAFAEL, CA 94903</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN JOAQUIN 222 E. WEBER AVE #202 STOCKTON, CA 95202</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF YUBA 215 5TH ST. MARYSVILLE, CA 95901</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF BUTTE 25 COUNTY CENTER DR. OROVILLE, CA 95965</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MARIPOSA P.O. BOX 730 MARIPOSA, CA 95338</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN LUIS OBISPO COUNTY GOVERNMENT CENTER #450 SAN LUIS OBISPO, CA 93408</p>	<p>GLEN T. SENK, CEO ANTHROPOLOGIE, INC. 5000 S. BROAD STREET PHILADELPHIA, PA 19112</p>
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CALAVERAS GOVERNMENT CENTER 891 MOUNTAIN RANCH ROAD SAN ANDREAS, CA 95249</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MENDOCINO PO BOX 1000 UKIAH, CA 95482</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SAN MATEO HALL OF JUSTICE AND RECORDS REDWOOD CITY, CA 94063</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF COLUSA 547 MARKET STREET COLUSA, CA 95932</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MERCED 2222 M ST. MERCED, CA 95340</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA BARBARA 1112 SANTA BARBARA ST. SANTA BARBARA, CA 93101</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF CONTRA COSTA P.O. BOX 670 MARTINEZ, CA 94553</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MODOC 204 SOUTH COURT STREET ALTURAS, CA 96101</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CLARA 70 W. HEDDING ST. SAN JOSE, CA 95110</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF DEL NORTE 450 H ST # 171 CRESCENT CITY, CA 95531</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONO P.O. BOX 617 BRIDGEPORT, CA 93517</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SANTA CRUZ 701 OCEAN ST. #200 SANTA CRUZ, CA 95060</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF EL DORADO 515 MAIN ST. PLACERVILLE, CA 95667</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF MONTEREY 240 CHURCH STREET P.O. BOX 1131 SALINAS, CA 93902</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SHASTA 1525 COURT ST. REDDING, CA 96001</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF FRESNO 2220 TULARE ST # 1000 FRESNO, CA 93721</p>	<p>COUNTY OF NAPA 931 PARKWAY MALL P.O. BOX 720 NAPA, CA 94559-0720</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SIERRA P.O. BOX 457 DOWNIEVILLE, CA 95936</p>	
<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF GLENN P.O. BOX 430 WILLOWS, CA 95988</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF NEVADA 110 UNION STREET NEVADA CITY, CA 95959</p>	<p>OFFICE OF THE DISTRICT ATTORNEY COUNTY OF SOLANO 600 UNION AVE FAIRFIELD, CA 94533</p>	

PRODUCT LIST

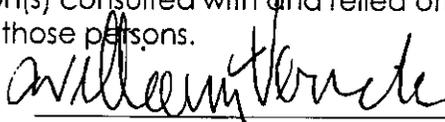
ANTHROPOLOGIE, INC.

RDISH-GULPING GUPPY Style #17732686; HK PIETRE DURE GARDEN BL Style #16644825; BEASTIE KEY BOTTLE OPENER Style #16987802; CHAIR BOTTLE OPENER BRASS Style #19094606; HK FACETED SQUARE KEYHOLE Style #18478065 4527 8855; MAGNIFYING STAND Style #15531809 4554 7396; PAINTED CERAMIC HAT RACK AQUA Style #13584610 4527 28950; HK LOMBOK FLOWER MULTI Style #17691692; KNB MOTHER OF PEARL CIRC Style #13487640; KNB FCTD RIB CLEAR-NEW Style #13218052; KNB DOG SHOW LABRADOR Style #18861336; KNB ELX FLWR AMEETHYST Style #14885792; KNB ELX DEA GLASS Style #17904665; KNB QUARTERFOIL PINWHEEL Style #16632606; DK ANTQ BRASS OLIVE DOOR KNB Style #14886246; HANDLE GLS CLR/ANT BRASS Style #11857562; HNDL BASKET WOOD BLK Style #17515172; HNDL LAZY RIVER MOP Style #17691957; KNB DELICATE FLOWER BLACK PULL Style #14779094; KNB ELX FLWR PIN/CLR PULL Style #11863354; KNB ETHNIC FLORAL BLUE Style #13972153; KNB KATARINA JEWEL SCALL Style #16438905; KNB LAZY RIVER MOP Style #17692039; KNB PRFM BTL BRASS AMBER Style #1212604; SWITCH PLATE MOTHER PEARL Style #13730379; HNDL GLASS/BRASS OLIVE 14886154 4527 28950; KNB KATARINA JEWEL SHIEL 16438913 4527 58137; KNB PRFM BTL BRS AMBER 12126041 4527 28950; QUATREFOIL BROOCH GR KNOB 16632697 4527 28950; NZ DK MOP ANTIQUE BRASS CIRCLE CREAM ONE S13524566 ANT 000100172487 527 770487 CRE OSO; PG KNB MOTHER OF PEARL CIRCLE CREAM CIRCLE 13487640 ANT 00100172620 5270770330 CRE CIR; KNB SCALLOP JEWEL PINK ONE SIZE Style #15634710; DOOR KNOB ROUND RIBBED CLEAR ONE SIZE Style #14162481 527 873048 CLR OSO; KNB IZAB DIAMOND TURQUOISE ONE SIZE Style #15634538; NZ DK MOP ANTIQUE BRASS CIRCLE CREAM ONE Style #13524566 ITEM Style # 527 770487 CRE OSO; OC SINGLE MOTHER OF PEARL BRASS DOUBLE Style #13730353 527 77534 BRS DOU; OC SINGLE MOTHER OF PEARL BRASS SINGLE Style #13730387 527 77534 BRS SIN; DK MOTHER OF PEARL CIRCULAR DOOR KNOBS Style #13524566; KNB MOTHER OF PEARL SQUARE DRAWER KNOBS Style #14427066; LACE-STREWN KNOB, Style#973273; ZINNIA KNOB, SMALL Style #670281. These product descriptions pertain not only to the specific model of the products listed, but also for all units of all models of brass hardware and household products that utilize brass.

CERTIFICATE OF MERIT

I, William Verick, hereby declare: This Certificate of Merit accompanies the attached notice(s) of violation in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings. I am the attorney for the noticing party. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiffs' case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the person(s) consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: March 3, 2011



William Verick

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 March 3, 2011, I caused the attached NOTICE OF VIOLATION 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 March 3, 2011, at Eureka, California.



Nicole Frank