

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO**

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Jun-28-2011 9:54 am

Case Number: CGC-11-512045

Filing Date: Jun-28-2011 9:50

Juke Box: 001 Image: 03253522

COMPLAINT

MATEEL ENVIRONMENTAL JUSTICE FOUNDATION VS. LEHR INCORPORATED et al

001C03253522

Instructions:

Please place this sheet on top of the document to be scanned.

**SUMMONS
(CITACION JUDICIAL)**

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

**NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):**

LEHR INCORPORATED; LINCOLN ELECTRIC COMPANY;
"Additional Parties Attachment Form is Attached"

**YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):**

MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:
(El nombre y dirección de la corte es):

SAN FRANCISCO SUPERIOR COURT
400 McALLISTER STREET, SAN FRANCISCO, CA 94102-4514

CASE NUMBER:
(Número de Caso):

CGC-11-512045

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

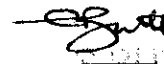
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
William Verick, 424 First Street, Eureka, CA 95501-0404, (707) 268-8900, wverick@igc.org

DATE:
(Fecha)

JUN 28 2011

CLERK OF THE COURT

Clerk, by
(Secretario)

 Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).



NOTICE TO THE PERSON SERVED: You are served

1. as an individual defendant.
2. as the person sued under the fictitious name of (specify):
3. on behalf of (specify):
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other (specify):
4. by personal delivery on (date):

SHORT TITLE: Mateel v. LEHR INCORPORATED ET AL	CASE NUMBER:
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INSTRUCTIONS FOR USE

- ➔ This form may be used as an attachment to any summons if space does not permit the listing of all parties on the summons.
- ➔ If this attachment is used, insert the following statement in the plaintiff or defendant box on the summons: "Additional Parties Attachment form is attached."

List additional parties (Check only one box. Use a separate page for each type of party.):

Plaintiff
 Defendant
 Cross-Complainant
 Cross-Defendant

MANLEY PERFORMANCE PRODUCTS, INC.; NEW BUFFALO CORPORATION and SAMAR, INC.

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): William Verick (SBN # 140972), Klamath Environmental Law Center 424 First Street Eureka, CA 95501-0404 TELEPHONE NO.: 707-268-8900 FAX NO.: 707-268-8901 ATTORNEY FOR (Name): Mateel Environmental Justice Foundation, Plaintiff	FOR COURT USE ONLY <h1 style="margin: 0;">FILED</h1> San Francisco County Superior Court JUN 28 2011 CLERK OF THE COURT BY: Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO STREET ADDRESS: 400 McAllister Street MAILING ADDRESS: CITY AND ZIP CODE: San Francisco, CA 94102-4514 BRANCH NAME:	CASE NUMBER: <h2 style="margin: 0;">CGC-11-512045</h2> JUDGE: DEPT:
CASE NAME: MATEEL v. LEHR INCORPORATED ET AL	CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

Items 1-5 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

<p>Auto Tort</p> <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) <p>Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort</p> <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) <p>Non-PI/PD/WD (Other) Tort</p> <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) <p>Employment</p> <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15)	<p>Contract</p> <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) <p>Real Property</p> <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) <p>Unlawful Detainer</p> <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) <p>Judicial Review</p> <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39)	<p>Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)</p> <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) <p>Enforcement of Judgment</p> <input type="checkbox"/> Enforcement of judgment (20) <p>Miscellaneous Civil Complaint</p> <input type="checkbox"/> RICO (27) <input type="checkbox"/> Other complaint (not specified above) (42) <p>Miscellaneous Civil Petition</p> <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43)
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2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Type of remedies sought (check all that apply):
 a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify):
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: June 23, 2011
 William Verick

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a complex case, this cover sheet will be used for statistical purposes only.

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 Fax: (707) 268-8901
E-mail: wverick@igc.org
5 E-mail: ecorights@earthlink.net

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

11 Attorneys for Plaintiff,
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

16 MATEEL ENVIRONMENTAL
JUSTICE FOUNDATION,

17 Plaintiff,

18 v.

20 LEHR INCORPORATED; LINCOLN
ELECTRIC COMPANY; MANLEY
21 PERFORMANCE PRODUCTS, INC.; NEW
BUFFALO CORPORATION and SAMAR, INC.

23 Defendants.

CASE NO. **CGC-11-512045**

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

BUSINESS TORT

24 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

25 INTRODUCTION

26 1. This Complaint seeks civil penalties and an injunction to remedy the continuing
27 failure of defendant LEHR INCORPORATED; LINCOLN ELECTRIC COMPANY; MANLEY.
28

SUMMONS ISSUED

FILED
San Francisco County Superior Court

JUN 28 2011

CLERK OF THE COURT

BY: [Signature]
Deputy Clerk

1 PERFORMANCE PRODUCTS, INC.; NEW BUFFALO CORPORATION and SAMAR, INC.
2 (hereinafter "Defendants"), to warn those residents of California, who handle, use and/or
3 maintain brass tools such as fishing scales, garden tools powered by gas cylinders, welding
4 hoses, welding hose accessories, pneumatic hoses and accessories, such as quick connects, and
5 couplers (hereinafter "Brass Tools") that normal use of those tools exposes people to lead and
6 lead compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter, collectively,
7 "lead"). These Brass Tools utilize components that are made from leaded brass. The specific
8 products at issue in the complaint are those listed in the Products Lists of the Proposition 65
9 Notice of Violation Letters that are attached to this complaint and which are incorporated into it.
10 Lead is known to the State of California to cause cancer, birth defects and male and female
11 reproductive toxicity. Defendants market Brass Tools. These products cause exposures to lead
12 and lead compounds, which are chemicals known to the State of California to cause cancer, birth
13 defects and other reproductive harm.

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

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

27 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure
28 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known

1 to cause cancer, birth defects and other reproductive harm. Plaintiff also seeks an order that
2 defendants identify and locate each individual person who in the past has purchased Brass Tools
3 and to provide to each such purchaser a clear and reasonable warning that the Brass Tools will
4 cause exposures to chemicals known to cause birth defects.

5
6 PARTIES

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

16 6. Defendants are each a person doing business within the meaning of Health &
17 Safety Code Section 25249.11. Defendants are businesses that market Brass Tools in California,
18 including the City and County of San Francisco. Marketing of these products in the City and
19 County of San Francisco and/or to people who live in San Francisco, causes people to be exposed
20 to lead and lead compounds while they are physically present in the City and County of San
21 Francisco.

22 7. Plaintiff brings this enforcement action against Defendants pursuant to Health &
23 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a
24 Notice of Violation letters dated February 10, 2011 and March 3, 2011, and April 7, 2011 which
25 Mateel sent to California's Attorney General. Letters identical in substance were sent to every
26 District Attorney in the state, and to the City Attorneys of every California city with a population
27 greater than 750,000. On those same days, Mateel sent an identical Notices of Violation to each
28 defendant. Attached to the Notices of Violation sent to each defendant was a summary of

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

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

9 JURISDICTION

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

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

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

25 FIRST CAUSE OF ACTION
26 (Claim for Injunctive Relief)

27 12. Plaintiff realleges and incorporates by reference into this First Claim for Relief, as
28 if specifically set forth herein, paragraphs 1 through 11, inclusive.

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

4 14. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates
5 that persons who, in the course of doing business, knowingly and intentionally expose any
6 individual to a chemical known to the State of California to cause cancer or birth defects must
7 first provide a clear and reasonable warning to such individual prior to the exposure.

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

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

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

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

27 18. Plaintiff realleges and incorporates by reference into this First Claim for Relief, as
28 if specifically set forth herein, paragraphs 1 through 17, inclusive.

1 19. By the above described acts, Defendants are liable and should be liable pursuant
2 to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each
3 individual exposed to lead and lead compounds from the handling or use of Defendants' Brass
4 Tools.

5 PRAYER FOR RELIEF

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

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

10 2. Pursuant to the Second Cause of Action, that each Defendants be assessed a civil
11 penalty in an amount equal to \$2,500.00 per day per individual exposed, in violation of Section
12 25249.6 of the California Health & Safety Code, to lead and lead compounds as the result of
13 Defendants' manufacturing, distributing or marketing of Brass Tools;

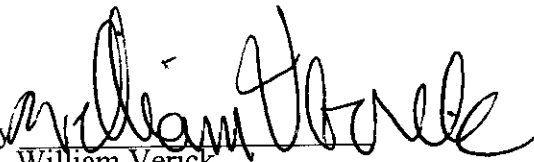
14 3. That Defendants be ordered to identify and locate each individual who purchased
15 Brass Tools and provide a warning to each such person that the Brass Tools the person purchased
16 will expose that person to chemicals known to cause birth defects.

17 4. That Defendants be ordered to pay Mateel's attorney's fees and costs incurred in
18 prosecuting this action.

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

20 Dated: June 23, 2011

KLAMATH ENVIRONMENTAL LAW CENTER

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



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 the private businesses on the attached service list have been, are, will be and threaten to be in violation of Cal. Health & Safety Code § 25249.6. Both this office and Mateel are private enforcers of Proposition 65, both may be contacted at the below listed address and telephone number, and I am a responsible individual at both Mateel and this office. The above referenced violations occur when California residents come into contact with the brass hose connectors, brass hose couplings, brass couplings and/or brass quick connects (hereinafter collectively "brass pneumatic products") these businesses market. A list of specific examples of the specific types of products at issue is attached. Though a specific model or UPC number may be given as an example, this notice pertains to all similar types of brass pneumatic products. The brass pneumatic products that people handle are made from leaded brass, which contains lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle these brass pneumatic products. Lead is transferred from the brass pneumatic products 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. These lead exposures thus occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. The listed companies did not and do not provide people with clear and reasonable warnings before they expose them to lead. These violations have occurred every day since at least February 10, 2008, and will continue every day until the lead is removed from the brass pneumatic products, 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 pneumatic made outside of California, except as to workplaces these businesses themselves maintain in California. This notice does not allege any environmental exposure violations.

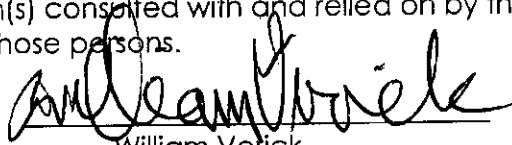
Cordially,


William Verick

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

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 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

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
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P.O. BOX 248
MARKLEEVILLE, CA 96120

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OROVILLE, CA 95965

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COUNTY OF CALAVERAS
GOVERNMENT CENTER
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SAN ANDREAS, CA 95249

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547 MARKET STREET
COLUSA, CA 95932

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MARTINEZ, CA 94553

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SUSANVILLE, CA 96130

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BUILDING
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LOS ANGELES, CA 90012

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209 W. YOSEMITE AVE.
MADERA, CA 93637

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COUNTY OF MARIN
HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

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P.O. BOX 730
MARIPOSA, CA 95338

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MERCED, CA 95340

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BRIDGEPORT, CA 93517

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONTEREY
240 CHURCH STREET
P.O. BOX 1131
SALINAS, CA 93902

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF NEVADA
110 UNION STREET
NEVADA CITY, CA 95959

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ORANGE
401 CIVIC CENTER DR WEST
SANTA ANA, CA 92701

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4075 MAIN ST.
RIVERSIDE, CA 92501

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901 G STREET
SACRAMENTO, CA 95814

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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

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COUNTY OF SAN FRANCISCO
850 BRYANT ST #322
SAN FRANCISCO, CA 94103

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222 E. WEBER AVE #202
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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

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COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

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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

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COUNTY OF TRINITY
P.O. BOX 310
WEAVERVILLE, CA 96093

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COUNTY OF TULARE
COURTHOUSE #224
VISALIA, CA 93291

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TUOLUMNE
25. 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

WILLIAM SELBY, PRESIDENT
SAMAR CO., INC.
220 CUSHING ST
STOUGHTON, MA 02072

JOHN M STROPKI, PRESIDENT
LINCOLN ELECTRIC COMPANY
22801 SAINT CLAIR AVE
CLEVELAND, OH 44117

RANDY SMITH, PRESIDENT
NEW BUFFALO CORPORATION
1220 N PRICE RD
SAINT LOUIS, MO 63132

PRODUCT LIST

LINCOLN ELECTRIC COMPANY

OXY ACETOLYNE HOSE 25' X 1/4" KH578 UPC CODE: 725636 080478 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass couplers, connects, air or water hoses or accessories.

NEW BUFFALO CORP.

BUFFALO PNEUMATIC 6 PC QUICK COUPLER SET S/N 21359 FW
NO. QC6 UPC CODE: 027077 005660; BUFFALO TOOLS 15 PC AIR ACCESSORY SET
S/N 20770FW UPC CODE: 027077 059533; BUFFALO TOOLS 25FT AIR HOSE SOLID
BRASS FITTINGS 3/8" ID #AHR3825 UPC CODE: 027077 005837 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of brass couplers, air or water hoses or accessories.

SAMAR COMPANY, INC.

PVC AIR HOSE 3/8" X 50' RED 300 PSI #TB650PR UPC CODE: 092503 002087 This product description pertains not only to the specific model of the product listed, but also for all units of all models of brass couplers, connects, air or water hoses or accessories.



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 Manley Performance Products, Inc. (hereinafter "Manley") 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 for both Mateel and this office. The above referenced violations occur when California residents come into contact with implements, such as fishing scales, that are made from, or that incorporate as components, leaded-brass or bronze. The brass or bronze parts on these fishing scales contain lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. Manley markets these leaded-brass containing fishing scales. A specific example of the products to which this notice pertains is: Manley Brass Fishing Scale with Tell-Tale Ring 50 Lbs #2012 UPC Code: 751662 020126. Though a specific model or SKU or product number is given as an example, this notice pertains to all models, and all variations, of the specific type of product of which the named model is an example. People are exposed to lead at work or elsewhere when they use these fishing scales and their skin comes into contact with the brass. Lead is transferred from the fishing scales to the hands of the people using these products. The lead then enters their bodies when it is absorbed directly through the skin, through mucous membranes, or through cuts and/or abrasions, when they touch their hands to their mouths and other mucous membranes, or when they touch cigarettes or food and then smoke the cigarettes or ingest the food. These exposures occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. Manley did not and does not provide people with clear and reasonable warnings before it exposes them to lead. The above referenced violations have occurred every day since at least March 3, 2008, and will continue every day until the lead is taken out of these products or until warnings are given. These violations are alleged for occupational and consumer product exposures. We do not allege occupational exposure violations as to any leaded-brass fishing scales made outside of California, except as to workplaces Manley itself maintains in California. This notice does not allege any environmental exposure violations.

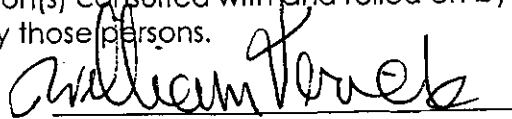
Cordially,


William Verick

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

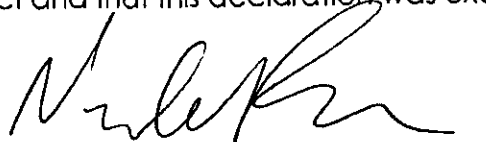

William Verick

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

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

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901 G STREET
SACRAMENTO, CA 95814

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419 4TH ST
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316 MT. VIEW AVE.
SAN BERNARDINO, CA 92415-0004

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1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

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COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

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701 OCEAN ST. #200
SANTA CRUZ, CA 95060

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DOWNIEVILLE, CA 95936

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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

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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

HENRY DE HAVEN MANLEY III, PRESIDENT
MANLEY PERFORMANCE PRODUCTS, INC.
1960 SWARTHMORE AVE
LAKEWOOD, NJ 08701



Klamath

ENVIRONMENTAL
LAW CENTER

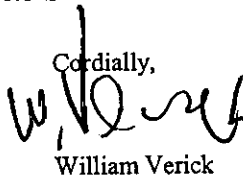
April 7, 2011

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 Lehr Incorporated, (hereinafter "Lehr") 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 propane or other gas cartridges as well as adapters for attaching propane or other gas cartridges to propane-powered small engine lawn and garden equipment and fittings. Specific examples of the specific types of equipment are: LEHR PROPANE POWERED ECO TRIMMER CURVED SHAFT MODEL #ST025DC UPC CODE: 812524 010027; LEHR TWIST N GO PROPANE POWERED ECO BLOWER MODEL # BV025HH UPC CODE: 812524 010089. Though specific model and UPC numbers are given as examples, this notice pertains to all similar types of brass components. The fittings that people handle to attach and remove the propane or other gas cartridges are made from leaded brass, which contains lead and lead compounds ("lead"), which are chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle these fittings while using them to attach and remove propane or other gas cartridges from the above-referenced equipment. Lead is transferred from the brass fittings 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 brass, from oral contact 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. Lehr 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 April 7, 2008, and will continue every day until the lead is removed from the 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 products made outside of California, except as to workplaces Lehr, itself maintains in California. This notice does not allege any environmental exposure violations.

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

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COUNTY OF COLUSA
547 MARKET STREET
COLUSA, CA 95932

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF CONTRA COSTA
P.O. BOX 670
MARTINEZ, CA 94553

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF DEL NORTE
450 H ST #171
CRESCENT CITY, CA 95531

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF EL DORADO
515 MAIN ST.
PLACERVILLE, CA 95667

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF FRESNO
2220 TULARE ST #1000
FRESNO, CA 93721

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF GLENN
P.O. BOX 430
WILLOWS, CA 95988

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF HUMBOLDT
825 5TH ST.
EUREKA, CA 95501

COUNTY OF IMPERIAL
COURTHOUSE, FLOOR 2
939 W. MAIN ST
EL CENTRO, CA 92243

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF INYO
P.O. DRAWER D
INDEPENDENCE, CA 93526

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KERN
1215 TRUXTUN AVE. FLOOR 4
BAKERSFIELD, CA 93301

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KINGS
1400 W. LACEY BLVD.
HANFORD, CA 93230

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LAKE
255 N. FORBES ST # 424
LAKEPORT, CA 95453

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LASSEN
220 SOUTH LASSEN ST. STE 8
SUSANVILLE, CA 96130

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF LOS ANGELES
18000 CRIMINAL COURTS
BUILDING
210 W. TEMPLE ST.
LOS ANGELES, CA 90012

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MADERA
209 W. YOSEMITE AVE.
MADERA, CA 93637

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIN
HALL OF JUSTICE #183
SAN RAFAEL, CA 94903

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MARIPOSA
P.O. BOX 730
MARIPOSA, CA 95338

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MENDOCINO
PO BOX 1000
UKIAH, CA 95482

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MERCED
2222 M ST.
MERCED, CA 95340

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MODOC
204 SOUTH COURT STREET
ALTURAS, CA 96101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONO
P.O. BOX 617
BRIDGEPORT, CA 93517

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF MONTEREY
240 CHURCH STREET
P.O. BOX 1131
SALINAS, CA 93902

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF NEVADA
110 UNION STREET
NEVADA CITY, CA 95959

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF ORANGE
401 CIVIC CENTER DR WEST
SANTA ANA, CA 92701

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLACER
10810 JUSTICE CENTER DR. STE 240
ROSEVILLE, CA 95678

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF PLUMAS
520 MAIN STREET #404
QUINCY, CA 95971

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF RIVERSIDE
4075 MAIN ST.
RIVERSIDE, CA 92501

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SACRAMENTO
901 G STREET
SACRAMENTO, CA 95814

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BENITO
419 4TH ST
HOLLISTER, CA 95023

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN BERNARDINO
316 MT. VIEW AVE.
SAN BERNARDINO, CA 92415-0004

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN DIEGO
330 W. BROADWAY, SUITE 1100
SAN DIEGO, CA 92101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN FRANCISCO
850 BRYANT ST #322
SAN FRANCISCO, CA 94103

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN JOAQUIN
222 E. WEBER AVE #202
STOCKTON, CA 95202

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN LUIS OBISPO
COUNTY GOVERNMENT CENTER
#450
SAN LUIS OBISPO, CA 93408

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SAN MATEO
HALL OF JUSTICE AND RECORDS
REDWOOD CITY, CA 94063

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA BARBARA
1112 SANTA BARBARA ST.
SANTA BARBARA, CA 93101

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CLARA
70 W. HEDDING ST.
SAN JOSE, CA 95110

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SANTA CRUZ
701 OCEAN ST. #200
SANTA CRUZ, CA 95060

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SHASTA
1525 COURT ST.
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNIEVILLE, CA 95936

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

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

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

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

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

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

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

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

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

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

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

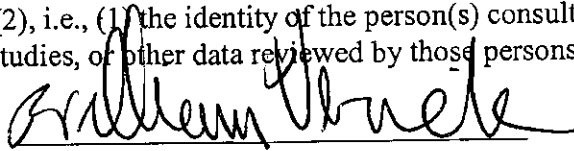
OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

BERNARDO HERZER, CEO
LEHR INCORPORATED
8922 ELLIS AVE
LOS ANGELES, CA 90034

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: April 7, 2011



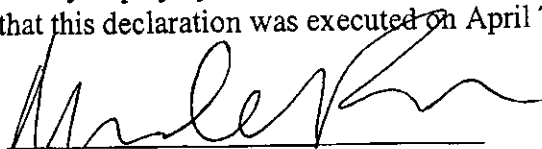
William Verick

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 April 7, 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 April 7, 2011, at Eureka, California.



Nicole Frank