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Eureka, CA 95501  
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davidwilliams@earthlink.net  
brianacree@earthlink.net

Attorneys for Plaintiff,  
MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

MATEEL ENVIRONMENTAL  
JUSTICE FOUNDATION,  
  
Plaintiff,  
  
v.  
  
LINCOLN FOODSERVICE PRODUCTS LLC,  
  
Defendant.

CASE NO. **CGC-11-512057**

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

INTRODUCTION

1. This Complaint seeks civil penalties and an injunction to remedy the continuing failure of defendant LINCOLN FOODSERVICE PRODUCTS, LLC (hereinafter "Defendant"), to give clear and reasonable warnings to those residents of California, who handle and use brass

SUMMONS ISSUED

**FILED**

San Francisco County Superior Court

JUN 28 2011

CLERK OF THE COURT

BY:  Deputy Clerk

1 cookware or serving ware such as cooking or stock pots and the nozzles or faucets attendant to  
2 these products. These products or their components are made of leaded-brass or bronze,  
3 (hereinafter “brass cookware or serving ware”) , Handling this cookware, and eating or drinking  
4 food that has been prepared with it, causes those residents to be exposed to lead and lead  
5 compounds, lead acetate, lead phosphate, and lead subacetate (hereinafter, collectively, “lead”).  
6 The types of products to which this Complaint pertains are those types listed in the Product List  
7 appended to the Proposition 65 Notice of Violation Letter that is attached to and incorporated by  
8 reference into this Complaint. Lead is known to the State of California to cause cancer, birth  
9 defects and male and female reproductive toxicity. Defendant markets leaded brass cookware or  
10 serving ware. These products cause exposures to lead and lead compounds, which are chemicals  
11 known to the State of California to cause cancer, birth defects and other reproductive harm.  
12  
13  
14

15 2. Defendant is a business that markets and/or distributes leaded brass cookware or  
16 serving ware. Defendant intends that residents of California handle and eat food that has been  
17 prepared with leaded brass cookware or serving ware that Defendant markets and/or distributes.  
18 When these products are handled and used in their normally intended manner, they expose  
19 people to lead. In spite of knowing that residents of California were and are being exposed to  
20 these chemicals when they handle and use leaded brass cookware or serving ware, Defendant did  
21 not and does not provide clear and reasonable warnings that these products cause exposure to  
22 chemicals known to cause cancer, birth defects and other reproductive harm.  
23  
24

25 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
26 to compel Defendant to bring its business practices into compliance with section 25249.5 et seq.  
27 by providing a clear and reasonable warning to each individual who has been and who in the  
28

1 future may be exposed to the above mentioned toxic chemicals from the use of Defendant's  
2 products. Plaintiff seeks an order that defendant identify and locate each individual person who  
3 in the past has purchased leaded brass cookware or serving ware and provide to each such  
4 purchaser a clear and reasonable warning that the leaded brass cookware or serving ware will  
5 cause exposures to chemicals known to cause birth defects.  
6

7 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure  
8 of Defendant to provide clear and reasonable warnings regarding exposure to chemicals known  
9 to cause cancer, birth defects and other reproductive harm.  
10

#### 11 PARTIES

12 5. Plaintiff MATEEL ENVIRONMENTAL JUSTICE FOUNDATION ("Mateel")  
13 is a non-profit organization dedicated to, among other causes, the protection of the environment,  
14 promotion of human health, environmental education, and consumer rights. Mateel is based in  
15 Eureka, California, and is incorporated under the laws of the State of California. Mateel is a  
16 "person" pursuant to Health & Safety Code Section 25118. Mateel brings this enforcement  
17 action in the public interest pursuant to Health & Safety Code §25249.7(d). Residents of  
18 California are regularly exposed to lead and lead compounds from leaded brass cookware or  
19 serving ware marketed by Defendants and are so exposed without a clear and reasonable  
20 Proposition 65 warning.  
21  
22

23 6. Defendant is a person doing business within the meaning of Health & Safety Code  
24 Section 25249.11. Defendant is a business that markets leaded brass cookware or serving ware in  
25 California, including in the City and County of San Francisco. Marketing of these products in  
26 the City and County of San Francisco and/or to people who live in San Francisco, causes people  
27  
28

1 to be exposed to lead and lead compounds while they are physically present in the City and  
2 County of San Francisco.

3  
4 7. Plaintiff brings this enforcement action against Defendant pursuant to Health &  
5 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of the  
6 Notice of Violation letter dated March 9, 2011, which Mateel sent to California's Attorney  
7 General. A substantively identical letter was sent to every District Attorney in the state, and to  
8 the City Attorneys of every California city with a population greater than 750,000. On that same  
9 day, Mateel sent a substantively identical Notice of Violation to each defendant. Attached to the  
10 Notice of Violation sent to the defendant was a summary of Proposition 65 that was prepared by  
11 California's Office of Environmental Health Hazard Assessment. In addition, each Notice of  
12 Violation plaintiff sent was accompanied by a Certificate of Service attesting to the service of  
13 the Notice of Violation on each entity which received it. Pursuant to California Health & Safety  
14 Code Section 25249.7(d), a Certificate of Merit attesting to the reasonable and meritorious basis  
15 for the action was also sent with each Notice of Violation. Factual information sufficient to  
16 establish the basis of the Certificate of Merit was enclosed with the Notice of Violation Letter  
17 Mateel sent to the Attorney General.  
18  
19  
20

21 8. Defendant is a business that employs more than ten people.

#### 22 JURISDICTION

23  
24 9. The Court has jurisdiction over this action pursuant to California Health & Safety  
25 Code Section 25249.7. California Constitution Article VI, Section 10 grants the Superior Court  
26 "original jurisdiction in all causes except those given by statute to other trial courts." Chapter 6.6  
27 of the Health & Safety Code, which contains the statutes under which this action is brought, does  
28

1 not grant jurisdiction to any other trial court.

2 10. This Court also has jurisdiction over Defendant because it is a business that has  
3 sufficient minimum contacts in California and within the City and County of San Francisco.  
4 Defendant intentionally availed itself of the California and San Francisco County markets for  
5 leaded brass cookware or serving ware. It is thus consistent with traditional notions of fair play  
6 and substantial justice for the San Francisco Superior Court to exercise jurisdiction over  
7 Defendant.  
8

9  
10 11. Venue is proper in the City and County of San Francisco because Defendant  
11 markets its products in and around San Francisco and thus causes people to be exposed to lead  
12 and lead compounds while those people are physically present in San Francisco. Liability for  
13 Plaintiff's causes of action, or some parts thereof, has accordingly arisen in San Francisco during  
14 the times relevant to this Complaint and Plaintiff seeks civil penalties and forfeitures imposed by  
15 statutes.  
16

17 FIRST CAUSE OF ACTION  
18 (Claim for Injunctive Relief)

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

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

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

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

2 15. Since at least March 9, 2008, Defendant has engaged in conduct that violates  
3 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
4 intentionally exposing to the above mentioned toxic chemicals, those California residents who  
5 handle and eat food prepared with leaded brass cookware or serving ware. The normally  
6 intended use of leaded brass cookware or serving ware causes exposure to lead and lead  
7 compounds, which are chemicals known to the State of California to cause cancer, birth defects  
8 and other reproductive harm. Defendant has not provided clear and reasonable warnings, within  
9 the meaning of Health & Safety Code Sections 25249.6 and 25249.11.  
10

11 16. At all times relevant to this action, Defendant knew that the leaded brass  
12 cookware or serving ware it marketed was causing exposures to lead and lead compounds.  
13 Defendant intended that residents of California handle and use leaded brass cookware or serving  
14 ware in such ways as would lead to significant exposures to these chemicals.  
15

16 17. By the above described acts, Defendant has violated Cal. Health & Safety Code  
17 § 25249.6 and is therefore subject to an injunction ordering it to stop violating Proposition 65  
18 and requiring it to provide warnings to its past customers (as well as patrons of those customers)  
19 who purchased defendant's products without receiving a clear and reasonable warning.  
20

21  
22 SECOND CAUSE OF ACTION  
23 (Claim for Civil Penalties)

24 18. Plaintiff realleges and incorporates by reference into this Second Cause of Action,  
25 as if specifically set forth herein, paragraphs 1 through 17, inclusive.  
26

27 19. By the above described acts, Defendant is liable and should be liable pursuant to  
28 Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each individual

1 exposed without proper warning to lead and lead compounds from the handling or use of  
2 Defendant's leaded brass cookware or serving ware.

3 PRAYER FOR RELIEF

4  
5 Wherefore, plaintiff prays for judgment against DEFENDANT, as follows:

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

9  
10 2. Pursuant to the Second Cause of Action, that Defendant 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 Defendant's marketing of leaded brass cookware or serving ware;

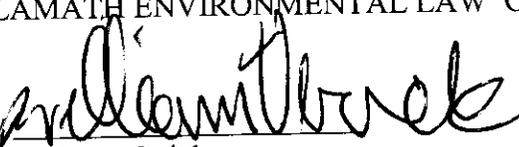
14  
15 3. That Defendant be ordered to identify and locate each individual who purchased  
16 leaded brass cookware or serving ware and provide a warning to each such person (and to each  
17 patron of each such person) that the leaded brass cookware or serving ware the person and its  
18 patrons purchased will expose that person to chemicals known to cause birth defects.

19  
20 4. That, pursuant to Civil Procedure Code § 1021.5, Defendant be ordered to pay to  
21 Plaintiff the attorneys fees and costs it incurred in bringing this enforcement action.

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

23  
24 Dated: June 23, 2011

KLAMATH ENVIRONMENTAL LAW CENTER

25  
26 By 

William Verick

Attorney for Plaintiff

Mateel Environmental Justice Foundation



# Klamath

ENVIRONMENTAL  
LAW CENTER

March 9, 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 companies listed 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 for both Mateel and this office. The above-referenced violations occur when California residents come into contact with brass cookware, such as cheese slicers, and when they eat food or drink beverages from stock pots. The cheese slicers to which this notice pertains incorporate leaded-brass or bronze parts. The stockpots to which this notice pertains utilize faucets the internal parts for which are made from leaded alloys. Touching the cheese slicers' brass parts imparts lead to the hands of those who contact these brass parts. California residents are exposed to lead from the cheese slicers when they handle or touch the leaded brass parts. California residents are exposed to lead from the stock pots when they consume beverages or food that has been cooked in, stored in, or served from the pots. Specific examples of these types of products are listed in the enclosed Product List. Though specific models or SKUs or product numbers are given as examples, this notice pertains to all models, and all variations, of the specific types of products of which the named model are examples. These companies either make or market these leaded-brass cheese slicers and stock pots. Lead is transferred from the leaded-brass cheese slicers 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 thus occur via the dermal absorption, mucous membrane, subcutaneous, inhalation and ingestion routes. Lead leaches from the stock pots' faucets into the foods or beverages that contacted the leaded parts of these faucets. People who drink or eat the lead-infused food or beverage and are thus exposed via the ingestion route of exposure. These companies did not and do not provide people with clear and reasonable warnings before they expose California residents to lead. The above referenced violations have occurred every day since at least March 9, 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 cookware made outside of California, except as to workplaces these companies, themselves maintain 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

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 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

DAVID W. LI, PRESIDENT  
D.W.L. INTERNATIONAL TRADING, INC.  
65 INDUSTRIAL RD  
LODI, NJ 07644

CHARLIE KINGDON, PRESIDENT  
LINCOLN FOODSERVICE PRODUCTS, LLC.  
1111 N HADLEY RD  
FORT WAYNE, IN 46804

## PRODUCT LIST

### **DWL INDUSTRIES CO.**

ADJUSTABLE CHEESE SLICER CAST ALUMINUM UPC CODE: 811642 007933 This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of cheese slicers

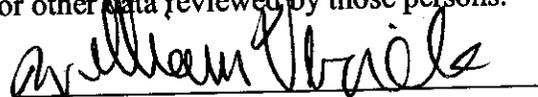
### **LINCOLN FOODSERVICE PRODUCTS, LLC.**

LINCOLN WEAR-EVER 60 QT STOCK POT / FAUCET 4256B UPC CODE: 080814 002933 This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar types of stock pots and faucets.

## 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 9, 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 9, 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 9, 2011, at Eureka, California.

  
Nicole Frank