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Klamath Environmental Law Center
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11 Attorneys for Plaintiff,
12 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 COUNTY OF SANTA CRUZ
15 (Unlimited Jurisdiction)

16 MATEEL ENVIRONMENTAL
17 JUSTICE FOUNDATION,

CASE NO. **CV 173266**

18 Plaintiff,

19 v.

COMPLAINT FOR INJUNCTIVE RELIEF
AND CIVIL PENALTIES

20 EUROMARKET DESIGNS, INC. dba
21 CRATE & BARREL

22 Defendants.

TOXIC TORT/ENVIRONMENTAL

23 _____ /
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 defendants EUROMARKET DESIGNS, INC. dba CRATE & BARREL, (hereinafter
28 "Euromarket" or "Defendant"), to give clear and reasonable warnings to those residents of

FILED

FEB 14 2012

ALEX CALVO, CLERK
BY DAVID CRISWELL
DEPUTY, SANTA CRUZ COUNTY

1 California, who handle and use Piperi Brass Candleholder or Bronze Terrarium (hereinafter
2 referred to as "Brass Products"), that handling and use of these products causes those residents to
3 be exposed to lead and lead compounds, lead acetate, lead phosphate, and lead subacetate
4 (hereinafter, collectively, "lead"). Lead is known to the State of California to cause cancer, birth
5 defects and male and female reproductive toxicity. Euromarket markets Brass Products. These
6 products cause exposures to lead and lead compounds, which are chemicals known to the State of
7 California to cause cancer, birth defects and other reproductive harm.

8 2. Defendant is a business that manufactures, markets, and/or distributes Brass
9 Products. Defendant intends that residents of California handle and use Brass Products that
10 Defendant manufactures, markets, and/or distributes. When these products are handled and used
11 in their normally intended manner, they expose people to lead. In spite of knowing that residents
12 of California were and are being exposed to lead when they handle and use Brass Products,
13 Euromarket did not and does not provide clear and reasonable warnings that these products cause
14 exposure to chemicals known to cause cancer, birth defects and other reproductive harm. The
15 Brass Products to which this Complaint pertains are those referenced in the Notice of Violation
16 Letter, which is appended to and incorporated by reference in this Complaint.

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.

22 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure
23 of Defendant to provide clear and reasonable warnings regarding exposure to chemicals known
24 to cause cancer, birth defects and other reproductive harm. Plaintiff also seeks an order that
25 defendant identify and locate each individual person who in the past has purchased a brass
26 product and to provide to each such purchaser a clear and reasonable warning that the brass
27 product will cause exposures to chemicals known to cause birth defects.

1 PARTIES

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

11 6. Defendant is a person doing business within the meaning of Health & Safety Code
12 Section 25249.11. Defendant is a business that manufactures, distributes, and/or markets Brass
13 Products in California, including in the County of Santa Cruz. Manufacture, distribution and/or
14 marketing of these products in the County of Santa Cruz and/or to people who live in Santa Cruz,
15 causes people to be exposed to lead and lead compounds while they are physically present in the
16 County of Santa Cruz.

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

1 sufficient to establish the basis of the Certificate of Merit was enclosed with the Notice of
2 Violation letter Mateel sent to the Attorney General.

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

4 JURISDICTION

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

10 10. This Court also has jurisdiction over Defendant because it is business that has
11 sufficient minimum contacts in California and within the County of Santa Cruz. Defendant
12 intentionally availed itself of the California and Santa Cruz County markets for Brass Products.
13 It is thus consistent with traditional notions of fair play and substantial justice for the Santa Cruz
14 Superior Court to exercise jurisdiction over them.

15 11. Venue is proper in this Court because Defendant markets their products in and
16 around Santa Cruz and thus cause people to be exposed to lead and lead compounds while those
17 people are physically present in Santa Cruz. Liability for Plaintiff's causes of action, or some
18 parts thereof, has accordingly arisen in Santa Cruz during the times relevant to this Complaint
19 and Plaintiff seeks civil penalties and forfeitures imposed by statutes.

20 FIRST CAUSE OF ACTION
21 (Claim for Injunctive Relief)

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

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

27 14. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates
28 that persons who, in the course of doing business, knowingly and intentionally expose any

1 individual to a chemical known to the State of California to cause cancer or birth defects must
2 first provide a clear and reasonable warning to such individual prior to the exposure.

3 15. Since at least July 21, 2008 Defendant has engaged in conduct that violates Health
4 and Safety Code Section 25249.6 et seq. This conduct includes knowingly and intentionally
5 exposing to the above mentioned toxic chemicals, those California residents who handle and use
6 Brass Products. The normally intended use of Brass Products 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 16. At all times relevant to this action, Defendant knew that the Brass Products it
11 manufactured, distributed or marketed was causing exposures to lead and lead compounds.
12 Defendant intended that residents of California handle and use Brass Products in such ways as
13 would lead to significant exposures to these chemicals.

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

18 SECOND CAUSE OF ACTION
19 (Claim for Civil Penalties)

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

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

1 PRAAYER FOR RELIEF

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

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

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

10 3. That Defendant be ordered to identify and locate each individual who purchased
11 Brass Products and provide a warning to each such person that the Brass Products the person
12 purchased will expose that person to chemicals known to cause birth defects.

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

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

16 Dated: February 8, 2012

KLAMATH ENVIRONMENTAL LAW CENTER

17
18
19 By 

Fredric Evenson
Attorney for Plaintiff
Mateel Environmental Justice Foundation



July 21, 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 Euromarket Designs, Inc. dba Crate & Barrell (hereinafter "Euromarket") 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") which Euromarket markets. A specific example of the products at issue is: PIPERI 13.25" CANDLEHOLDER SKU# 671-6500; BRONZE TERRARIUM #161431. Though the products listed 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 above. 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. Euromarket 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 July 21, 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 Euromarket itself maintains in California. This notice does not allege any environmental exposure violations.

Cordially,


William Verick

424 First Street, Eureka, CA 95501 • 707.268.8900 (phone) 707.268.8901 (fax)

SERVICE LIST

PROP 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
MARKLEVILLE, 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

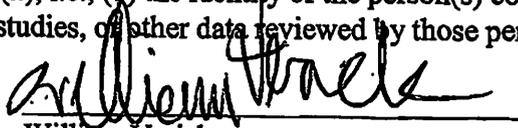
OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

BARBARA TURF, CEO
EUROMARKET DESIGNS, INC.
1250 TECHNY ROAD
NORTHBROOK, IL 60662

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: July 21, 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 July 21, 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 July 21, 2011, at Eureka, California.



Nicole Frank