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SUPERIOR COURT  
COUNTY OF SAN FRANCISCO

2012 FEB -3 AM 8:25

CLERK OF THE COURT

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D. STEPPE

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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,

CASE NO. **CGC-12-517923**

17 Plaintiff,

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

18 v.

20 GROSS MECHANICAL LABORATORIES,  
INC.,

21 Defendant.

BUSINESS TORT

23 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

24 INTRODUCTION

25 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
26 failure of defendants GROSS MECHANICAL LABORATORIES, INC., (hereinafter  
27 "Defendants"), to give clear and reasonable warnings to those residents of California, who handle  
28 and use leaded brass products including brass fittings (collectively hereinafter referred to as

1 “leaded-brass products”) that are made from leaded brass, that handling and use of these  
2 products causes those residents to be exposed to lead and lead compounds, lead acetate, lead  
3 phosphate, and lead subacetate (hereinafter, collectively, “lead”) Lead is known to the State of  
4 California to cause cancer, birth defects and male and female reproductive toxicity. Defendant  
5 manufactures, distributes, and/or markets leaded-brass products. These products cause exposures  
6 to lead and lead compounds, which are chemicals known to the State of California to cause  
7 cancer, birth defects and other reproductive harm.

8 2. Defendant is a business that manufacture, market, and/or distribute leaded-brass  
9 products. Defendant intends that residents of California handle and use leaded-brass products  
10 that Defendant manufactures, markets, and/or distributes. When these products are handled and  
11 used in their normally intended manner, they expose people to lead. In spite of knowing that  
12 residents of California were and are being exposed to these chemicals when they handle and use  
13 leaded-brass products, Defendant did not and do not provide clear and reasonable warnings that  
14 these products cause exposure to chemicals known to cause cancer, birth defects and other  
15 reproductive harm. The leaded-brass products to which this Complaint pertains are those  
16 referenced in the Products List that accompanied the July 21, 2011 60-Day Notice Letter, which  
17 is appended to and incorporated by reference into this Complaint.

18 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
19 to compel Defendant to bring its business practices into compliance with section 25249.5 et seq.  
20 by providing a clear and reasonable warning to each individual who has been and who in the  
21 future may be exposed to the above mentioned toxic chemicals from the use of Defendant’s  
22 products.

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

PARTIES

1  
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 leaded-brass products  
9 manufactured, distributed or marketed by Defendants and are so exposed without a clear and  
10 reasonable 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 manufacture, distribute, and/or market leaded-  
13 brass products in California, including the City and County of San Francisco. Manufacture,  
14 distribution and/or marketing of these products in the City and County of San Francisco and/or to  
15 people who live in San Francisco, causes people to be exposed to lead and lead compounds while  
16 they are physically present in the City and County of San Francisco.

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 a  
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 that same  
22 day, Mateel sent identical Notice of Violation letters to each defendant. Attached to the Notice  
23 of Violation letters sent to each defendant was a summary of Proposition 65 that was prepared by  
24 California's Office of Environmental Health Hazard Assessment. In addition, each 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 each Notice of Violation letter. Factual information

1 sufficient to establish the basis of the Certificate of Merit was enclosed with the Notice letter  
2 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 a business that have  
11 sufficient minimum contacts in California and within the City and County of San Francisco.  
12 Defendant intentionally availed itself of the California and San Francisco County markets for  
13 leaded-brass products. It is thus consistent with traditional notions of fair play and substantial  
14 justice for the San Francisco Superior Court to exercise jurisdiction over Defendant.

15 11. Venue is proper in this Court because Defendant markets its leaded-brass products  
16 in and around San Francisco and thus cause people to be exposed to lead and lead compounds  
17 while those people are physically present in San Francisco. Liability for Plaintiff's causes of  
18 action, or some parts thereof, has accordingly arisen in San Francisco during the times relevant to  
19 this Complaint 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 Claim for Relief, 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, 2011, Defendant has engaged in conduct that violates  
4 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
5 intentionally exposing to the above mentioned toxic chemicals, those California residents who  
6 handle and use leaded-brass products. The normally intended use of leaded-brass products  
7 causes exposure to lead and lead compounds, which are chemicals known to the State of  
8 California to cause cancer, birth defects and other reproductive harm. Defendant has not  
9 provided clear and reasonable warnings, within the meaning of Health & Safety Code Sections  
10 25249.6 and 25249.11.

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

15 17. By the above described acts, Defendant has violated Cal. Health & Safety Code  
16 § 25249.6 and are therefore subject to an injunction ordering them to stop violating Proposition  
17 65, requiring them to provide warnings to their past customers who purchased Defendant's  
18 products without receiving a clear and reasonable warning, and to provide warnings to future  
19 customers.

20 SECOND CAUSE OF ACTION  
21 (Claim for Civil Penalties)

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

24 19. By the above described acts, Defendant is liable and should be liable pursuant to  
25 Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each individual  
26 exposed to lead and lead compounds from the handling or use of Defendant's leaded-brass  
27 products.  
28

1 PRAYER FOR RELIEF

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

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

6 B. Pursuant to the Second Cause of Action, that Defendants 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 Defendants' manufacturing, distributing or marketing of leaded-brass products;

10 C. That Defendants be ordered to identify and locate each individual who purchased  
11 leaded-brass products and provide a warning to each such person that the leaded-brass products  
12 the person purchased will expose that person to chemicals known to cause birth defects.

13 D. That Defendants be ordered, pursuant to CCP Section 1021.5, to pay Mateel's  
14 attorney's fees and costs incurred in prosecuting this action.

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

16 Dated: January 27, 2012

17  
18 By   
19 David Williams  
20 Attorney for Plaintiff  
21 Mateel Environmental Justice Foundation  
22  
23  
24  
25  
26  
27  
28



# Klamath

ENVIRONMENTAL  
LAW CENTER

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 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 plumbing accessories, fittings, valves, hoses, connectors, and tubes (collectively "brass plumbing fittings and accessories") that 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 fittings and accessories. The brass fittings and accessories 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 fittings and accessories. Lead is transferred from the brass fittings and accessories 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 July 21, 2008, and will continue every day until the lead is removed from the brass fittings and accessories, 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 plumbing fittings and accessories 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 TRUXTON 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  
DOWNTOWN, 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 1ST. #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

FREDERICK L GUTERMAN, CEO  
SETH GUTERMAN, PRESIDENT  
AMERICAN VALVE, INC.  
4321 PIEDMONT PKWY  
GREENSBORO, NC 27410

FREDERICK L GUTERMAN, CEO  
SETH GUTERMAN, PRESIDENT  
AMERICAN VALVE, INC.  
P.O. BOX 35229  
GREENSBORO, NC 27425

ROBERT ANDERSON SCHOEPE, PRESIDENT  
FLUIDMASTER, INC.  
30800 RANCHO VIEJO RD  
SAN JUAN CAPISTRANO, CA 92675

DONALD GROSS, PRESIDENT  
GROSS MECHANICAL LABORATORIES, INC.  
7240 STANDARD DRIVE  
HANOVER, MD 21076

BILLY HODES, PRESIDENT  
MIDLAND METAL  
P.O. BOX 414410  
KANSAS CITY, MO 64141

BILLY HODES, PRESIDENT  
MIDLAND METAL  
2016 E. 19TH STREET  
KANSAS CITY, MO 64127

ROBERT M LYNCH, CEO  
ORCHARD SUPPLY HARDWARE STORES  
CORPORATION  
3333 BEVERLY ROAD  
HOFFMAN ESTATES, IL 60179

ALLEN RAVAS, DIRECTOR  
ROBERT LYNCH, CEO  
ORCHARD SUPPLY HARDWARE LLC  
6450 VIA DEL ORO  
SAN JOSE, CA 95119

GEOFF EISENBERG, PRESIDENT  
WEST MARINE, INC.  
500 WESTRIDGE DRIVE  
WATSONVILLE, CA 95076

## PRODUCT LIST

### **AMERICAN VALVE, INC.**

1/2" BALL VALVE THREADED ENDS G100 UPC CODE: 611918 068725; 3/4" BALL VALVE SOLDER ENDS G100S UPC CODE: 611918 068794; 1/2" FULL PORT GATE VALVE CXC G300S 1/2" NO LEAD UPC CODE: 611918 069111 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

### **FLUIDMASTER, INC.**

12" S/S WATER HEATER CONNECTOR 3/4" FIP X 3/4" FIP B1H12 PART#1-120 UPC CODE: 039961 003133; 3/8" COMPRESSION THD 1/2" I.P. PIPE THREAD WATER SUPPLY CONNECTOR B1F12 LEAD FREE 12" LENGTH PART #1-106 UPC CODE: 039961 001412; FAUCET CONNECTOR LEAD FREE 3/8" COMPRESSION THD MALE 3/8" COMPRESSION FEMALE B8F20 20" LENGTH UPC CODE: 039961 002075 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

### **GROSS MECHANICAL LABORATORIES, INC**

GROCO FF-500 TAILPIPE BRONZE 1/2" X 3/4" 112864 UPC CODE: 742985 003613; GROCO TAILPIPE BRONZE 90 DEGREE 3/4" 113193 FFC-750; GROCO ELBOW BRONZE NPT 1-1/4" UPC CODE: 742985 004870; GROCO VALVE-BALL FULL FLO IBV-760 400 WO6 UPC CODE: 742985 141841 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

### **MIDLAND METAL**

SEA FIT 90 DEGREE ELBOW 1/2" PIPE THREAD BRONZE 1857267 B0061 UPC CODE: 642688 441036; SEA FIT ADAPTER 3/4" X 3/4" MALE HOSE THREAD X BRASS BARB #1916899 A0055 UPC CODE: 642688 300425; SEA FIT TEE 1/2" PIPE THREAD BRONZE 1858844 B0061 UPC CODE: 642688 442538; ELBOW BRONZE 1 1/4" UPC CODE: 642688 441067; SEAFIT 3/4" BRONZE TEE 3/4" PIPE THREAD #185885 UPC CODE: 642688 442545 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

### **ORCHARD SUPPLY HARDWARE STORES**

#### **ORCHARD SUPPLY HARDWARE LLC**

THRIFCO ICEMAKER SUPPLY KIT 15' COPPER TUBING SELF TAPING VALVE 714-T UPC CODE: 048314 007148; THRIFCO SADDLE CLAMP W/VALVE 1/4" OD TUBE X 1/8" MIP VALVE FITS 1/2" OF 3/4" WATER PIPE 702-T UPC CODE: 048314 007025; THRIFCO ICE MAKER ADAPTER WITH 1/4" X 1/8" ANGLE NEEDLE VALVE 878-T UPC CODE: 048314 008787; THRIFCO #70 COMPRESSION 90 DEGREE ELBOW 3/8" COMP X 3/8" FIP 1392-T UPC CODE: 048314 013927; THRIFTY FLEX CONNECTOR ADAPTER 15/16 X 3/4 MIP 1373-T UPC CODE: 048314 013736; THRIFCO #70 COMPRESSION 90 DEGREE ELBOW 3/8 COMP X 3/8 FIP 1392-T UPC CODE: 048314 013927; THRIFCO #66 FEMALE ADAPTER 5/16" COMP X 1/8" FIP 1354-T UPC CODE: 048314 013545 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

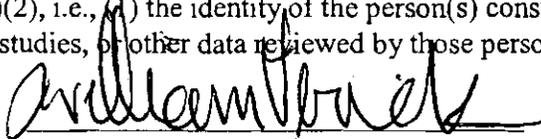
### **WEST MARINE, INC.**

GROCO FF-500 TAILPIPE BRONZE 1/2" X 3/4" 112864 UPC CODE: 742985 003613; GROCO TAILPIPE BRONZE 90 DEGREE 3/4" 113193 FFC-750; GROCO ELBOW BRONZE NPT 1-1/4" UPC CODE: 742985 004870; GROCO VALVE-BALL FULL FLO IBV-760 400 WO6 UPC CODE: 742985 141841; SEA FIT 90 DEGREE ELBOW 1/2" PIPE THREAD BRONZE 1857267 B0061 UPC CODE: 642688 441036; SEA FIT ADAPTER 3/4" X 3/4" MALE HOSE THREAD X BRASS BARB #1916899 A0055 UPC CODE: 642688 300425; SEA FIT TEE 1/2" PIPE THREAD BRONZE 1858844 B0061 UPC CODE: 642688 442538; ELBOW BRONZE 1 1/4" UPC CODE: 642688 441067; SEAFIT 3/4" BRONZE TEE 3/4" PIPE THREAD #185885 UPC CODE: 642688 442545 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of similar types of brass hose plumbing fittings and accessories.

**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

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This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliances in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

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**CERTIFICATE OF SERVICE**

I, Nicole Frank, declare:

If called, I could and would testify as follows: I am over eighteen. My business address is 424 First Street, Eureka, California, 95501. On 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