

Summons Issued
FILED
SUPERIOR COURT
COUNTY OF SAN FRANCISCO

2012 JUN 18 AM 8:25

CLERK OF THE COURT

BY: _____
DEPUTY CLERK

D. STEFF

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11 Attorneys for Plaintiff,
12 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA

14 COUNTY OF SAN FRANCISCO
15 (Unlimited Jurisdiction)

CGC-12-521671

16 MATEEL ENVIRONMENTAL
17 JUSTICE FOUNDATION,

18 Plaintiff,

19 v.

20 31 INCORPORATED; CEQUENT
21 CONSUMER PRODUCTS, INC; and NEEDA
22 PARTS MANUFACTURING, INC.

23 Defendants.

CASE NO.

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 31 INCORPORATED; CEQUENT CONSUMER PRODUCTS, INC; and
28 NEEDA PARTS MANUFACTURING, INC. (hereinafter "Defendants"), to warn those

FILED BY FAX
PURSUANT TO LOCAL RULES

1 residents of California, who handle, use and/or maintain brass locks and tools that are made of or
2 that have components made of brass, such as tire gauges, air hose accessories and hose adapters
3 (collectively "brass locks, tools and hose fittings") that normal use of those brass locks, tools and
4 hose fittings exposes people to lead and lead compounds, lead acetate, lead phosphate, and lead
5 subacetate (hereinafter, collectively, "lead"). These brass locks, tools and hose fittings utilize
6 components that are made from leaded brass. The specific products at issue in the complaint are
7 those listed in the Products Lists of the Proposition 65 Notice of Violation Letters that are
8 attached to this complaint and which are incorporated into it. Lead is known to the State of
9 California to cause cancer, birth defects and male and female reproductive toxicity. Defendants
10 market brass locks, tools and hose fittings. These products cause exposures to lead and lead
11 compounds, which are chemicals known to the State of California to cause cancer, birth defects
12 and other reproductive harm.

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

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

26 4. In addition to injunctive relief, plaintiff seeks civil penalties to remedy the failure
27 of Defendants to provide clear and reasonable warnings regarding exposure to chemicals known
28 to cause cancer, birth defects and other reproductive harm. Plaintiff also seeks an order that

1 defendants identify and locate each individual person who in the past has purchased brass locks,
2 tools and hose fittings and to provide to each such purchaser a clear and reasonable warning that
3 the brass locks, tools and hose fittings will cause exposures to chemicals known to cause birth
4 defects.

5 PARTIES

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

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

21 7. Plaintiff brings this enforcement action against Defendants pursuant to Health &
22 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference are copies of
23 Notice of Violation letters dated February 15, 2012 and February 22, 2012, which Mateel sent to
24 California's Attorney General. Letters identical in substance were sent to every District Attorney
25 in the state, and to the City Attorneys of every California city with a population greater than
26 750,000. On those same days, Mateel sent identical Notices of Violation to each defendant.
27 Attached to the Notices of Violation sent to each defendant was a summary of Proposition 65
28 that was prepared by California's Office of Environmental Health Hazard Assessment. In

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

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

8 JURISDICTION

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

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

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

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

28 12. Plaintiff realleges and incorporates by reference into this First Claim for Relief, as

1 if specifically set forth herein, paragraphs 1 through 11, inclusive.

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

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

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

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

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

27
28



February 15, 2012

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 tools that are made from brass or that have components made of brass, such as centerpunches, planes, squares and cold chisels, air conditioning recharge kits that utilize brass components and brass gauges and hose fittings (collectively "brass fittings, tools and accessories") that the listed 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, tools & accessories). Though a specific model or UPC number may be given as an example, this notice pertains to all similar types of brass fittings, tools and accessories. The brass fittings, tools and accessories that people handle are made from leaded brass, which 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 when they handle these fittings, tools and accessories. Lead is transferred from the brass fittings, tools 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 businesses 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 15, 2009, and will continue every day until the lead is removed from the brass fittings, tools and accessories, or until clear and reasonable warnings are given. These violations are alleged for occupational and consumer product exposures. We do not, however, allege occupational exposure violations as to any brass fittings, tools and accessories made outside of California, except as to workplaces the listed businesses 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 70250
OAKLAND, CA 94612-0350

OAKLAND CITY ATTORNEY
CITY HALL 6TH FLOOR
1 FRANK OGAWA PLAZA
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY
CITY OF SAN FRANCISCO
CITY HALL ROOM 206
400 VANNESSE
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
315 MAIN ST.
PLACEVILLE, 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 490
WILLOWS, CA 95988

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF IMPERIAL
940 W. MAIN STREET, SUITE 102
EL CENTRO, CA 92243-2880

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KERN
1215 TRUKTUN 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 #622
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
1355 WEST STREET
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNSVILLE, 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 318
WEAVERVILLE, CA 96093

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF TULARE
COURTHOUSE #224
YESALIA, 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

PAUL CLARK, PRESIDENT
31 INCORPORATED
100 ENTERPRISE DR.
NEWCOMERTOWN OH 43832-9242

SYDNEY JACKOFF, PRESIDENT
GREAT NECK SAW MANUFACTURERS, INC
165 E 2ND STREET
MINGOLA, NY 11501

DOUGLAS NEGRIN, PRESIDENT
INTERDYNAMICS, INC.
80 35TH ST.
BROOKLYN, NY 11232

DOUGLAS NEGRIN, PRESIDENT
INTERDYNAMICS, INC.
555 WHITE PLAINS RD
TARRYTOWN, NY 10591-3109

MICHAEL KLEIN, PRESIDENT
IDQ HOLDINGS, INC.
2901 WEST KINGSLEY ROAD
GARLAND, TX 75041

DOUGLAS A NEGRIN, PRESIDENT
IDQ OPERATING, INC.
2901 WEST KINGSLEY ROAD
GARLAND, TX 75041

JAMES KOLESZAL, PRESIDENT
NEEDA PARTS MANUFACTURING, INC.
4145 MARKET PLACE
PLINT, ME 48507-3204

PRODUCT LIST

31 INCORPORATED

XTRA SEAL 1/4" HOSE BARB NPT 15-5734 UPC CODE: 639601 557349; XTRA SEAL INFLATOR GAUGE 20-120PSI #15-5922 UPC CODE: 639601 559220; XTRA SEAL RE-COIL AIR HOSE 25' X 1/4" NPT #15-5925 UPC CODE: 639601 559251; XTRA SEAL DIAL TIRE GAUGE 5-60 PSI #15-906 UPC CODE: 639601 590605 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of brass hose accessories, kits, gauges or other tools of the same type that are made in whole or in part of brass.

GREAT NECK SAW MANUFACTURERS, INC.

ESSENTIALS 5-N-1 HAMMER #21002 UPC CODE: 076812 210029; GREAT NECK AUTOMATIC CENTER PUNCH #622 UPC CODE: 076812 029515; BUCK BROS 9" SMOOTH PLANE UPC CODE: 076812 011848; GREATNECK 8 PC COLD CHISEL AND PUNCH SET #619 UPC CODE: 076812 029256; MAYES 6" STEEL COMBINATION SQUARE #10227 UPC CODE: 028452 102271 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of brass hose accessories, kits, gauges or other tools of the same type that are made in whole or in part of brass.

INTERDYNAMICS, INC.

IDQ HOLDINGS, INC.

IDQ OPERATING, INC.

QUEST MANIFOLD GAUGE & HOSE SET AUTO AIR CONDITIONER #432 UPC CODE: 047876 004329; EZ CHILL R-134A AUTO AIR CONDITIONING RECHARGE KIT MODEL # MB-134CS UPC CODE: 048168 021307; A/C PRO R-12 RECHARGE KIT 461 UPC CODE: 047876 004619 These product descriptions pertain not only to the specific models of the products listed, but also for all units of all models of brass hose accessories, kits or other tools of the same type that are made in whole or in part of brass.

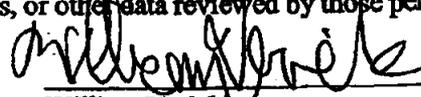
NEEDA PARTS MANUFACTURING, INC.

NEEDA 3/8" TO 3/8" BRASS PIPE TO HOSE ADAPTOR FUEL #072960 UPC CODE: 676369 072967 This product description pertains not only to the specific model of the product listed, but also for all units of all models of similar drill and driver sets made out of leaded brass

CERTIFICATE OF MERIT

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

Dated: February 15, 2012



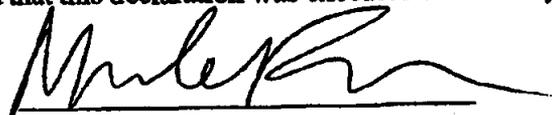
William Verick

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 15, 2012, 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 February 15, 2012, at Eureka, California.



Nicole Frank



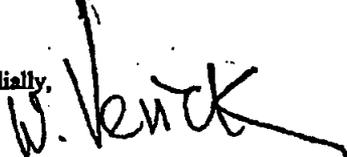
February 22, 2012

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 Cequent Consumer Product, Inc. (hereinafter "Cequent") 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 brass locks Cequent markets or manufactures. Specific examples of these types of products are: Reesetowing Brass-Adjustable Trailer Coupler Lock #70053, UPC Code: 042899 271352; Reese Towpower Dual Pin Receiver and Coupler Lock #7006100, UPC Code: 042899 700616. 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. The bodies of these brass locks 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 locks while using them to secure their property, or when they are unlocking them to gain access to their property. Lead is transferred from the brass locks 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 occur via the dermal absorption, subcutaneous, mucous membrane, ingestion and inhalation routes. Cequent 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 February 22, 2009, and will continue every day until the lead is removed from the brass locks, 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 leaded brass locks made outside of California, except as to workplaces Cequent 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

PROPOSITION 65 ENFORCEMENT REPORTING
ATTENTION: PROP 65 COORDINATOR 1515
CLAY STREET, SUITE 2000
POST OFFICE BOX 70530
OAKLAND, CA 94612-0530

OAKLAND CITY ATTORNEY
CITY HALL 6TH FLOOR
1 FRANK OGAWA PLAZA
OAKLAND, CA 94612

OFFICE OF THE CITY ATTORNEY
CITY OF SAN FRANCISCO
CITY HALL ROOM 206
400 VANTNESS
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
1215 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
191 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
125 5TH ST.
EUREKA, CA 95501

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF IMPERIAL
940 W. MAIN STREET, SUITE 102
EL CENTRO, CA 92243-2880

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

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

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF KINGS
1400 W. LACEY BLVD.
HAMFORD, 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 96150

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
6075 MAIN ST.
RIVERSIDE, CA 92581

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 #522
SAN FRANCISCO, CA 94108

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
1355 WEST STREET
REDDING, CA 96001

OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF SIERRA
P.O. BOX 457
DOWNTOWNEVILLE, 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 95408

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

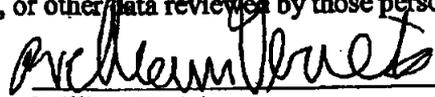
OFFICE OF THE DISTRICT ATTORNEY
COUNTY OF YUBA
215 5TH ST.
MARYSVILLE, CA 95901

JOHN ALEVA, PRESIDENT
CEQUENT CONSUMER PRODUCTS, INC.
29000-2 AURORA RD.
SOLON, OHIO 44139

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: February 22, 2012



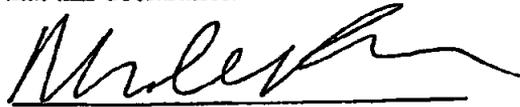
William Verick

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 22, 2012, 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 February 22, 2012, at Eureka, California.



Nicole Frank