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9 Attorneys for Plaintiff,  
10 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

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

14 MATEEL ENVIRONMENTAL  
15 JUSTICE FOUNDATION,

16 Plaintiff,  
17 v.

18 BIG O TIRES, LLC.; BRIDGESTONE  
19 AMERICAS, INC.; and BRIDGESTONE  
20 RETAIL OPERATIONS, LLC.

21 Defendants.

CASE NO.

CGC - 14 - 543233

COMPLAINT FOR INJUNCTIVE RELIEF  
AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

22 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION alleges as follows:

23 INTRODUCTION

24 1. This Complaint seeks civil penalties and an injunction to remedy the continuing  
25 failure of defendants BIG O TIRES, LLC.; BRIDGESTONE AMERICAS, INC.; and  
26 BRIDGESTONE RETAIL OPERATIONS, LLC (hereinafter "Defendants"), to give clear and  
27 reasonable warnings to those residents of California, who handle and use, automotive batteries  
28 that utilize leaded terminals that handling and contacting the terminals on these batteries causes

ENDORSED  
FILED  
Superior Court of California  
County of San Francisco  
DEC 16 2014  
CLERK OF THE COURT  
BY: MARY A. MORAN  
Deputy Clerk

1 those residents to be exposed to lead and lead compounds (hereinafter, collectively, "lead"). The  
2 types of products to which this Complaint pertains are those types listed in the Product List  
3 appended to the Proposition 65 Notice of Violation Letter that is attached to and incorporated by  
4 reference into this Complaint. Lead is known to the State of California to cause cancer, birth  
5 defects and male and female reproductive toxicity. Defendants distribute, and/or market  
6 automotive batteries. These products cause exposures to lead and lead compounds, which are  
7 chemicals known to the State of California to cause cancer, birth defects and other reproductive  
8 harm.

9         2. Defendants market, and/or distribute automotive batteries. Defendants intend that  
10 residents of California handle and contact the terminals of these batteries that Defendants  
11 market, and/or distribute. When these products are handled and used in their normally intended  
12 manner the automotive batteries expose people to lead. In spite of knowing that residents of  
13 California were and are being exposed to this toxic heavy metal when they handle and contact  
14 the terminals of these batteries, Defendants did not and do not provide clear and reasonable  
15 warnings that these products cause exposure to chemicals known to cause cancer, birth defects  
16 and other reproductive harm.

17         3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7  
18 to compel Defendants to bring their business practices into compliance with section 25249.5 et  
19 seq. 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 Defendants'  
21 products. Plaintiff seeks an order that defendant identify and locate each individual person who  
22 in the past has purchased automotive batteries and to provide to each such purchaser a clear and  
23 reasonable warning that the batteries will cause exposures to chemicals known to cause birth  
24 defects.

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

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 automotive batteries that are  
9 distributed or marketed by Defendants and are so exposed without a clear and reasonable  
10 Proposition 65 warning.

11           6.       Defendants are persons doing business within the meaning of Health & Safety  
12 Code Section 25249.11. Defendants are businesses that distribute, and/or market automotive  
13 batteries in California, including in the City and County of San Francisco. Distribution and/or  
14 marketing of these products in the City and County of San Francisco and/or to people who live  
15 in San Francisco, causes people to be exposed to lead and lead compounds while they are  
16 physically present in the City and County of San Francisco.

17           7.       Plaintiff brings this enforcement action against Defendants pursuant to Health &  
18 Safety Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a  
19 60-day Notice of Violation (“Notice”), dated August 14, 2014, which Mateel sent to California's  
20 Attorney General. Substantively identical letters were sent to every District Attorney in the state,  
21 and to the City Attorneys of every California city with a population greater than 750,000, and to  
22 each defendant. Attached to the Notice sent to each defendant was a summary of Proposition 65  
23 that was prepared by California’s Office of Environmental Health Hazard Assessment. In  
24 addition, each 60-Day Notice Letter plaintiff sent was accompanied by a Certificate of Service  
25 attesting to the service of the 60-Day Notice Letter on each entity which received it. Pursuant to  
26 California Health & Safety Code Section 25249.7(d), a Certificate of Merit attesting to the  
27 reasonable and meritorious basis for the action was also sent with each 60-Day Notice Letter.  
28 Factual information sufficient to establish the basis of the Certificate of Merit was enclosed with

1 the 60-Day Notice letter Mateel sent to the Attorney General.

2 8. Each defendant employs more than ten people.

3 JURISDICTION

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

9 10. This Court also has jurisdiction over Defendants because they are businesses that  
10 have sufficient minimum contacts in California and within the City and County of San Francisco.  
11 Defendants intentionally availed themselves of the California and San Francisco County markets  
12 for automotive batteries. It is thus consistent with traditional notions of fair play and substantial  
13 justice for the San Francisco Superior Court to exercise jurisdiction over Defendants.

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

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

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

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

26 14. To effectuate this goal, Section 25249.6 of the Health and Safety Code mandates  
27 that businesses that knowingly and intentionally expose any individual to a chemical known to  
28 the State of California to cause cancer or birth defects must first provide a clear and reasonable

1 warning to such individual prior to the exposure.

2 15. Since at least August 14, 2011, Defendants have engaged in conduct that violates  
3 Health and Safety Code Section 25249.6 et seq. This conduct includes knowingly and  
4 intentionally exposing to the above mentioned toxic chemicals, those California residents who  
5 handle or contact the terminals on automotive batteries. This happens when people install the  
6 battery or when they remove it from their vehicle to charge it or maintain the terminals by  
7 brushing corrosion from the terminals. These normally intended uses of automotive batteries  
8 causes exposure to lead and lead compounds, which are chemicals known to the State of  
9 California to cause cancer, birth defects and other reproductive harm. Defendants have not  
10 provided clear and reasonable warnings, within the meaning of Health & Safety Code Sections  
11 25249.6 and 25249.11.

12 16. At all times relevant to this action, Defendants knew that the automotive batteries  
13 they distributed or marketed were causing exposures to lead and lead compounds. Defendants  
14 intended that residents of California handle and contact the terminals of the batteries in such  
15 ways as would lead to significant exposures to these chemicals.

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

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

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

25 19. By the above described acts, Defendants are liable and should be liable pursuant  
26 to Health & Safety Code § 25249.7(b), for a civil penalty of \$2,500.00 per day for each  
27 individual exposed without proper warning, since August 14, 2013, to lead and lead compounds  
28

1 from the handling of, contact with, and maintenance of the automotive batteries that Defendants  
2 market.

3 PRAYER FOR RELIEF

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

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

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

12 3. That Defendant be ordered to identify and locate each individual who purchased  
13 automotive batteries and provide a warning to each such person that the automotive batteries the  
14 person purchased will expose that person to chemicals known to cause birth defects.

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

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

18 Dated: December 16, 2014

19  
20 By



David Williams  
Attorney for Plaintiff  
Mateel Environmental Justice Foundation



# Klamath

ENVIRONMENTAL  
LAW CENTER

August 14, 2014

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 battery terminals. A list of specific examples of the specific products at issue is attached. These battery terminals are made from lead and lead compounds ("lead"), chemicals known to cause cancer, birth defects and other reproductive harm. California residents are exposed to lead when they handle these battery terminals while removing and installing batteries in their cars, motorcycles, boats, RVs, lawnmowers and other vehicles. Lead is transferred from the battery terminals 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 from oral contact with the lead-contaminated skin, or 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, mucus 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 August 14, 2011, and will continue every day until the lead is removed from the battery terminals, 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 battery terminals made outside of California, except as to workplaces these companies themselves maintain in California. Exposures constituting Proposition 65 environmental exposure violations occur both on and off each company's property and in each of California's 58 counties.

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 70550  
OAKLAND, CA 94612-0550

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 VAN NESS  
SAN FRANCISCO, CA 94102

OFFICE OF THE CITY ATTORNEY  
CITY OF SACRAMENTO  
915 I STREET, 4TH FLOOR  
SACRAMENTO, CA 95814-2608

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

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 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

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

OFFICE OF THE DISTRICT ATTORNEY  
COUNTY OF NEVADA  
201 COMMERCIAL 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  
1355 WEST STREET  
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

JOHN B. ADAMS, CEO  
BIG O TIRES, LLC  
823 DONALD ROSS ROAD  
JUNO BEACH, FL 33408

GARY GARFIELD, CEO  
BRIDGESTONE AMERICAS, INC.  
535 MARIOTT DRIVE  
NASHVILLE, TN 37214

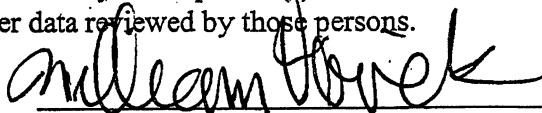
STUART CRUM, PRESIDENT  
BRIDGESTONE RETAIL OPERATIONS, LLC  
333 EAST LAKE STREET  
BLOOMINGDALE, IL 60108



**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: August 14, 2014



William Verick

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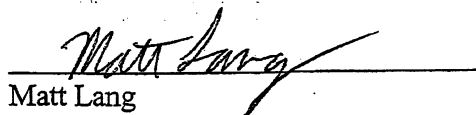
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed 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, Matt Lang, 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 August 14, 2014, 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 August 14, 2014, at Eureka, California.



Matt Lang

**PRODUCT LIST**

INTERSTATE BRAND AUTOMOTIVE BATTERIES