

1 RICHARD M. FRANCO (CBN 170970)
2 LAW OFFICE OF RICHARD M. FRANCO
3 6500 Estates Drive
4 Oakland, CA 94611
5 Ph: 510-684-1022
6 Email: rick@rfrancolaw.com

7 Attorney for Plaintiff
8 ENVIRONMENTAL RESEARCH CENTER, INC.

EMBOSED
FILED
ALAMEDA COUNTY

MAY 27 2016

CLERK OF THE SUPERIOR COURT

Anita Dhir

9 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
10 **COUNTY OF ALAMEDA**

11 ENVIRONMENTAL RESEARCH CENTER,
12 INC., a non-profit California corporation,

13 Plaintiff,

14 v.

15 MAXIMUM HUMAN PERFORMANCE,
16 LLC, a Delaware Limited Liability Company,

17 Defendant.

Case No. RG15776150

**FIRST AMENDED COMPLAINT FOR
INJUNCTIVE RELIEF AND CIVIL
PENALTIES**

Health & Safety Code §25249.5, *et seq.*

ASSIGNED FOR ALL PURPOSES TO
JUDGE GEORGE C. HERNANDEZ, JR.

18 Plaintiff Environmental Research Center, Inc. ("PLAINTIFF" or "ERC") brings this
19 action in the interests of the general public and, on information and belief, hereby alleges:

20 **INTRODUCTION**

21 1. This action seeks to remedy the continuing failure of Defendant MAXIMUM
22 HUMAN PERFORMANCE, LLC ("MHP" or "DEFENDANT") to warn consumers in
23 California that they are being exposed to lead, a substance known to the State of California to
24 cause cancer, birth defects, and other reproductive harm. DEFENDANT manufactures,
25 packages, distributes, markets, and/or sells in California certain products containing lead
26 (collectively, the "PRODUCTS"):

- 1 • Maximum Human Performance LLC MHP Up Your Mass Vanilla
- 2 • Maximum Human Performance LLC MHP A-Bomb
- 3 • Maximum Human Performance LLC MHP Dark Matter Fruit Punch
- 4 • Maximum Human Performance LLC MHP Up Your Mass Fudge Brownie
- 5 • Maximum Human Performance LLC MHP IsoFast Whey Milkshake
- 6 Delicious Chocolate Milkshake
- 7 • Maximum Human Performance LLC MHP Dark Rage Grape
- 8 • Maximum Human Performance LLC MHP Probiotic-SR Triple
- 9 Chocolate Cookie
- 10 • Maximum Human Performance LLC MHP 5D Tropin Orange
- 11 • Maximum Human Performance LLC MHP 5D Tropin Fruit Punch
- 12 • Maximum Human Performance LLC MHP Dark Matter Blue Raspberry

13 2. Lead (hereinafter, the "LISTED CHEMICAL") is a substance known to the
 14 State¹ of California to cause cancer, birth defects, and other reproductive harm.

15 3. The use and/or handling of the PRODUCTS causes exposures to the LISTED
 16 CHEMICAL at levels requiring a "clear and reasonable warning" under California's Safe
 17 Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code ("H&S Code")
 18 §25249.5, *et seq.* (also known as "Proposition 65"). DEFENDANT has failed to provide the
 19 health hazard warnings required by Proposition 65.

20 4. DEFENDANT'S past sales and continued manufacturing, packaging,
 21 distributing, marketing and/or sales of the PRODUCTS without the required health hazard
 22 warnings, cause or threatens to cause individuals to be involuntarily and unwittingly exposed to
 23 levels of the LISTED CHEMICAL that violate or threatens to violate Proposition 65.

24 5. PLAINTIFF seeks injunctive relief enjoining DEFENDANT from the continued
 25

26 _____
¹ All statutory and regulatory references herein are to California law, unless otherwise specified.

1 manufacturing, packaging, distributing, marketing and/or sales of the PRODUCTS in
2 California without provision of clear and reasonable warnings regarding the risks of cancer,
3 birth defects, and other reproductive harm posed by exposure to the LISTED CHEMICAL
4 through the use and/or handling of the PRODUCTS. PLAINTIFF seeks an injunctive order
5 compelling DEFENDANT to bring their business practices into compliance with Proposition
6 65 by providing a clear and reasonable warning to each individual who has been and who in
7 the future may be exposed to the LISTED CHEMICAL from the use of the PRODUCTS.
8 PLAINTIFF also seeks an order compelling DEFENDANT to identify and locate each
9 individual person who in the past has purchased the PRODUCTS, and to provide to each such
10 purchaser a clear and reasonable warning that the use of the PRODUCTS will cause exposures
11 to the LISTED CHEMICAL.

12 6. In addition to injunctive relief, PLAINTIFF seeks an assessment of civil
13 penalties up to the maximum civil penalty of \$2,500 per day per exposure authorized by
14 Proposition 65 to remedy DEFENDANT'S failure to provide clear and reasonable warnings
15 regarding exposures to the LISTED CHEMICAL.

16 JURISDICTION AND VENUE

17 7. This Court has jurisdiction over this action pursuant to California Constitution
18 Article VI, Section 10, which grants the Superior Court "original jurisdiction in all causes
19 except those given by statute to other trial courts." The statute under which this action is
20 brought does not specify any other basis for jurisdiction.

21 8. This Court has jurisdiction over DEFENDANT because, based on information
22 and belief, DEFENDANT is a business having sufficient minimum contacts with California, or
23 otherwise intentionally availing itself of the California market through the distribution and sale
24 of the PRODUCTS in the State of California to render the exercise of jurisdiction over them by
25 the California courts consistent with traditional notions of fair play and substantial justice.

26 9. Venue in this action is proper in the Alameda Superior Court because the

1 DEFENDANT has violated or threatens to violate California law in the County of Alameda.

2 10. On February 13, 2015 and November 5, 2015, PLAINTIFF sent 60-Day Notice
3 of Proposition 65 Violations ("NOTICES") to the requisite public enforcement agencies, and to
4 DEFENDANT. The NOTICES were issued pursuant to, and in compliance with, the
5 requirements of H&S Code §25249.7(d) and the statute's implementing regulations regarding
6 the notice of the violations to be given to certain public enforcement agencies and to the
7 violators. The NOTICES included, *inter alia*, the following information: the name, address,
8 and telephone number of the noticing individuals; the name of the alleged violator; the statute
9 violated; the approximate time period during which violations occurred; and descriptions of the
10 violations, including the chemical involved, the routes of toxic exposure, and the specific
11 product or type of product causing the violations, and was issued as follows:

- 12 a. DEFENDANT was provided a copy of each of the NOTICES by Certified
13 Mail.
- 14 b. DEFENDANT was provided a copy of a document entitled "The Safe
15 Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A
16 Summary," which is also known as Appendix A to Title 27 of CCR §25903.
- 17 c. The California Attorney General was provided a copy of each of the
18 NOTICES via online submission.
- 19 d. The California Attorney General was provided with a Certificate of Merit by
20 the attorney for the noticing parties, stating that there is a reasonable and
21 meritorious case for this action, and attaching factual information sufficient
22 to establish a basis for the certificate, including the identity of the persons
23 consulted with and relied on by the certifier, and the facts, studies, or other
24 data reviewed by those persons, pursuant to H&S Code §25249.7(h) (2).

25 11. At least 60-days have elapsed since PLAINTIFF sent the NOTICES to
26 DEFENDANT. The appropriate public enforcement agencies have failed to commence and

1 diligently prosecute a cause of action under H&S Code §25249.5, *et seq.* against
2 DEFENDANT based on the allegations herein.

3 **PARTIES**

4 12. PLAINTIFF is a non-profit corporation organized under California's
5 Corporation Law. ERC is dedicated to, among other causes, reducing the use and misuse of
6 hazardous and toxic substances, consumer protection, worker safety, and corporate
7 responsibility.

8 13. ERC is a person within the meaning of H&S Code §25118 and brings this
9 enforcement action in the public interest pursuant to H&S Code §25249.7(d).

10 14. DEFENDANT MAXIMUM HUMAN PERFORMANCE, LLC, is a
11 limited liability company organized under the State of Delaware's Corporation Law and
12 is a person doing business within the meaning of H&S Code §25249.11.

13 15. DEFENDANT has manufactured, packaged, distributed, marketed and /or sold
14 the PRODUCTS for sale or use in California and the County of Alameda. ERC is informed and
15 believes, and thereupon alleges, that DEFENDANT continues to manufacture, package,
16 distribute, market and/or sell the PRODUCTS for sale or use in California and in Alameda
17 County.

18 **STATUTORY BACKGROUND**

19 16. The People of the State of California have declared in Proposition 65 their right
20 "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
21 reproductive harm." (Section 1(b) of Initiative Measure, Proposition 65).

22 17. To effect this goal, Proposition 65 requires that individuals be provided with a
23 "clear and reasonable warning" before being exposed to substances listed by the State of
24 California as causing cancer or reproductive toxicity. H&S Code §25249.6 states, in pertinent
25 part:

26 No person in the course of doing business shall knowingly and intentionally
expose any individual to a chemical known to the state to cause cancer or

1 reproductive toxicity without first giving clear and reasonable warning to such
individual....

2 18. "'Knowingly' refers only to knowledge of the fact that a discharge of, release of,
3 or exposure to a chemical listed pursuant to Section 25249.8(a) of the Act is occurring. No
4 knowledge that the discharge, release or exposure is unlawful is required." (27 California Code
5 of Regulations ("CCR") § 25102(n).)

6 19. Proposition 65 provides that any "person who violates or threatens to violate" the
7 statute may be enjoined in a court of competent jurisdiction. (H&S Code §25249.7). The phrase
8 "threaten to violate" is defined to mean creating "a condition in which there is a substantial
9 probability that a violation will occur" (H&S Code §25249.11(e)). Violators are liable for civil
10 penalties of up to \$2,500 per day for each violation of the Act. (H&S Code §25249.7.)

11 FACTUAL BACKGROUND

12 20. On February 27, 1987, the State of California officially listed the chemical lead
13 as a chemical known to cause reproductive toxicity. Lead became subject to the warning
14 requirement one year later and was therefore subject to the "clear and reasonable" warning
15 requirements of Proposition 65 beginning on February 27, 1988. (27 CCR § 25000, *et seq.*;
16 H&S Code §25249.5, *et seq.*) Due to the high toxicity of lead, the maximum allowable dose
17 level for lead is 0.5 ug/day (micrograms a day) for reproductive toxicity. (27 CCR
18 § 25805(b).)

19 21. On October 1, 1992, the State of California officially listed the chemicals lead
20 and lead compounds as chemicals known to cause cancer. Lead and lead compounds became
21 subject to the warning requirement one year later and were therefore subject to the "clear and
22 reasonable" warning requirements of Proposition 65 beginning on October 1, 1993 (27 CCR §
23 25000, *et seq.*; H&S Code §25249.6 *et seq.*). Due to the carcinogenicity of lead, the no
24 significant risk level for lead is 15 ug/day (micrograms a day). (27 CCR § 25705(b)(1).)

25 22. To test DEFENDANT'S PRODUCTS for lead, PLAINTIFF hired a well-
26 respected and accredited testing laboratory. The results of testing undertaken by PLAINTIFF

1 of DEFENDANT'S PRODUCTS show that the PRODUCTS tested were in violation of the 0.5
2 ug/day "safe harbor" daily dose limits set forth in Proposition 65's regulations. Very
3 significant is the fact that people are being exposed to lead through ingestion as opposed to
4 other not as harmful methods of exposure such as dermal exposure. Ingestion of lead produces
5 much higher exposure levels and health risks than dermal exposure to this chemical.

6 23. At all times relevant to this action, DEFENDANT, therefore, has knowingly and
7 intentionally exposed the users and/or handlers of the PRODUCTS to the LISTED
8 CHEMICAL without first giving a clear and reasonable warning to such individuals.

9 24. The PRODUCTS have allegedly been sold by DEFENDANT for use in
10 California since at least February 13, 2012. The PRODUCTS continue to be distributed
11 and sold in California without the requisite warning information.

12 25. On February 13, 2015 and November 5, 2015, PLAINTIFF sent the NOTICES to
13 the requisite public enforcement agencies, and to DEFENDANT that provided DEFENDANT
14 and the public enforcement agencies with notice that DEFENDANT was in violation of
15 Proposition 65 for failing to warn purchasers and individuals using the PRODUCTS that the
16 use of the PRODUCTS exposes them to lead, a chemical known to the State of California to
17 cause cancer and/or reproductive toxicity (a true and copy of the February 13, 2015 60-Day
18 Notice is attached hereto as **Exhibit A** and is incorporated by reference and a true and correct
19 copy of the November 5, 2015 60-Day Notice is attached hereto as **Exhibit B** and is
20 incorporated by reference).

21 26. The NOTICES were issued pursuant to, and in compliance with, the
22 requirements of H&S Code §25249.7(d) and the statute's implementing regulations regarding
23 the notice of the violations to be given to certain public enforcement agencies and to the
24 violators.

25 27. As a proximate result of acts by DEFENDANT, as a person in the course of
26 doing business within the meaning of Health & Safety Code §25249.11, individuals throughout

1 the State of California, including in the County of Alameda, have been exposed to the LISTED
2 CHEMICAL without a clear and reasonable warning. The individuals subject to the illegal
3 exposures include normal and foreseeable users of the PRODUCTS, as well as all other
4 persons exposed to the PRODUCTS.

5 **FIRST CAUSE OF ACTION**
6 **(Injunctive Relief for Violations of Health and Safety Code § 25249.5, *et seq.* concerning**
7 **the PRODUCTS described in the NOTICES)**
8 **Against DEFENDANT**

9 28. PLAINTIFF re-alleges and incorporates by reference Paragraphs 1 through 27,
10 inclusive, as if specifically set forth herein.

11 29. By committing the acts alleged in this Complaint, DEFENDANT, at all times
12 relevant to this action, and continuing through the present, has violated or threatens to violate
13 H&S Code §25249.6 by, in the course of doing business, knowingly and intentionally exposing
14 individuals who use or handle the PRODUCTS set forth in the Notice to the LISTED
15 CHEMICAL, without first providing a clear and reasonable warning to such individuals
16 pursuant to H&S Code §§ 25249.6 and 25249.11(f).

17 30. By the above-described acts, DEFENDANT has violated or threatens to violate
18 H&S Code § 25249.6 and is therefore subject to an injunction ordering DEFENDANT to stop
19 violating Proposition 65, to provide warnings to all present and future customers, and to
20 provide warnings to DEFENDANT'S past customers who purchased or used the PRODUCTS
21 without receiving a clear and reasonable warning.

22 31. An action for injunctive relief under Proposition 65 is specifically authorized by
23 Health & Safety Code §25249.7(a).

24 32. Continuing commission by DEFENDANT of the acts alleged above will
25 irreparably harm the citizens of the State of California, for which harm they have no plain,
26 speedy, or adequate remedy at law.

///

1 PRODUCTS.

2 PRAYER FOR RELIEF

3 Wherefore, PLAINTIFF accordingly prays for the following relief:

4 A. a preliminary and permanent injunction, pursuant to H&S Code §25249.7(b),
5 enjoining DEFENDANT, its agents, employees, assigns and all persons acting in concert or
6 participating with DEFENDANT, from distributing or selling the PRODUCTS in California
7 without first providing a clear and reasonable warning, within the meaning of Proposition 65,
8 that the users and/or handlers of the PRODUCTS are exposed to the LISTED CHEMICAL:

9 B. an injunctive order, pursuant to H&S Code §25249.7(b), compelling
10 DEFENDANT to identify and locate each individual who has purchased the PRODUCTS since
11 February 13, 2012, and to provide a warning to such person that the use of the PRODUCTS
12 will expose the user to chemicals known to birth defects and other reproductive harm:

13 C. an assessment of civil penalties pursuant to Health & Safety Code §25249.7(b),
14 against DEFENDANT in the amount of \$2,500 per day for each violation of Proposition 65:

15 D. an award to PLAINTIFF of its reasonable attorney's fees and costs of suit
16 pursuant to California Code of Civil Procedure §1021.5, as PLAINTIFF shall specify in further
17 application to the Court; and,

18 E. such other and further relief as may be just and proper.

19
20 DATED: May 27, 2016

LAW OFFICE OF RICHARD M. FRANCO

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22
23 Richard M. Franco
24 Attorney for Plaintiff
25 Environmental Research Center, Inc.
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Exhibit A

LAW OFFICE OF RICHARD M. FRANCO

6500 ESTATES DRIVE
OAKLAND, CA 94611
510.684.1022
RICK@RFRANCOLAW.COM

VIA CERTIFIED MAIL

Current CEO or President
Maximum Human Performance, LLC
21 Dwight Place
Fairfield, NJ 07004

Current CEO or President
Maximum Human Performance, LLC
165 Clinton Road
West Caldwell, NJ 07006

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
830 Bear Tavern Road
West Trenton, NJ 08628

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
830 Bear Tavern Road
Ewing, NJ 08628

VIA PRIORITY MAIL

District Attorneys of All California Counties
and Select City Attorneys
(See Attached Certificate of Service)

VIA ONLINE SUBMISSION

Office of the California Attorney General

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent the Environmental Research Center, Inc. ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the "Violator") is:

Maximum Human Performance, LLC

The products that are the subject of this notice and the chemicals in those products identified as exceeding allowable levels are:

- **Maximum Human Performance LLC MHP Up Your Mass Vanilla - Lead**
- **Maximum Human Performance LLC MHP A-Bomb - Lead**
- **Maximum Human Performance LLC MHP Dark Matter Fruit Punch - Lead**
- **Maximum Human Performance LLC MHP Up Your Mass Fudge Brownie - Lead**
- **Maximum Human Performance LLC MHP IsoFast Whey Milkshake Delicious Chocolate Milkshake - Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

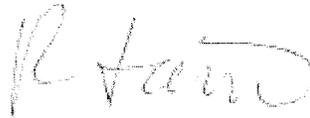
The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and/or recommended use of these products by consumers. The primary route of exposure to lead has been through ingestion, but may have also occurred through inhalation and/or dermal contact. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons using and/or handling these products that they are being exposed to lead. Each of these ongoing violations has occurred on every day since February 13, 2012, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to

the identified chemicals; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemicals and expensive and time consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Maximum Human Performance, LLC and its Registered Agent for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

CERTIFICATE OF MERIT

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations
by Maximum Human Performance, LLC**

I, Rick Franco, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on 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 plaintiff's case can be established and that the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: February 13, 2015



Rick Franco

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On February 13, 2015, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current CEO or President
Maximum Human Performance, LLC
21 Dwight Place
Fairfield, NJ 07004

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
830 Bear Tavern Road
West Trenton, NJ 08628

Current CEO or President
Maximum Human Performance, LLC
165 Clinton Road
West Caldwell, NJ 07006

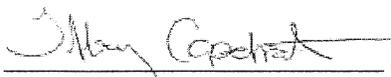
Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
830 Bear Tavern Road
Ewing, NJ 08628

On February 13, 2015, I electronically served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** on the following party by uploading a true and correct copy thereof on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On February 13, 2015, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by Priority Mail.

Executed on February 13, 2015, in Fort Oglethorpe, Georgia.



Tiffany Capehart

Notice of Violations of California Health & Safety Code §25249.5 *et seq.*

February 13, 2015

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Service List

District Attorney, Alameda County 1225 Fallon Street, Suite 900 Oakland, CA 94612	District Attorney, Los Angeles County 210 West Temple Street, Suite 18000 Los Angeles, CA 90012	District Attorney, San Diego County 330 West Broadway, Suite 1300 San Diego, CA 92101	District Attorney, Tuolumne County 423 N. Washington Street Sonora, CA 95370
District Attorney, Alpine County P.O. Box 248 Markleeville, CA 96120	District Attorney, Madera County 209 West Yosemite Avenue Madera, CA 93637	District Attorney, San Francisco County 850 Bryant Street, Suite 322 San Francisco, CA 94103	District Attorney, Ventura County 800 South Victoria Ave, Suite 314 Ventura, CA 93009
District Attorney, Amador County 708 Court Street Jackson, CA 95642	District Attorney, Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney, San Joaquin County 222 E. Weber Ave. Rm. 202 Stockton, CA 95202	District Attorney, Yolo County 301 2 nd Street Woodland, CA 95695
District Attorney, Butte County 25 County Center Drive, Suite 245 Oroville, CA 95965	District Attorney, Mariposa County Post Office Box 730 Mariposa, CA 95338	District Attorney, San Luis Obispo County 1035 Palm St, Room 450 San Luis Obispo, CA 93408	District Attorney, Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
District Attorney, Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney, Mendocino County Post Office Box 1000 Ukiah, CA 95482	District Attorney, San Mateo County 400 County Ctr., 3 rd Floor Redwood City, CA 94063	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Suite 800 Los Angeles, CA 90012
District Attorney, Colusa County 346 Fifth Street Suite 101 Colusa, CA 95932	District Attorney, Merced County 550 W. Main Street Merced, CA 95340	District Attorney, Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	San Diego City Attorney's Office 1200 3rd Avenue, Ste 1620 San Diego, CA 92101
District Attorney, Contra Costa County 900 Ward Street Martinez, CA 94553	District Attorney, Modoc County 204 S Court Street, Room 202 Alturas, CA 96101-4020	District Attorney, Santa Clara County 70 West Hedding Street San Jose, CA 95110	San Francisco, City Attorney City Hall, Room 234 1 Dr Carlton B Goodlett PL San Francisco, CA 94102
District Attorney, Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	District Attorney, Mono County Post Office Box 617 Bridgeport, CA 93517	District Attorney, Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	San Jose City Attorney's Office 200 East Santa Clara Street, 16 th Floor San Jose, CA 95113
District Attorney, El Dorado County 515 Main Street Placerville, CA 95667	District Attorney, Monterey County Post Office Box 1131 Salinas, CA 93902	District Attorney, Shasta County 1355 West Street Redding, CA 96001	
District Attorney, Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	District Attorney, Napa County Post Office Box 720 Napa, CA 94559	District Attorney, Sierra County PO Box 457 Downieville, CA 95936	
District Attorney, Glenn County Post Office Box 430 Willows, CA 95988	District Attorney, Nevada County 201 Commercial Street Nevada City, CA 95959	District Attorney, Siskiyou County Post Office Box 986 Yreka, CA 96097	
District Attorney, Humboldt County 825 5th Street 4 th Floor Eureka, CA 95501	District Attorney, Orange County 401 West Civic Center Drive Santa Ana, CA 92701	District Attorney, Solano County 675 Texas Street, Ste 4500 Fairfield, CA 94533	
District Attorney, Imperial County 940 West Main Street, Ste 102 El Centro, CA 92243	District Attorney, Placer County 10810 Justice Center Drive, Ste 240 Roseville, CA 95678	District Attorney, Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
District Attorney, Inyo County 230 W. Line Street Bishop, CA 93514	District Attorney, Plumas County 520 Main Street, Room 404 Quincy, CA 95971	District Attorney, Stanislaus County 832 12 th Street, Ste 300 Modesto, CA 95354	
District Attorney, Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	District Attorney, Riverside County 3960 Orange Street Riverside, CA 92501	District Attorney, Sutter County 446 Second Street Yuba City, CA 95991	
District Attorney, Kings County 1400 West Lacey Boulevard Hanford, CA 93230	District Attorney, Sacramento County 901 "G" Street Sacramento, CA 95814	District Attorney, Tehama County Post Office Box 519 Red Bluff, CA 96080	
District Attorney, Lake County 255 N. Forbes Street Lakeport, CA 95453	District Attorney, San Benito County 419 Fourth Street, 2 nd Floor Hollister, CA 95023	District Attorney, Trinity County Post Office Box 310 Weaverville, CA 96093	
District Attorney, Lassen County 220 South Lassen Street, Ste. 8 Susanville, CA 96130	District Attorney, San Bernardino County 316 N. Mountain View Avenue San Bernardino, CA 92415-0004	District Attorney, Tulare County 221 S. Mooney Blvd., Room 224 Visalia, CA 93291	

APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the California Office of Environmental Health Hazard Assessment (OEHHA), the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and OEHHA's implementing regulations (see citations below) for further information.

FOR INFORMATION CONCERNING THE BASIS FOR THE ALLEGATIONS IN THE NOTICE RELATED TO YOUR BUSINESS, CONTACT THE PERSON IDENTIFIED ON THE NOTICE.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. The statute is available online at: <http://oehha.ca.gov/prop65/law/P65law72003.html>. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, sections 25102 through 27001.¹ These implementing regulations are available online at: <http://oehha.ca.gov/prop65/law/P65Regs.html>.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer and/or reproductive toxicity. This means that chemicals are placed on the Proposition 65 list if they are known to cause cancer and/or birth defects or other reproductive harm, such as

¹ All further regulatory references are to sections of Title 27 of the California Code of Regulations unless otherwise indicated. The statute, regulations and relevant case law are available on the OEHHA website at: <http://www.oehha.ca.gov/prop65/law/index.html>.

damage to female or male reproductive systems or to the developing fetus. This list must be updated at least once a year. The current Proposition 65 list of chemicals is available on the OEHHA website at:

http://www.oehha.ca.gov/prop65/prop65_list/Newlist.html.

Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release or otherwise engage in activities involving listed chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before “knowingly and intentionally” exposing that person to a listed chemical unless an exemption applies; for example, when exposures are sufficiently low (see below). The warning given must be “clear and reasonable.” This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Some exposures are exempt from the warning requirement under certain circumstances discussed below.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Some discharges are exempt from this requirement under certain circumstances discussed below.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. You should consult the current version of the statute and regulations (<http://www.oehha.ca.gov/prop65/law/index.html>) to determine all applicable exemptions, the most common of which are the following:

Grace Period. Proposition 65 warning requirements do not apply until 12 months after the chemical has been listed. The Proposition 65 discharge prohibition does not apply to a discharge or release of a chemical that takes place less than 20 months after the listing of the chemical.

Governmental agencies and public water utilities. All agencies of the federal, state or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees. This includes all employees, not just those present in California.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer (“carcinogens”), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses “no significant risk.” This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific “No Significant Risk Levels” (NSRLs) for many listed carcinogens. Exposures below these levels are exempt from the warning requirement. See OEHHA’s website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of NSRLs, and Section 25701 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause reproductive toxicity, a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the “no observable effect level” divided by a 1,000. This number is known as the Maximum Allowable Dose Level (MADL). See OEHHA’s website at: <http://www.oehha.ca.gov/prop65/getNSRLs.html> for a list of MADLs, and Section 25801 *et seq.* of the regulations for information concerning how these levels are calculated.

Exposures to Naturally Occurring Chemicals in a Food. Certain exposures to chemicals that occur in foods naturally (i.e., that do not result from any known human activity, including activity by someone other than the person causing the exposure) are exempt from the warning requirements of the law. If the chemical is a contaminant² it must be reduced to the lowest level feasible. Regulations explaining this exemption can be found in Section 25501.

Discharges that do not result in a “significant amount” of the listed chemical entering into any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a “significant amount” of the listed chemical has not, does not, or will not pass into or probably pass into a source of drinking water, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A “significant amount” means any detectable amount, except an amount that would meet the “no significant risk” level for chemicals that cause cancer or that is 1,000 times below the “no observable effect” level for chemicals that cause reproductive toxicity, if an individual were exposed to that amount in drinking water.

² See Section 25501(a)(4)

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys. Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. The notice must comply with the information and procedural requirements specified in Section 25903 of the regulations and in Title 11, sections 3100-3103. A private party may not pursue an independent enforcement action under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court to stop committing the violation.

FOR FURTHER INFORMATION ABOUT THE LAW OR REGULATIONS...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900 or via e-mail at P65Public.Comments@oehha.ca.gov.

Revised: July, 2012

NOTE: Authority cited: Section 25249.12, Health and Safety Code. Reference: Sections 25249.5, 25249.6, 25249.9, 25249.10 and 25249.11, Health and Safety Code.

Exhibit B

LAW OFFICE OF RICHARD M. FRANCO

6500 ESTATES DRIVE
OAKLAND, CA 94611
510.684.1022
RICK@RFRANCOLAW.COM

VIA CERTIFIED MAIL

Current CEO or President
Maximum Human Performance, LLC
21 Dwight Place
Fairfield, NJ 07004

Current CEO or President
Maximum Human Performance, LLC
165 Clinton Road
West Caldwell, NJ 07006

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
830 Bear Tavern Road
West Trenton, NJ 08628

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
830 Bear Tavern Road
Ewing, NJ 08628

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
2711 Centerville Road, Suite 400
Wilmington, De 19808

VIA ELECTRONIC MAIL

Yolo County District Attorney
301 2nd Street
Woodland, CA 95695
cfepd@yolocounty.org

VIA PRIORITY MAIL

District Attorneys of Select California
Counties and Select City Attorneys
(See Attached Certificate of Service)

VIA ONLINE SUBMISSION

Office of the California Attorney General

Re: Notice of Violations of California Health & Safety Code Section 25249.5 *et seq.*

Dear Addressees:

I represent the Environmental Research Center, Inc. ("ERC") in connection with this Notice of Violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986, which is codified at California Health & Safety Code Section 25249.5 *et seq.* and also referred to as Proposition 65.

ERC is a California non-profit corporation dedicated to, among other causes, helping safeguard the public from health hazards by bringing about a reduction in the use and misuse of hazardous and toxic chemicals, facilitating a safe environment for consumers and employees, and encouraging corporate responsibility.

The name of the Company covered by this notice that violated Proposition 65 (hereinafter the "Violator") is:

Maximum Human Performance, LLC

The products that are the subject of this notice and the chemical in those products identified as exceeding allowable levels are:

1. **Maximum Human Performance LLC MHP Dark Rage Grape - Lead**
2. **Maximum Human Performance LLC MHP Probolic-SR Triple Chocolate Cookie - Lead**
3. **Maximum Human Performance LLC MHP 5D Tropin Orange - Lead**
4. **Maximum Human Performance LLC MHP 5D Tropin Fruit Punch - Lead**
5. **Maximum Human Performance LLC MHP Dark Matter Blue Raspberry - Lead**

On February 27, 1987, the State of California officially listed lead as a chemical known to cause developmental toxicity, and male and female reproductive toxicity. On October 1, 1992, the State of California officially listed lead and lead compounds as chemicals known to cause cancer.

This letter is a notice to the Violator and the appropriate governmental authorities of the Proposition 65 violations concerning the listed products. This notice covers all violations of Proposition 65 involving the Violator currently known to ERC from the information now available. ERC may continue to investigate other products that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, is enclosed with the copy of this letter to the Violator.

The Violator has manufactured, marketed, distributed, and/or sold the listed products, which have exposed and continue to expose numerous individuals within California to the identified chemical, lead. The consumer exposures that are the subject of this notice result from the purchase, acquisition, handling and/or recommended use of these products by consumers. The primary route of exposure to lead has been through ingestion, but may have also occurred through inhalation and/or dermal contact. Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to lead. The method of warning should be a warning that appears on the product's label. The Violator violated Proposition 65 because it failed to provide an appropriate warning to persons using and/or handling these products that they are being exposed to lead. Each of these ongoing violations has occurred on every day since November 5, 2012, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users.

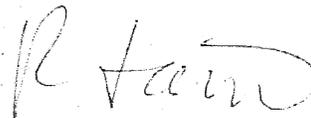
November 5, 2015

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Pursuant to Section 25249.7(d) of the statute, ERC intends to file a citizen enforcement action sixty days after effective service of this notice unless the Violator agrees in an enforceable written instrument to: (1) reformulate the listed products so as to eliminate further exposures to the identified chemical; (2) pay an appropriate civil penalty; and (3) provide clear and reasonable warnings compliant with Proposition 65 to all persons located in California who purchased the above products in the last three years. Consistent with the public interest goals of Proposition 65 and my client's objectives in pursuing this notice, ERC is interested in seeking a constructive resolution to this matter. Such resolution will avoid both further unwarned consumer exposures to the identified chemical and expensive and time consuming litigation.

ERC's Executive Director is Chris Heptinstall, and is located at 3111 Camino Del Rio North, Suite 400, San Diego, CA 92108; Tel. 619-500-3090. ERC has retained me in connection with this matter. We suggest that communications regarding this Notice of Violations should be directed to my attention at the above listed law office address and telephone number.

Sincerely,



Rick Franco

Attachments

Certificate of Merit

Certificate of Service

OEHHA Summary (to Maximum Human Performance, LLC and its Registered Agents for Service of Process only)

Additional Supporting Information for Certificate of Merit (to AG only)

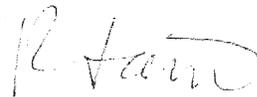
CERTIFICATE OF MERIT

**Re: Environmental Research Center, Inc.'s Notice of Proposition 65 Violations
by Maximum Human Performance, LLC**

I, Rick Franco, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney for the noticing party.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the notice.
4. Based on the information obtained through those consultants, and on 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 plaintiff's case can be established and that the information did not prove that the alleged Violator will be able to establish any of the affirmative defenses set forth in the statute.
5. Along with the copy of this Certificate of Merit served on the Attorney General is attached additional factual information sufficient to establish the basis for this certificate, including the information identified in California Health & Safety Code §25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Dated: November 5, 2015



Rick Franco

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years of age, and am not a party to the within entitled action. My business address is 306 Joy Street, Fort Oglethorpe, Georgia 30742. I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Fort Oglethorpe, Georgia.

On November 5, 2015, I served the following documents: **NOTICE OF VIOLATIONS OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; "THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY"** on the following parties by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below and depositing it in a U.S. Postal Service Office with the postage fully prepaid for delivery by Certified Mail:

Current CEO or President
Maximum Human Performance, LLC
21 Dwight Place
Fairfield, NJ 07004

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
830 Bear Tavern Road
West Trenton, NJ 08628

Current CEO or President
Maximum Human Performance, LLC
165 Clinton Road
West Caldwell, NJ 07006

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
830 Bear Tavern Road
Ewing, NJ 08628

Corporation Service Company
(Maximum Human Performance, LLC's
Registered Agent for Service of Process)
2711 Centerville Road, Suite 400
Wilmington, De 19808

On November 5, 2015, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT; ADDITIONAL SUPPORTING INFORMATION FOR CERTIFICATE OF MERIT AS REQUIRED BY CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)(1)** were served on the following party when a true and correct copy thereof was uploaded on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice> :

Office of the California Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

On November 5, 2015, I verified the following documents **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** were served on the following party when a true and correct copy thereof was sent via electronic mail to the party listed below:

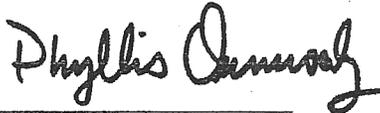
November 5, 2015

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Yolo County District Attorney
301 2nd Street
Woodland, CA 95695
cfepd@yolocounty.org

On November 5, 2015, I served the following documents: **NOTICE OF VIOLATIONS, CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.; CERTIFICATE OF MERIT** on each of the parties on the Service List attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties **on the Service List attached hereto**, and depositing it with the U.S. Postal Service with the postage fully prepaid for delivery by Priority Mail.

Executed on November 5, 2015, in Fort Oglethorpe, Georgia.



Phyllis Dunwoody

Service List

District Attorney, Alameda County
1225 Fallon Street, Suite 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive, Suite 245
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932

District Attorney, Contra Costa County
900 Ward Street
Martinez, CA 94553

District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
230 W. Line Street
Bishop, CA 93514

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Lassen County
220 South Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney, Los Angeles County
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517

District Attorney, Monterey County
Post Office Box 1131
Salinas, CA 93902

District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney, Nevada County
201 Commercial Street
Nevada City, CA 95959

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive, Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, Riverside County
3960 Orange Street
Riverside, CA 92501

District Attorney, Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney, San Francisco County
850 Bryant Street, Suite 322
San Francisco, CA 94103

District Attorney, San Joaquin County
222 E. Weber Ave. Rm. 202
Stockton, CA 95202

District Attorney, San Luis Obispo County
1035 Palm St, Room 450
San Luis Obispo, CA 93408

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Clara County
70 West Hedding Street
San Jose, CA 95110

District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

District Attorney, Sierra County
PO Box 457
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Sonoma County
600 Administration Drive, Room 212J
Santa Rosa, CA 95403

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tulare County
221 S. Mccorney Blvd., Room 224
Visalia, CA 93291

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Ventura County
800 South Victoria Ave, Suite 314
Ventura, CA 93009

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113

PROOF OF SERVICE

I, Richard M. Franco, declare as follows:

I am a resident of the State of California and employed in Oakland, California. I am over the age of 18 years and am not a party to above-entitled action. My business address is 6500 Estates Drive, Oakland, California 94611.

On May 27, 2016, I served a copy of the foregoing document entitled **FIRST AMENDED COMPLAINT FOR INJUNCTIVE RELIEF AND CIVIL PENALTIES** by U.S. Mail by placing a true copy thereof in an envelope, sealing and placing it for collection and mailing following ordinary business practices addressed as follows:

Anthony J. Cortez Gregory Sperla GREENBERG TRAURIG LLP 1201 K Street, Suite 1100 Sacramento, CA 94814	
---	--

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 May 27, 2016 at Oakland, California.



Richard M. Franco