

ENDORSED
FILED
San Francisco County Superior Court

SEP 15 2016

CLERK OF THE COURT
MADONNA CARANTO
BY: _____
Deputy Clerk

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14 Counsel for Plaintiffs ECOLOGICAL RIGHTS FOUNDATION

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF SAN FRANCISCO

BY FAX

17 ECOLOGICAL RIGHTS FOUNDATION,

18 Plaintiff,

19 v.

20 SIRIO NORTH AMERICA, INC.; NATURAL
21 CONCRETE PRODUCTS, LLC; ROCHESTER
22 CONCRETE PRODUCTS, LLC; TITAN
23 MANUFACTURING AND DISTRIBUTING,
24 INC.; and PAVESTONE, LLC.

25 Defendants.

Case No.

CGC-16-554269

COMPLAINT FOR INJUNCTIVE
RELIEF AND CIVIL PENALTIES

TOXIC TORT/ENVIRONMENTAL

1
2 Plaintiff, Ecological Rights Foundation, in the public interest, based on information and belief, and
3 knowledge and investigation of counsel allege as follows:

4 **INTRODUCTION**

5 1. This Complaint seeks civil penalties and an injunction against Sirio North America, Inc.;
6 Natural Concrete Products, LLC; Rochester Concrete Products, LLC; Titan Manufacturing and
7 Distributing, Inc.; and Pavestone, LLC (collectively “Defendants”) to remedy Defendants’
8 continuing failure to warn individuals in California about exposures to carbon monoxide, a chemical
9 known to the State of California to cause reproductive toxicity. Such exposures have occurred and
10 continue to occur, through the use of wood-burning outdoor heating products, such as fire pits, fire
11 rings, fire tables and chimeneas that Defendants manufacture, distribute and/or sell in the State
12 (“Products”). These Products are intended to be used with wood fuel and are primarily used for
13 heating, ambience, and cooking. The combustion of wood causes carbon monoxide to be released
14 into the air. People using wood-burning outdoor heating products, and those standing near the
15 Products when wood fuel is burning in or on them, inhale the released carbon monoxide.

16 2. Under California’s Proposition 65, California Health & Safety Code § 25249.5, *et seq.*, it is
17 unlawful for businesses to knowingly and intentionally expose individuals in California to chemicals
18 known to the State to cause cancer, birth defects, or other reproductive harm without providing clear
19 and reasonable warnings to individuals prior to their exposure. Defendants introduce wood-burning
20 outdoor heating products into the California marketplace, exposing users of the Products, including
21 pregnant women, to carbon monoxide. Despite the fact that Defendants expose pregnant women and
22 other consumers and individuals to carbon monoxide, Defendants provide no warnings about the
23 reproductive hazards associated with such exposures. Defendants’ conduct thus violates the warning
24 provision of Proposition 65. Health & Safety Code § 25249.6.

25 3. Plaintiff seeks injunctive relief pursuant to Health & Safety Code Section 25249.7 to compel
26 Defendants to bring their business practices into compliance with Proposition 65 by providing a clear
27 and reasonable warning to each individual who has been and who in the future may be exposed to
28 carbon monoxide in the ways set forth above. Plaintiff seeks an order that Defendants identify and

1 locate each individual person to whom the Defendants conveyed wood-burning outdoor heating
2 products during the past three years and to provide to each such individual, as well as new purchasers
3 and Product users, a clear and reasonable warning that use of the Products causes exposures to a
4 chemical known to cause birth defects and other reproductive harm.

5 4. In addition to injunctive relief, Plaintiff seeks civil penalties to remedy the failure of
6 Defendants to provide clear and reasonable warnings regarding exposure to a chemical known to
7 cause birth defects and other reproductive harm.

8 **PARTIES**

9 5. Plaintiff, Ecological Rights Foundation (“ERF”) is a non-profit public benefit organization
10 dedicated to, among other causes, protecting California residents from toxic exposures,
11 environmental and human health education, and consumer rights. ERF is incorporated under the laws
12 of the State of California and is a "person" pursuant to Health & Safety Code §25249.11(a). ERF
13 brings this enforcement action in the public interest pursuant to Health & Safety Code §25249.7(d).

14 6. Defendant Sirio North America, Inc. is a person in the course of doing business within the
15 meaning of Health & Safety Code §25249.11. Sirio North America, Inc. markets, distributes, and/or
16 sells the Products for sale and use in the State of California.

17 7. Defendant Natural Concrete Products, LLC is a person in the course of doing business within
18 the meaning of Health & Safety Code §25249.11. Natural Concrete Products, LLC markets,
19 distributes, and/or sells the Products for sale and use in California.

20 8. Defendant Rochester Concrete Products, LLC is a person in the course of doing business
21 within the meaning of Health & Safety Code §25249.11. Rochester Concrete Products, LLC markets,
22 distributes, and/or sells the Products for sale and use in California.

23 9. Defendant Titan Manufacturing and Distributing, Inc. is a person in the course of doing
24 business within the meaning of Health & Safety Code §25249.11. Titan Manufacturing and
25 Distributing, Inc. markets, distributes, and/or sells the Products for sale and use in California.

26 10. Defendant Pavestone, LLC is a person in the course of doing business within the meaning of
27 Health & Safety Code §25249.11. Pavestone, LLC markets, distributes, and/or sells the Products for
28 sale and use in California.

1 11. Each Defendant employs more than ten people.

2 **JURISDICTION**

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

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

13 14. Venue is proper in San Francisco County Superior Court because one or more of the
14 violations arise in the County of San Francisco.

15 **BACKGROUND FACTS**

16 15. The People of the State of California have declared by initiative under Proposition 65 their
17 right "[t]o be informed about exposures to chemicals that cause cancer, birth defects, or other
18 reproductive harm." Proposition 65, § 1(b). To effectuate this goal, Proposition 65 prohibits exposing
19 people to chemicals listed by the State of California as known to cause cancer, birth defects, or other
20 reproductive harm without a "clear and reasonable warning" unless the business responsible for the
21 exposure can prove that it fits within a statutory exemption. Health & Safety Code Section 25249.6
22 states, in pertinent part:

23 No person in the course of doing business shall knowingly and
24 intentionally expose any individual to a chemical known to the state to cause
cancer or reproductive toxicity without first giving clear and reasonable warning
to such individual . . .

25 16. On July 1, 1989, the State of California officially listed carbon monoxide as a chemical
26 known to cause developmental reproductive toxicity, which means harm to the developing fetus. On
27 July 1, 1990, carbon monoxide exposures became subject to the clear and reasonable warning
28 requirements under Proposition 65. 27 C.C.R. § 27001(b); Health & Safety Code Section

1 25249.10(b).

2 17. Plaintiff brings this enforcement action against Defendants pursuant to Health & Safety
3 Code Section 25249.7(d). Attached hereto and incorporated by reference is a copy of a Notice of
4 Violation dated June 27, 2016, which on that date ERF sent to California's Attorney General, every
5 county District Attorney in California, and to the City Attorneys of every California City with a
6 population greater than 750,000. On the same day, Plaintiff sent substantively identical letters to
7 each Defendant. In compliance with Health & Safety Code § 25249.7(d) and 27 C.C.R. § 25903(b),
8 each Notice included the following information: (1) the name and address of each violator; (2) the
9 statute violated; (3) the time period during which violations occurred; (4) specific descriptions of the
10 violations, including (a) the routes of exposure to carbon monoxide from the Products, and (b) the
11 specific type of Products sold and used in violation of Proposition 65; and (5) the name of the specific
12 Proposition 65-listed chemical that is the subject of the violations described in each Notice.

13 18. Attached to the Notices of Violation sent to each Defendant was a summary of Proposition
14 65 that was prepared by California's Office of Environmental Health Hazard Assessment. In
15 addition, each Notice of Violation was accompanied by a Certificate of Service attesting to the
16 service of the Notice of Violation on each entity which received it. Pursuant to Health & Safety Code
17 Section 25249.7(d) and 11 C.C.R. § 3101, Plaintiff also sent a Certificate of Merit with each Notice
18 of Violation attesting to the reasonable and meritorious basis for the action. Plaintiff enclosed factual
19 information sufficient to establish the basis of the Certificate of Merit with the Notice of Violation
20 letters sent to the Attorney General.

21 19. None of the public prosecutors with the authority to prosecute violations of Proposition 65
22 has commenced and/or is diligently prosecuting a cause of action against Defendants under Health
23 & Safety Code Section 25249.5 *et seq.*, based on the claims asserted in ERF's Notices.

24 20. Defendants both know and intend that individuals, including pregnant women, will use the
25 products for heating, ambience and/or cooking, thus exposing them to carbon monoxide. Under
26 Proposition 65, an exposure is "knowing" where the party responsible for such exposure has
27 "knowledge of the fact that a[n] . . . exposure to a chemical listed pursuant to [Health & Safety Code
28 § 25249.8(a)] is occurring. No knowledge that . . . exposure is unlawful is required." 27 C.C.R. §

1 25102(n). This knowledge may be either actual or constructive. *See, e.g.*, Final Statement of Reasons
2 Revised (November 4, 1988) (pursuant to former 22 C.C.R. Division 2, § 12201). Defendants have
3 been informed of the carbon monoxide exposures caused by the use of Products by the 60-Day Notice
4 of Violation, and the accompanying Certificate of Merit served on them by ERF. Defendants also
5 have constructive knowledge of the carbon monoxide exposures caused by Products. As companies
6 that manufacture, market, distribute and/or sell the Products for use in the State of California,
7 Defendants know or should know that carbon monoxide exposures to users of the Products are a
8 natural and foreseeable consequence of Defendants' placing the Products into the stream of
9 commerce.

10 21. Any person "violating or threatening to violate" Proposition 65 may be enjoined in any
11 court of competent jurisdiction. Health & Safety Code § 25249.7. "Threaten to violate" is defined to
12 mean "to create a condition in which there is a substantial probability that a violation will occur."
13 Health & Safety Code § 25249.11(e). Proposition 65 provides for civil penalties not to exceed \$2,500
14 per day for each violation of the statute.

15 22. ERF has engaged in good faith efforts to resolve the claims alleged herein prior to filing
16 this complaint.

17 **FIRST CAUSE OF ACTION**

18 **(Violations of Health & Safety Code §25249.6)**

19 23. ERF realleges and incorporates the facts and allegations contained in the above paragraphs
20 as though specifically set forth herein.

21 24. Each defendant is a person in the course of doing business within the meaning of Health &
22 Safety Code § 25249.11 who, by manufacturing, marketing, distribution, sale or otherwise placing
23 the Products into the stream of commerce, violated, violates or threatens to violate Proposition 65.

24 25. Carbon monoxide is a chemical listed by the State of California as known to cause
25 developmental reproductive toxicity.

26 26. Defendants know that the average use of the Products will expose users of the Products to
27 carbon monoxide. Defendants intend that the Products be used in a manner that results in exposures
28 to carbon monoxide.

1 27. Defendants have failed and continue to fail, to provide clear and reasonable warnings
2 regarding the reproductive toxicity of carbon monoxide to users of the Products.

3 28. Since at least three years prior to the Notice of Violation Letters, Defendants have violated
4 Proposition 65 by knowingly and intentionally exposing individuals to carbon monoxide without
5 first giving clear and reasonable warnings to such individuals regarding the reproductive toxicity of
6 carbon monoxide.

7 **PRAYER FOR RELIEF**

8 Wherefore, Plaintiff prays for judgment against Defendants as follows:

- 9 1. Pursuant to the First Cause of Action, that Defendants be enjoined, restrained, and
10 ordered to comply with the provisions of Section 25249.6 of the California Health &
11 Safety Code;
- 12 2. That Defendants be ordered to make best efforts to identify and locate each individual
13 in California to whom they, or their customers or agents, distributed or sold Products
14 during the past three years, and to provide a warning to each such person that use of
15 the Product will expose that person to a chemical known to cause birth defects and
16 other reproductive harm;
- 17 3. That Defendants be assessed a civil penalty in an amount equal to \$2,500.00 per day
18 per individual exposed to carbon monoxide in violation of Section 25249.6 of the
19 California Health & Safety Code, as the result of Defendants' marketing, distributing,
20 and/or selling the Products for use in California.
- 21 4. That, pursuant to Civil Procedure Code § 1021.5, Defendants be ordered to pay to
22 Plaintiff the attorneys' fees and costs it incurred in bringing this enforcement action;
23 and
- 24 5. For such other relief as this court deems just and proper.

25 Dated: September 14, 2016

ECOLOGY LAW CENTER

26
27 
28 Fredric Evenson, Attorney for Plaintiff
ECOLOGICAL RIGHTS FOUNDATION

ECOLOGY LAW CENTER
P.O. Box 1000
SANTA CRUZ, CALIFORNIA 95061
TELEPHONE: (831) 454-8216
EMAIL: EVENSON@ECOLOGYLAW.COM

JUNE 27, 2016

NOTICE OF VIOLATIONS
CALIFORNIA SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT

Proposition 65 Enforcement Reporting
Attn: Prop 65 Coordinator
1515 Clay Street
P.O. Box 70550
Oakland, CA 94612

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST
ACCOMPANYING THE ATTACHED CERTIFICATE OF SERVICE

Re: Violations of Proposition 65 Concerning Carbon Monoxide Exposures from
Wood-burning outdoor heating products, such as fire pits, fire rings, fire tables
and chimineas

In accord with California Health & Safety Code § 25249.7, the Ecological Rights Foundation ("ERF") hereby gives you notice that the companies listed on the attached Exhibit A have violated and are in ongoing violation of California Health & Safety Code § 25249.6, which provides that "[n]o 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 reproductive toxicity without first providing a clear and reasonable warning to such individual."

Pursuant to California Health & Safety Code § 25249.7, ERF intends to bring an enforcement action 60 days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify the violations discussed in this notice letter. The public enforcement agencies that have been served with copies of this notice of violations are identified with the attached Certificate of Service.

The above-referenced violations occur when California residents use wood-burning outdoor heating products, such as fire pits, fire rings, fire tables and chimeneas. These products are used primarily for heating, ambience and cooking. Combustion of wood fuel produces and exposes people to **carbon monoxide**, a chemical known to the State of California to cause reproductive toxicity. Because the combustion of wood causes carbon monoxide to be released into the air, people using wood-burning outdoor heating products, and others standing near the products when wood fuel is burning in or on the products, inhale carbon monoxide. Exposure to carbon monoxide is via the inhalation route. These products cause carbon monoxide exposures to occur in peoples yards, at parks and beaches, and everywhere else throughout California where the products are used. These violations are alleged for consumer and environmental exposures.

Included on Exhibit 1 is a non-exclusive list of examples of the types of products manufactured, marketed or sold by the Noticed Parties in the State of California. Though specific models or SKU or product numbers are given as examples, this Notice pertains to all models, and all

variations, of the specific type of product (wood-burning outdoor heating products, such as fire pits, fire rings, fire tables and chimeneas) of which the named model is an example.

The noticed parties on Exhibit 1, and on the attached Certificate of Service, did not and do not provide people with clear and reasonable warnings before exposing those people to carbon monoxide.

The above-referenced violations have occurred every day since at least June 27, 2013 and will continue every day until clear and reasonable warnings are given.

ERF is a California non-profit corporation dedicated to protecting human and environmental health, including raising awareness of, and reducing exposures to, toxic chemicals. The following individual is the responsible individual within ERF for purposes of this Notice:

James Lamport, Executive Director
Ecological Rights Foundation
867 B Redwood Drive
Garberville, California 95542
Telephone: (707) 923-4372

ERF has retained the following counsel to represent them in this matter (please direct communications to counsel):

Fredric Evenson
Ecology Law Center
P.O. Box 1000
Santa Cruz, California 95061
Telephone: (831) 454-8216
Email: evenson@ecologylaw.com

Sincerely,



Fredric Evenson

Exhibit 1
June 27, 2016 Notice of Violation
Carbon Monoxide Exposures from Wood Burning Fire Pits, Fire Rings and
Chimeneas

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products*	Item#, UPC or SKU # or Further Description
<p>President or CEO Aosom, LLC 6710 Mcewan Rd Lake Oswego, Oregon 97035</p> <p>Li Wei Registered Agent Aosom, LLC 6710 Mcewan Rd Lake Oswego, Oregon 97035</p>	<p>- Outsunny Fire Pits</p> <p>- Outsunny Square Fire Pit</p>	<p>Model No. 842-012</p>
<p>President or CEO Asia Direct, Inc. 4070 Buford Highway #4 Duluth, GA 30096</p> <p>Jay Catalina Registered Agent Asia Direct, Inc. 5405 Buford HWY , Ste 400, Norcross, GA 30071</p>	<p>- 35" Copper Fire Bowl</p>	<p>Model No. AD115</p>
<p>President or CEO AZ Patio Heaters, LLC 8550 N 91st Ave., Ste. C-25 Peoria, AZ 85345</p>	<p>- Hiland 36" Slate Top Wood Burning Firepit</p> <p>- Hiland Firepits</p>	<p>Model No. YFP-51133D</p>

<p>Mary Kieman Statutory Agent AZ Patio Heaters, LLC 19419 N 15TH St. Phoenix, AZ 85024</p>		
<p>Stephen M. Lacy Or Current President or CEO Meredith Corporation 1716 Locust Street Des Moines, Iowa 50309</p> <p>John S Zieser Registered Agent Meredith Corporation 1716 Locust Street Des Moines, Iowa 50309</p>	<p>- Better Homes and Gardens 30" Round Fire Pit</p>	<p>Model No. BH16-093-999-02</p>
<p>President or CEO Dagan Industries, Inc. 280 S Beverly Dr #409 Beverly Hills, CA 90212</p> <p>Jeff Dagan Registered Agent Dagan Industries, Inc. 15540 Roxford St Sylmar CA 91342</p>	<p>- "Conversation Table" Bronze Cast Aluminum Fire Pit with 4 Chairs</p> <p>- Round Fire Pits</p> <p>- Pagoda Design Fire Pit</p> <p>- Rectangular Design Fire Pit</p>	<p>Item No. FP-1020</p> <p>Models: FP-1015; FP-1014; FP-1017; FPF-1000; FP-1023; FP-1009; Fp-1013; FP-1019; FP-Ring</p> <p>FP-1012</p> <p>FP-1016</p>

<p>President or CEO Hayneedle Inc. 9394 West Dodge Rd, Suite 300 Omaha, NE 68114</p> <p>C T Corporation System Hayneedle, Inc. Registered Agent 818 West Seventh St. Suite 930 Los Angeles CA 90017</p>	<p>- Red Ember Castle Pines 34" Square Slate Fire Pit</p> <p>- "Fire Sense" Fire Pits</p>	<p>SKU WTL-197-1 Supplier Item # 61578</p>
<p>President or CEO Jensen Metal Products, Inc. 7800 Northwestern Ave. Racine, WI 53046</p> <p>Geeta S. Jensen Registered Agent Jensen Metal Products, Inc. 7800 Northwestern Ave. Racine, WI 53046</p>	<p>- "realflame" Fire Pits</p> <p>- 910 Alderwood Wood Burning Fire Pit</p>	<p>PO # 601152</p>
<p>Bill Krueger Or current President or CEO Krueger Custom Steel & Machining LTD 1610 20th Street East P.O. Box 187 Owen Sound, Ontario Canada , N4K 5P3</p>	<p>- Ultimate 3-Piece Fire Ring</p>	<p># 1012</p>

<p>Jason Loughmiller Or Current President or CEO Loughmiller Machine Tool and Design, Inc. 12851 E. 150 N. Loogootee, IN 47553</p> <p>Loughmiller Machine Tool and Design, Inc. % Jason Loughmiller Registered Agent 109 Brooks Ave., Loogootee, IN, 47553</p>	<p>- "Fire Ring King" Fire Rings</p>	
<p>President or CEO Natural Concrete Products, LLC 3607 East Highway 24 P.O. Box 636 Norfolk, NE, 68702</p> <p>Natural Concrete Products, LLC % McGrath North Mullin & Kratz, PC LLO C/O Jonathan L. Grob Registered Agent 1601 Dodge Street, Suite 3700 Omaha, NE 68102</p>	<p>- Fire Pit Kits</p> <p>- Limestone Round Fire Pit Kit</p>	<p>FSFPL 202708169</p>
<p>Pavestone, LLC % C T Corporation System Registered Agent 818 West Seventh Street, Suite 930 Los Angeles, CA 90017</p>	<p>- Rumblestone Fire Pit Kits</p> <p>- Rumblestone Round Fire Pit Inserts</p> <p>- Rumblestone Round Fire Pit Kit in Greystone</p>	<p>Model # RSK50234</p>

<p>President or CEO Rochester Concrete Products, LLC 7200 N. Hwy 63 Rochester, MN 55906</p>	<p>- Rockwood Fire Rings - Rockwood Fire Pit Kits</p>	
<p>Safavieh, Inc. % Kamran Mandegari Registered Agent for Safavieh, Inc. % 7630 Cherry Ave LLC, 7630 Cherry Avenue Fontana, CA 92336</p> <p>President or CEO Safavieh International, LLC 40 Harbor Park Drive North Port Washington, NY 11050</p>	<p>- Cayman 29" Iron Fire Pit - Fire Pits - Chimineas</p>	<p>Model # PIT1014A PIT1002A; PIT1003A;PIT1004A;PIT 1005A;PIT1006A;PIT100 7A;PIT1008A;PIT1009A; PIT1010A;PIT1011A;PIT 1012A;PIT1013A;PIT101 5A;PIT1016A;PIT1017A</p> <p>PIT1000A; PIT1001A</p>
<p>Sirio North America, Inc. c/o Joyce Tso Registered Agent 500 Sansome St Suite 502 San Francisco, CA 94111</p>	<p>Corvus Vintage Brushed Bronze Fire Pit</p>	<p>FP003</p>
<p>President or CEO Snow Joe, LLC 305 Veterans Boulevard, Carlstadt, NJ 07072</p> <p>President or CEO Snow Joe, LLC 86 Executive Avenue Edison, NJ 08817</p>	<p>- "Fire Joe" Fire Pits - Fire Joe 30" Round Fire Pit</p>	<p>Model # SJFP30</p>
<p>President or CEO Titan Manufacturing and Distributing, Inc. 141 Eastley St, STE 113 Collierville, TN 38017-2777</p>	<p>Fire Rings</p>	

Titan Manufacturing and Distributing, Inc. % Jeffery Alan Hill Registered Agent 141 Eastley St, STE 113 Collierville, TN 38017-2777		
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* These non-exclusive examples of the category or type of product that is subject to this Notice is for the recipient's benefit in its investigation of ERF's allegations. These examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the category or type of products subject to this notice. It is ERF's position that the alleged Violator is obligated to conduct a good faith investigation into other specific products within the identified category or type that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the past three years, to ensure that clear and reasonable warnings are provided to California citizens prior to purchase, or retroactively if necessary.

Certificate of Merit
Health & Safety Code Section 25249.7(d)

I, Fredric Evenson, hereby declare:

(1) This Certificate of Merit accompanies the attached sixty-day notice(s) 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.

(2) I am the attorney for the noticing party.

(3) 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 alleged exposure to the listed chemical that is the subject of the action.

(4) 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.

(5) 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 persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

Date: June 27, 2016

By:



Fredric Evenson

CERTIFICATE OF SERVICE

I am over the age of 18. My business address is P.O. Box 1000, Santa Cruz, CA 95061.

On June 27, 2016 I served the following:

- 1) Notice of Violations: California Safe Drinking Water and Toxic Enforcement Act
- 2) Certificate of Merit: Health and Safety Code Section 25249.7(d)
- 3) Appendix A: The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary
- 4) Certificate of Service

by enclosing copies of the same in a sealed envelope addressed to each person shown below and depositing the envelope in the U.S. mail with postage fully prepaid for delivery by Certified Mail.* Place of mailing: Santa Cruz, CA.

See attached: **Service List-Noticed Parties**

On June 27, 2016 I also served the following:

- 1) Notice of Violations: California Safe Drinking Water and Toxic Enforcement Act
- 2) Certificate of Merit: Health and Safety Code Section 25249.7(d)
- 3) Certificate of Merit (Attorney General Copy): Factual information sufficient to establish the basis of the Certificate of Merit (only sent to Attorney General)
- 4) Certificate of Service

by enclosing copies of the same in sealed envelopes addressed to each of the public enforcement agencies listed on the attached Service List, and depositing the envelopes in the U.S. mail with postage fully prepaid for delivery by First Class Mail. Place of mailing: Santa Cruz, CA.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed June 27, 2016, at Santa Cruz, CA.


Fredric Evenson

Service List – Noticed Parties

<p>President or CEO Aosom, LLC 6710 Mcewan Rd Lake Oswego, Oregon 97035</p>	<p>Li Wei Registered Agent Aosom, LLC 6710 Mcewan Rd Lake Oswego, Oregon 97035</p>	<p>President or CEO Asia Direct, Inc. 4070 Buford Highway #4 Duluth, GA 30096</p>
<p>Jay Catalina Registered Agent Asia Direct, Inc. 5405 Buford HWY, Ste 400, Norcross, GA 30071</p>	<p>President or CEO AZ Patio Heaters, LLC 8550 N 91st Ave., Ste. C-25 Peoria, AZ 85345</p>	<p>Mary Kieman Statutory Agent AZ Patio Heaters, LLC 19419 N 15TH St. Phoenix, AZ 85024</p>
<p>Stephen M. Lacy Or Current President or CEO Meredith Corporation 1716 Locust Street Des Moines, Iowa 50309</p>	<p>John S Zieser Registered Agent Meredith Corporation 1716 Locust Street Des Moines, Iowa 50309</p>	<p>President or CEO Dagan Industries, Inc. 280 S Beverly Dr #409 Beverly Hills, CA 90212</p>
<p>Jeff Dagan Registered Agent Dagan Industries, Inc. 15540 Roxford St Sylmar CA 91342</p>	<p>President or CEO Hayneedle Inc. 9394 West Dodge Rd, Suite 300 Omaha, NE 68114</p>	<p>C T Corporation System Hayneedle, Inc. Registered Agent 818 West Seventh St. Suite 930 Los Angeles CA 90017</p>
<p>President or CEO Jensen Metal Products, Inc. 7800 Northwestern Ave. Racine, WI 53046</p>	<p>Geeta S. Jensen Registered Agent Jensen Metal Products, Inc. 7800 Northwestern Ave. Racine, WI 53046</p>	<p>Bill Krueger Or current President or CEO Krueger Custom Steel & Machining LTD 1610 20th Street East P.O. Box 187 Owen Sound, Ontario Canada , N4K 5P3</p>
<p>Jason Loughmiller Or Current President or CEO Loughmiller Machine Tool and Design, Inc. 12851 E. 150 N. Loogootee, IN 47553</p>	<p>Loughmiller Machine Tool and Design, Inc. % Jason Loughmiller Registered Agent 109 Brooks Ave., Loogootee, IN, 47553</p>	<p>President or CEO Natural Concrete Products, LLC 3607 East Highway 24 P.O. Box 636 Norfolk, NE, 68702</p>
<p>Natural Concrete Products, LLC % McGrath North Mullin & Kratz, PC LLO C/O Jonathan L. Grob Registered Agent 1601 Dodge Street, Suite 3700 Omaha, NE 68102</p>	<p>Pavestone, LLC % C T Corporation System Registered Agent 818 West Seventh Street, Suite 930 Los Angeles, CA 90017</p>	<p>President or CEO Rochester Concrete Products, LLC 7200 N. Hwy 63 Rochester, MN 55906</p>

<p>Safavieh, Inc. % Kamran Mandegari Registered Agent for Safavieh, Inc. % 7630 Cherry Ave LLC, 7630 Cherry Avenue Fontana, CA 92336</p>	<p>President or CEO Safavieh International, LLC 40 Harbor Park Drive North Port Washington, NY 11050</p>	<p>Sirio North America, Inc. c/o Joyce Tso Registered Agent 500 Sansome St Suite 502 San Francisco, CA 94111</p>
<p>President or CEO Snow Joe, LLC 305 Veterans Boulevard, Carlstadt, NJ 07072</p>	<p>President or CEO Snow Joe, LLC 86 Executive Avenue Edison, NJ 08817</p>	<p>President or CEO Titan Manufacturing and Distributing, Inc. 141 Eastley St, STE 113 Collierville, TN 38017-2777</p>
<p>Titan Manufacturing and Distributing, Inc. % Jeffery Alan Hill Registered Agent 141 Eastley St, STE 113 Collierville, TN 38017-2777</p>		

- Krueger Custom Steel & Machining LTD sent by Registered Mail

Service List – Public Enforcers

Office of the District Attorney Alameda County 1225 Fallon Street, Room 900 Oakland, CA 94612	Office of the District Attorney Lassen County 220 S. Lassen Street, Suite 8 Susanville, CA 96130	Office of the District Attorney San Benito County 419 4th Street Hollister, CA 95023	Office of the District Attorney Tehama County P.O. Box 519 Red Bluff, CA 96080
Office of the District Attorney Alpine County P.O. Box 248 Markleeville, CA 96120	Office of the District Attorney Los Angeles County 211 W. Temple Street, Suite 1200 Los Angeles, CA 90012	Office of the District Attorney San Bernardino County 303 W. Third Street San Bernardino, CA 92415	Office of the District Attorney Trinity County P.O. Box 310 Weaverville, CA 96093
Office of the District Attorney Amador County 708 Court Street, #202 Jackson, CA 95642	Office of the District Attorney Madera County 209 West Yosemite Avenue Madera, CA 93637	Office of the District Attorney San Diego County 330 W. Broadway, Suite 1300 San Diego, CA 92101	Office of the District Attorney Tulare County 221 South Mooney Blvd., Suite 224 Visalia, CA 93291
Office of the District Attorney Butte County 25 County Center Drive Oroville, CA 95965	Office of the District Attorney Marin County 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	Office of the District Attorney San Francisco County 850 Bryant Street, #322 San Francisco, CA 94103	Office of the District Attorney Tuolumne County 423 N. Washington Street Sonora, CA 95370
Office of the District Attorney Calaveras County 891 Mountain Ranch Road San Andreas, CA 95249	Office of the District Attorney Mariposa County P.O. Box 730 Mariposa, CA 95338	Office of the District Attorney San Joaquin County 222 East Weber Ave., #202 Stockton, CA 95202	Office of the District Attorney Ventura County 800 South Victoria Avenue Ventura, CA 93009
Office of the District Attorney Colusa County 346 5th Street, Suite 101 Colusa, CA 95932	Office of the District Attorney Mendocino County P.O. Box 1000 Ukiah, CA 95482	Office of the District Attorney San Luis Obispo County County Govt. Center, #450 San Luis Obispo, CA 93408	Office of the District Attorney Yolo County 301 Second Street Woodland, CA 95695
Office of the District Attorney Contra Costa County 900 Ward Street Martinez, CA 94553	Office of the District Attorney Merced County 550 West Main Street Merced, CA 95340	Office of the District Attorney San Mateo County 400 County Center, Third Floor Redwood City, CA 94063	Office of the District Attorney Yuba County 215 Fifth Street, Suite 152 Marysville, CA 95901
Office of the District Attorney Del Norte County 450 H Street, Room 171 Crescent City, CA 95531	Office of the District Attorney Modoc County 204 S. Court Street Room 202 Alturas, CA 96101	Office of the District Attorney Santa Barbara County 1112 Santa Barbara Street Santa Barbara, CA 93101	Oakland City Attorney City Hall, 6th Floor 1 Frank Ogawa Plaza Oakland, California 94612
Office of the District Attorney El Dorado County 515 Main Street Placerville, CA 95667	Office of the District Attorney Mono County P.O. Box 617 Bridgeport, CA 93517	Office of the District Attorney Santa Clara County 70 West Hedding Street San Jose, CA 95110	Office of the City Attorney City of San Francisco City Hall, Room 234 1 Dr. Carlton B. Goodlett Pl. San Francisco, CA 94102
Office of the District Attorney Fresno County 2220 Tulare Street, Suite 1000 Fresno, CA 93721	Office of the District Attorney Monterey County P.O. Box 1131 Salinas, CA 93902	Office of the District Attorney Santa Cruz County 701 Ocean Street, Room 200 Santa Cruz, CA 95060	Office of the City Attorney City of Sacramento 915 I Street, 4th Floor Sacramento, CA 95814
Office of the District Attorney Glenn County P.O. Box 430 Willows, CA 95988	Office of the District Attorney Napa County P.O. Box 720 Napa, CA 94559	Office of the District Attorney Shasta County 1355 West Street Redding, CA 96001	Office of the City Attorney City of San Jose 200 E. Santa Clara St. San Jose, CA 95113
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Office of the District Attorney Inyo County P.O. Box D Independence, CA 93526	Office of the District Attorney Placer County 10810 Justice Center Drive Roseville, CA 95678	Office of the District Attorney Solano County 675 Texas Street, Suite 4500 Fairfield, CA 94533	Proposition 65 Enforcement Reporting Attn: Prop 65 Coordinator 1515 Clay Street P.O. Box 70550 Oakland, CA 94612
Office of the District Attorney Kern County 1215 Truxtun Avenue Bakersfield, CA 93301	Office of the District Attorney Plumas County 520 Main Street, Room 404 Quincy, CA 95971	Office of the District Attorney Sonoma County 600 Administration Drive, Room 212J Santa Rosa, CA 95403	
Office of the District Attorney Kings County 1400 West Lacey Blvd. Hanford, CA 93230	Office of the District Attorney Riverside County 3960 Orange Street Riverside, CA 92501	Office of the District Attorney Stanislaus County 832 12th Street, Suite 300 Modesto, CA 95354	
Office of the District Attorney Lake County 255 N. Forbes Street Lakeport, CA 95453	Office of the District Attorney Sacramento County 901 G Street Sacramento, CA 95814	Office of the District Attorney Sutter County 446 Second Street, Suite 102 Yuba City, CA 95991	