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10 THE WORKING GROUP ON CARCINOGENS AND
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ENDORSED
FILED
San Francisco County Superior Court
AC
JUL 17 2002
GORDON PARK-LI, Clerk
BY: DEBORAH CAIN
Deputy Clerk

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF SAN FRANCISCO

14 THE WORKING GROUP ON CARCINOGENS
15 AND IMMUNE SUPPRESSING CHEMICALS,

16 Plaintiff,

17 v.

18 THE CLOROX COMPANY; CLOROX
19 PRODUCTS; COLGATE-PALMOLIVE
20 COMPANY; CHEM LAB PRODUCTS, INC.;
21 SC JOHNSON & SON; ARMSTRONG WORLD
22 INDUSTRIES; ALEn USA, INC.; RECKITT
23 BENCKISER INC.; RECKITT & COLEMAN,
24 INC.; and DOES 1 through 500, Inclusive

25 Defendants.

Case No. 315127

[REDACTED] CONSENT JUDGMENT
JKS

Action Filed: September 15, 2000
Trial Date: None Set

26 1. INTRODUCTION

27 1.1 Starting on or about August 31, 2000, The Working Group on Carcinogens and
28 Immune Suppressing Chemicals ("Plaintiff" or "CISC"), through its counsel, Shawn Khorrami,
served 60 Day Notice Letters ("First Notice Letters") on the Office of the Attorney General of the
State of California ("California Attorney General"), the District Attorneys of every county in
California, and the City Attorneys of California cities with populations exceeding 750,000,
(collectively, "Public Enforcers"), and certain private businesses pursuant to Health & Safety Code
Section 25249.7(d) alleging that such businesses were in violation of Health and Safety Code Section

1 25249.6 by distributing, selling, offering for and/or otherwise placing into the stream of commerce
2 bleach products and/or products containing sodium hypochlorite which are used as a cleanser and/or
3 detergent for clothes, floors, sinks, bathrooms, and for other cleaning and household uses, thereby
4 allegedly exposing individuals in California to chloroform and bromodichloromethane, which are
5 chemicals listed under California Health & Safety Code Section 25249.5 *et seq.* (“Proposition 65”),
6 without first providing those persons with clear and reasonable warnings.

7 1.2 The First Notice Letters were served on both manufacturers and retailers of bleach
8 products, including THE CLOROX COMPANY; CLOROX PRODUCTS; COLGATE-
9 PALMOLIVE COMPANY; CHEM LAB PRODUCTS, INC.; SC JOHNSON & SON;
10 ARMSTRONG WORLD INDUSTRIES; ALEn USA, INC.; RECKITT BENCKISER, INC.; and
11 RECKITT & COLEMAN, INC.; ALBERTSON’S INC.; COSTCO WHOLESALE
12 CORPORATION; THE VONS COMPANIES INC.; FOOD 4 LESS OF CALIFORNIA, INC.;
13 FOOD 4 LESS OF SOUTHERN CALIFORNIA, INC.; FOOD FOR LESS SUPERMARKET, INC.;
14 GELSON’S INC., HOME DEPOT, U.S.A., INC.; JONS MARKETS; K MART CORPORATION;
15 OFFICEMAX INC.; RALPHS GROCERY COMPANY; RITE AID; SAFEWAY, INC.; SAV-ON
16 DRUG STORES INC., SMART & FINAL STORES CORPORATION; SEARS ROEBUCK AND
17 CO.; TARGET CORPORATION; WAL-MART STORES, INC.; PROCTOR & GAMBLE; SYSCO
18 FOOD SERVICES OF LOS ANGELES INC.; OLIN CHLOR ALKALI PRODUCTS; and OLIN
19 CORP (“Original Defendants”).

20 1.3 On or about September 15, 2000, Plaintiff, through its counsel, Shawn Khorrami, and
21 acting in the public interest and on behalf of the general public, filed a Complaint against the Original
22 Defendants for injunctive relief and restitution in the San Francisco Superior Court entitled *The*
23 *Working Group on Carcinogens and Immune Suppressing Chemicals v. The Clorox Company et al.*,
24 Case No. 315127 (“Original Complaint”). Plaintiff never served the Original Complaint on any of
25 the Original Defendants.

26 1.4 On or about November 3, 2000, Plaintiff and certain of the Original Defendants that
27 are retailers of bleach products entered into an agreement to forestall litigation between Plaintiff and
28 each of those Original Defendants (“First Tolling Agreement”). As part of the First Tolling

1 Agreement, Plaintiff agreed to dismiss the Original Complaint without prejudice as against these
2 retailer Original Defendants. In exchange for the dismissal, Plaintiff and these retailer Original
3 Defendants agreed to toll for the duration of the First Tolling Agreement the applicable statute of
4 limitations, the equitable defenses of laches, estoppel, and any other time limitation as to the claims
5 raised in the Original Complaint or the Original Notice Letters.

6 1.5 Pursuant to the Original Notice Letters, on December 19, 2000, Plaintiff, acting in the
7 public interest and on behalf of the general public, filed a First Amended Complaint for civil
8 penalties, injunctive relief and restitution (“First Amended Complaint”) in the San Francisco Superior
9 Court against the following of the Original Defendants: THE CLOROX COMPANY, CLOROX
10 PRODUCTS, COLGATE-PALMOLIVE COMPANY, CHEM LAB PRODUCTS, INC., SC
11 JOHNSON & SON, ARMSTRONG WORLD INDUSTRIES, ALEn USA, INC., RECKITT
12 BENCKISER, and RECKITT & COLEMAN, INC. As contemplated under the First Tolling
13 Agreement, the retailer Original Defendants party to the First Tolling Agreement were not named as
14 defendants in the First Amended Complaint, thereby resulting in the dismissal of all claims against
15 the retailer Original Defendants named in the Original Complaint. Plaintiff served the First Amended
16 Complaint on all of the defendants named in the First Amended Complaint, except for
17 ARMSTRONG WORLD INDUSTRIES, which filed for bankruptcy around the same time as the
18 filing of the First Amended Complaint. The defendants named in the First Amended Complaint are
19 referred to herein as the “Current Defendants.” The First Amended Complaint alleged that the
20 Current Defendants are in violation of Proposition 65 and California Business & Professions Code
21 Section 17200 et seq. (the “Unfair Competition Act”) by manufacturing, marketing, packaging,
22 distributing, selling and/or otherwise placing into the stream of commerce bleach products in
23 California and failing to provide clear and reasonable warnings, pursuant to Proposition 65, to
24 persons who use and/or come into contact with the Bleach Products and that such use of and/or
25 contact with the Bleach Products will cause those persons to be exposed to chloroform and
26 bromodichloromethane. The First Amended Complaint also alleges that the Current Defendants are
27 in violation of the Unfair Competition Act by (1) engaging in false and misleading advertising in
28 violation of California Business & Professions Code Section 17500; and (2) deceiving the general

1 public by failing to disclose that through the use of Bleach Products, individuals are being exposed to
2 harmful chemicals.

3 1.6 Beginning on or about February 13, 2001, Plaintiff, through its counsel, Shawn
4 Khorrami, served additional 60 Day Notice Letters (“Additional Notice Letters”) on the California
5 Attorney General, all Public Enforcers and several businesses, including the following additional
6 retailers of bleach products: WALGREEN COMPANY; LONGS DRUG STORES
7 CORPORATION; TRUE SAVE CORPORATION; ANWALT LUMBER & MATERIAL
8 COMPANY; ORCHARD SUPPLY HARDWARE CORPORATION; ORCHARD SUPPLY
9 HARDWARE STORES CORPORATION; WEBVAN GROUP, INC.; AND 99 CENT ONLY
10 STORES (collectively “Additional Retailer Defendants”). The Additional Notice Letters made
11 allegations substantially similar to the allegations in the Original Notice Letters.

12 1.7 On or about June 8, 2001, Plaintiff and the Additional Retailer Defendants entered into
13 an agreement to forestall litigation between Plaintiff and each of the Additional Retailer Defendants
14 (“Second Tolling Agreement”). As part of the Second Tolling Agreement, Plaintiff agreed not to file
15 any complaint against any of the Additional Retailer Defendants or to amend the existing First
16 Amended Complaint, or any other existing complaint, to name any of the Additional Retailer
17 Defendants as a party with respect to the claims contained in the First Amended Complaint or the
18 Additional Notice Letters. In exchange, Plaintiff and the Additional Retailer Defendants agreed to
19 toll for the duration of the Second Tolling Agreement the applicable statute of limitations, the
20 equitable defenses of laches, estoppel, and any other time limitation as to the claims raised in the First
21 Amended Complaint or the Additional Notice Letters.

22 1.8 On or about December 27, 2001, Plaintiff, through its counsel, Shawn Khorrami,
23 served supplemental 60 Day Notice Letters (“Supplemental Notice Letters”) on the California
24 Attorney General, all Public Prosecutors and on all of the businesses identified on Exhibit A (other
25 than KIK CORPORATION HOLDINGS INC.) making similar allegations as those made in the
26 Original and Additional Notice Letters. The Supplemental Notice Letters alleged that the businesses
27 were in violation of Proposition 65 by distributing, selling, offering for and/or otherwise placing into
28 the stream of commerce bleach products and/or products containing sodium hypochlorite which are

1 used as a cleanser and/or detergent for clothes, floors, sinks, bathrooms, or for other cleaning and
2 household uses (“Bleach Products”), thereby allegedly exposing individuals in California to the
3 following chemicals listed under Proposition 65: chloroform, bromodichloromethane, bromoform,
4 carbon tetrachloride, dichloromethane, and dichloroacetic acid (“Listed Chemicals”), without first
5 providing those persons with clear and reasonable warnings. On or about January 7, 2002, Plaintiff,
6 through its counsel, Shawn Khorrami, served an errata to the Supplemental Notice Letters (“Errata
7 Letters”) on the California Attorney General, all Public Prosecutors and on all of the businesses that
8 received the Supplemental Notice Letters to correct certain clerical errors in Exhibit A to the
9 Supplemental Notice Letters. The Errata Letter contained a corrected Exhibit A. Exemplars of the
10 Original Notice Letters, the Additional Notice Letters, the Supplemental Notice Letters, and the
11 Errata Letters (collectively, “Notice Letters”), are attached hereto as Exhibits, B, C, D, and E. Except
12 as provided in Section 1.9, Each defendant who is a signatory to this Consent Judgment (“Settling
13 Defendant”) received the Supplemental Notice Letter and the Errata Letter. Some Settling
14 Defendants also received the Original Notice Letter.

15 1.9 Settling Defendant KIK CORPORATION HOLDINGS INC. (“KIK”) did not receive
16 the Original Notice Letter, the Supplemental Notice Letter, or the Errata Letter. Plaintiff will serve
17 KIK with a 60 Day Notice letter, as provided in Section 9, below.

18 1.10 Upon entry of this Consent Judgment, and subject to the last sentence of this Section
19 1.10, the First Amended Complaint shall be deemed to have been amended to (a) include as
20 defendants all of the parties appearing on Exhibit A, (b) allege that the use of and/or contact with
21 Bleach Products causes exposure to the Listed Chemicals, in violation of Proposition 65 and the
22 Unfair Competition Act. With respect to KIK, the First Amended Complaint shall be deemed to have
23 been amended only with respect to the Second Cause of Action, Third Cause of Action, and the
24 Fourth Cause of Action.

25 1.11 Plaintiff and Settling Defendants are, for purposes of this Consent Judgment,
26 collectively referred to as the “Parties,” with each of them a “Party.” Settling Defendants may be
27 referred to collectively as a “Party” or individually as a “Party,” as the context requires.

28

1 1.12 For purposes of this Consent Judgement, the term Bleach Products includes both such
2 products that are subject to the warning requirements of Section 3, and those that are not. For
3 purposes of this Consent Judgement, the term “Subject Bleach Products” means those of the Bleach
4 Products that are not registered under the Federal Insecticide, Fungicide, and Rodenticide Act
5 (FIFRA), 7 U.S.C. § 136 *et seq.*, or under California Food & Agriculture Code § 12811 *et seq.*

6 1.13 For purposes of this Consent Judgment only, each Settling Defendant admits that: (a)
7 it is a business that employs more than ten persons and manufactures, distributes and/or sells Bleach
8 Products into the State of California; (b) the Listed Chemicals are chemicals listed under Proposition
9 65 as being known to the State of California to cause cancer and/or reproductive toxicity.

10 1.14 The Parties enter into this Consent Judgment pursuant to a full and final settlement of
11 any and all claims between the Parties for the purpose of avoiding prolonged litigation, and for
12 resolving any issue regarding and for defining what shall constitute compliance with Proposition 65
13 in the future. This Consent Judgment shall not constitute an admission with respect to any material
14 allegation of the First Amended Complaint, each and every allegation of which each Settling
15 Defendants deny; nor may this Consent Judgment or compliance with it be used as evidence of any
16 wrongdoing, misconduct, culpability or liability on the part of any Settling Defendant. Each Settling
17 Defendant maintains that the Bleach Products have at all times complied with all applicable laws,
18 including Proposition 65.

19 2. **JURISDICTION**

20 For purposes of this Consent Judgment only, the Parties stipulate that:

21 (a) This Court has jurisdiction over the allegations of violations contained in the First
22 Amended Complaint and personal jurisdiction over each Settling Defendant as to the acts alleged in
23 the First Amended Complaint.

24 (b) This Court is the proper venue for resolution of the claims contained in the First
25 Amended Complaint.

26 (c) This Court has jurisdiction to enter this Consent Judgment as a full and final
27 judgment, resolving the claims which were or could have been raised in the First Amended
28 Complaint based on the facts alleged therein or in the Notice Letters, and of all claims which were or

1 could have been raised by any person or entity based in whole or in part, directly or indirectly, on the
2 facts alleged therein, arising therefrom or related thereto.

3 3. **INJUNCTIVE RELIEF**

4 3.1 Except with respect to those Subject Bleach Products that are deemed to pose no
5 significant risk of cancer, as defined in Section 3.3 or Section 3.4, starting on or after the Effective
6 Date the Settling Defendants shall not ship any Subject Bleach Products for sale or use in California
7 from the facilities where such products are packaged unless the Subject Bleach Products are labeled
8 with a warning as described in Section 3.2 below. For purposes of this Section, nine (9) months after
9 the entry of this Consent Judgement shall be considered the "Effective Date."

10 3.2 The Proposition 65 warnings required under Section 3.1, shall

11 (a) be printed on the product or package label in the same section of the label that
12 contains other safety warnings concerning the use of the Subject Bleach Product. If the label contains
13 no other safety warnings, the Proposition 65 warning shall be printed on the product or package label,
14 on the top, front, back, or side of the container. Such warning shall be prominently affixed to or
15 printed on each such Subject Bleach Product, its label or package or displayed in a type size that is at
16 least as conspicuous as, but not necessarily any more prominent than, other instructional or warning
17 text and information included on such Subject Bleach Product, its label, package or display as to
18 make it legible to an ordinary individual, except that warnings of hazards causing acute and serious
19 bodily harm may be larger and more prominent than the required Proposition 65 warning.

20 (b) be one of the two following warnings:

21
22 (1) "WARNING: This product contains a chemical known to the State of California to cause
23 cancer."

24 Or

25 (2) "WARNING: The use of this product creates a chemical known to the State of California to
26 cause cancer."

27 The warnings required by this Section 3.2 are deemed to comply with the provisions of Proposition
28 65.

1 3.3 A Subject Bleach Product shall be deemed to pose no significant risk of causing
2 cancer, and is exempt from any Proposition 65 warning requirements under California Health &
3 Safety Code, Section 25249.10(c) and California Code of Regulations, Title 22, Sections 12705
4 through 12721 if: (a) the Subject Bleach Product contains a concentration of sodium hypochlorite of
5 ten percent (10%) or less; or (b) the Subject Bleach Product contains a concentration of Available
6 Chlorine (meaning the equivalent amount of molecular chlorine that could theoretically be formed
7 during use) of nine and a half percent (9.5%) or less.

8 3.4 In addition, with respect to any Subject Bleach Products that are not exempt from
9 Proposition 65 warning requirements pursuant to Section 3.3 above, a Settling Defendant may
10 determine that the exposure to Chloroform from the use of a particular Subject Bleach Product is
11 below 40 micrograms per day, in which case such Subject Bleach Product shall be deemed to pose no
12 significant risk of causing cancer, and be exempt from any Proposition 65 warning requirements
13 under California Health & Safety Code, Section 25249.10(c) and California Code of Regulations,
14 Title 22, Sections 12705 through 12721, provided that such Settling Defendant gives Plaintiff written
15 notice of the Settling Defendant's determination ("Defendant's Notice"), and, pursuant to the
16 procedures of this Section 3.4, either (a) the Plaintiff fails to initiate a challenge to such determination
17 (or fails to prosecute such challenge to completion), or (b) such a challenge fails. Plaintiff may
18 challenge a Settling Defendant's determination by serving notice ("Challenge Notice") upon the
19 Settling Defendants within thirty (30) days after service of the Defendant's Notice. Within sixty (60)
20 days following the service of the Challenge Notice, the relevant Settling Defendant shall have the
21 right to bring the issue to the Court by noticed motion. If the Plaintiff prevails, the warning
22 requirements of Section 3.1 shall continue to be applicable to the Subject Bleach Product at issue. If
23 the Settling Defendant prevails, the Subject Bleach Product at issue shall be deemed to pose no
24 significant risk of causing cancer, and be exempt from any Proposition 65 warning requirements
25 under California Health & Safety Code, Section 25249.10(c) and California Code of Regulations,
26 Title 22, Sections 12705 through 12721. The prevailing party in such contested motion shall be
27 entitled to all reasonable attorneys' fees, costs and expenses incurred in connection with such motion.

28

1 3.5 Nothing in this Section 3 shall preclude a Settling Defendant from seeking a safe use
2 determination for a particular Subject Bleach Product pursuant to California Code of Regulations,
3 Title 22, Sections 12104.

4 **4. DUTIES LIMITED TO CALIFORNIA**

5 The warning requirements contained in this Consent Judgment shall have no effect on Bleach
6 Products sold by Settling Defendants for use outside the State of California.

7 **5. MONETARY PAYMENTS**

8 5.1 Settling Defendants, or an entity acting on their behalf, shall collectively pay within
9 forty-five (45) days of entry of this Consent Judgment the total sum of \$200,000, to be divided as
10 follows:

11 (a) \$50,000 shall be paid to Plaintiff, which plaintiff shall hold in trust for use by
12 Plaintiff to reduce harm from the Listed Chemicals and other toxic chemicals and pollutants, or to
13 increase consumer, worker and community awareness of health hazards posed by the Listed
14 Chemicals, and other cancer-causing chemicals.

15 (b) \$150,000 shall be paid to the Law Offices of Shawn Khorrami for attorneys fees
16 and costs incurred by the Law Offices of Shawn Khorrami on behalf of Plaintiff for investigating and
17 prosecuting this matter, and negotiating this Consent Judgment. The amount of said attorney's fees is
18 hereby deemed reasonable under California law.

19 5.2 Except as specifically provided in this Consent Judgment, each side shall bear its own
20 costs and attorneys' fees.

21 **6. MATTERS COVERED BY THIS CONSENT JUDGMENT**

22 6.1 For purposes of Section 6 of this Consent Judgment, the term Settling Defendant shall
23 include each Settling Defendant and its past, present and future parents, divisions, subdivisions,
24 subsidiaries and affiliates and the predecessors, successors and assigns of any of them, as well as
25 their past, present and future officers, directors, employees, agents, attorneys, representatives,
26 shareholders and assigns and any other entity within a Settling Defendant's chain of distribution,
27 including, but not limited to, wholesale or retail sellers or distributors and any other person in the
28 course of doing business.

1 6.2 As to all Bleach Products, this Consent Judgment is a final and binding resolution
2 between Plaintiff (acting on behalf of itself, and as to those matters referenced in the Notice Letters,
3 in the public interest pursuant to Health and Safety Code Section 25249.7(d) and the general public
4 pursuant to Business and Professions Code Section 17204) and each Settling Defendant of: (a) any
5 violation of Proposition 65; or, (b) with respect to exposures to the Listed Chemicals associated with
6 the use of Bleach Products, the Unfair Competition Act (including, but not limited to, the claims
7 made in the First Amended Complaint and issues raised by the Notice Letters); or (c) any other
8 statutory or common law claim, to the fullest extent that any such claims were or could have been
9 asserted by any person or entity against any Settling Defendant based on its or their exposure of
10 persons to chemicals contained in or otherwise associated with the use of Bleach Products
11 manufactured, sold, marketed, packaged, distributed, sold and/or otherwise placed into the stream of
12 commerce by, for or on behalf of any Settling Defendant and/or their alleged failure to provide a
13 clear and reasonable warning of such exposure to such individuals; or (d) as to exposures to
14 chemicals contained in or otherwise associated with the use of Bleach Products, any other claim
15 based in whole or part on the facts alleged in the First Amended Complaint or Notice Letters,
16 whether based on actions or omissions committed by any Settling Defendant or any other entity
17 within a Settling Defendant's chain of distribution, including, but not limited to, wholesale or retail
18 sellers or distributors and any other person in the course of doing business.

19 6.3 As to any claims, violations, actions, damages, costs, penalties, or causes of action
20 which may arise or have arisen after the original date of entry of this Consent Judgment, compliance
21 by a Settling Defendant with the terms this Consent Judgment shall be deemed to constitute its full
22 and complete compliance with Proposition 65 and the Unfair Competition Act with respect to the
23 provision of warnings for chemicals contained in or otherwise associated with the use of Bleach
24 Products.

25 6.4 As to all Settling Defendants, and all customers, distributors, wholesalers, retailers or
26 any other downstream entity which may in the course of doing business use, maintain, distribute, or
27 sell Bleach Products, which are manufactured, marketed, packaged, distributed, sold and/or otherwise
28 placed into the stream of commerce by a Settling Defendant ("Bleach Products Offered for Retail"),

1 Plaintiff (acting on behalf of itself and the general public) releases and waives all rights to institute
2 any form of legal action whether under Proposition 65 or the Unfair Competition Act or otherwise,
3 arising out of or resulting from or related directly or indirectly to, in whole or in part, exposure to, or
4 otherwise associated with the use of and alleged failure to warn with respect to the Listed Chemicals
5 contained in Bleach Products Offered for Retail.

6 6.5 In furtherance of the foregoing, Plaintiff hereby waives any and all rights and benefits
7 which it now has, or in the future may have, conferred upon it by virtue of the provisions of Section
8 1542 of the California Civil Code, which provides as follows:

9 A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS WHICH THE CREDITOR
10 DOES NOT KNOW OR SUSPECT TO EXIST IN HIS FAVOR AT THE TIME OF EXECUTING
11 THE RELEASE, WHICH IF KNOWN BY HIM MUST HAVE MATERIALLY AFFECTED HIS
12 SETTLEMENT WITH THE DEBTOR.

13
14 Plaintiff understands and acknowledges that the significance and consequence of its waiver of
15 California Civil Code Section 1542 is that even if Plaintiff and/or, with respect to the matters raised
16 in the Notice Letters, any person or entity on whose behalf they purport to act or could act, suffers
17 future damages or harm or fails to receive information or warnings arising out of, resulting from, or
18 related directly or indirectly to, in whole or in part, the matters covered in Sections 6.1, 6.2, 6.3 and
19 6.4 above (“Damages”), Plaintiff and any person or entity on whose behalf they purport to act or
20 could act, will not be able to make any claim for such Damages against any Settling Defendant or any
21 of its customers, distributors, wholesalers, retailers, or any other person in the course of doing
22 business who may use, maintain, distribute or sell the Bleach Products. Furthermore, Plaintiff
23 acknowledges that it intends these consequences for any such Damages which may exist as of the
24 date of this release but which Plaintiff does not know exist, and which, if known, would materially
25 affect its decision to enter into this Consent Judgment, regardless of whether its lack of knowledge is
26 the result of ignorance, oversight, error, negligence, or any other cause, no matter how justifiable
27 such cause may be. Nothing in this Section will be deemed to release a California employer from
28 liability for failure to comply with its obligations to provide warnings under Proposition 65 for the

1 exposures of its employees to chemicals contained in or otherwise associated with Bleach Products
2 where such employer has not otherwise complied with 8 C.C.R. § 5194, et seq.

3 7. **ENFORCEMENT OF JUDGMENT**

4 The terms of this Consent Judgment shall be enforced exclusively by the Parties hereto by
5 means of noticed motion or order to show cause before the Superior Court of San Francisco County.

6 8. **MODIFICATION OF JUDGMENT**

7 This Consent Judgment may be modified only upon written agreement of the Parties and upon
8 entry of a modified amended Consent Judgment by the Court, or upon motion of any Party as
9 provided by law and upon entry of a modified amended Consent Judgment by the Court.

10 Notwithstanding the immediately preceding sentence or any other term or provision of this Consent
11 Judgment, if Plaintiff or any affiliated entity, or the California Attorney General, enters into, agrees
12 to, accepts, or approves in writing, or is otherwise bound by injunctive relief terms or provisions
13 relating to the provision of Proposition 65 warnings for Bleach Products, which, taken together, are
14 more favorable to the Settling Defendants than the terms or provisions that this Consent Judgment
15 provide for Bleach Products of like kind and characteristics, the terms of injunctive relief provided
16 for in Section 3 of this Consent Judgment shall automatically be deemed to have been modified to
17 add such more favorable terms or provisions as an option which each Settling Defendant may elect
18 for compliance with this Consent Judgment.

19 9. **ADDITIONAL DEFENDANT AND NOTICE**

20 9.1 This Consent Judgment is executed with the understanding that KIK is an additional
21 person not currently a party to the First Amended Complaint. As provided in Section 1.9, upon entry
22 of this Consent Judgment, KIK will be deemed to have been added as a defendant to the First
23 Amended Complaint with respect to the Second, Third and Fourth Causes of Action. Therefore, the
24 terms and conditions of this Consent Judgment shall be final and binding as to KIK at the time of
25 entry of the Consent Judgment, except to the extent that such terms and conditions relate to the
26 claims alleged in the First Cause of Action (for violations of Proposition 65) in the First Amended
27 Complaint; provided, however, that KIK shall be obligated to comply with Section 3 and 5 of this
28 Consent Judgment upon entry.

1 9.2 Within thirty (30) days of execution of this Consent Judgment by all Parties, Plaintiff
2 agrees to send a notice of violation to KIK (“KIK Supplemental Notice Letter”) pursuant to
3 California Health & Safety Code § 25249.7(d) at the address provided in Exhibit F, to the California
4 Attorney General, to every California district attorney, and to every city attorney required to receive
5 such a notice pursuant to Health & Safety Code § 25249.7. The KIK Supplemental Notice letter shall
6 be substantially similar to the Supplemental Notice Letters sent to the other Settling Defendants.

7 9.3 No earlier than seventy (70) days after plaintiff sends the KIK Supplemental Notice
8 Letter, counsel for KIK and Plaintiff shall execute and file with the court a Stipulation for
9 Amendment of Complaint and Consent Judgment in the form attached as Exhibit G. Upon filing of
10 this Stipulation, (a) the First Amended Complaint shall be deemed to have been amended to allege
11 the First Cause of Action for violations of Proposition 65 against KIK; and (b) the terms and
12 conditions of this Consent Judgment shall become final and binding as to KIK with respect to all
13 causes of action alleged in the First Amended Complaint.

14 10. **ELECTION TO TERMINATE**

15 Beginning on January 1, 2005, any Settling Defendant may elect (but is not required) to
16 terminate its participation in this Consent Judgment by means of filing a notice of termination with
17 the court and serving such notice on the Plaintiff and the California Attorney General. Upon a
18 Settling Defendant’s filing of such a notice of termination, all the obligations, rights, and benefits of
19 such Settling Defendant under this Consent Judgment shall terminate from that date forward,
20 including the electing Settling Defendant’s obligations under Section 3, and the rights and benefits of
21 the electing Settling Defendant under Sections 6, 7 and 8.

22 11. **AUTHORITY TO STIPULATE; EXECUTION BY FACSIMILE OR**
23 **COUNTERPARTS**

24 11.1 Each signatory to this Consent Judgment certifies that he or she is fully authorized by
25 the Party he or she represents to enter into this Consent Judgment and to execute it on behalf of the
26 Party represented and legally to bind that Party.

27 11.2 The stipulations to this Consent Judgment may be executed together or in counterparts
28 and/or by facsimile, which taken together shall be deemed to constitute one document.

1 12. **NOTICES**

2 Whenever a notice is called for by this Consent Judgment, it shall be provided to all of the
3 individuals identified in Exhibit F hereto at the addresses identified in Exhibit F hereto. If any Party
4 desires to change the individual and/or address designated to receive notice on its behalf, such Party
5 shall provide notice to all other Parties pursuant to the terms of this Section.

6 13. **RETENTION OF JURISDICTION**

7 This Court shall retain jurisdiction of this matter to implement this Consent Judgment.

8 14. **SERVICE ON THE CALIFORNIA ATTORNEY GENERAL**

9 Plaintiff shall serve a copy of this Consent Judgment on the California Attorney General
10 within two working days after the Consent Judgment has been signed by all Parties, so that the
11 California Attorney General may review this Consent Judgment prior to its submittal to the Court for
12 approval. As soon as feasible thereafter, the Parties shall jointly file a motion for a judicial approval
13 of the Consent Judgment, which shall be served (along with all supporting papers and exhibits) on the
14 California Attorney General no less than forty-five (45) days prior to the date of the hearing on the
15 motion.

16 15. **ENTIRE AGREEMENT**

17 This Consent Judgment contains the sole and entire agreement and understanding of the
18 Parties with respect to the entire subject matter hereof, and any and all prior discussions, negotiations,
19 commitments and understandings related hereto. No representations, oral or otherwise, express or
20 implied, other than those contained herein have been made by any Party hereto. No other agreements
21 not specifically referred to herein, oral or otherwise, shall be deemed to exist or to bind any of the
22 Parties.

23 16. **GOVERNING LAW**

24 The validity, construction and performance of this Consent Judgment shall be governed by the
25 laws of the State of California, without reference to any conflicts of law provisions of California law.

26 17. **ENTRY OF CONSENT JUDGMENT**

27 The Parties shall request that the Court enter this Consent Judgment upon a joint noticed
28 motion of the Parties, and waive their respective rights to a hearing or trial on the allegations of the

1 Complaint.

2 18. COURT APPROVAL

3 If this Consent Judgment is not approved and entered by the Court, or if the entry of this
4 Consent Judgment is successfully challenged, this Consent Judgment shall be of no force or effect,
5 and cannot be used in any proceeding for any purpose.

6 **IT IS SO STIPULATED:**

7 DATED: 5/28/02

8 THE WORKING GROUP ON CARCINOGENS AND
9 IMMUNE SUPPRESSING CHEMICALS

10 By: [Signature]
11 SHAWN KHORRAMI FOR JANE WILLIAMS
12 Its: EXECUTIVE DIRECTOR

13 DATED: April 24, 2002

14 THE CLOROX COMPANY; CLOROX PRODUCTS
15 MANUFACTURING COMPANY

16 By: [Signature]
17 Its: VP GM

18 DATED: _____

19 ALEN USA, INC.

20 By: _____

21 Its: _____

22 DATED: _____

23 CHEM LAB PRODUCTS, INC.

24 By: _____

25 Its: _____

26 DATED: _____

27 COLGATE-PALMOLIVE COMPANY

28 By: _____

Its: _____

1 Complaint.

2 18. **COURT APPROVAL**

3 If this Consent Judgment is not approved and entered by the Court, or if the entry of this
4 Consent Judgment is successfully challenged, this Consent Judgment shall be of no force or effect,
5 and cannot be used in any proceeding for any purpose.

6 **IT IS SO STIPULATED:**

7 DATED: _____

THE WORKING GROUP ON CARCINOGENS AND
IMMUNE SUPPRESSING CHEMICALS

8

9

By: _____

10

Its: _____

11

12 DATED: _____

THE CLOROX COMPANY; CLOROX PRODUCTS
MANUFACTURING COMPANY

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14

By: _____

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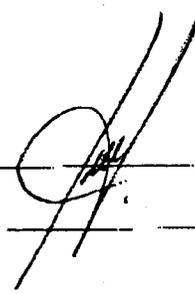
Its: _____

16

17 DATED: 05/10/2002

ALEN USA, INC.

18

By: Sergio Morcno 

19

Its: Secretary

20

21 DATED: _____

CHEM LAB PRODUCTS, INC.

22

By: _____

23

Its: _____

24

25 DATED: _____

COLGATE-PALMOLIVE COMPANY

26

By: _____

27

Its: _____

28

1 Complaint.

2 18. COURT APPROVAL

3 If this Consent Judgment is not approved and entered by the Court, or if the entry of this
4 Consent Judgment is successfully challenged, this Consent Judgment shall be of no force or effect,
5 and cannot be used in any proceeding for any purpose.

6 **IT IS SO STIPULATED:**

7 DATED: _____

THE WORKING GROUP ON CARCINOGENS AND
IMMUNE SUPPRESSING CHEMICALS

8

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By: _____

10

Its: _____

11

DATED: _____

THE CLOROX COMPANY; CLOROX PRODUCTS
MANUFACTURING COMPANY

12

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By: _____

14

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Its: _____

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DATED: _____

ALEN USA, INC.

17

18

By: _____

19

Its: _____

20

DATED: May 20, 2002

CHEM LAB PRODUCTS, INC.

21

By: Debra Schonk

22

Its: Corp. Secretary

23

DATED: _____

COLGATE-PALMOLIVE COMPANY

24

25

By: _____

26

27

Its: _____

28

1 Complaint.

2 18. **COURT APPROVAL**

3 If this Consent Judgment is not approved and entered by the Court, or if the entry of this
4 Consent Judgment is successfully challenged, this Consent Judgment shall be of no force or effect,
5 and cannot be used in any proceeding for any purpose.

6 **IT IS SO STIPULATED:**

7 DATED: _____

8 THE WORKING GROUP ON CARCINOGENS AND
IMMUNE SUPPRESSING CHEMICALS

9

10 By: _____

11

Its: _____

12

DATED: _____

13 THE CLOROX COMPANY; CLOROX PRODUCTS
MANUFACTURING COMPANY

14

15 By: _____

16

17 Its: _____

18

19 DATED: _____

ALEN USA, INC.

20

21 By: _____

22

23 Its: _____

24

25 DATED: _____

CHEM LAB PRODUCTS, INC.

26

27 By: _____

28

Its: _____

DATED: 5/15/02

COLGATE-PALMOLIVE COMPANY

29

By: [Signature]

30

Its: V.P. / GM Household Surface Care

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DATED: _____

COLGATE-PALMOLIVE COMPANY

By: _____

Its: _____

DATED: 5/13/02

SC JOHNSON & SON

By: 

Its: Deputy General Counsel

DATED: _____

RECKITT BENCKISER INC.; RECKITT & COLEMAN INC.

By: _____

Its: _____

DATED: _____

HUISH DETERGENTS INC.

By: _____

Its: _____

DATED: _____

WD-40 COMPANY

By: _____

Its: _____

IT IS SO ORDERED, ADJUDGED AND DECREED:

DATED: 7/11/02



JUDGE OF THE SUPERIOR COURT

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DATED: _____

SC JOHNSON & SON

By: _____

Its: _____

DATED: 4/25/02

RECKITT BENCKISER INC.; RECKITT & COLEMAN INC.

By: James M. Mattesich
JAMES M. MATTESICH FOR TERRY FARRELL
Its: Associate General Counsel

DATED: _____

HUIH DETERGENTS INC.

By: _____

Its: _____

DATED: _____

WD-40 COMPANY

By: _____

Its: _____

DATED: _____

KIK CORPORATION

By: _____

Its: _____

IT IS SO ORDERED, ADJUDGED AND DECREED:

DATED: 7/12/02

[Signature]
JUDGE OF THE SUPERIOR COURT

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DATED: _____

SC JOHNSON & SON

By: _____

Its: _____

DATED: _____

RECKITT BENCKISER INC.; RECKITT & COLEMAN INC.

By: _____

Its: _____

DATED: April 26, 2002

HUISH DETERGENTS INC.

By: Douglas L. Brewster

Its: Executive Vice President & CFO

DATED: _____

WD-40 COMPANY

By: _____

Its: _____

DATED: _____

KIK CORPORATION

By: _____

Its: _____

IT IS SO ORDERED, ADJUDGED AND DECREED:

DATED: 7/12/02



JUDGE OF THE SUPERIOR COURT

FROM : _____

FAX NO. :

Apr. 26 2002 11:28AM P2

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SC JOHNSON & SON

2

By: _____

3

Its: _____

4

5 DATED: _____

RECKITT BENCKISER INC.; RECKITT & COLEMAN INC.

6

By: _____

7

Its: _____

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9 DATED: _____

HUISH DETERGENTS INC.

10

By: _____

11

Its: _____

12

13 DATED: _____

WD-40 COMPANY

14

By: Champhong

15

Its: President CEO

16

17 DATED: _____

KIK CORPORATION

18

By: _____

19

Its: _____

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IT IS SO ORDERED, ADJUDGED AND DECREED:

22

DATED: 7/10/02

[Signature]
JUDGE OF THE SUPERIOR COURT

23

JUDGE OF THE SUPERIOR COURT

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1 DATED: _____

SC JOHNSON & SON

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By: _____

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Its: _____

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DATED: _____

RECKITT BENCKISER INC.; RECKITT & COLEMAN INC.

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By: _____

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Its: _____

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DATED: _____

HUI SH DETERGENTS INC.

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DATED: _____

Its: _____

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WD-40 COMPANY

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By: _____

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Its: _____

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DATED: _____

KIK CORPORATION HOLDINGS INC. 10-Q.

18

By: [Signature]

19

Its: Secretary

20

21

22

IT IS SO ORDERED, ADJUDGED AND DECREED:

23

DATED: 7/12/02

[Signature]

24

JUDGE OF THE SUPERIOR COURT

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EXHIBIT A

(List of Supplemental Notice Recipients*/Settling Defendants)

1
2
3 THE CLOROX COMPANY; CLOROX PRODUCTS MANUFACTURING COMPANY
4 ALEN USA, INC.
5 CHEM LAB PRODUCTS, INC.
6 COLGATE-PALMOLIVE COMPANY
7 SC JOHNSON & SON
8 RECKITT BENCKISER INC.; RECKITT & COLEMAN INC.
9 HUIISH DETERGENTS INC.
10 THE WD-40 COMPANY
11 KIK CORPORATION HOLDINGS INC.*
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* KIK Corporation did not receive the Supplemental Notice Letter

EXHIBIT B
(Original Notice Letter)

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Tel: 618.947.5111
Fax: 818.947.5121
4550 Haynes Street
Third Floor
Van Nuys, Ca 91411

SEP 12 2000

The Law Offices of **Shawn Khorran**

Tel: 415.956.0266
Fax: 415.956.0121
One Bush Street
Suite 380
San Francisco, Ca 94104

September 7, 2000

RECEIVED

SEP 13 2000

www.khorrami.com

TO: Service List Attached

LEGAL SERVICES
THE CLOROX COMPANY

RE : 60-Day Notice Under Proposition 65 for Failure to Warn About Chemicals
Listed Pursuant to Health & Safety Code Section 25249.5 *et seq.*

Dear Sir/Madam:

This firm represents The Working Group on Carcinogens and Immune Suppressing Chemicals ("CISC"). CISC's address and telephone number are: 3104 Coyote Road Palmdale California, 93550, (661) 273-3098. CISC's director is Jane Williams.. However, please be advised that any communication, whether written, oral, electronic, or otherwise, must be directed to the attention of the undersigned at this office only.

This letter is to serve as notification that C/O The Clorox Company and Clorox Products Manufacturing Company (collectively referred to as "Companies") have violated, and continue to violate, the warning requirement Proposition 65 by distributing and/or selling and/or offering for sale, or otherwise placing in the stream of commerce bleach products and/or products containing sodium hypochlorite including but not limited to, Clorox Brand Bleach Products, Tilex, Soft Scrub, and other products made by these Companies that contain bleach which are used as a cleanser and/or detergent for clothes, floors, sinks, bathrooms, and other household uses, and for otherwise cleaning items within locations other than households ("Bleach"). The Companies' relevant information as required under 22 Cal. Code of Regulations section 12903 is attached hereto as Exhibit "A."

These Companies have been and is currently distributing and/or selling and/or offering for sale, or otherwise placing in the stream of commerce Bleach, which have exposed and continue to expose, workers, Companies' employees, particularly the Companies' customers, their families, consumers, along with other individuals in California to Chloroform and Bromodichloromethane. Chloroform has been listed as a carcinogen since October 1, 1987. Bromodichloromethane has been listed as a carcinogen since January 1, 1990 pursuant to Proposition 65 (hereinafter, "CHEMICALS" shall refer to the foregoing chemicals collectively). As such, violations of Proposition 65 are ongoing and continuous.

The products that are the subject of this notice include Bleach sold and/or distributed and/or offered for sale and/or otherwise placed into the stream of commerce by Companies, which contain the CHEMICALS, including, but not limited to, Clorox bleach products.

The routes of exposure are dermal contact, ingestion, and inhalation. In the course of using

Exhibit B



September 7, 2000

Page 2 of 2

said Bleach as cleaning agents and other uses, individuals are exposed, by dermal-contact with Chlorox bleaches, by inadvertent ingestion of Chlorox bleaches (with particular

relevance for children), and by inhalation of fumes from Chlorox bleaches as the products are used. In addition, any individual who is in the proximity of such activities, during and after product use, is also exposed, as are individuals who are in the proximity of individuals who used the products and any object the products were used on.

As such, while in the course of doing business, these Companies have in the past, and continue to, knowingly and intentionally expose members of the public to the chemicals without first giving clear and reasonable warning to such persons pursuant to Health & Safety Code §25249.6.

Unwarned and unlawful exposures to the chemicals began one year after each chemical was identified under Proposition 65 as a "chemical known to the state to cause cancer." Accordingly, for each chemical, said violations began on October 1, 1988 for Chloroform, and on January 1, 1991 for Bromodichloromethane.

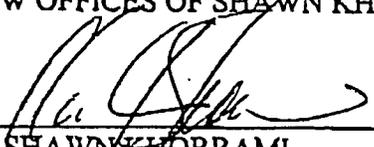
Proposition 65 requires that notice of intent to sue be given to a violator 60 days prior to the filing of the suit. This Notice covers all violations of Proposition 65 that are currently known to CISC based on all the currently available information.

By copy of this letter, Notice is hereby given to to all 58 California county prosecutors, the California Attorney General, and City Attorneys of all California Cities with populations in excess of 750,000. For your convenience, I have enclosed a copy of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.

Should you have any comments or questions regarding this matter, please do not hesitate to contact our offices.

Very Truly Yours,

LAW OFFICES OF SHAWN KHORRAMI

By: 

SHAWN KHORRAMI

Enclosure

Exhibit B

**EXHIBIT A****LIST OF COMPANIES**

G.C. Sullivan
President
C/O The Clorox Company
1221 Broadway
Oakland, CA 94612

A.W Biebel
President
Clorox Products
Manufacturing Company
1221 Broadway
Oakland, CA 94612

CT Corporation System
Registered Agent
C/O The Clorox Company
818 West Seventh St.
Los Angeles, CA 90017

CT Corporation System
Registered Agent
Clorox Products
Manufacturing Company
818 West Seventh St.
Los Angeles, CA 90017

**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 Office of Environmental Health Hazard Assessment, 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 its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. 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 22 of the California Code of Regulations, Sections 12000 through 14000.

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, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 550 chemicals have been listed as of May 1, 1996. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release or otherwise engage in activities involving those 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. 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. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

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. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

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.

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 for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), 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 (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

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 enter any drinking water source, 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" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

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 (those in cities with a population exceeding 750,000). 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. A notice must comply with the information and procedural requirements specified in regulations (Title 22, California Code of Regulations, Section 12903). A private party may not pursue an enforcement action directly 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 of law to stop committing the violation.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.

**PROOF OF SERVICE**

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 14550 Haynes Street, Third Floor, Van Nuys, California, 91411.

On September 7, 2000, I served the foregoing **60-Day Notice Under Proposition 65 for Failure to Warn** on the interested parties below by enclosing a copy in a sealed envelope addressed as follows:

[SEE ATTACHED SERVICE LIST]

(MAIL) I placed the envelope for collection and mailing on the date shown above, at this office, in Van Nuys, California, following our ordinary business practices.

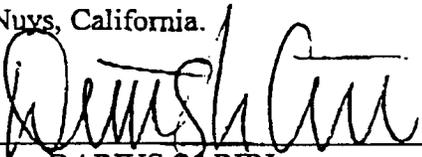
I am readily familiar with this office's practice of collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

(BY PERSONAL SERVICE) I delivered such envelope by hand to offices of addressee(s).

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on September 7, 2000, at Van Nuys, California.


DARIUS SARIRI

Service List

G.C. Sullivan
President
C/O The Clorox Company
1221 Broadway
Oakland, CA 94612

CT Corporation System
Registered Agent
Clorox Products Manufacturing
Company
818 West Seventh St.
Los Angeles, CA 90017

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

District Attorney
Calaveras County
County Government Center
San Andreas, CA 95249

District Atty
Del Norte County
County Courthouse, 450 H Street
Crescent City, CA 95531

District Atty
Glenn County
540 W. Sycamore Street
Willows, CA 95988

District Attorney
Inyo County
168 N. Edwards Street,
P.O. Drawer D
Independence, CA 93526

District Atty
Lake County
County Courthouse, Rm. 424
Lakeport, CA 95453

District Attorney
Madera County
209 W. Yosemite Avenue
Madera, CA 93637

CT Corporation System
Registered Agent
C/O The Clorox Company
818 West Seventh St.
Los Angeles, CA 90017

Edward G. Weil, Esq.
Office of the Attorney General
1515 Clay Street, 20th Floor
Oakland, CA 94612-1413

District Attorney
Amador County
708 Court Street, Ste. 202
Jackson, CA 95642

District Attorney
Colusa County
547 Market St.
Colusa CA 95932

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

District Attorney
Humboldt County
825 Fifth Street
Eureka, CA 95501

District Attorney
Kern County
Civic Center, Truxtun, Rm. 4018
Bakersfield, CA 93301

District Attorney
Lassen County
Courthouse, S. Lassen St., Rm. 202
Susanville, CA 96130

District Attorney
Marin County
Hall of Justice
San Rafael, CA 94903

AW Biebel
President
Clorox Products Manufacturing
Company
1221 Broadway
Oakland, CA 94612

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

District Atty
Butte County
25 County Center Dr.
Oroville, CA 95965

District Attorney
Contra Costa County
P.O. Box 670, Courthouse
Martinez, CA 94553

Fresno County D.A.
Golden State Plaza
2220 Tulare, Suite 1000
Fresno, CA 93721

District Attorney
Imperial County
939 Main Street
El Centro, CA 92243

District Attorney
Kings County Government Center
1400 W. Lacey Blvd.
Hanford, CA 93230

District Attorney
18000 Criminal Courts Bldg
210 W. Temple Street
Los Angeles, CA 90012

District Atty
Mariposa County
P.O. Box 748
Mariposa, CA 95338



District Attorney
Mendocino County
County Courthouse, P.O. Box 1000
Ukiah, CA 95482

District Attorney
Merced County
2222 "M" Street
Merced, CA 95340

District Atty
Modoc County
County Courthouse, P.O. Box 117
Alturas, CA 96101

Mono County District Attorney
County Courthouse, Main St.
P.O. Box 617
Bridgeport, CA 93517

District Attorney
Monterey County
240 Church Street
Salinas, CA 93901

Distirict Attorney
Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney
Nevada County
Rm. 204, Courthouse Annex
Nevada City, CA 95959

Orange County D. A.
707 Civic Center Dr. W., Rm.
A200
P.O. Box 808
Santa Ana, CA 92702

Placer County D. A.
11562 "B" Avenue
Dewitt Ctr.
Auburn, CA 95603

Plumas County D. A.
520 Main St. Rm 404
Quincy, CA 95971

District Attorney
Riverside County
4075 Main Street
Riverside, CA 92501

District Attorney
Sacramento County
901 "G" St., Rm. 419
Sacramento, CA 95816

District Attorney
San Benito County
419 4th Street
Hollister, CA 95023

District Attorney
San Bernardino County
316 N. Mt. View Ave.
San Bernardino, CA 92415-0004

S.D. County D. A.
101 W. Broadway, Ste. 1440
P.O. Box X-1011
San Diego, CA 92112

San Francisco D. A.
Hall of Justice
850 Bryant St., Rm. 320
San Francisco, CA 94103

San Joaquin County D.A.
222 E. Weber, Rm. 200
P.O. Box 990
Stockton, CA 95202

District Atty
San Luis Obispo County
County Government Ctr, Rm. 450
San Luis Obispo, CA 93408

District Attorney
San Mateo County
401 Marshall St., 3rd Floor
Redwood City, CA 94063

District Atty
Santa Barbara County
1105 Santa Barbara St.
Santa Barbara, CA 93101

District Attorney
Santa Clara County
70 W. Hedding - West Wing, 5th
Rr.
San Jose, CA 95110

District Attorney
Santa Cruz County
701 Ocean St., Rm. 250
Santa Cruz, CA 95060

District Attorney
Shasta County
1525 Court St., P.O. Box 1320
Redding, CA 96001

District Attorney
Sierra County
County Courthouse
Downieville, CA 95936

District Attorney
Siskiyou County
P.O. Box 986
Yreka, CA 96097

District Attorney
Solano County
600 Union Ave.
Fairfield, CA 94533

Sonoma County D.A.
600 Administration Dr.
Hall of Justice, Rm. 212-J
Santa Rosa, CA 95403

District Attorney
Stanislaus County
1100 "I" St., Rm. 200, Box 442
Modesto, CA 95353

District Attorney
Sutter County
Courthouse Annex, Box 1555
Yuba City, CA 95991

Tehama County D.A.
County Courthouse
P.O. Box 519
Red Bluff, CA 96080-0519

District Attorney
Trinity County
P.O. Box 310
Weaverville, CA 96093

District Attorney
Tulare County
Courthouse, Rm. 202
Visalia, CA 93291-4593

District Attorney
Tuolumne County
2 S. Green St.
Sonora, CA 95370



District Atty
Ventura County
800 S. Victoria Ave., 2nd Floor
Ventura, CA 93009

District Attorney
Yolo County
204 4th St.
Woodland, CA 95695

District Attorney
Yuba County
County Courthouse, 215 - 5th St.
Marysville, CA 95901

L. A. City Attorney
1800 City Hall East
200 N. Main
Los Angeles, CA 90012

City Attorney
City of San Diego
202 "C" St., 3rd Floor
San Diego, CA 92101

City Attorney
City of San Jose
151 W. Mission St.
San Jose, CA 95110

EXHIBIT C
(Additional Notice Letter)

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Tel: 818.947.5111
Fax: 818.947.5121
14550 Haynes Street
Third Floor
Van Nuys, Ca 91411



The Law Offices of **Shawn Khorrami**

Tel: 415.956.0266
Fax: 415.956.0121
44 Montgomery Street
Suite 3400
San Francisco, Ca 94104

February 13, 2001

TO: Service List Attached

www.khorrami.com

RE : 60-Day Notice Under Proposition 65 for Failure to Warn About Chemicals Listed Pursuant to Health & Safety Code Section 25249.5 et seq.

Dear Sir/Madam:

This firm represents The Working Group on Carcinogens and Immune Suppressing Chemicals ("CISC"). CISC's address and telephone number are: 3104 Coyote Road Palmdale California, 93550, (661) 273-3098. CISC's director is Jane Williams.. However, please be advised that any communication, whether written, oral, electronic, or otherwise, must be directed to the attention of the undersigned at this office only.

This letter is to serve as notification that the Companies that are named in Exhibit "A" to this notice letter (collectively referred to as "Companies") have violated, and continue to violate, the warning requirement Proposition 65 by distributing and/or selling and/or offering for sale, or otherwise placing in the stream of commerce products that contain bleach and/or sodium hypochlorite and which are used as cleansers and/or detergents for clothes, floors, sinks, bathrooms, and other household uses, and for otherwise cleaning items within locations other than households ("Bleach"). While the products in question can best be described as done hereinabove, by way of illustration, for each company named in Exhibit "A," we have included a list of sample products.¹ The Companies' relevant information as required under 22 Cal. Code of Regulations section 12903 is attached hereto as Exhibit "A."

Attorneys At Law

Shawn Khorrami

Elizabeth N. Seltzer

Philip Shakhnis

Matthew A. Breddan

These Companies have been and is currently distributing and/or selling and/or offering for sale, or otherwise placing in the stream of commerce Bleach, which have exposed and continue to expose, workers, Companies' employees, particularly the Companies' customers, their families, consumers, along with other individuals in California to Chloroform and Bromodichloromethane. Chloroform has been listed as a carcinogen since October 1, 1987. Bromidichloromethane has been listed as a carcinogen since January 1, 1990 pursuant to Proposition 65 (hereinafter, "Chemicals" shall refer to the foregoing chemicals collectively). As such, violations of Proposition 65 are ongoing and continuous.

The products that are the subject of this notice include Bleach sold and/or distributed and/or offered for sale and/or otherwise placed into the stream of commerce by Companies, which

¹ This is by no means an all-inclusive list.



February 13, 2001
Page 2 of 2

cause exposures to the Chemicals, including, but not limited to, Bleach products.

The routes of exposure are dermal contact, ingestion, and inhalation. In the course of using said Bleach as cleaning agents and other uses, individuals are exposed, by dermal-contact with the Chemicals, by inadvertent ingestion of the Chemicals (with particular relevance for children), and by inhalation of fumes from Bleach products as they are used. In addition, any individual who is in the proximity of such activities, during and after product use, is also exposed, as are individuals who are in the proximity of individuals who used the products and any object the products were used on.

As such, while in the course of doing business, these Companies have in the past, and continue to, knowingly and intentionally expose members of the public to the chemicals without first giving clear and reasonable warning to such persons pursuant to Health & Safety Code §25249.6.

Unwarned and unlawful exposures to the chemicals began one year after each chemical was identified under Proposition 65 as a "chemical known to the state to cause cancer." Accordingly, for each chemical, said violations began on October 1, 1988 for Chloroform, and on January 1, 1991 for Bromodichloromethane.

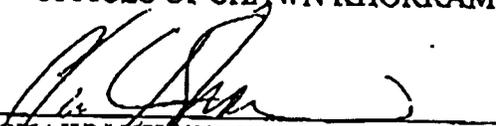
Proposition 65 requires that notice of intent to sue be given to a violator 60 days prior to the filing of the suit. This Notice covers all violations of Proposition 65 that are currently known to CISC based on all the currently available information.

By copy of this letter, Notice is hereby given to to all 58 California county prosecutors, the California Attorney General, and City Attorneys of all California Cities with populations in excess of 750,000. For your convenience, I have enclosed a copy of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.

Should you have any comments or questions regarding this matter, please do not hesitate to contact our offices.

Very Truly Yours,

LAW OFFICES OF SHAWN KHORRAMI

By: 
SHAWN KHORRAMI

Enclosure

FEB-22-2001 10:50 323 981 5500

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 Office of Environmental Health Hazard Assessment, 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 its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. 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 22 of the California Code of Regulations, Sections 12000 through 14000.

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, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 550 chemicals have been listed as of May 1, 1996. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release or otherwise engage in activities involving those 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. 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. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

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. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

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.

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 for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), 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 (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

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 enter any drinking water source, 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" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

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 (those in cities with a population exceeding 750,000). 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. A notice must comply with the information and procedural requirements specified in regulations (Title 22, California Code of Regulations, Section 12903). A private party may not pursue an enforcement action directly 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 of law to stop committing the violation.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.

**PROOF OF SERVICE****STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 14550 Haynes Street, Third Floor, Van Nuys, California, 91411.

On February 13, 2001, I served the foregoing
60-Day Notice Under Proposition 65 for Failure to Warn
on the interested parties below by enclosing a copy in a sealed envelope addressed as follows:

[SEE ATTACHED SERVICE LIST]

(MAIL) I placed the envelope for collection and mailing on the date shown above, at this office, in Van Nuys, California, following our ordinary business practices.

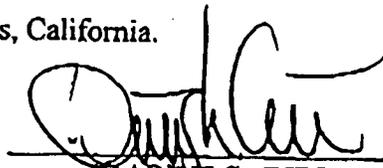
I am readily familiar with this office's practice of collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

(BY PERSONAL SERVICE) I delivered such envelope by hand to offices of addressee(s).

(STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

(FEDERAL) I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on February 13, 2001, at Van Nuys, California.



DARIUS SARIRI

**EXHIBIT A****LIST OF COMPANIES AND PRODUCTS**

COMPANIES	SAMPLE PRODUCTS
<p>The Prentice-Hall Corporation System, Inc. Registered Agent Walgreen Company 2730 Gateway Oaks Drive, Suite 100 Sacramento, CA 95833</p> <p>L D Jorndt, President Walgreen Company 200 Wilmot Road Deerfield, IL 60015</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Tilex Soft Scrub Resolve Sun Ajax Comet, Tide, Cheer Breeze</p>
<p>CT Corporation System Registered Agent Longs Drug Stores Corporation 818 West 7th Street Los Angeles, CA 90017</p> <p>O D Jones, Registered Agent Longs Drug Stores California Inc. 141 N. Civic Drive Walnut Creek, CA 94596</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Tilex Soft Scrub Resolve Sun Ajax Comet, Tide, Cheer Breeze X-14</p>
<p>TrueValue corporation 8600 Bryn Mawr Chicago, IL 60631</p> <p>CT Corporation System Registered Agent TrueValue corporation 818 West 7th Street Los Angeles, CA 90017</p> <p>TruServ Corporation 8600 Bryn Mawr Chicago, IL 60631</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Tilex Soft Scrub Resolve Sun Ajax, Ajax Cleanser with Bleach Comet, Tide, Cheer Breeze X-14</p>



EXHIBIT A

LIST OF COMPANIES AND PRODUCTS

<p>Mary Alice Taylor Chief Executive Officer HomeGrocer.com, Inc. Corporate Headquarters 10230 NE Points Drive Kirkland, WA 98033</p> <p>J. Terrence Drayton President HomeGrocer.com, Inc. Corporate Headquarters 10230 NE Points Drive Kirkland, WA 98033</p> <p>CT Corporation System Registered Agent HomeGrocer.com, Inc. 818 West 7th Street Los Angeles, CA 90017</p> <p>HomeGrocer.com, Inc. Mailing Address 650 Page Mill Road Palo Alto, CA 94304</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Clorox Ultra Advantage Bleach, and Clorox Ultra Liquid Regular Bleach Soft Scrub Tide with Bleach Tilex</p>
<p>Global Household Brands Global Household Products Headquarters 379 Thornall Street 15th Floor Edison, NJ 08837</p>	<p>X-14</p>

EXHIBIT A

LIST OF COMPANIES AND PRODUCTS

<p>David Anawalt, Agent of Service Anawalt Lumber Company Inc. 11060 West Pico Boulevard Los Angeles, CA 90064</p> <p>James A. Anawalt President and Registered Agent Anawalt Lumber & Materials Company 11000 Burbank Boulevard North Hollywood, CA 91601</p> <p>William B. Anawalt, Registered Agent Anawalt Lumber & Materials Company- Montrose 453 Calif. Terrace Pasadena, CA 91105</p>	<p>Clorox Brand Products that contain bleach, including but not limited to,</p> <p>Tilex Soft Scrub Resolve Sun Ajax, Ajax Cleanser with Bleach Comet, Tide, Cheer Breeze</p>
<p>Jerry T Post, President Orchard Supply Hardware Corporation & Orchard Supply Hardware Stores Corporation 6450 Via Del Oro San Jose, CA 95115</p> <p>CT Corporation System Registered Agent Orchard Supply Hardware Corporation & Orchard Supply Hardware Stores Corporation 818 West 7th Street Los Angeles, CA 90017</p>	<p>Clorox Brand Products Scrubbing Bubbles w/ Bleach; Comet Ajax Lysol Breeze</p>



EXHIBIT A

LIST OF COMPANIES AND PRODUCTS

<p>George Shaheen, CEO Webvan Group, Inc. 650 Page Mill Road Palo Alto, CA 94304-1050</p> <p>CT Corporation System Registered Agent Webvan Group, Inc. 818 West 7th Street Los Angeles, CA 90017</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Clorox Dry Bleach Regular, Clorox Liquid Bleach Regular</p>
<p>David Gold, C.E.O. 99 Cent Only Stores 4000 Union Pacific Avenue City of Commerce, CA 90023</p> <p>Eric Scheiffer, President 99 Cent Only Stores 4000 Union Pacific Avenue City of Commerce, CA 90023</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Cloro Classic Clorox Brand Products White Arctic Bleach Blue Ribbon Bleach</p>

Service List

The Pruitice-Hall Corporation
System, Inc.
Registered Agent
Walgreen Company
2730 Gateway Oaks Drive, Suite 100
Sacramento, CA 95833

O D Jones, Registered Agent
Longs Drug Stores California Inc.
141 N. Civic Drive
Walnut Creek, CA 94596

TruServ Corporation
8600 Bryn Mawr
Chicago, IL 60631

CT Corporation System
Registered Agent
HomeGrocer.com, Inc.
818 West 7th Street
Los Angeles, CA 90017

CT Corporation System
Registered Agent
Orchard Supply Hardware Corporation &
Orchard Supply Hardware Stores Corporation
818 West 7th Street
Los Angeles, CA 90017

CT Corporation System
Registered Agent
Webvan Group, Inc.
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Oakland, CA 94612-1413

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L D Jorndt, President
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Deerfield, IL 60015

TrueValue corporation
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Chicago, IL 60631

Mary Alice Taylor
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HomeGrocer.com, Inc.
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Palo Alto, CA 94304

Global Household Brands
Global Household Products
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Edison, NJ 08837

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District Atty
Butte County
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CT Corporation System
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Longs Drug Stores Corporation
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CT Corporation System
Registered Agent
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Los Angeles, CA 90017

J. Terrence Drayton
President
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10230 NE Points Drive
Kirkland, WA 98033

Jerry T Post, President
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Orchard Supply Hardware Stores Corporation
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San Jose, CA 95115

George Shaheen, CEO
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Palo Alto, CA 94304-1050

James A. Anawalt
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Eric Scheiffer, President
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City of Commerce, CA 90023

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San Andreas, CA 95249

District Attorney
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Colusa CA 95932

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Crescent City, CA 95531



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Placerville, CA 95667

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Willows, CA 95988

District Attorney
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Eureka, CA 95501

District Attorney
Imperial County
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El Centro, CA 92243

District Attorney
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Bakersfield, CA 93301

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Lakeport, CA 95453

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Susanville, CA 96130

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Madera, CA 93637

District Attorney
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Hall of Justice
San Rafael, CA 94903

District Atty
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Ukiah, CA 95482

District Attorney
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Merced, CA 95340

District Atty
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Alturas, CA 96101

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Bridgeport, CA 93517

District Attorney
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Marina, CA 93901

District Attorney
Napa County
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Napa, CA 94559

District Attorney
Nevada County
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Nevada City, CA 95959

Orange County D. A.
1 Civic Center Dr. W., Rm. A200
P.O. Box 808
Santa Ana, CA 92702

Placer County D. A.
11562 "B" Avenue
Dewitt Ctr.
Auburn, CA 95603

Plumas County D. A.
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Quincy, CA 95971

District Attorney
Plumas County
5 Main Street
Plumas, CA 92501

District Attorney
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Sacramento, CA 95816

District Attorney
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Hollister, CA 95023

District Attorney
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San Bernardino, CA 92415-0004

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San Francisco D. A.
Hall of Justice
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San Francisco, CA 94103

San Joaquin County D.A.
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San Luis Obispo, CA 93408

District Attorney
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Redwood City, CA 94063

District Atty
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Santa Barbara, CA 93101

District Attorney
Santa Clara County
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Rr.
San Jose, CA 95110

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Santa Cruz, CA 95060

District Attorney
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Visalia, CA 93291-4593

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Sonora, CA 95370

District Atty
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Ventura, CA 93009

District Attorney
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204 4th St.
Woodland, CA 95695

District Attorney
Yuba County
County Courthouse, 215 - 5th St.
Marysville, CA 95901

L. A. City Attorney
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200 N. Main
Los Angeles, CA 90012

City Attorney
City of San Diego
202 "C" St., 3rd Floor
San Diego, CA 92101

City Attorney
City of San Jose
151 W. Mission St.
San Jose, CA 95110

EXHIBIT D

(Supplemental Notice Letter)

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Tel: 818.947.5111
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The Law Offices of **Shawn Khorrami**

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Fax: 415.956.0121
1450 Sutter Street
Suite 404
San Francisco, Ca 94105

December 27, 2001

1849 Sawtelle Blvd
Suite 630
Los Angeles, Ca 90025

TO: Service List Attached

**RE : 60-Day Notice Under Proposition 65 for Failure to Warn About
Chemicals Listed Pursuant to Health & Safety Code Section 25249.5 et
seq.**

Dear Sir/Madam:

Attorneys at Law

Shawn Khorrami

This firm represents The Working Group on Carcinogens and Immune Suppressing Chemicals ("CISC"). CISC's address and telephone number are: 3104 Coyote Road, Palmdale, California, 93550, (661) 273-3098. CISC's director is Jane Williams. However, please be advised that any communication, whether written, oral, electronic, or otherwise must be directed to the attention of the undersigned at this office only.

Dylan Pollard
Stephanie Casale

This letter is to serve as notification that the Companies that are named in Exhibit "A" to this notice letter (collectively referred to as "Companies") have violated, and continue to violate, the warning requirement of Proposition 65 by distributing and/or selling and/or offering for sale, or otherwise placing in the stream of commerce products that contain:

Nathan Potratz

Patricia Mitchell

Of Counsel

- (1) bleach; and/or
- (2) sodium hypochlorite; and/or
- (3) chemicals that create potential exposure to chloroform, bromodichloromethane, bromoform, carbon tetrachloride, dichloromethane, and/or dichloroacetic acid in normal use

David Berke
Landon Villavaso

and which are used as cleansers and/or detergents for clothes, floors, sinks, bathrooms, and other household uses, and for otherwise cleaning items within locations other than households ("Bleach Products"). While the Bleach Products in question can best be described as done hereinabove, by way of illustration, for each company named in Exhibit "A," we have included a list of sample Bleach Products.¹ The Companies' relevant information as required under 22 Cal. Code Regs. § 12903 is attached hereto as Exhibit A.

These Companies have been and are currently distributing and/or selling and/or offering for sale, or otherwise placing in the stream of commerce Bleach Products, which have exposed and continue to expose workers, Companies' employees, particularly the Companies' customers, their families, consumers, along with other individuals in

¹ This is by no means an all-inclusive list.



California to chloroform, bromodichloromethane, bromoform, carbon tetrachloride, dichloromethane, and dichloroacetic acid. Chloroform has been listed as a carcinogen since October 1, 1987 under Proposition 65. Bromodichloromethane has been listed as a carcinogen since January 1, 1990 under Proposition 65. Bromoform has been listed as a carcinogen since April 1, 1991 under Proposition 65. Carbon tetrachloride has been listed as a carcinogen since October 1, 1987 under Proposition 65. Dichloromethane has been listed as a carcinogen since April 1, 1988 under Proposition 65. Dichloroacetic acid has been listed as a carcinogen since May 1, 1996 under Proposition 65. (Hereinafter, "Chemicals" shall refer to the foregoing chemicals collectively). As such, violations of Proposition 65 are ongoing and continuous.

The products that are the subject of this notice include Bleach Products sold and/or distributed and/or offered for sale and/or otherwise placed into the stream of commerce by Companies, which contain the Chemicals.

The routes of exposure are dermal contact, ingestion, and inhalation. In the course of using the Bleach Products, individuals are exposed by dermal contact with Bleach Products, by inadvertent ingestion of Bleach Products (with particular relevance for children), and by inhalation of fumes from Bleach Products as the products are used. In addition, any individual who is in the proximity of such activities, during and after use of the Bleach Products, is also exposed, as are individuals who are in the proximity of individuals who used the Bleach Products and any object the Bleach Products were used on.

As such, while in the course of doing business, these Companies have in the past, and continue to, knowingly and intentionally expose members of the public to the Chemicals without first giving clear and reasonable warning to such persons pursuant to Health and Safety Code § 25249.6.

Unwarned and unlawful exposures to the Chemicals began one year after each Chemical was identified under Proposition 65 as a "chemical known to the state to cause cancer." Accordingly, for each Chemical, said violations began on the following dates: October 1, 1988 for chloroform; January 1, 1991 for bromodichloromethane; April 1, 1992 for bromoform; October 1, 1988 for carbon tetrachloride; April 1, 1989 for dichloromethane; and May 1, 1997 for dichloroacetic acid.

Proposition 65 requires that notice of intent to sue be given to a person alleged to be in violation 60 days prior to the filing of the suit. This Notice covers all violations of Proposition 65 that are currently known to CISC based on all the currently available information.



December 27, 2001
Page 3 of 3

By copy of this letter, Notice is hereby given to all 58 California county prosecutors, the California Attorney General, and the City Attorneys of all California Cities with a population in excess of 750,000. For your convenience, I have enclosed a copy of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.

Should you have any comments or questions regarding this matter, please do not hesitate to contact our offices.

Very Truly Yours,

LAW OFFICES OF SHAWN KHORRAMI

By: 

SHAWN KHORRAMI

Enclosures

EXHIBIT A

LIST OF COMPANIES AND PRODUCTS

COMPANIES	SAMPLE PRODUCTS
<p>G.C. Sullivan President C/O The Clorox Company 1221 Broadway Oakland, CA 94612</p> <p>CT Corporation System Registered Agent C/O The Clorox Company 818 West Seventh St. Los Angeles, CA 90017</p> <p>AW Biebel President Clorox Products Manufacturing Company 1221 Broadway Oakland, CA 94612</p> <p>CT Corporation System Registered Agent Clorox Products Manufacturing Company 818 West Seventh St. Los Angeles, CA 90017</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Tilex Soft Scrub Resolve Sun Ajax Comet, Tide, Cheer Breeze</p>
<p>Chem Lab Products, Inc. Attn: General Counsel 1575 Delucchi Lane Ste 103 Reno, Nevada 89502</p> <p>Debra Schonk Reg Agent Chem Lab Products, Inc. 23626 Airosa PL Moreno Valley, CA 92557</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Tilex Soft Scrub Resolve Sun Ajax Comet, Tide, Cheer Breeze X-14</p>

EXHIBIT A

LIST OF COMPANIES AND PRODUCTS

<p>AIEn USA, Inc. 3453 I.H.35 North Suite 301 San Antonio, TX 78219</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Tilex Soft Scrub Resolve Sun Ajax, Ajax Cleanser with Bleach Comet, Tide, Cheer Breeze X-14</p>
<p>Ruben Mark, President Colgate-Palmolive Company 300 Park Avenue New York, NY 10022</p> <p>CT Corporation System Registered Agent Colgate-Palmolive Company 818 West 7th Street Los Angeles, CA 90017</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Tilex Soft Scrub Resolve Sun Ajax, Ajax Cleanser with Bleach Comet, Tide, Cheer Breeze</p>
<p>SC Johnson & Son Attn: General Counsel 1525 Howe Street Racine, WI 53403-2236</p> <p>W D Perez, President SC Johnson & Son 3101 Michigan Boulevard Racine, WI 53402</p> <p>CT Corporation System Registered Agent SC Johnson & Son 818 West 7th Street Los Angeles, CA 90017</p>	<p>Clorox Brand Products Scrubbing Bubbles w/ Bleach; Comet Ajax Lysol Breeze</p>

EXHIBIT A

LIST OF COMPANIES

<p>Kenneth R. Stokes President Reckitt Benckiser Inc 1655 Valley Road Wayne, NJ 07474</p> <p>CT Corporation System Registered Agent Reckitt Benckiser Inc 818 West Seventh St. Los Angeles, CA 90017</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Clorox Ultra Advantage Bleach, and Clorox Ultra Liquid Regular Bleach Soft Scrub Tide with Bleach Tilex</p>
<p>Huish Detergents Inc Attn: Doug Brewster 15 West South Temple Suite 1400 Salt Lake City, UT 84101-1535</p>	<p>X-14</p>
<p>WD-40 Company Consumer Affairs Department P.O. Box 80607 San Diego, CA 92138-0607</p>	<p>Clorox Brand Products that contain bleach, including but not limited to, Clorox Dry Bleach Regular, Clorox Liquid Bleach Regular</p>

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 14550 Haynes Street, Third Floor, Van Nuys, California, 91411.

On December 27, 2001, I served the foregoing **60-Day Notice Under Proposition 65 for Failure to Warn** on the interested parties below by enclosing a copy in a sealed envelope addressed as follows:

[SEE ATTACHED SERVICE LIST]

/ X / (MAIL) I placed the envelope for collection and mailing on the date shown above, at this office, in Van Nuys, California, following our ordinary business practices.

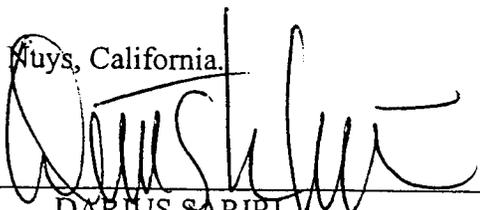
I am readily familiar with this office's practice of collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

/ / (BY PERSONAL SERVICE) I delivered such envelope by hand to offices of addressee(s).

/ X / (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/ / (FEDERAL) I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on December 27, 2001, at Van Nuys, California.


DARIUS SARIRI

Service List

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Oakland, CA 94612

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Clorox Products Manufacturing
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Suite 301
San Antonio, TX 78219

SC Johnson & Son
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Racine, WI 53403-2236

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Wayne, NJ 07474

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Fresno, CA 93721

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District Attorney Inyo County 168 N. Edwards Street, P.O. Drawer D Independence, CA 93526	District Attorney Kern County Civic Center, Truxtun, Rm. 4018 Bakersfield, CA 93301	District Attorney Kings County Government Center 1400 W. Lacey Blvd. Hanford, CA 93230
District Atty Lake County County Courthouse, Rm. 424 Lakeport, CA 95453	District Attorney Lassen County Courthouse, S. Lassen St., Rm. 202 Susanville, CA 96130	District Attorney 18000 Criminal Courts Bldg 210 W. Temple Street Los Angeles, CA 90012
District Attorney Madera County 209 W. Yosemite Avenue Madera, CA 93637	District Attorney Marin County Hall of Justice San Rafael, CA 94903	District Atty Mariposa County P.O. Box 748 Mariposa, CA 95338
District Attorney Mendocino County County Courthouse, P.O. Box 1000 Ukiah, CA 95482	District Attorney Merced County 2222 "M" Street Merced, CA 95340	District Atty Modoc County County Courthouse, P.O. Box 1171 Alturas, CA 96101
Mono County District Attorney County Courthouse, Main St. P.O. Box 617 Bridgeport, CA 93517	District Attorney Monterey County 240 Church Street Salinas, CA 93901	District Attorney Napa County 931 Parkway Mall Napa, CA 94559
District Attorney Nevada County Rm. 204, Courthouse Annex Nevada City, CA 95959	Orange County D. A. 707 Civic Center Dr. W., Rm. A200 P.O. Box 808 Santa Ana, CA 92702	Placer County D. A. 11562 "B" Avenue Dewitt Ctr. Auburn, CA 95603
Plumas County D. A. 520 Main St. Rm 404 Quincy, CA 95971	District Attorney Riverside County 4075 Main Street Riverside, CA 92501	District Attorney Sacramento County 901 "G" St., Rm. 419 Sacramento, CA 95816
District Attorney San Benito County 419 4 th Street Hollister, CA 95023	District Attorney San Bernardino County 316 N. Mt. View Ave. San Bernardino, CA 92415-0004	S.D. County D. A. 101 W. Broadway, Ste. 1440 P.O. Box X-1011 San Diego, CA 92112
San Francisco D. A. Hall of Justice 850 Bryant St., Rm. 320 San Francisco, CA 94103	San Joaquin County D.A. 222 E. Weber, Rm. 200 P.O. Box 990 Stockton, CA 95202	District Atty San Luis Obispo County County Government Ctr, Rm. 450 San Luis Obispo, CA 93408

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EXHIBIT E

(Errata Letter)

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Tel: 818.947.5111
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1849 Sawtelle Blvd
Suite 630
Los Angeles, Ca 90025

TO: Service List Attached

RE: Errata to December 27, 2001, 60-Day Notice Under Proposition 65 for Failure to Warn About Chemicals Listed Pursuant to Health & Safety Code Section 25249.5, et seq.

Dear Sir/Madam:

This letter will serve as an Errata to the Proposition 65 60 Day Notice served by this firm on behalf of the Working Group on Carcinogens and Immune Suppressing Chemicals on December 27, 2001. Due to a clerical error, Exhibit "A" to that Notice contained an incorrect list of sample products. A corrected Exhibit "A" is enclosed with this letter.

Attorneys at Law

Shawn Khorrami

Dylan Pollard

Stephanie Casale

Nathan Potratz

Patricia Mitchell

Of Counsel

David Berke

Landon Villavaso

Very Truly Yours,

LAW OFFICES OF SHAWN KHORRAMI

By: 

SHAWN KHORRAMI

Exhibit E

EXHIBIT A

LIST OF COMPANIES AND BLEACH PRODUCTS

COMPANIES	SAMPLE PRODUCTS
<p>The Clorox Company and Clorox Products</p> <p>G.C. Sullivan President c/o The Clorox Company 1221 Broadway Oakland, CA 94612</p> <p>CT Corporation System Registered Agent c/o The Clorox Company 818 West Seventh Street Los Angeles, CA 90017</p> <p>A.W. Biebel President Clorox Products Manufacturing Company 1221 Broadway Oakland, CA 94612</p> <p>CT Corporation System Registered Agent Clorox Products Manufacturing Company 818 West Seventh Street Los Angeles, CA 90017</p>	<p>Clorox liquid bleach Clorox liquid bleach (Institutional) Clorox Advantage liquid bleach Clorox Lemon Fresh liquid bleach Clorox Rain Clean liquid bleach Clorox Fresh Wildflowers liquid bleach Clorox outdoor bleach cleaner Clorox Ultra liquid bleach Clorox Advantage Ultra liquid bleach Clorox Lemon Fresh Ultra liquid bleach Clorox Fresh Wildflowers Ultra liquid bleach Clorox Germicidal Ultra liquid bleach Clorox Clean-Up Gel cleanser with bleach Clorox Clean-Up Fresh Scent cleaner with bleach Clorox Clean-Up cleaner with bleach Commercial Solutions Clorox Clean-Up cleaner with bleach Soft Scrub cleanser with bleach Commercial Solutions Soft Scrub cleanser with bleach Tilex instant mildew stain remover Tilex instant mildew remover Tilex Lemon Fresh instant mildew remover Pro Strength Tilex instant mildew remover Commercial Solutions Tilex instant mildew remover Liquid-Plumr clog remover Commercial Solutions Liquid-Plumr clog remover Liquid-Plumr professional strength clog remover Liquid-Plumr Foaming Pipe Snake clog remover Clorox Fresh Scent toilet bowl cleaner Clorox Rain Clean toilet bowl cleaner Commercial Solutions Clorox toilet bowl cleaner Clorox Fresh Scent Gel toilet bowl cleaner Clorox Automatic Toilet Bowl Cleaner Clorox Toiler Bowl Cleaner</p>

COMPANIES	SAMPLE PRODUCTS
<p>Chem Lab Products, Inc.</p> <p>Chem Lab Products, Inc. Attn: General Counsel 1575 Delucchi Lane, Suite 103 Reno, NV 89502</p> <p>Debra Schonk Registered Agent Chem Lab Products, Inc. 23626 Airosa Place Moreno Valley, CA 92557</p>	<p>Power Brite Bleach Kem Tek Multi Purpose Bleach Kem Tek Household Bleach Mission All Purpose Bleach Kem Tek Household Lemon Scented Bleach Kem Tek Household Fresh Scented Bleach Superior Warehouse Grocers Bleach Red & White Bleach Cloralen Bleach Arctic White Bleach Cloro Classic Household Bleach Cloro Classic Household Bleach Greenline Bleach Greenline Bleach – ½ Gallon – Fill only Canton Foods Bleach FMV Bleach Ralph's Grocer's Pride Heritage Bleach ABC Bleach Performance Tough Bleach Dazzle Bleach Smart Value Bleach First Choice Floral</p>
<p>AIEn USA, Inc.</p> <p>AIEn USA, Inc. 3453 I.H.35 North, Suite 301 San Antonio, TX 78219</p>	<p>Cloralen XTRA Drain CLORALEX DESTAPA</p>
<p>Colgate-Palmolive Company</p> <p>Ruben Mark, President Colgate-Palmolive Company 300 Park Avenue New York, NY 10022</p> <p>CT Corporation System Registered Agent Colgate-Palmolive Company 818 West 7th Street Los Angeles, CA 90017</p>	<p>Palmolive (Autodish) Gel – Lemon Scent Palmolive (Autodish) Gel – Baking Soda Fresh Scent Palmolive (Autodish) Gel – Spring Blossom Scent Palmolive (Autodish) Gel – Regular Palmolive (Autodish) Gel – Pink Palmolive Triple Action Tabs – Lemon Scent Ajax with Bleach Cleanser Ajax Expert Instant Mildew Stain Remover Ajax Sanitizer/Cleaner Ajax Cleaner/Sanitizer Ajax with Chlorine Bleach Cleanser Ajax Soft Cleanser</p>

COMPANIES	SAMPLE PRODUCTS
<p>SC Johnson & Son</p> <p>SC Johnson & Son Attn: General Counsel 1525 Howe Street Racine, WI 53403-2236</p> <p>W.D. Perez, President SC Johnson & Son 3101 Michigan Boulevard Racine, WI 53402</p> <p>CT Corporation System Registered Agent SC Johnson & Son 818 West 7th Street Los Angeles, CA 90017</p>	<p>Drano Max Drano Max Commercial Line Drano Clog Remover Fantastik Cleaner with Bleach Scrubbing Bubbles with Bleach Bathroom Cleaner</p>
<p>Reckitt Benckiser, Inc.</p> <p>Kenneth R. Stokes President Reckitt Benckiser Inc. 1655 Valley Road Wayne, NJ 07474</p> <p>CT Corporation System Registered Agent Reckitt Benckiser Inc. 818 West Seventh Street Los Angeles, CA 90017</p>	<p>Lewis Red Devil Drain Opener Lysol Plus Bleach (all products) Lysol Plus Bleach All Purpose Cleaner (all products) Lysol Plus Bleach Toilet Bowl Cleaner Lysol Mildew Remover (with bleach) Spray N' Wash White Laundry Bleach Gel Electrasol Dual Action Liquid Electrasol Low Alkalinity Blue Electrasol Automatic Dishwashing</p>

COMPANIES	SAMPLE PRODUCTS
<p>Huish Detergents Inc.</p> <p>Huish Detergents Inc. Attn: Doug Brewster 15 West South Temple Suite 1400 Salt Lake City, UT 84101-1535</p>	<p>Best Yet ADG 50 oz Fred Meyer 50 oz Kirkland Signature 96 oz Kroger 50 oz, 50 oz Regular, 26 count tablets Safeway 50, 85 oz Lemon and Regular Simply Clean 85 oz Stater Bros 65 oz Vons 50, 85 oz, 50, 85 oz Lemon, 10 lb Lemon Fred Meyer 50, 85 oz Lemon and Regular Fred Meyer 26 count tablets Kirkland Signature 100 oz, 15 lb Longs 50 oz Lemon and Regular Members Mark 15 lb Simply Clean 45, 60, 75 oz Lemon Simply Clean 75 oz Regular Smart and Final 10 lb Springfield 50 oz Lemon and Regular Stater Brothers 65 oz Lemon and Regular Sunny Select 50 oz Lemon and Regular, 10 lb Vista 10 lb, 30 oz, 128 oz Lemon Western Family 50, 65 oz Lemon Western Family Economy 50 oz, 10 lb</p>
<p>WD-40 Company</p> <p>WD-40 Company Consumer Affairs Department P.O. Box 80607 San Diego, CA 92138-0607</p>	<p>X-14 2000 Flushes Blue Plus Bleach 2000 Flushes Bleach</p>

PROOF OF SERVICE



STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to this action. My business address is 14550 Haynes Street, Third Floor, Van Nuys, California, 91411.

On January 7, 2002, I served the foregoing **60-Day Notice Under Proposition 65 for Failure to Warn** on the interested parties below by enclosing a copy in a sealed envelope addressed as follows:

[SEE ATTACHED SERVICE LIST]

/ X / (MAIL) I placed the envelope for collection and mailing on the date shown above, at this office, in Van Nuys, California, following our ordinary business practices.

I am readily familiar with this office's practice of collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the U.S. Postal Service in a sealed envelope with postage fully prepaid.

/ / (BY PERSONAL SERVICE) I delivered such envelope by hand to offices of addressee(s).

/ X / (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

/ / (FEDERAL) I declare under penalty of perjury that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on January 7, 2002, at Van Nuys, California.

DARIUS SARIRI

Service List

G.C. Sullivan
President
C/O The Clorox Company
1221 Broadway
Oakland, CA 94612

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Clorox Products Manufacturing
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818 West Seventh St.
Los Angeles, CA 90017

AIEn USA, Inc.
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SC Johnson & Son
Attn: General Counsel
1525 Howe Street
Racine, WI 53403-2236

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Santa Rosa, CA 95403

Tehama County D.A.
County Courthouse
P.O. Box 519
Red Bluff, CA 96080-0519

District Attorney
Tuolumne County
2 S. Green St.
Sonora, CA 95370

District Attorney
Yuba County
County Courthouse, 215 - 5th St.
Marysville, CA 95901

City Attorney
City of San Jose
151 W. Mission St.
San Jose, CA 95110

EXHIBIT F

(Addresses for Notices)

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For Plaintiff:

The Working Group on Carcinogens and Immune Suppressing Chemicals
c/o Shawn Khorrami
Law Office of Shawn Khorrami
14550 Haynes Street Third Floor
Van Nuys, CA 91411

For Defendants

The Clorox Company;
Clorox Products Manufacturing Company
1221 Broadway
Oakland, CA 94612
Attn: Patrick Meehan, Assistant General Counsel

AlEn U.S.A.
523 West 22nd Street
Houston, TX. 77008
Attn: _____

Chem Lab Products, Inc.
5160 East Airport Drive
Ontario, CA 91761-7824
Attn: Debra Schonk

Colgate-Palmolive Company
300 Park Avenue
New York, NY 10022
Attn: _____

SC Johnson & Son
1525 Howe Street
Racine, WI 53403
Attn: _____

Reckitt Benckiser Inc.;
Reckitt & Coleman Inc.
1655 Valley Road
P. O. Box 943
Wayne, NJ 07470-0943
Attn: Terry Farrell

1 Huish Detergents Inc.
15 South West Temple
2 Suite 1400
Salt Lake City, UT 84101-1535
3 Attn: Doug Brewster

4 WD-40 Company
P.O. Box 80607
5 San Diego, CA 92138-0607
Attn: Maria Mitchell

6 KIK Corporation Holdings Inc.
7 33 MacIntosh Blvd.
Concord, Ontario L4K 4L5
8 Attn: Howard Brodie

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EXHIBIT G

(Form of Stipulation to Amendment of Complaint and Consent Judgment)

SHAWN KHORRAMI, ESQ., SBN 180411
MATTHEW A. BREDDAN, ESQ., SBN 174133
LAW OFFICES OF SHAWN KHORRAMI
14550 Haynes Street
Third Floor
Van Nuys, CA 91411
Telephone: (818) 947-5111
Facsimile: (818) 947-5121

Attorneys for Plaintiff
THE WORKING GROUP ON CARCINOGENS AND
IMMUNE SUPPRESSING CHEMICALS

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

THE WORKING GROUP ON CARCINOGENS
AND IMMUNE SUPPRESSING CHEMICALS,

Plaintiff,

v.

THE CLOROX COMPANY; CLOROX
PRODUCTS; et al.

Defendants.

Case No. 315127

**STIPULATION TO AMENDMENT OF
COMPLAINT AND CONSENT
JUDGMENT**

Action Filed: September 15, 2000
Trial Date: None Set

WHEREAS, a Consent Judgment was entered by the Superior Court for the State of California in and for the County of San Francisco on _____, 2002, in a civil case captioned *The Working Group on Carcinogens and Immune Suppressing Chemicals v. The Clorox Company, et al.*, Case No. 315127. A copy of the Consent Judgment is attached to this Stipulation as Exhibit A;

WHEREAS, pursuant to Section 9 of the Consent Judgment, on _____, 2002, Plaintiff The Working Group on Carcinogens and Immune Suppressing Chemicals (“Plaintiff” or “CISC”), through its counsel, Shawn Khorrami, served a 60 Day Notice Letter on defendant KIK CORPORATION HOLDINGS INC. (“KIK”), the Office of the Attorney General of the State of

CONSENT JUDGMENT

1 California, the District Attorneys of every county in California, and the City Attorneys of California
2 cities with populations exceeding 750,000, pursuant to Health & Safety Code Section 25249.7(d). A
3 copy of the 60 day notice letter served on KIK is attached as Exhibit B;

4 WHEREAS, at least seventy (70) days have elapsed since the 60 day notice letter was served
5 on KIK;

6 NOW THEREFORE, Plaintiff and KIK, through their respective counsel, hereby stipulate as
7 follows:

8 1. As provided in Section 9.3 of the Consent Judgment, the First Amended Complaint (as
9 amended pursuant to entry of the Consent Judgment) shall be deemed amended to allege against KIK
10 the First Cause of Action for violation of Proposition 65; and

11 2. The terms and conditions of the Consent Judgment shall become final and binding as
12 to KIK with respect to all causes of action alleged in the First Amended Complaint.

13 Dated: _____
14

MORRISON & FOERSTER

15 By: _____
16

Michèle B. Corash
William M. Fleishacker

17 Attorneys for Defendant KIK CORPORATION
18 HOLDINGS INC.

19 Dated: _____
20

LAW OFFICE OF SHAWN KHORRAMI

21 By: _____
22

Shawn Khorrami

23 Attorney for Plaintiff
24 THE WORKING GROUP ON CARCINOGENS
25 AND IMMUNE SUPPRESSING CHEMICALS
26
27
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1 PROOF OF SERVICE

2 I am over 18 years of age, not a party to this action and employed in the County
3 of San Francisco, California at Three Embarcadero Center, San Francisco, California 94111-
4 4067. I am readily familiar with the practice of this office for collection and processing of
5 correspondence for mailing with the United States Postal Service and correspondence is
6 deposited with the United States Postal Service that same day in the ordinary course of business.

7 Today I served the attached:

8 **NOTICE OF ENTRY OF CONSENT JUDGMENT**

9 by causing a true and correct copy of the above to be placed in the United States Mail at San
10 Francisco, California in sealed envelope(s) with postage prepaid, addressed as follows:

11 Shawn Khorrami, Esq.
12 Law Offices of Shawn Khorrami
13 14550 Haynes Street, 3rd Floor
14 Van Nuys, CA 91411

Stanley W. Landfair, Esq.
Ann G. Grimaldi, Esq.
McKenna & Cuneo, LLP
Steuart Street Tower
One Market Street, Suite 2700
San Francisco, CA 94105

15 Michele B. Corash, Esq.
16 William M. Fleishhacker, Esq.
17 Morrison & Foerster LLP
425 Market Street
San Francisco, CA 94105-2482

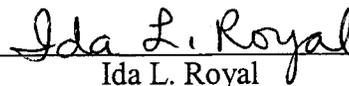
James M. Mattesich, Esq.
Livingston & Mattesich
1201 K Street, Suite 1100
Sacramento, CA 95814

18 John B. Sidell, Esq.
19 Gordon & Rees, LLP
20 101 West Broadway
Suite 1600
San Diego, CA 92101-3541

Randy L. Dryer, Esq.
Parsons Behle & Latimer
One Utah Center
201 South Main Street, Suite 1800
P.O. Box 45808
Salt Lake City, UT 84145

21 Edward G. Weil, Esq.
22 Deputy Attorney General
1515 Clay Street, Suite 2000
23 Oakland, CA 94612

24 I declare under penalty of perjury under the laws of the State of California that the
25 foregoing is true and correct and that this declaration was executed on July 19, 2002.
26

27 
28 _____
Ida L. Royal