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60 Day Notice of Intent to Sue Claim Jumper Restaurants, Claim Jumper Foods, Inc., Claim Jumper Enterprises, Inc., Claim Jumper-Temecula, Claim Jumper-Racho Cucamonga, Claim Jumper-Irvine, Claim Jumper-Fountain Valley, Claim Jumper Foods, Inc., Claim Jumper 1, Ltd., a California limited partnership, Claim Jumper 12, Ltd., a California limited partnership, Claim Jumper 13, Ltd., a California limited partnership, Claim Jumper 14, Ltd., a California limited partnership, Claim Jumper 15, Ltd., a California limited partnership, Claim Jumper 18, Ltd., a California limited partnership, Claim Jumper 19, Ltd., a California limited partnership, Claim Jumper 20, Ltd., a California limited partnership, Claim Jumper 27, Ltd., a California limited partnership, Claim Jumper 28, Ltd., a California limited partnership, Claim Jumper 30, Ltd., a California limited partnership, Claim Jumper 9, Ltd., a California limited partnership, Claim Jumper Associates, Ltd., a California limited partnership, Claim Jumper Foods, Ltd., a California limited partnership, Claim Jumper/San Bernardino, Ltd., a California limited partnership, Claim Jumper/Puente, a California limited partnership, all dba The Claim Jumper Restaurants, Under Health & Safety Code Section 25249.6

This letter constitutes notification that Claim Jumper Restaurants, Claim Jumper Foods, Inc., Claim Jumper Enterprises, Inc., Claim Jumper-Temecula, Claim Jumper-Racho Cucamonga, Claim Jumper-Irvine, Claim Jumper-Fountain Valley, Claim Jumper Foods, Inc., Claim Jumper 1, Ltd., a California limited partnership, Claim Jumper 12, Ltd., a California limited partnership, Claim Jumper 13, Ltd., a California limited partnership, Claim Jumper 14, Ltd., a California limited partnership, Claim Jumper 15, Ltd., a California limited partnership, Claim Jumper 18, Ltd., a California limited partnership, Claim Jumper 19, Ltd., a California limited partnership, Claim Jumper 20, Ltd., a California limited partnership, Claim Jumper 27, Ltd., a California limited partnership, Claim Jumper 28, Ltd., a California limited partnership, Claim Jumper 30, Ltd., a California limited partnership, Claim Jumper 9, Ltd., a California limited partnership, Claim Jumper Associates, Ltd., a California limited partnership, Claim Jumper Foods, Ltd., a California limited partnership, Claim Jumper/San Bernardino, Ltd., a California limited partnership, Claim Jumper/Puente, a California limited partnership, all dba The Claim Jumper Restaurants Landry's Restaurants, Inc. dba The Claim Jumper Restaurants (hereinafter referred to collectively as "the Violator") has violated Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with Health & Safety Code Section 25249.5). This notice is given by the Consumer Defense Group Action (hereinafter "Consumer Defense Group"), which may be contacted through the following entity: Law Offices of Graham & Martin, LLP, 3 Park Plaza, Suite 2030, Irvine, California 92614.

Summary of Violation:

Proposition 65 requires that when a party, such as the Violator, has been and is knowingly and intentionally exposing its customers, the public and/or its employees to chemicals designated by the State of California to cause cancer and reproductive toxicity ("the Designated Chemicals") it has violated the statute unless, prior to such exposure, it provides clear and reasonable warning of that potential exposure to the potentially exposed persons (Health & Safety Code Section 24249.6). Mercury, mercury

compounds, methyl mercury and methyl mercury compounds are Designated Chemicals. Methyl mercury compounds were listed under Proposition 65 as a chemical known to the State of California to cause cancer on May 1, 1996. Methyl mercury was listed as a chemical known to the State of California to cause reproductive toxicity on July 1, 1987. Mercury and mercury compounds were listed as chemicals known to the State of California to cause reproductive toxicity on July 1, 1987. 22 CCR § 12000.

The Violator owns and/or operates the "Claim Jumper" chain of restaurants which operate at each of the facilities listed on Exhibit A to this Notice (hereinafter referred to collectively as "the Facilities"). In the ordinary course of business, the Violator sells food for consumption by its customers. One of the foods it sells and serves are various kinds of fish in the form of meals containing albacore tuna, ahi tuna and halibut (hereinafter referred to collectively as "Fish"). Fish contains mercury, mercury compounds, methyl mercury and methyl mercury compounds.

At the "Claim Jumper" restaurants listed on Exhibit A the Violator prepares and serves on a daily basis albacore tuna in the form of a "chilled albacore and avocado" sandwich, ahi tuna in the form of "seared ahi tuna rolls", and halibut in the form of "honey blonde fish & chips". Each of these Fish contains mercury, mercury compounds, methyl mercury and methyl mercury compounds. Customers and employees are exposed to these Designated Chemicals when they ingest the Fish by eating it in the form of the meals delineated above. The Violator knows or has known since at least July 1, 1988 that the Fish served at the restaurants it owns and/or operates contain methyl mercury; since May 1, 1997 that the Fish contain methyl mercury compounds; and since July 1, 1991 that the Fish contain mercury and mercury compounds, and that persons eating the Fish are exposed to these chemicals.

Although the Violator has chosen to allow its customers and employees to be exposed to mercury, mercury compounds, methyl mercury and methyl mercury compounds by serving its customers and employees Fish, the Violator has specifically chosen to ignore the requirements of Proposition 65 and has failed to post clear and reasonable warnings at the entrances to the Facilities, inside the Facilities or on its menus so that its customers and employees, who may not wish to be exposed, can be warned that, upon eating (ingesting) the Fish offered at the Facilities, they may be exposed to mercury, mercury compounds, methyl mercury and methyl mercury compounds. Investigators for the Consumer Defense Group have conducted an investigation of the Facilities between December 10, 2002 and February 10, 2003 (the "Investigation Period"). During those investigations the Consumer Defense Group discovered that the properties are owned and/or operated by the Violator. Further, the Consumer Defense Group discovered that the Violator has more than nine employees, and not only permits but requires the preparation and sale of Fish at each of the Facilities. Finally, the investigators for the Consumer Defense Group saw that at none of the Facilities during the Investigation Period was there a clear and reasonable warning sign at the front entrances, inside the Facilities at the reception area, or on the menus in use at the Facilities.

Product Exposures:

While in the course of doing business, at the locations in the attached Exhibit A, from at least the period between December 10, 2002 and February 10, 2003, the Violator has been and is knowingly and intentionally exposing its customers and employees to mercury, mercury compounds, methyl mercury and methyl mercury compounds by serving its customers and employees Fish in the form as delineated above, without providing a clear and reasonable warning at the entrances to the Facilities, inside the Facilities or on its menus so that its customers and employees, who may not wish to be exposed, can be warned that, upon eating (ingesting) the Fish offered at the Facilities, they may be exposed to mercury, mercury compounds, methyl mercury and methyl mercury compounds. The source of exposures is the

Fish prepared and offered for sale at each of the Facilities. The exposure takes place when the customers and/or employees ingest the Fish at the Facilities.

Environmental Exposures:

While in the course of doing business, at the locations in the attached Exhibit A, from at least the period between December 10, 2002 and February 10, 2003, the Violator has been and is knowingly and intentionally exposing its customers and employees to mercury, mercury compounds, methyl mercury and methyl mercury compounds by serving its customers and employees Fish in the form as delineated above, without providing a clear and reasonable warning at the entrances to the Facilities, inside the Facilities or on its menus so that its customers and employees, who may not wish to be exposed, can be warned that, upon eating (ingesting) the Fish offered at the Facilities, they may be exposed to mercury, mercury compounds, methyl mercury and methyl mercury compounds. The source of exposures is the Fish prepared and offered for sale at each of the Facilities. The exposure takes place when the customers and/or employees ingest the Fish at the Facilities.

Occupational Exposures:

While in the course of doing business, at the locations in the attached Exhibit A, from at least the period between December 10, 2002 and February 10, 2003, the Violator has been and is knowingly and intentionally exposing its employees to mercury, mercury compounds, methyl mercury and methyl mercury compounds by serving its customers and employees Fish in the form as delineated above, without providing a clear and reasonable warning at the entrances to the Facilities, inside the Facilities or on its menus so that its customers and employees, who may not wish to be exposed, can be warned that, upon eating (ingesting) the Fish offered at the Facilities, they may be exposed to mercury, mercury compounds, methyl mercury and methyl mercury compounds. The source of exposures is the Fish prepared and offered for sale at each of the Facilities. The exposure takes place when the employees ingest the Fish at the Facilities. Employees include and are not limited to bartenders, cashiers, waiters, waitresses, cooks, service personnel and administrative personnel. Such exposures take place inside the Facilities when and where meals containing Fish are consumed. The route of exposure for Product, Occupational and Environmental Exposures to the Designated Chemicals has been ingestion, that is via the eating of the Fish contained in the meals delineated above.

Proposition 65 requires that notice and intent to sue be given to the violators (60) days before the suit is filed. With this letter, Consumer Defense Group gives notice of the alleged violations to the Violator and the appropriate governmental authorities. This notice covers all violations of Proposition 65 that are currently known to Consumer Defense Group from information now available to them. With the copy of this notice submitted to the violations, a copy is provided of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."

Dated: February 18, 2003

By: _____

EXHIBIT A

1. Claim Jumper
6501 E Pacific Coast Hwy, Long Beach, CA 90803
2. Claim Jumper Restaurant
380 Mc Kinley, Corona, CA 91722
3. Claim Jumper
1905 Commercenter E, San Bernardino, CA 92408
4. Claim Jumper Restaurant
18050 Brookhurst St, Fountain Valley, CA 92708
5. Claim Jumper Restaurant
27845 Santa Margarita Pkwy, Mission Viejo, CA 92691
6. Claim Jumper
25740 The Old Rd, Stevenson Ranch, CA 91381
7. Claim Jumper
5500 Grossmont Center Dr, La Mesa, CA 91942
8. Claim Jumper Restaurant
1981 Diamond Blvd, Concord, CA 94520
9. Claim Jumper Restaurant
12499 Foothill Blvd, Rancho Cucamonga, CA 91739
10. Claim Jumper Restaurants
9429 Tampa Ave, Northridge, CA 91324
11. Claim Jumper
18061 Gale Ave, La Puente, CA 91748
12. Claim Jumper
3935 Alton Pkwy, Irvine, CA 92606
13. Claim Jumper Restaurant
7971 Beach Blvd, Buena Park, CA 90620
14. Claim Jumper
25332 McIntyre St, Laguna Hills, CA 92653

15. Claim Jumper
5958 Avenida Encinas, Carlsbad, CA 92008
16. Claim Jumper
820 W Huntington Dr, Monrovia, CA 91016
17. Claim Jumper
190 S State College Blvd, Brea, CA 92821
18. Clim Jumper Outpost The
17586 Highway 120, Big Oak Flat, CA 95305
19. Claim Jumper Restaurant
29370 Rancho California Rd, Temecula, CA 92591
20. Claim Jumper
24301 Crenshaw Blvd, Torrance, CA 90505

CERTIFICATE OF MERIT

I, Anthony G. Graham, declare as follows:

1. I am a member of the State Bar of California, a partner of the law firm of Graham & Martin LLP, and one of the attorneys principally responsible for representing plaintiff Consumer Defense Group Action, Inc. (hereinafter “Consumer Defense Group”, the “noticing party” as to the “60 Day Notice of Intent to Sue” (the “Notice”) served concurrently herewith. I have personal knowledge of the facts set forth herein and, if called upon, could and would testify competently thereto. This certificate of merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health & Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposures to the listed chemicals that are the subject of the action.

3. Based on the information obtained through those consultations, and on all other information in my possession, I believe there is a reasonable and meritorious case for the private action. I understand that “reasonable and meritorious case for the private action” means that the information provides a credible basis that all elements of the plaintiffs’ case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

4. The copy of this Certificate of merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code section 25249.7(h)(2), i.e. the identity of the persons consulted with and relied upon by the certifier, and (2) the facts, studies, or other data reviewed

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 3 Park Plaza, Suite 2030, Irvine, California 92614.

I SERVED THE FOLLOWING:

- 1.) 60-Day Notice of Intent to Sue Under Health & Safety Code Section 24249.6 and Certificate of Merit;
- 2.) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary (*only sent to Violator*);
- 3.) Supporting documents for Certificate of Merit (only sent to Office of Attorney General, Office of Proposition 65 Enforcement).;

by enclosing a true copy of the same in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid on February 18, 2003, in Irvine, California.

NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

Craig Nickoloff , President and CEO
Claim Jumper Restaurants and
All Noticed Violators
16721 Millikan Ave
Irvine, CA 92606

Contra Costa County DA
727 Court Street
Martinez, CA 94553

California Attorney General
P.O. Box 944255
Sacramento, CA 94244-2550

Los Angeles County District Attorney
210 W. Temple Street, 18th Floor
Los Angeles, CA 90012

San Diego County District Attorney
330 Broadway
San Diego, CA 92101

Orange County District Attorney
700 Civic Center Dr. W., 2nd Fl.
Santa Ana, CA 92701

San Diego City Attorney
1200 3rd Ave. Ste. 1620
San Diego, CA 92101

Los Angeles City Attorney
200 N. Main St. N.E.
Los Angeles, CA 90012

San Bernardino County DA
316 N. Mountain View Av.
San Bernardino, CA 92415

Tuolumne County
2 South Green
Sonora, CA 95370

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: February 18, 2003

by those persons.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Irvine, California on February 17, 2003.