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**60 Day Notice of Intent to Sue Bennigans, Metromedia Restaurant Group,
Metromedia Restaurant Services, Inc. Under Health & Safety Code Section
25249.6**

This letter constitutes notification that Bennigans, Metromedia Restaurant Group, Metromedia Restaurant Services, Inc. (hereinafter referred to 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, L.L.P., 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 operates a variety of full service restaurants (hereinafter referred to collectively as "Bennigan's"). These restaurants operate at the addresses 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 is ahi yellowfin tuna in the form of "ahi yellowfin tuna steak salad". Ahi yellowfin tuna prepared and sold by the Violator contains mercury, mercury compounds, methyl mercury and methyl mercury compounds. Customers and employees are exposed to these Designated Chemicals when they ingest the ahi yellowfin tuna by eating it in the form of the meal delineated above. The Violator knows or has known since at least July 1, 1988 that the ahi yellowfin tuna served at the restaurants it owns and/or operates contain methyl mercury; since May 1, 1997 that the ahi yellowfin tuna contains methyl mercury compounds; and since July 1, 1991 that the ahi yellowfin tuna contains mercury and mercury compounds, and that persons eating the ahi yellowfin tuna 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 ahi yellowfin tuna, 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 ahi yellowfin tuna 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 November 12, 2002 and February 6, 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 ahi yellowfin tuna 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 November 12, 2002 and February 6, 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 ahi yellowfin tuna 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 ahi yellowfin tuna 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 ahi yellowfin tuna 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 November 12, 2002 and February 6, 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 ahi yellowfin tuna 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 ahi yellowfin tuna offered at the Facilities, they may be exposed to mercury, mercury compounds, methyl mercury and methyl mercury compounds. The source of exposures is the ahi yellowfin tuna prepared and offered for sale at each of the Facilities. The exposure takes place when the customers and/or employees ingest the ahi yellowfin tuna 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 November 12, 2002 and February 6, 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 ahi yellowfin tuna 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 ahi yellowfin tuna offered at the Facilities, they may be exposed to mercury, mercury compounds, methyl mercury and methyl mercury compounds. The source of

exposures is the ahi yellowfin tuna prepared and offered for sale at each of the Facilities. The exposure takes place when the employees ingest the ahi yellowfin tuna 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 ahi yellowfin tuna 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 ahi yellowfin tuna 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 25, 2003

By:

EXHIBIT A

1. 146 S. Brand Blvd., Glendale 91203
2. 16101 Ventura Blvd. Los Angeles 91436
3. 1760 Camino Del Rio North San Diego 92108
4. 4150 Great American Pkwy Santa Clara 95054

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:

Date of Mailing: February 25, 2003
Place of Mailing: Irvine, California

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

John Wright, President
Bennigans
6500 International Parkway, Ste. 1000
Plano, TX 75093

Michael Kaufman, President
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Metromedia Restaurant Services, Inc.
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San Jose, CA 95134

San Diego County DA
330 Broadway
San Diego, CA 92101

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

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

Dated: February 25, 2003