

CONSUMER DEFENSE GROUP ACTION

GRAHAM & MARTIN, LLP
950 South Coast Drive, Suite 220
Costa Mesa, CA 92626
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60 Day Notice of Intent to Legacy Partners Under Health & Safety Code Section 25249.6

Consumer Defense Group Action, a California corporation (hereinafter "CDG" or the "Noticing Party") hereby gives Notice of Intent to Sue Under Health & Safety Code Section 25249.5 (the "Notice"), the President/CEO of Legacy Partners (hereinafter referred to collectively as the "violator"), as well as the governmental entities on the attached proof of service. The Noticing Party must be contacted through the following entity: Anthony Graham of Graham & Martin, LLP, at the above address.

This Notice is intended to inform the violator that it has violated Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with Health & Safety Code Section 25249.5) (hereinafter "Proposition 65") by failing and refusing to post clear and reasonable warnings at each of the facilities listed on Exhibit A hereto (which are owned/managed by the violator) (hereinafter "the Facilities") that the violator permits the operation of motor vehicles at the Facilities, which exposes customers, visitors and employees to diesel and gasoline exhaust fumes, which contain benzene, in the areas where such vehicles are allowed to be operated.

Summary of Violation:

Proposition 65 provides that when a party, such as the violator, has been and is knowingly and intentionally exposing its customers, visitors, employees and the general public 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. Diesel and gasoline exhaust fumes contain benzene, a Designated Chemical.

He violator, in the ordinary course of business, controls much of the conduct and actions of its customers, visitors and employees at each of the Facilities. One of the actions the violator controls is whether or not to allow its customers, visitors and employees at each of the Facilities to operate motor vehicles and the location of such operation at the Facilities.

Over the course of the last year (hereinafter referred to as the "Investigation Period") during litigation against the violator CDG has gathered a great deal of information concerning the Facilities operated by the violator. During those investigations CDG discovered that the Facilities are owned and/or managed by the violator, and that the violator has more than nine employees. Those investigations showed that the violator has chosen to allow its customers, visitors and employees at each of the Facilities to operate motor vehicles in certain areas, the driveways and parking areas.

In the Facilities and areas noted the violator has chosen to allow its customers, visitors and employees to be exposed to diesel and gasoline exhaust fumes containing benzene via the breathing of such fumes (inhalation) and by contact with the skin and clothing (dermal contact). Evidence that the operation of motor vehicles (and thus exposures to diesel and gasoline exhaust fumes) was taking place at

the Facilities, has been seen by the investigators for CDG at the Facilities and admitted during litigation in formal discovery by the violator during the Investigation Period. The investigation by CDG of the Facilities showed that the violator has specifically chosen to ignore the requirements of Proposition 65 and has failed to post clear and reasonable warnings at any of the entrances to the Facilities, in the parking areas, or in the areas leading into the Facilities from the parking areas, so that its customers, visitors and employees, who may not wish to be exposed, can be warned that, upon entering any of those areas, they may be exposed to diesel and/or gasoline exhaust fumes, containing benzene, a chemical known to the State of California to cause cancer and/or reproductive toxicity.

It is clear therefore that for the entire period of time that the violator has owned and/or controlled the Facilities prior to the Investigation Period, the violator has failed to post clear and reasonable warning signs at the Facilities in compliance with Proposition 65. Given that the maximum period of potential liability pursuant to Proposition 65 and Business & Professions Code §17200 (which are the operative statutes pursuant to which a complaint will be filed against the violator) is four years, this Notice is intended to inform the violator that it has been in violation of Proposition 65 from the time period from four years prior to the last date of the Investigation Period noted above, for every day upon which the violator owned and/or controlled any Facility listed on Exhibit A.

The written reports prepared by the investigators for CDG, prepared contemporaneously with the investigations conducted during the Initial Investigation Period, have been provided to the Office of the Attorney General responsible for Proposition 65 enforcement.

Environmental Exposures:

While in the course of doing business at the Facilities, during the Investigation Period, and for up to four years prior to that time, the violator has been and is knowingly and intentionally exposing its customers and the public to the chemicals listed below and designated by the State of California to cause cancer and reproductive toxicity without first giving clear and reasonable warning of that fact to the exposed persons (Health & Safety Code Section 24249.6). The source of exposure is diesel and gasoline exhaust fumes containing benzene and produced by the operation of motor vehicles which the violator permits at the Facilities. The areas at the Facilities where customers, visitors and employees are being exposed to diesel and gasoline exhaust fumes the apartments and public walkways near to driveways and parking areas, and those driveways and parking areas.

Occupational Exposures:

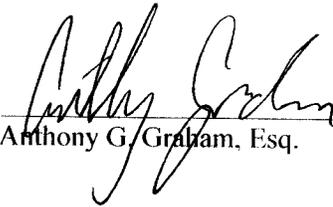
While in the course of doing business at the Facilities, during the Investigation Period, and for up to four years prior to that time, the violator has been and is knowingly and intentionally exposing its employees to diesel and gasoline exhaust fumes and other chemicals listed below and designated by the State of California to cause cancer and reproductive toxicity without first giving clear and reasonable warning of that fact to the exposed person (Health & Safety Code Section 25249.6). The source of exposure is diesel and gasoline exhaust fumes produced by the operation of motor vehicles which the violator permits at the Facilities. Employees include and are not limited to security personnel, maintenance workers, service personnel and administrative personnel. The areas at the Facilities where employees are being exposed to diesel and gasoline exhaust fumes the apartments and public walkways near to driveways and parking areas, and those driveways and parking areas.

The route of exposure for Occupational Exposures and Environmental Exposures to the Designated Chemical has been inhalation and dermal contact with diesel and gasoline exhaust fumes at the Facilities. In other words, via breathing and contact with the skin of diesel and gasoline exhaust fumes.

Proposition 65 requires that notice and intent to sue be given to the violator sixty days before a suit is filed. With this letter, CDG 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 CDG from information now available to them. CDG reserves the right to amend this Notice to inform the violator of other violations and/or exposures as it gathers further information. With the copy of this amended notice submitted to the violator, a copy is provided of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary".

Dated: March 24, 2005

By:



Anthony G. Graham, Esq.

EXHIBIT A

1. 100 Old Quarry Road
Larkspur, CA 94939
2. 4750 Lincoln Blvd.
Marina Del Rey, CA 90292
3. 1 St. Francis Place
San Francisco, CA 91407
4. 4250 Glencoe Ave.
Marina Del Rey, CA 90292
5. 1390 Market Street
San Francisco, CA 94102
6. 725 Bixel St.
Los Angeles, CA 90012
7. 1319 159th Ave.
San Leandro, CA 94578
8. 3831 North Orchid Lane
Calabasas, CA 91302
9. 101 Embarcadero West
Oakland, CA 94607
10. 230 Kenwood Street
Burbank, CA 91505
11. 145 Copper Ridge Road
San Ramon, CA 94583
12. 101 Bridewell Street
Los Angeles, CA 90042
13. 125 Cedar Pointe Loop
San Ramon, CA 94583
14. 930 Figueroa Terrace
Los Angeles, CA 90012
15. 34864 Mission Blvd.
Union City, CA 94587
16. 10833 Wilshire Blvd.
Los Angeles, CA 90024
17. 874 East El Camino Real
Sunnyvale, CA 94086
18. 2200 Colorado Ave.
Santa Monica, CA 90404
19. 1045 Coleman Road
San Jose, CA 95123
20. 4735 Sepulveda Blvd.
Sherman Oaks, CA 91403
21. 195 Harden Parkway
Salinas, CA 93906
22. 241 Country Club Dr.
Simi Valley, CA 93065
23. 3851 Sherbourne Drive
Oceanside, CA 92056
24. 22219 Summit at Warner Center
Oxnard Street between Topanga
and Shoup
Woodland Hills, CA 91367
25. 22491 DeBerry Street
Grand Terrace, CA 92313
26. 6200 West 3rd Street
Los Angeles, CA
27. 10400 Arrow Route
Rancho Cucamonga, CA 91730
28. 17621 West Pauline Court
Canyon Country, CA 91351

29. 380 North Linden Ave.
Rialto, CA 92376
30. 10000 E. Imperial Highway
Downey, CA
31. 4907 ¼ Hayter Ave.
Lakewood, CA 90712
32. 26741 North Isabella Pkwy
Canyon Country, CA 91351
33. 18005 West Anne's Circle
Canyon Country, CA 91351
34. 27940 Solamint Road
Canyon Country, CA 91351
35. 28923 North Prairie Lane
Santa Clarita, CA 91351
36. 18414 West Jake's Way
Canyon Country, CA 91351
37. 21311 Alder Drive
Santa Clarita, CA 91321
38. 27303 North Sarah Street
Santa Clarita, CA 91351
39. 23700 Valle Del Oro
Santa Clarita, CA 91321
40. 28856 North Silver Saddle Circle
Canyon Country, CA 91351
41. 17621 West Pauline Court
Canyon Country, CA 91351
42. 18567 Colima Road
Rowland Heights, CA 91748

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

I, Anthony G. Graham, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.

2. I am member of the State Bar of California, a partner of the law firm of Graham & Martin, LLP, and attorney for noticing parties Consumer Defense Group Action.

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

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

5. The copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at Costa Mesa, California on March 24, 2005.

A handwritten signature in cursive script, appearing to read "Andy Goldman", is written over a horizontal line.

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 950 South Coast Drive, Suite 220, Costa Mesa, California 92626.

I SERVED THE FOLLOWING:

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

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: March 24, 2005
Place of Mailing: Costa Mesa, California

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

Legacy Partners
4000 E. Third Ave., Sixth Floor
Foster City, California 94404
Attention: President, CEO and/or General Partner

California Attorney General
(Proposition 65 Enforcement Division)
1515 Clay Street, 20th Floor
Oakland, CA

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

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

Riverside County DA
4075 Main St., 1st Fl.
Riverside, CA 92501

Sacramento County DA
P.O. Box 749
Sacramento, CA 95812

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

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 Mateo District Attorney
1050 Mission Road
South San Francisco, CA 94080

Santa Clara County DA
2645 Zanker Road
San Jose, CA 95134

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

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

Contra Costa County DA
727 Court Street
Martinez, CA 94553

Ventura County DA
800 South Victoria Avenue
Ventura, CA 95695

Solano County DA
321 Tuolumne Street
Valejo, CA 94590

Alameda County DA
1225 Fallon Street
Oakland, CA 94612

San Francisco City Attorney
1390 Market Street
San Francisco, CA 94102

San Francisco County DA
880 Bryant Street
San Francisco, CA 94103

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

Dated: March 24, 2005

A handwritten signature in black ink, appearing to be "M. J. [unclear]", is written over a horizontal line.