

## CONSUMER DEFENSE GROUP ACTION

---

**GRAHAM & MARTIN, LLP**  
950 South Coast Drive, Suite 220  
Costa Mesa, CA 92626  
Telephone: (714) 850-9390  
Facsimile: (714) 850-9392

### 60 Day Notice of Intent to Sue CIRCUIT CITY STORES, INC. and All of Its Operating Affiliates Under Health & Safety Code Sections 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, *et seq* (the "Notice") to Phillip Schoonover, the President of Circuit City Stores, Inc. and all of its operating affiliates (hereinafter referred to collectively as "CIRCUIT CITY"), as well as the governmental entities on the attached proof of service. The Noticing Party must be contacted through Anthony G. Graham at the above address and phone number.

This Notice is intended to inform CIRCUIT CITY that it is in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with California Health & Safety Code Section 25249.5) (hereinafter "Proposition 65"), specifically Section 25249.6. Proposition 65 states that when a party, such as CIRCUIT CITY, an entity with more than ten employees, has been or is knowingly and intentionally exposing its customers and users of products it sells to a detectable level of any chemical designated by the State of California to cause cancer or reproductive toxicity (the "Designated Chemicals"), it has violated the statute unless, prior to such exposure, it provides clear and reasonable warning of the exposure to the potentially exposed persons (Health & Safety Code § 25249.6).

In the ordinary course of business, CIRCUIT CITY, through its CIRCUIT CITY branded stores in California listed on Exhibit A hereto and through its internet website ([www.circuitcity.com](http://www.circuitcity.com)), offers for sale copiers and printers, as well as the fusers and re-fill toners and cartridges for these copiers and printers ("the Consumer Products") identified on Exhibit B hereto. It has been doing so for at least one year prior to the date of this Notice. These Consumer Products, when used to print or create copies of documents, emit vapors, gases and particles containing the following Designated Chemicals: benzene, a chemical known to the State of California to cause cancer and reproductive toxicity; styrene oxide, a chemical known to the State of California to cause cancer; carbon black (airborne, unbound particles of respirable size), a chemical known to the State of California to cause cancer; ethylbenzene, a chemical known to the State of California to cause cancer; naphthalene, a chemical known to the State of California to cause cancer; toluene, a chemical known to the State of California to cause reproductive toxicity; and, 1,1,2,2, tetrachlorethane, a chemical known to the State of California to cause cancer. Persons using the products identified on Exhibit B will be exposed to these Designated Chemicals, primarily by inhalation. CIRCUIT CITY however has not placed in its stores, in the areas where the Consumer Products are offered for sale, nor on any of the Consumer Products themselves, nor anywhere on its internet website, a clear and reasonable warning that use of any such Consumer Products will expose the user to Designated Chemicals. CIRCUIT CITY is therefore violating Health & Safety Code Section 25249.6.

Proposition 65 requires that notice and intent to sue be given to CIRCUIT CITY sixty days before a suit is filed. With this letter, CDG gives notice of the alleged violations to CIRCUIT CITY and the appropriate governmental authorities. This notice covers all violations of Proposition 65 that are currently known to CDG from information now available to it. CDG reserves the right to amend this Notice to inform CIRCUIT CITY of other violations and/or exposures as it gathers further information. With the

## EXHIBIT A

2480 Whipple Rd, Hayward, CA 94544  
1035 E Battles Rd, Santa Maria, CA 93454  
333 N El Camino Real, Encinitas, CA 92024  
2735 S Towne Ave, Pomona, CA 91766  
3401 Blume Dr, San Pablo, CA 94806  
1101 Newport Center Dr, Newport Beach, CA 92660  
2217 Quimby Rd, San Jose, CA 95122  
19330 Plummer St, Northridge, CA 91324  
1874 Arden Way, Sacramento, CA 95815  
1138 W Valley Pkwy, Escondido, CA 92025  
400 Longfellow St, Livermore, CA 94550  
7450 Amador Valley Blvd, Dublin, CA 94568  
1874 Arden Way, Sacramento, CA 95815  
6401 Canoga Ave, Woodland Hills, CA 91367  
1715 Hacienda Dr, Vista, CA 92083  
18020 Hawthorne Blvd, Torrance, CA 90504  
421 W Esplanade Dr, Oxnard, CA 93036  
6401 Canoga Ave, Woodland Hills, CA 91367  
333 N El Cam Rl, Encinitas, CA 92024  
1560 Gateway Blvd, Fairfield, CA 94533  
400 Longfellow St, Livermore, CA 94550  
1138 W Valley Pkwy, Escondido, CA 92025  
303 Gellert Blvd, Daly City, CA 94015  
4300 Delta Gateway Bl, Pittsburg, CA 94565  
25610 The Old Rd, Stevenson Ranch, CA 91381  
1251 4th St, Santa Monica, CA 90401  
1664 Commercial Way, Santa Cruz, CA 95065  
2030 Diamond Blvd, Concord, CA 94520  
13752 Jamboree Rd, Irvine, CA 92602  
2445 S Bristol St, Santa Ana, CA 92704  
3401 Dale Rd, Modesto, CA 95356  
680 S Lemon Ave, City Of Industry, CA 91714  
1600 S Azusa Ave, Rowland Heights, CA 91748  
555 E Hospitality Ln, San Bernardino, CA 92408  
501 Cheryl Ln, Walnut, CA 91789  
8820 Grossmont Blvd, La Mesa, CA 91941  
120 E Compton Blvd, Compton, CA 90220  
12489 Foothill Blvd, Rancho Cucamonga, CA 91739  
5150 N Montclair Plaza Ln, Montclair, CA 91763  
8820 Grossmont Blvd, La Mesa, CA 91941  
8820 Grossmont Blvd, La Mesa, CA 91941  
120 E Compton Blvd, Compton, CA 90220  
200 E Broadway, Glendale, CA 91205

330 Bellam Blvd, San Rafael, CA 94901  
5355 N Blackstone Ave, Fresno, CA 93710  
4230 California Ave, Bakersfield, CA 93309  
24001 El Toro Rd, Laguna Hills, CA 92653  
10251 Fairway Dr, Roseville, CA 95678  
3275 R St, Merced, CA 95348  
3275 R St, Merced, CA 95348

**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 party 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 the 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.

**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.) 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);
- 3.) Certificate of Merit (supporting papers sent to Attorney General only).

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: April 7, 2005  
Place of Mailing: Costa Mesa, California

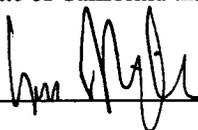
NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

Philip Schoonover, President Circuit City Stores, Inc. 9950 Mayland Dr. Richmond, VA 23233	California Attorney General (Proposition 65 Enforcement Division) 1515 Clay Street, 20th Floor Oakland, CA
---	---

And all entities on the attachment hereto

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

Dated: April 7, 2005

  
\_\_\_\_\_

Napa County DA  
931 Parkway Mall  
Napa, CA 94559

Inyo County DA  
386 W. Line Street  
Bishop, CA 93514

Lake County DA  
255 N. Forbes St.  
Lakeport, CA 95453

Stanislaus County DA  
300 Starr Avenue  
Turlock, CA 95380

District Attorney  
14227 Road 28  
Madera, CA 93638

Sutter County DA  
446 Second Street  
Yuba City, CA 95991

Mariposa County DA  
P.O. Box 748  
Mariposa, CA 95338

Nevada County DA  
201 Church Street, Suite 8  
Nevada City, CA 95959

San Luis Obispo County DA  
1050 Monterey Street, Rm. 450  
San Luis Obispo, CA 93408

Merced County DA  
445 I Street  
Los Banos CA 93635

Mendocino County DA  
204 S Court Street  
Alturas CA 96101

Kern County DA  
2100 College Avenue  
Bakersfield, CA 93305

San Joaquin DA  
225 W. Elm Street #C  
Lodi, CA 95240

Mendocino County DA  
700 S. Franklin St.  
Fort Bragg, CA 94537

Butte County DA  
25 County Center Drive  
Oroville, CA 95695

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

Solano County DA  
321 Tuolumne Street  
Valejo, CA 94590

Santa Cruz County DA  
701 Ocean Street  
Santa Cruz, CA 95061

Alameda County DA  
1225 Fallon Street  
Oakland, CA 94612

Del Norte County DA  
450 H Street  
Crescent City, CA 95531

Santa Clara DA  
2645 Zanker Rd  
San Jose CA 95134

Solano County DA  
321 Tuolumne St  
Vallejo CA 94590