

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 OFFICE MAX INCORPORATED 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 George J. Harad, the CEO of Office Max Incorporated and all of its operating affiliates (hereinafter referred to collectively as "OFFICE MAX"), 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 OFFICE MAX 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 OFFICE MAX, 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, OFFICE MAX, through its OFFICE MAX branded stores in California listed on Exhibit A hereto and through its internet website (www.OFFICEMAX.com), offers for sale copiers and printers, as well as the fusers and re-fill toners and cartridges (including its own branded 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. OFFICE MAX 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. OFFICE MAX is therefore violating Health & Safety Code Section 25249.6.

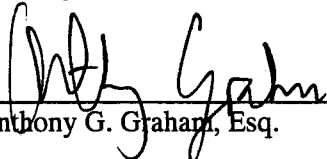
Further, OFFICE MAX has, for at least one year prior to this notice, provided copying services at stores listed on Exhibit A hereto where OFFICE MAX employees who work in the copying department will be exposed to Designated Chemicals throughout the work day, as are customers using the copier services provided at the stores. The employees and customers will be exposed to the Designated

Chemicals at the copying department areas in each store. OFFICE MAX however has not provided to such employees and customers a clear and reasonable warning that provision of such services by such employees will expose such employees to Designated Chemicals. OFFICE MAX is therefore violating Health & Safety Code Section 25249.6.

Proposition 65 requires that notice and intent to sue be given to OFFICE MAX sixty days before a suit is filed. With this letter, CDG gives notice of the alleged violations to OFFICE MAX 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 OFFICE MAX of other violations and/or exposures as it gathers further information. With the copy of this amended notice submitted to OFFICE MAX, a copy is provided of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."

Dated: April 7, 2005

By:



Anthony G. Graham, Esq.

EXHIBIT A

1. 3665 Pacific Coast Hwy, Torrance, CA 90505
2. 4733 Quail Lakes Dr, Stockton, CA 95207
3. 5596 Springdale Ave, Pleasanton, CA 94588
4. 1750 Harrison St, San Francisco, CA 94103
5. 2800 Power Inn Rd, Sacramento, CA 95826
6. 1315 Obrien Dr, Menlo Park, CA 94025
7. 1800 Oakdale Rd, Modesto, CA 95355
8. 470 River St, Santa Cruz, CA 95060
9. 117 Plaza Dr, Vallejo, CA 94591
10. 1260 W Henderson Ave, Porterville, CA 93257
11. 5895 Katella Ave, Cypress, CA 90630
12. 1130 Blossom Hill Rd, San Jose, CA 95118
13. 2751 Highland Ave, Selma, CA 93662
14. 8985 Venice Blvd, Los Angeles, CA 90034
15. 2160 Otis Dr, Alameda, CA 94501
16. 12628 Amargosa Rd, Victorville, CA 92392
17. 7530 N Blackstone Ave, Fresno, CA 93720
18. 1760 S Bascom Ave, Campbell, CA 95008
19. 1012 Riley St, Folsom, CA 95630
20. 73411 Highway 111, Palm Desert, CA 92260
21. 24334 El Toro Rd, Laguna Hills, CA 92653
22. 205 S Farrell Dr, Palm Springs, CA 92262
23. 3665 Pacific Coast Highway, Redondo Beach, CA 90277
24. 1707 J St, Sacramento, CA 95814
25. 2300 N Rose Ave, Oxnard, CA 93036
26. 18050 Chatsworth St, Granada Hills, CA 91344
27. 2400 Las Positas Rd, Livermore, CA 94550
28. 2107 Cowell Blvd, Davis, CA 95616
29. 219 E Gutierrez St, Santa Barbara, CA 93101
30. 3120 Arden Way, Sacramento, CA 95825
31. 3700 Geary Blvd, San Francisco, CA 94118
32. 17502 Hawthorne Blvd, Torrance, CA 90504
33. 1315 Obrien Dr, Menlo Park, CA 94025
34. 3900 Sisk Rd, Modesto, CA 95356
35. 2520 N Main St, Walnut Creek, CA 94596
36. 3060 Baldwin Park Blvd, Baldwin Park, CA 91706
37. 26579 Bouquet Canyon Rd, Santa Clarita, CA 91350
38. 13742 Jamboree Rd, Irvine, CA 92602
39. 1501 Broadway St, Redwood City, CA 94063
40. 826 W Arrow Hwy, San Dimas, CA 91773
41. 2721 S Towne Ave, Pomona, CA 91766
42. 435 E Hospitality Ln, San Bernardino, CA 92408

43. 3041 Forni Rd, Placerville, CA 95667
44. 394 N Moorpark Rd, Thousand Oaks, CA 91360
45. 11070 Foothill Blvd, Rancho Cucamonga, CA 91730
46. 7872 Van Nuys Blvd, Panorama City, CA 91402
47. 1241 N Davis Rd, Salinas, CA 93907
48. 16272 Beach Blvd, Huntington Beach, CA 92647
49. 1030 N Rengstorff Ave, Mountain View, CA 94043
50. 7075 Firestone Blvd, Downey, CA 90241
51. 10603 Carmenita Rd, Santa Fe Springs, CA 90670
52. 756 El Paseo De Saratoga, San Jose, CA 95130
53. 30701 Dyer, Santa Clara, CA 95051
54. 1431 W Imperial Hwy, La Habra, CA 90631
55. 8777 San Ysidro Ave, Gilroy, CA 95020
56. 130 E Yorba Linda Blvd, Placentia, CA 92870
57. 4949 Lakewood Blvd, Lakewood, CA 90712
58. 2790 El Camino Real, Santa Clara, CA 95051
59. 153 Ranch Dr, Milpitas, CA 95035
60. 12865 Towne Center Dr, Cerritos, CA 90703
61. 1851 E Willow St, Long Beach, CA 90806
62. 450 N McKinley St, Corona, CA 92879
63. 12131 Western Ave, Garden Grove, CA 92841
64. 39116 Fremont Hub, Fremont, CA 94538
65. 39116 Fremont Hub, Fremont, CA 94538
66. 3939 E Hammer Ln, Stockton, CA 95212
67. 4733 Quail Lakes Dr, Stockton, CA 95207
68. 2720 Santa Rosa Ave, Santa Rosa, CA 95407
69. 1270 Churn Creek Rd, Redding, CA 96003
70. 3350 Vine St, Riverside, CA 92507
71. 1132 W Branch St, Arroyo Grande, CA 93420
72. 2155 Theatre Dr, Paso Robles, CA 93446
73. 1275 Marina Blvd, San Leandro, CA 94577
74. 3839 Emery St, Emeryville, CA 94608
75. 501 W Central Ave, Lompoc, CA 93436
76. 2693 Mount Vernon Ave, Bakersfield, CA 93306
77. 312 N Sunrise Ave, Roseville, CA 95661
78. 1729 W Highway 140, Merced, CA 95340
79. 721 E Colorado Blvd, Pasadena, CA 91101
80. 6241 Sunrise Blvd, Citrus Heights, CA 95610
81. 3761 Ming Ave, Bakersfield, CA 93309
82. 2044 W Shaw Ave, Fresno, CA 93711
83. 1465 Shaw Ave, Clovis, CA 93611
84. 2751 Highland Ave, Selma, CA 93662
85. 13742 Jamboree Rd, Irvine, CA 92602
86. 4949 Lakewood Blvd, Lakewood, CA 90712

EXHIBIT B

Multifunction Machines:

HP PSC 1311
HP PSC 1315
HP PSC 1350
HP PSC 1600
HP PSC 1610
HP PSC 2355
HP PSC 2350
HP PSC 2710
HP Laserjet 3030
HP Laserjet 4100mfp
Lexmark x2250
Lexmark P6250
Canon PIXMA MP 130
Canon PIXMA MP 780
Canon Image CLASS MF 3110
Canon Image CLASS MF 8170c
Brother MFC-210C
Brother MFC-3240C
Brother MFC-3220C
Brother MFC-420CN
Brother MFC-8220
Brother MFC-8440
Brother MFC-7420
Brother MFC-6800
Brother MFC-8440D
Brother MFC-8440DN
Brother DCP-8040
Epson Stylus CX4600
Epson Stylus CX6400
Epson Stylus CX6600
Sharp AL-1661CS

And all toners/cartridges for each of the above sold by Office Max.

Printers and Copiers:

HP Laserjet 1320
HP Laserjet 1012
HP Laserjet 1320n
HP Laserjet 2550
HP Laserjet 3550

HP Laserjet 2420
HP Laserjet 4250
HP Laserjet 3700
HP Laserjet 5100
HP Laserjet 8150
HP Laserjet 3550n
HP Laserjet 900
HP Laserjet 4650
Konica Minolta Page PRO 1350W
Konica Minolta Page PRO 1250e
Konica Minolta 2430DL
Konica Minolta Magicolor 2400W
Konica Minolta Magicolor 3300EN
Konica Minolta Magicolor 7300EN
Brother HL-2040
Brother HL-5140
Brother HL-5170dn
Brother HL-5170DNLT
Brother HL-2700CN
Brother HL-2460
Brother HL-4200CN
Brother HL-8050N
Lexmark E232
Lexmark T630
Lexmark T420d
Okidata C5150n
Okidata C7300
Okidata C5300n
Xerox Phaser 7750
Xerox Phaser 4500

And all toners/cartridges for each of the above sold by Office Max.

Fusers:

HP C9735A Image Fuser Kit
HP C4197A Laser Fuser
HP C4155A Laser Fuser
HP C3969A Fuser

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.

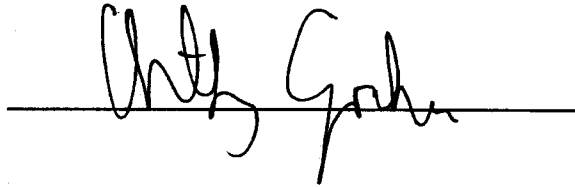
2. I am member of the State Bar of California, a partner of the law firm of Graham & Martin, LLP, and attorney for noticing party Consumer Defense Group Action.

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.

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 April 6, 2005.

A handwritten signature in black ink, appearing to read "Anthony Goh", is written over a solid 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.) 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

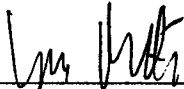
NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

George J. Harad, CEO Office Max Incorporated 150 E. Pierce Road Itasca, IL. 60143	California Attorney General (Proposition 65 Enforcement Division) 1515 Clay Street, 20th Floor Oakland, CA
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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



ATTACHMENT TO PROOF OF SERVICE

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

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

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

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

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

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

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

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

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

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

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

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

Humboldt County DA
825 5th Street
Eureka, CA 95501

Shasta County District Attorney
1525 Court Street
Redding, CA 96001-1632

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

Marin County DA
3501 Civic Center Dr. #130
San Rafael, CA 94903

Sonoma County DA
600 Administrative Dr.
Santa Rosa, CA 95403

Contra Costa County DA
727 Court Street
Martinez, CA 94553

Yolo County D A
301 2nd Street
Woodland, CA 95695

District Attorney
1430 Freedom Blvd.
Watsonville, CA 95076

El Dorado County DA
1360 Johnson Blvd. #105
South Lake Tahoe, CA 96150

Ventura County DA
800 South Victoria Avenue
Ventura, CA 95695

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., 2nd 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

Glenn County DA
540 W Sycamore St
Willows CA 95988

Siskyou County DA
P.O. Box 986
Yreka, CA 96097

Kings County DA
1400 W Lacey Blvd
Hanford CA 93230

Tulare County DA
425 E. Kern
Tulare, CA 93274

Riverside DA
82675 US Hwy 111 FL4
Indio CA 92201

Inyo County DA
PO Drawer D
Independence, CA 93526

Santa Rosa D.A.
111 N Pythian Rd
Santa Rosa CA 95409

Mono County DA
P.O. Box 617
Bridgeport, CA 93517

Monterey County DA
240 Church St.
Salinas, CA 93902

Santa Barbara County DA
1105 Santa Barbara St.
Santa Barbara, CA 93101

Placer County DA
11562 B Avenue
Auburn, CA 95603

Fresno County DA
2220 Tulare Street, #1000
Fresno, CA 93721

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

