

## CONSUMER DEFENSE GROUP ACTION

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**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 STAPLES, 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 Ronald L. Sargent, the CEO of Staples, Inc. and all of its operating affiliates (hereinafter referred to collectively as "STAPLES"), 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 STAPLES 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 STAPLES, 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, STAPLES, through its STAPLES branded stores in California listed on Exhibit A hereto and through its internet website ([www.staples.com](http://www.staples.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. STAPLES 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. STAPLES is therefore violating Health & Safety Code Section 25249.6.

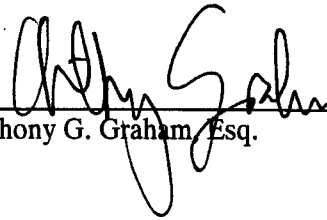
Further, STAPLES has, for at least one year prior to this notice, provided copying services at stores listed on Exhibit A hereto where STAPLES employees who work in the copying department will be exposed to Designated Chemicals throughout the work day, as are customers using the copier services provided at the stores. The employees and customers will be exposed to the Designated Chemicals at the copying department areas in each store. STAPLES 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. STAPLES is therefore violating Health & Safety Code Section 25249.6.

Proposition 65 requires that notice and intent to sue be given to STAPLES sixty days before a suit is filed. With this letter, CDG gives notice of the alleged violations to STAPLES 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 STAPLES of other violations and/or exposures as it gathers further information. With the copy of this amended notice submitted to STAPLES, 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. 115 S School, Lodi, CA 95240
2. 2900 S Harbor Blvd, Santa Ana, CA 92704
3. 411 Esplanade Dr, Oxnard, CA 93036
4. 12900 Gregg Ct, Poway, CA 92064
5. 235 Vista Village Dr, Vista, CA 92083
6. 317 W Ventura Blvd, Camarillo, CA 93010
7. 19346 Nordhoff St, Northridge, CA 91324
8. 1770 E Main St, Woodland, CA 95776
9. 2061 Lake Tahoe Blvd, South Lake Tahoe, CA 96150
10. 2890 Sunrise Blvd, Rancho Cordova, CA 95742
11. 1358 W Valley Pkwy, Escondido, CA 92029
12. 3631 Truxel Rd, Sacramento, CA 95834
13. 855 Harrison St, San Francisco, CA 94107
14. 646 Sutton Way, Grass Valley, CA 95945
15. 7551 Freeport Bl, Sacramento, CA 95814
16. 9146 E Stockton Blvd, Elk Grove, CA 95624
17. 1900 Howe Ave, Sacramento, CA 95825
18. 1010 Helen Power Dr, Vacaville, CA 95687
19. 1750 N Imperial Ave, El Centro, CA 92243
20. 22025 Hawthorne Blvd, Torrance, CA 90503
21. 17020 Chatsworth St, Granada Hills, CA 91344
22. 561 Grand Av, San Marcos, CA 92069
23. 1450 Mountain Ave, Duarte, CA 91010
24. 17265 Gale Ave, Rowland Heights, CA 91748
25. 1962 Barranca Pkwy, Irvine, CA 92606
26. 1445 Main St, Watsonville, CA 95076
27. 700 El Camino Real, Menlo Park, CA 94025
28. 2120 E 17th St, Santa Ana, CA 92705
29. 1850 Countryside Dr, Turlock, CA 95380
30. 2460 17th Ave, Santa Cruz, CA 95062
31. 1460 N Azusa Ave, Covina, CA 91722
32. 1657 E Hatch Rd, Modesto, CA 95351
33. 9996 Mission Gorge Rd, Santee, CA 92071
34. 945 E Hospitality Ln, San Bernardino, CA 92408
35. 4401 Hindry Av, Lawndale, CA 90260
36. 2879 Jamacha Rd, El Cajon, CA 92019
37. 675 E Foothill Blvd, Pomona, CA 91767
38. 2415 W Kettleman Ln, Lodi, CA 95242
39. 411 Grass Valley Hwy, Auburn, CA 95603
40. 470 Noor Ave, South San Francisco, CA 94080
41. 3729 S Mooney Blvd, Visalia, CA 93277
42. 11995 Central Ave, Chino, CA 91710
43. 8805 Murray Dr, La Mesa, CA 91942

44. 510 N 11th Ave, Hanford, CA 93230
45. 2880 Cochran St Ste E, Simi Valley, CA 93065
46. 3325 Jefferson St, Napa, CA 94558
47. 4016 Grand Ave, Chino, CA 91710
48. 300 S Mountain Ave, Upland, CA 91786
49. 3451 W Century Blvd, Inglewood, CA 90303
50. 18300 Euclid St, Fountain Valley, CA 92708
51. 7131 W Yorktown Ave, Huntington Beach, CA 92648
52. 11545 San Pablo Ave, El Cerrito, CA 94530
53. 7777 Edinger Ave Ste 94, Huntington Beach, CA 92647
54. 2150 Feather River Blvd, Oroville, CA 95965
55. 1518 Sweetwater Rd, National City, CA 91950
56. 1550 Canyon Del Rey Blvd, Seaside, CA 93955
57. 1230 Fitzgerald Dr, Pinole, CA 94564
58. 1725 Airline Hwy, Hollister, CA 95023
59. 580 S Main St, Red Bluff, CA 96080
60. 17150 Ventura Blvd, Encino, CA 91316
61. 375 E Imperial Hwy, Brea, CA 92821
62. 4600 E Pacific Coast Hwy, Long Beach, CA 90804
63. 121 Bernal Rd, San Jose, CA 95119
64. 2880 Zanker Rd, San Jose, CA 95134
65. 10820 Alondra Blvd, Cerritos, CA 90703
66. 1502 Lincoln Blvd, Venice, CA 90291
67. 1351 Coleman Ave, Santa Clara, CA 95050
68. 525 E Calaveras Blvd, Milpitas, CA 95035
69. 7400 Carson Blvd, Long Beach, CA 90808
70. 44620 Valley Central Way, Lancaster, CA 93536
71. 249 Commerce Ave, Manteca, CA 95336
72. 3146 Sports Arena Blvd, San Diego, CA 92110
73. 1650 Garnet Ave, San Diego, CA 92109
74. 1880 Camino De La Reina, San Diego, CA 92108
75. 3146 Sports Arena Blvd # B, San Diego, CA 92110
76. 1171 Sanguinetti Rd, Sonoma, CA 95370
77. 3360 N San Fernando Rd, Los Angeles, CA 90065
78. 5425 Wilshire Blvd, Los Angeles, CA 90036
79. 3418 College Ave, San Diego, CA 92115
80. 6450 W Sunset Blvd, Los Angeles, CA 90028
81. 9420 Scranton Rd, San Diego, CA 92121
82. 5723 Mowry Ave, Newark, CA 94560
83. 4240 Kearny Mesa Rd, San Diego, CA 92111
84. 5407 Wilshire Blvd, Los Angeles, CA 90036
85. 2052 S Bundy Dr, Los Angeles, CA 90025
86. 923 S China Lake Blvd, Ridgecrest, CA 93555
87. 323 Madonna Rd, San Luis Obispo, CA 93405
88. 160 Niblick Rd, Paso Robles, CA 93446

89. 2950 Broad St, San Luis Obispo, CA 93401
90. 2960 W Grant Line Rd, Tracy, CA 95304
91. 12353 Mariposa Rd # C, Victorville, CA 92392
92. 27542 Antonio Pkwy, Ladera Ranch, CA 92694
93. 78680 Highway 111, La Quinta, CA 92253
94. 69044 E Palm Canyon Dr, Cathedral City, CA 92234
95. 72800 State Highway 111, Palm Desert, CA 92260
96. 500 E Hamilton Ave, Campbell, CA 95008
97. 655 Irwin St, San Rafael, CA 94901
98. 671 Colusa Ave, Yuba City, CA 95991
99. 1225 Airport Park Blvd, Ukiah, CA 95482
100. 20 W Olive Ave, Merced, CA 95348
101. 800 W Harris St, Eureka, CA 95503
102. 350 S Palm Canyon Dr, Palm Springs, CA 92262
103. 23829 El Toro Rd, Lake Forest, CA 92630
104. 2435 Iron Point Rd, Folsom, CA 95630

EXHIBIT B

Canon ImageClass 2300 Copier  
Xerox CopyCentre C20 Digital Copier  
Brother DCP-1000 Digital Copier  
Brother DCP-8040 Digital Copier  
Brother DCP-8045D Digital Copier  
Canon ImageClass D320 Personal Digital Copier  
Canon ImageClass D860 Personal Digital Copier  
Canon ImageClass D880 Personal Digital Copier  
Canon PC150 Personal Copier  
Hewlett Packard 610 Color Digital Copier / Printer  
Sharp AL-1631 Laser Copier  
Sharp AL-1641CS Digital Laser Copier/Printer  
Sharp AL-1651CS Digital Laser Copier/Printer  
Sharp AL1661CS Laser Copier  
Xerox Toner for 1012/5012/5014, 400gm Cartridge, Dry Ink, Black  
Canon (1331A003AA) Copier Drum Unit for C Series, C180II, Yld 50, 000  
Canon Toner cartridge for Canon MP30,FP100  
Canon Toner cartridge for NP2000/2015/2015F/2025/2215, 170-gm, black  
Copier Toner for Panasonic Copiers  
Copier Toner for Konica Model Copiers  
Copier Toner for Mita Copiers  
Minolta Toner for EP2120D/2121/2150/2151, 4-50g Cartridge, 4/pkg, Black  
Toner for Konica Copiers  
Toner for Ricoh Copiers  
Toshiba Toner, BD4010/3220, 450gm Cartridge, Black, Yld 12,000  
Xerox Copier Toner Cartridge for Xerox 5018/5028/5034  
Xerox Toner  
Xerox Toner Cartridge, XDL 23/33, 2/box  
Xerox Toner for 1025/1038, 8oz bottles, Black, Yld 6,000, 4/box  
Xerox Toner for 1040/1045/1048/5042, 1lb bottle, Black  
Xerox Toner for 5380/5385, 760gm Cartridge, Dry ink, Black  
Xerox Toner for 5760/5765/5790, 240gm Cartridge, Black  
Xerox Toner for 5765/5760, 240gm Cartridge, Magenta, Yld 5,000, 2/box  
Brother MFC-6800 Laser Flatbed All-in-One  
Brother MFC-7420 Laser Flatbed All-in-One  
Brother MFC-7820N Laser Flatbed All-in-One  
Brother MFC-8220 Laser Sheet-fed All-in-One  
Brother MFC-8440 Laser Flatbed All-in-One  
Brother MFC-8840D Laser Flatbed All-in-One  
Brother MFC-8840DN Laser Flatbed All-in-One  
Brother MFC-9700 Laser Flatbed All-in-One  
Canon ImageCLASS MF3110 Laser Flatbed All-in-One  
Canon MF8170c Color Laser Flatbed All-in-One  
Hewlett-Packard Laser Jet 3015 Laser Sheet-fed All-in-One  
Hewlett-Packard Laser Jet 3020 Laser Flatbed All-in-One

Hewlett-Packard Laser Jet 3030 Laser Flatbed All-in-One  
Hewlett-Packard Laser Jet 3380 Laser Flatbed All-in-One  
Lexmark X215 Laser Flatbed All-in-One  
Xerox WorkCentre M20 Series Laser Flatbed All-in-One  
Brother DCP\_7020 Digital Copier/Printer/Scanner  
Brother DCP\_8040 Digital Copier  
Brother DCP\_8045D Digital Copier  
Canon ImageClass D320 Personal Digital Copier  
Canon ImageClass D860 Personal Digital Copier  
Canon ImageClass D880 Personal Digital Copier  
Canon PC150 Personal Copier  
Canon PC940 Copier  
Hewlett Packard 610 Color Digital Copier / Printer  
Sharp AL\_1631 Laser Copier  
Sharp AL\_1641CS Digital Laser Copier/Printer  
Sharp AL\_1655CS All\_in\_One Copier  
Sharp AL1661CS Laser Copier  
Minolta Magicolor 3100 fuser kit  
Hewlett Packard C4155A Color LaserJet 8500 Fuser Kit  
Xerox Fuser for Phaser 7300 Color Printer, 110\_Volt  
IBM Fuser Kit for InfoPrint 1140, LV:120V  
Panasonic KX\_PFS5 Fuser Unit  
Hewlett Packard C3969A Fuser  
HP C8556A Image Fuser Kit  
DEC Fuser, LN40  
Okidata Fuser Kit for OkiPage 8C  
DataProducts Fuser Assembly, Typhoon 30  
Hewlett Packard C4197A Color LaserJet 4500 Fuser Kit  
IBM Fuser for IBM Infoprint Color 8  
IBM Fuser Kit LV for IBM Infoprint 20 (4320)  
Tektronix 110\_Volt Fuser for Xerox Phaser® 750 Color Laser Printer  
Tektronix Fuser Roll for Xerox Phaser® 750 Color Laser Printer  
IBM Fuser Kit for IBM Network Printer 12 (4312)  
IBM Fuser Kit LV for IBM Network Printer 17 (4317)  
IBM Fuser Kit LV for IBM Network Printer 24 (4324)  
IBM Fuser Kit LV for IBM Infoprint 20 32/40

**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.

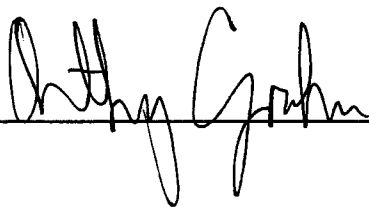
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposures to the listed chemicals that are the subject of the action.

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.



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**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

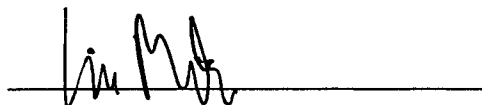
NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

Ronald L. Sargent, CEO Staples, Inc. 500 Staples Drive Framingham, MA 01702	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

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

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

Riverside County DA  
4075 Main St., 1<sup>st</sup> Fl.  
Riverside, CA 92501

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

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

Humboldt County DA  
825 5th Street  
Eureka, CA 95501

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

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

Yolo County D A  
301 2<sup>nd</sup> Street  
Woodland, CA 95695

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

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

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

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

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

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

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

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

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

Contra Costa County DA  
727 Court Street  
Martinez, CA 94553

District Attorney  
1430 Freedom Blvd.  
Watsonville, CA 95076

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., 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

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

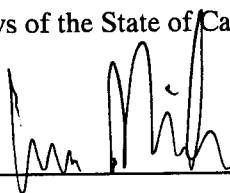
Santa Barbara County DA  
1105 Santa Barbara St.  
Santa Barbara, CA 93101

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



A handwritten signature in black ink is written over a horizontal line. The signature is stylized and appears to consist of several loops and peaks, possibly representing the name 'M. J. ...'.

