

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 BEST BUY CO. 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 Bradbury H. Anderson, the CEO of BEST BUY CO. INC. and all of its operating affiliates (hereinafter referred to collectively as "BEST BUY"), 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 BEST BUY 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 BEST BUY, 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, BEST BUY, through its BEST BUY branded stores in California listed on Exhibit A hereto and through its internet website (www.bestbuy.com), offers for sale laser copiers, printers and multifunction printer/copiers, as well as the fusers and re-fill toners and cartridges for these laser copiers, printers and multifunction printer/copiers listed on Exhibit B hereto (hereinafter "the Consumer Products"). 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 Consumer Products will be exposed to these Designated Chemicals, primarily by inhalation. BEST BUY 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. BEST BUY is therefore violating Health & Safety Code Section 25249.6.

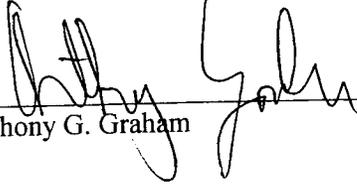
Proposition 65 requires that notice and intent to sue be given to BEST BUY sixty days before a suit is filed. With this letter, CDG gives notice of the alleged violations to BEST BUY and the appropriate governmental authorities. This notice covers all violations of Proposition 65 that are currently known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

BUY of other violations and/or exposures as it gathers further information. With the copy of this amended notice submitted to BEST BUY, a copy is provided of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."

If you have any questions, please do not hesitate to contact us at the above address or telephone number.

Dated: April 19, 2005

By:



Anthony G. Graham

EXHIBIT A

1. 1717 Harrison St
San Francisco, CA 94103-4272
2. 180 Donahue Street
Marin City, CA 94965
3. 200 Colma Blvd
Colma, CA 94014
4. 3700 Mandela Pkwy
Oakland, CA 94608
5. 1490 Fitzgerald Road
Pinole, CA 94564
6. 1127 Industrial Road
San Carlos, CA 94070
7. 3260 Buskirk Avenue
Pleasant Hill, CA 94523
8. 31350 Courthouse Drive
Union City, CA 94587
9. 1751 East Bayshore Boulevard
East Palo Alto, CA 94303
10. 4820 Dublin Blvd.
Dublin, CA 94568
11. 4405 Century Boulevard
Pittsburg, CA 94565-7114
12. 63 Ranch Avenue
Milpitas, CA 95035
13. 1547 Gateway Blvd.
Fairfield, CA 94533
14. 3090 Stevens Creek Blvd
San Jose, CA 95128-2025
15. 5065 Almaden Expressway
San Jose, CA 95118-2051
16. 1950 Santa Rosa Ave
Santa Rosa Marketplace
Santa Rosa, CA 95407-7621
17. 2550 N Naglee Rd
Tracy, CA 95304-7308
18. 5400 Pacific Ave
Stockton, CA 95207-5614
19. 9131 West Stockton Blvd.
Elk Grove, CA 95758
20. 7011 Camino Arroyo
Gilroy, CA 95020
21. 3900 Sisk Road
Modesto, CA 95356
22. 1901 Arden Way
Sacramento, CA 95815

23. 6110 Birdcage Center Lane
Citrus Heights, CA 95610
24. 2445 Iron Point Rd
Folsom, CA 95630
25. 1236 Galleria Boulevard
Roseville, CA 95678
26. 1764 W Olive Ave
Merced, CA 95348-1201
27. 2005 Forest Avenue
Chico, CA 95928-7620
28. 3090 Stevens Creek Blvd
San Jose, CA 95128-2025
29. 63 Ranch Avenue
Milpitas, CA 95035
30. 5065 Almaden Expressway
San Jose, CA 95118-2051
31. 1751 East Bayshore Boulevard
East Palo Alto, CA 94303
32. 31350 Courthouse Drive
Union City, CA 94587
33. 1127 Industrial Road
San Carlos, CA 94070
34. 4820 Dublin Blvd.
Dublin, CA 94568
35. Metro Pointe Shopping Ctr
901f-south Coast Drive
Costa Mesa, CA 92626
36. 2982 El Camino Real
Tustin, CA 92782
37. Westminster Mall
500 Westminster Mall Road
Westminster, CA 92683
38. 3741 W Chapman Ave
Orange, CA 92868
39. 16171 Lake Forest Dr
Irvine, CA 92618-4301
40. 25422 El Paseo
Mission Viejo, CA 92691
41. Cerritos Town Center
12989 Park Plaza Drive
Cerritos, CA 90703
42. 23000 Savi Ranch Pkwy
Yorba Linda, CA 92885
43. 120 E. Imperial Hwy
Fullerton, CA 92835
44. 5101 Clark Avenue

- Lakewood, CA 90712
45. 17545 E Gale Ave
City Of Industry, CA 91748-1517
 46. 2430 Tuscany
Corona, CA 92881
 47. 5151 Mission Center Road
San Diego, CA 92108-3212
 48. 59 North Broadway Plaza
Chula Vista, CA 91910
 49. 149 Fletcher Parkway
El Cajon, CA 92020-2571
 50. 9540 Mira Mesa Blvd
San Diego, CA 92126
 51. 567 Grand Ave
San Marcos, CA 92069
 52. 2110 Vista Way
Oceanside, CA 92054-5600
 53. 25080 Madison Avenue
Murrieta, CA 92562
 54. 25422 El Paseo
Mission Viejo, CA 92691
 55. 2909 Los Feliz Boulevard
Los Angeles, CA 90039
 56. 1015 N LA Brea Ave
W Hollywood, CA 90046-5802
 57. 10799 Washington Blvd
Culver City, CA 90232
 58. 1501 North Victory Place
Burbank, CA 91504
 59. 11301 W. Pico Blvd
Los Angeles, CA 90064
 60. 10861 Weyburn Ave
Los Angeles, CA 90024-2909
 61. 3415 E. Foothill Blvd
Pasadena, CA 91107
 62. 5000 W. 147th Street
Hawthorne, CA 90250
 63. 1901 Arden Way
Sacramento, CA 95815
 64. 9131 West Stockton Blvd.
Elk Grove, CA 95758
 65. 6110 Birdcage Center Lane
Citrus Heights, CA 95610
 66. 1236 Galleria Boulevard
Roseville, CA 95678

EXHIBIT B

Brother - Laser Printer/ Copier/ Scanner/ Fax MFC-4800
Brother - Laser Printer/ Copier/ Scanner/ Fax MFC-8440
Brother - Laser Printer/ Copier/ Scanner/ Fax MFC-8220
Brother - Compact Black-and-White Laser Printer HL-2040
Hewlett-Packard - LaserJet Printer/ Copier/ Scanner/ Fax 3030
Hewlett-Packard - LaserJet Printer/ Copier/ Scanner/ Fax 3015
Hewlett-Packard - LaserJet Color Printer 2550L
Hewlett-Packard - LaserJet Black-and-White Laser Printer 1320
Konica Minolta - PagePro Black-and-White Laser Printer 1350W
Samsung - Black-and-White Laser Printer ML-2150
Samsung - Laser Printer/ Copier/ Scanner/ Fax SCX-4216F
Samsung - Color Laser Printer CLP-500
Samsung - Compact Black-and-White Laser Printer ML-1740
Samsung - Black-and-White Laser Printer/ Copier/ Scanner SCX-4100
Samsung - Color Laser Printer CLP-510
HP OfficeJet 5510 Printer
HP psc 2355
Epson Stylus All-In-One CX4600
HP Officejet 6210
Brother - Laser Printer/ Copier/ Scanner/ Fax MFC-4800
Brother - Fax/ Phone/ Copier FAX-565
Brother - Color Printer/ Copier/ Scanner/ Fax MFC-210C
Epson - Stylus Photo Printer/ Copier/ Scanner RX500
Epson - Stylus Color Printer/ Copier/ Scanner CX6600
Epson - All-In-One Photo Printer/ Copier/ Scanner/ Card Reader RX620
Hewlett-Packard - Color Printer/ Copier/ Scanner/ Fax 5510
Hewlett-Packard - LaserJet Printer/ Copier/ Scanner/ Fax 3030
Hewlett-Packard - LaserJet Printer/ Copier/ Scanner/ Fax 3015
Hewlett-Packard - Color Printer/ Copier/ Scanner/ Fax 4215
Hewlett-Packard - Color Printer/ Copier/ Scanner psc 1315
Hewlett-Packard - Network-Ready Color Printer/ Copier/ Scanner/ Fax psc 2710
Hewlett-Packard - Color Printer/ Copier/ Scanner psc 2355
Hewlett-Packard - Network-Ready Color Printer/ Copier/ Scanner/ Fax psc 2610
Hewlett-Packard - Network-Ready Color Printer/ Copier/ Scanner/ Fax 7310
Hewlett-Packard - Network-Ready Color Printer/ Copier/ Scanner/ Fax 7410
Hewlett-Packard - Officejet Color Printer/ Copier/ Scanner/ Fax 6210
Hewlett-Packard - Color Printer/ Copier/ Scanner psc 1311
Hewlett-Packard - All-In-One Color Printer/ Copier/ Scanner psc 1610

And all toners and cartridges for the above products sold by Best Buy.

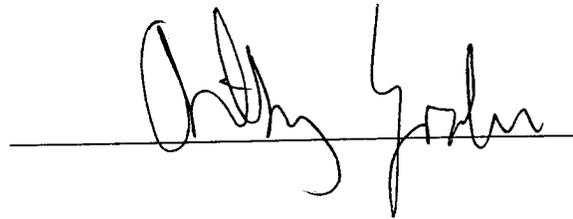
CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

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 March 31, 2005.

A handwritten signature in black ink, appearing to read "Anthony Jordan", is written over a horizontal line. The signature is cursive and somewhat stylized.

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 22, 2005
Place of Mailing: Costa Mesa, California

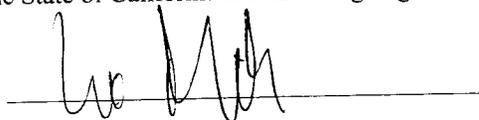
NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

Bradbury H. Anderson, CEO Best Buy Co. Inc. 7601 Penn Ave., South Richfield, MN 55423	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 22, 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., 1st 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 2nd 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., 2nd 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., 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

Siskiyou 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 22, 2005

