

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 COSTCO WHOLSALE CORPORATION 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 James D. Sinegal, the President and CEO of COSTCO WHOLESALE CORPORATION and all of its operating affiliates (hereinafter referred to collectively as "COSTCO"), 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 COSTCO 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 COSTCO, 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, COSTCO, through its COSTCO branded stores in California listed on Exhibit A hereto and through its internet website (www.costco.com), offers for sale laser copiers, laser printers and laser multifunction printer/copiers, as well as the fusers and re-fill toners and cartridges for these copiers, printers and multifunction printer/copiers ("the Consumer Products"). It has been doing so for at least one year prior to the date of this Notice. Each and all of 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. COSTCO 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. COSTCO is therefore violating Health & Safety Code Section 25249.6.

Proposition 65 requires that notice and intent to sue be given to COSTCO sixty days before a suit is filed. With this letter, CDG gives notice of the alleged violations to COSTCO 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 COSTCO of other violations and/or exposures as it gathers further information. With the copy of this

amended notice submitted to COSTCO, a copy is provided of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary."

Dated: April 7, 2005

By:

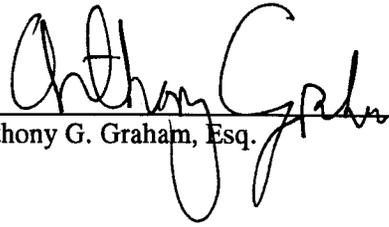

Anthony G. Graham, Esq.

Exhibit A

380 Pelandale, Modesto, CA 95356

1755 Hacienda Dr, Vista, CA 92081

300 Vintage Way, Novato, CA 94945

43621 Pacific Commons Bl, Fremont, CA 94537

220 Sylvania Ave, Santa Cruz, CA 95060

2201 Verne Roberts Cir, Antioch, CA 94509

6100 Sepulveda Blvd, Van Nuys, CA 91411

7130 Miramar Rd Ste 300A, San Diego, CA 92121

6750 Stanford Ranch Rd, Roseville, CA 95678

4649 Morena Blvd, San Diego, CA 92117

2901 Los Feliz Blvd, Los Angeles, CA 90039

2207 W Commonwealth Ave, Alhambra, CA 91803

1800 Cavitt Dr, Folsom, CA 95630

3150 Fostoria Way, Danville, CA 94526

2201 Senter Rd, San Jose, CA 95112

451 S Airport Blvd, South San Francisco, CA 94080

22633 Savi Ranch Pkwy, Yorba Linda, CA 92887

5700 Lindero Canyon Rd, Thousand Oaks, CA 91362

4605 Morena Blvd, San Diego, CA 92117

150 Lawrence Station Rd, Sunnyvale, CA 94086

5301 Almaden Expy, San Jose, CA 95118

2201 Verne Roberts Cir, Antioch, CA 94509

22330 Hathaway Ave, Hayward, CA 94541

1800 Cavitt Dr, Folsom, CA 95630

11000 Garden Grove Blvd, Garden Grove, CA 92843

11800 4th St, Rancho Cucamonga, CA 91730

27220 Heather Ridge Rd, Laguna Niguel, CA 92677

6750 Stanford Ranch Rd, Roseville, CA 95678

1900 Davis St, San Leandro, CA 94577

380 W Ashlan Ave, Clovis, CA 93612

1616 E Hammer Ln, Stockton, CA 95210

3101 Gilmore Ave, Bakersfield, CA 93308

1311 Peyton Dr, Pomona, CA 91768

2901 Los Feliz Blvd, Los Angeles, CA 90039

8810 Tampa Ave, Northridge, CA 91324

1141 W Avenue L, Lancaster, CA 93534

951 Palomar Airport Rd, Carlsbad, CA 92009

17900 Newhope St, Fountain Valley, CA 92708

1051 W Burbank Blvd, Burbank, CA 91506

115 Technology Dr, Irvine, CA 92618

3801 Pelandale Ave, Modesto, CA 95356

451 S Airport Blvd, South San Francisco, CA 94080

801 Tioga Ave, Seaside, CA 93955

3560 W Century Blvd, Inglewood, CA 90303

115 Technology Dr, Irvine, CA 92618

8125 Fletcher Pkwy, La Mesa, CA 91942

27972 Cabot Rd, Laguna Niguel, CA 92677

1001 W 19th St, National City, CA 91950

3150 Fostoria Way, Danville, CA 94526

1335 S Bradley Rd, Santa Maria, CA 93454

380 W Ashlan Ave, Clovis, CA 93612

725 Center Dr, San Marcos, CA 92069

6100 Sepulveda Blvd, Van Nuys, CA 91411

2100 Whitman Ave, Chico, CA 95928

900 S Harbor Blvd, Fullerton, CA 92832

1900 Davis, Oakland, CA 94617

115 Technology Dr, Irvine, CA 92618

5700 Lindero Canyon Rd, Thousand Oaks, CA 91362

2300 Middlefield Rd, Redwood City, CA 94063

380 W Ashlan Ave, Clovis, CA 93612

1051 W Burbank Blvd, Burbank, CA 91506

1051 W Burbank Blvd, Burbank, CA 91506

1051 W Burbank Blvd, Burbank, CA 91506

3800 Rosedale Hwy, Bakersfield, CA 93308

17550 Castleton St, City Of Industry, CA 91714

1616 E Hammer Ln, Stockton, CA 95210

951 Palomar Airport Rd, Carlsbad, CA 92009

1616 E Hammer Ln, Stockton, CA 95210

3750 S Mooney Blvd, Visalia, CA 93277

4801 Central Ave, Richmond, CA 94804

43621 Pacific Commons Bl, Fremont, CA 94537

5301 Almaden Expy, San Jose, CA 95118

8810 Tampa Ave, Northridge, CA 91324

21300 Roscoe Blvd, Canoga Park, CA 91304

1445 R St, Merced, CA 95340

300 Vintage Way, Novato, CA 94945

2201 Verne Roberts Cir, Antioch, CA 94509

3101 Gilmore Ave, Bakersfield, CA 93308

7251 Camino Arroyo, Gilroy, CA 95020

1000 N Rengstorff Ave, Mountain View, CA 94043

9404 Central Ave, Montclair, CA 91763

12155 Tech Center Dr, Poway, CA 92064

1300 Dana Dr, Redding, CA 96003

12324 Hoxie Ave, Norwalk, CA 90650

451 Airport Blvd, South San Francisco, CA 94080

5100 Central Ave, Richmond, CA 94804

1900 Davis St, San Leandro, CA 94577

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.

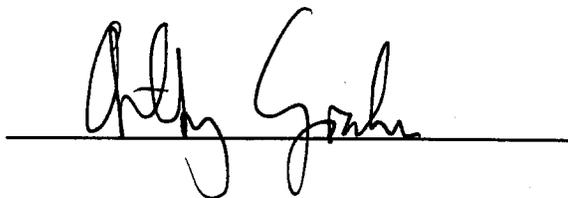
2. I am member of the State Bar of California, a partner of the law firm of Graham & Martin, LLP, and attorney for noticing party Consumer Defense Group Action.

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 May 13, 2005.

A handwritten signature in black ink, appearing to read "Arly G. G.", is written over a solid 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: May 13, 2005
Place of Mailing: Costa Mesa, California

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

James D. Sinegal, President and CEO Costco Wholesale Corporation 999 Lake Drive Issaquah, WA 98027	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: May 13, 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

Kern County DA
2100 College Avenue
Bakersfield, CA 93305

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

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

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

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

Stanislaus County DA
300 Starr Avenue
Turlock, CA 95380

Butte County DA
25 County Center Drive
Oroville, CA 95695

District Attorney
14227 Road 28
Madera, CA 93638

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

Sutter County DA
446 Second Street
Yuba City, CA 95991

Solano County DA
321 Tuolumne Street
Valejo, CA 94590

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

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

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

Alameda County DA
1225 Fallon Street
Oakland, CA 94612

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

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

Merced County DA
445 I Street
Los Banos CA 93635

Santa Clara DA
2645 Zanker Rd
San Jose CA 95134

Mendocino County DA
204 S Court Street
Alturas CA 96101

Solano County DA
321 Tuolumne St
Vallejo CA 94590

Glenn County DA
540 W Sycamore St
Willows CA 95988

Kings County DA
1400 W Lacey Blvd
Hanford CA 93230

Riverside DA
82675 US Hwy 111 FL4
Indio CA 92201

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

Monterey County DA
240 Church St.
Salinas, CA 93902

Placer County DA
11562 B Avenue
Auburn, CA 95603

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

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

Tulare County DA
425 E. Kern
Tulare, CA 93274

Inyo County DA
PO Drawer D
Independence, CA 93526

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

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

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

Dated: May 13, 2005