

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

Amended 60 Day Notice of Intent to Sue Epson America, 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 provides this Amended Notice of Intent to Sue Under Health & Safety Code Section 25249.5, *et seq* (the "Notice") to John Lang, the CEO and President of Epson America, Inc. and all of its operating affiliates (hereinafter referred to collectively as "EPSON"), as well as the governmental entities on the attached proof of service. The Noticing Party must be contacted through its counsel, Anthony G. Graham, of the law firm of Graham & Martin, LLP, at the above address and phone number.

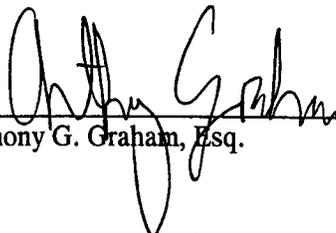
This Notice is intended to inform EPSON that it is in violation of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with Health & Safety Code Section 25249.5) (hereinafter "Proposition 65"), specifically Section 25249.6. Proposition 65 states that when a party, such as EPSON, an entity with more than ten employees, has been or is knowingly and intentionally exposing its customers and users of its products 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). EPSON manufactures, distributes, sells and markets copiers and printers, and the re-fill toners for these copiers and printers ("the Consumer Products") in California through retail outlets and through its internet website (www.epson.com), which when operated or used emit detectable levels of Designated Chemicals. The Consumer Products relevant to this Notice are identified on Exhibit A hereto. EPSON however has not placed on the any of the Consumer Products, its packaging or marketing materials, nor anywhere on its internet website a clear and reasonable warning that use of any such Consumer Products will expose the user to a Designated Chemical. EPSON is therefore violating Health & Safety Code Section 25249.6.

In the ordinary course of its business, EPSON manufactures, distributes and offers for sale, both through retail outlets and through its internet website (www.epson.com) in California the copiers, printers and toners identified on Exhibit A hereto. It has been doing so for at least one year prior to the date of this Notice. These copiers, printers and toners, when used to print or create copies of documents, emit vapors, gases and particles containing Designated Chemicals. Each of the Consumer Products identified on Exhibit A hereto emit, when in operation or use, 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 A will be exposed to these Designated Chemicals primarily by inhalation. None of the products identified on Exhibit A hereto have a clear and reasonable warning, as required under Proposition 65, informing persons either purchasing or using the products that use of such products will result in exposures to the identified Designated Chemicals.

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

Dated: May 17, 2005

By:



Anthony G. Graham, Esq.

EPSON AMERICA, INC.

Corporate Office:

Epson America, Inc.
3840 Kilroy Airport Way
Long Beach, California
90806
CEO/President John Lang

COPIER/PRINTERS

CX4600
CX6600
RX 500
PRO 4000
PRO 4000 PROFESSIONAL EDITION
PRO 9600
PRO 10600
DFX 5000+
DFX-8500
LQ-590
LQ-680
FX 890
FX890N
LN300+
LQ-2180
LQ-2090
LQ-2080
1000 ICS
2500Pro
480SX
480SXU
740i
740IPAQ
875DCS
880i
980N
Action Laser 1000
Action Laser 1100
Action Laser 1400
Action Laser 1500
Action Laser 1600
C40UX
C42UX

C66
C80N
C82N
C82WN
C86
Color777i
Color777IPAQ
Color800N
Color850N
Color850Ne
ColorIIs
CX4600
CX6600
EPL-5700i
EPL-7000
EPL-7500
EPL-8000
EPL-N1200
EPL-N2000
ProXL
R1800
R300M
R320
RX620
Stylus 1000
Stylus 400
Stylus 800, 800+
Stylus C40S, C40UX
Stylus C42, C42UX
Stylus C44
Stylus C60, C60 for Ipaq
Stylus C62
Stylus C64
Stylus C80, C80N
Stylus C82, C82N, C82WN
Stylus C84
Stylus Color
Stylus Color II, IIS
Stylus Color 1160
Stylus Color 1500
Stylus Color 1520
Stylus Color 200
Stylus Color 3000
Stylus Color 400
Stylus Color 480, 480SX, 480SXU
Stylus Color 500

Stylus Color 580
Stylus Color 600
Stylus Color 640
Stylus Color 660
Stylus Color 670
Stylus Color 760
Stylus Color 800, 800N
Stylus Color 850, 850N, 850Ne
Stylus Color 860
Stylus Color 880, 880i
Stylus Color 900, 900G, 900N
Stylus Color 980, 980N
Stylus Color Pro, Pro XL
Stylus CX3200
Stylus CX5200
Stylus CX5400
Stylus CX6400
Stylus Photo
Stylus Photo 1200
Stylus Photo 1270
Stylus Photo 1280
Stylus Photo 2000P
Stylus Photo 2200
Stylus Photo 700
Stylus Photo 780
Stylus Photo 785EPX
Stylus Photo 810
Stylus Photo 820
Stylus Photo 825
Stylus Photo 870, 870 Limited Edition
Stylus Photo 875DC, 875DCS
Stylus Photo 890
Stylus Photo 900
Stylus Photo 925
Stylus Photo 960
Stylus Photo EX
Stylus Photo R200
Stylus Photo R300
Stylus Photo R800
Stylus Photo RX500
Stylus Photo RX600
Stylus Pro 10000 Ultrachrome
Stylus Pro 10600 Ultrachrome
Stylus Pro 5000
Stylus Pro 7000
Stylus Pro 7500

Stylus Pro 7600 Ultrachrome
Stylus Pro 9000
Stylus Pro 9500
Stylus Pro 9600 Ultrachrome
Stylus Scan 2000
Stylus Scan 2500, 2500Pro
Stylus780
Stylus800

ALL EPSON REPLACEMENT TONER/INK CARTRIDGES FOR EACH OF THESE
SPECIFIC AND COMPATIBLE PRODUCTS

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.

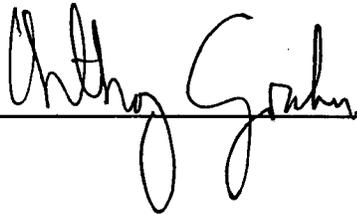
2. I am member of the State Bar of California, a partner of the law firm of Graham & Martin, LLP, and attorney for noticing party Consumer Defense Group Action.

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 17, 2005.



A handwritten signature in black ink, appearing to read "Anthony G. Gahr", 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.) Amended 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 17, 2005

Place of Mailing: Costa Mesa, California

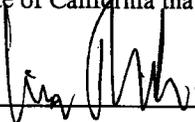
NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

CEO/President John Lang Epson America, Inc. 3840 Kilroy Airport Way Long Beach, California 90806	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 17, 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: May 17, 2005