

60 DAY NOTICE OF VIOLATION
SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

Date:

To: Gary Zoss, President
Karol Western Corporation
8433 South Eastern Avenue
Bell Gardens, Ca. 90202-3060

California Attorney General's Office
300 South Spring Street
Los Angeles, Ca. 90013

District Attorney
County of Los Angeles
210 West Temple Street
18th Floor
Los Angeles, Ca. 90012

From: Shannon Miller

I. INTRODUCTION:

My name is Shannon Miller. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposures to toxic chemicals in products sold in California and if possible to improve human health by reducing hazardous substances contained in such items. This notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6 et seq. ("Proposition 65"). As noted above, notice is being provided to the violators, Karol Western Corporation, (the "Violators"). The violations covered by this Notice consist of the product exposures, routes of exposures, and types of harm potentially resulting from exposure to the following toxic chemical(s) ("listed chemical(s)"):

Product Exposure: See Section VI, Exhibit "A"
Listed Chemical(s): Cadmium/Lead
Routes of Exposure: Ingestion, dermal
Types of Harm: Births defects and other reproductive harm

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type or types of products (hereafter the "products") that are causing consumer and occupational exposures in violation of Proposition 65 (and that are covered by this Notice) are listed in Exhibit "A" in section VI below. The Violators' sales of these glassware products have been occurring from at least June 14, 2000 to the present. As a result of the sale of these products, exposures to the listed chemical(s) have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical(s) produced by the products, California citizens lack the information necessary to make informed decisions on whether and how to diminish (or reduce) the risk of exposure to the toxic chemical(s) from the reasonably foreseeable use of the products.

A. CONSUMER PRODUCT EXPOSURE:

California consumers, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemical(s). By way of example but not limitation, exposures occur when California citizens use (such as drink from the vessel), display, clean, repair, pack, unpack, arrange, store or otherwise handle the products. These tasks cause consumers to be exposed directly and indirectly through the routine touching of the part or portions of the products containing readily available surface amounts of the listed chemical(s). Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated

with the listed chemical(s) from the products as a result of these tasks. People likely to be exposed include both children and adults.

B. OCCUPATIONAL EXPOSURE:

Similarly, men and women in California use the products as a part of their jobs and are, therefore, subject to occupational exposures to the listed chemical(s). Employees are exposed at the California business locations of the apparent manufacturer, distributor and retailer (and their agents, assigns, and divisions) as well as all other California locations where the products, or the component parts thereof that include the listed chemical(s) are, by way of example but not limitation, used (such as drank from the vessel), packed, unpacked, labeled, arranged, displayed, cleaned, stocked, stored, repaired or otherwise handled. These tasks cause employee exposure directly and indirectly though the routine touching of the parts or portions of the products containing readily available surface amounts of the listed chemical(s). Additionally, exposure can occur through the routine touching and ingesting of other materials that are contaminated with the listed chemical(s) from the products asa result of these tasks. These products are also used by sole proprietors and other person in settings not covered by the Occupational Safety Health Act “(OSH Act”). This Notice alleges the violation of Proposition 65 with respect to occupational exposure governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically place certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the manes of compliance contained in the general hazard communication requirement to comply

with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the California Attorney General.

III. CONTACT INFORMATION:

Keith A. Bregman, Esq.
Hugh A. Lipton
Lipton & Margolin
11320 Magnolia Blvd.
North Hollywood, Ca. 91601

IV. PROPOSITION 65 INFORMATION:

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violator's reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

V. ADDITIONAL NOTICE INFORMATION:

THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER CAL. CODE REGS., TITLE 22 §12903(b)(4).

Identified below are specific examples of the categories or types of offending products recently purchased and witnessed as being available for purchase or use in California. Based on publicly available information, the retailers, distributors and/or manufacturers of the examples of the categories or types of products are also provided below. Miller believes and alleges that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at other locations including but not limited to transactions

made over-the-counter, business-to-business, through the internet and/or via a catalogue by the Violators.

<u>Product category:</u>	<u>Retailer(s):</u>	<u>Manufacturer(s)/Distributors</u>
Painted Stars	Hollywood Wax Museum, Hollywood Walk of Fame Southern California	Karol Western, Corp.

VI. EXHIBIT "A"

<u>Product Category</u>	<u>Such As</u>	<u>Toxins</u>
Glassware intended for the consumption of food or beverages with colored artwork or designs (Containing lead) on the exterior	Coffee Mug	Lead
Glassware intended for the consumption of food or beverages with colored artwork or designs (Containing Cadmium) on the exterior	Coffee Mug	Cadmium

These specifically identified examples of the types of products subject to this Notice are for the recipients' benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical(s) from other items within the product category listed in Exhibit "A". It is important to note that these examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the types listed under "Product Category" in Exhibit "A". Further, it is this citizen's position that the alleged Violators are obligated to continue to conduct in good faith an investigation into other specific products within the types or categories described above that may have been manufactured, distributed, sold, shipped, stored, (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is 11320 Magnolia Blvd., North Hollywood, California, 91601.

On 10-14, 2005, I served the following documents:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);

PROPOSITION 65; A SUMMARY;

CERTIFICATE OF MERIT; AND

CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)

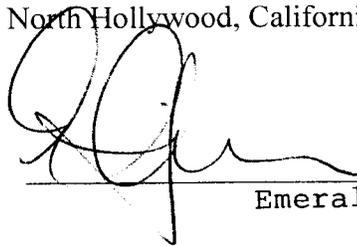
Served on the Violators listed below via regular mail by placing a true and correct copy in each sealed envelope, addressed to each Violator and via United States Post Office Express Mail.

Gary Zoss, President
Karol Western Corporation
8433 South Eastern Avenue
Bell Gardens, Ca. 90202-3060

District Attorney
County of Los Angeles
210 West Temple Street
18th Floor
Los Angeles, Ca. 90012

Attorney General
U.S. Department of Justice

Executed on 10-14, 2005 at North Hollywood, California.



Emerald Garcia

CERTIFICATE OF MERIT

HEALTH AND SAFETY CODE SECTION 25249.7(d)

I, Keith A. Bregman, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice has violated Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

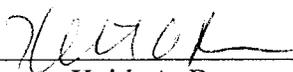
2. I am the attorney for the noticing party.

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 exposure to the listed chemicals that are the subject of this 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 plaintiff's case can be established and the information did not prove that the alleged violators 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 information identified in Health and Safety Code §25249.7(h)(2) (i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (1) the facts, studies, or other data reviewed by those persons.)

Dated: 10/14/08



Keith A. Bregman