

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Light Fixtures - Consumer and Occupational Exposures

December 19, 2005

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act (Proposition 65), see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by Michael Ruggie. Mr. Ruggie is a resident of the State of California and is acting in the public interest pursuant to California Health and Safety Code Section 25249.7(d).

Description of Violation:

- The names and addresses of the violators are attached hereto as Exhibit 1.
- The violations have been occurring since at least February 27, 1988 and are continuing to this day.
- This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- The category of products causing these violations is light fixtures. These light fixtures are made with and contain Lead. A non-exclusive list of examples of these products is attached hereto as Exhibit 2.
- Description of Exposures: The light fixtures that are the subject of this Notice contain Lead. Lead is used in various components of the light fixtures. One non-exclusive example of such Lead containing components is un-coated solder used to hold metal parts of the light fixtures together. Use of these light fixtures results in consumer and occupational exposures to Lead. The route of exposure for the violations is ingestion via hand to mouth contact, dermal absorption directly through the skin, and inhalation of dust containing Lead. Consumer exposures to these products take place when consumers use, install, service or otherwise touch or handle the products. These exposures occur in homes, schools, workplaces and everywhere else in California where these products are used. Occupational exposures to Lead from the products occur throughout the State of California when workers manufacture, assemble, ship, display, sell, store, handle or otherwise come into contact with the products. Persons exposed include workers in factories, warehouses, distribution centers and retail stores that come into contact with the products. This Notice only applies to occupational exposures that occur in the State of California. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Please direct any inquiries regarding this notice to counsel for the Center for Environmental Health: Eric S. Somers, Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

EXHIBIT 1: List of Violators

Trans Globe Lighting
28104 Witherspoon Parkway
Valencia, CA 91355

Bel Air Lighting, Inc.
8238 Lankershim Blvd.
North Hollywood, CA 91605

Arroyo Craftsman Lighting, Inc.
4509 Little John Street
Baldwin Park, CA 91706

Lamps Plus, Inc.
20250 Plummer Street
Chattsworth, CA 91311

Lamps Plus - Centennial, Inc.
20250 Plummer Street
Chattsworth, CA 91311

Home Depot, Inc.
2455 Paces Ferry Road, SE
Atlanta, GA 30339

Home Depot U.S.A., Inc.
2455 Paces Ferry Road, C-20
Atlanta, GA 30339

The Home Depot Supply, Inc.
10641 Scripps Summit Court
San Diego, CA 92131

Universal Electric Supply Company, Inc.
438 8th Street
San Francisco, CA 94103

Bay Lighting & Design, Inc.
3565 Santa Carlotta Street
La Crescenta, CA 91214

City Lights Lighting Showroom
1585 Folsom Street
San Francisco, CA 94103

Pastime Hardware
10057 San Pablo Avenue
El Cerrito, CA 94530

Ace Hardware Corporation
2200 Kensington Court
Oak Brook, IL 60523

Lowe's HIW, Inc.
101 Andover Park East, Suite 200
Tukwila, WA 98188

Lowe's Companies, Inc.
1000 Lowe's Blvd.
 Mooresville, NC 28117

Lowe's Home Centers, Inc.
1000 Lowe's Blvd.
 Mooresville, NC 28117

EXHIBIT 2: Non-Exclusive Examples of the Products

Non-Exclusive Examples of the Products	Package SKU #	Noticed Parties
Weathered Bronze Wall Light, Model #4970	3691612419	Trans Globe Lighting
		Bel Air Lighting, Inc.
		Universal Electric Supply Company, Inc.
Wall Mounted Light, Model #12603		Arroyo Craftsman Lighting, Inc.
		Bay Lighting & Design, Inc.
John Timberland Stanford Collection, 21" High Pewter Outdoor Wallmount Light	55935	Lamps Plus, Inc.
		Lamps Plus - Centennial, Inc.
San Clemente Olde Iron Wallmount Light, Model #2440 01	4066524402	Lamps Plus, Inc.
		Lamps Plus - Centennial, Inc.
Newbury Light Fixture, Model #NY8315V		City Lights Lighting Showroom
Polished Brass Finish Clear Beveled Glass Panels Ceiling Fixture, Model #66475	2403466475	Pastime Hardware
		Ace Hardware Corporation
Ceiling Fixture, Item No. 51219	6108309641	Lowe's HIW, Inc.
		Lowe's Home Centers, Inc.
		Lowe's Companies, Inc.
Outdoor Wall Lantern Farol Mural Exterior, Item No. 79759	1481712219	Lowe's HIW, Inc.
		Lowe's Home Centers, Inc.
		Lowe's Companies, Inc.
Two Light Outdoor Wallmount, Model #39053	3799539053	Lowe's HIW, Inc.
		Lowe's Home Centers, Inc.
		Lowe's Companies, Inc.
Hampton Bay Outdoor Wall Lantern, Model #497083	725916814427	Home Depot, Inc.
		Home Depot U.S.A., Inc.
		The Home Depot Supply, Inc.

CERTIFICATE OF MERIT

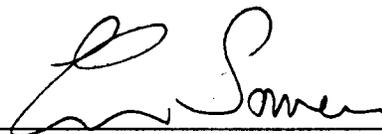
Health & Safety Code §25249.7(d)

I, Eric S. Somers, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the parties identified in the notice have violated Health & Safety Code §25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney with the Lexington Law Group, LLP, and I represent the noticing party, Michael Ruggie.
3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.
4. Based on the information obtained through those consultations, and on 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 the 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 & Safety Code §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.

Dated: December 19, 2005

A handwritten signature in black ink, appearing to read "Eric S. Somers", written over a horizontal line.

Eric S. Somers
Attorney for Michael Ruggie

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California. I am over the age of 18 years and not a party to the within cause; my business address is 1627 Irving Street, San Francisco, California 94122.

On December 19, 2005, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

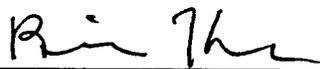
I placed a true copy of this paper in an envelope addressed to:

See Attached Service List.

I am readily familiar with my firm's practice for collection and processing of correspondence for mailing with the United States Postal Service, to wit, that correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. I placed the envelope containing the above-mentioned documents for collection and mailing on December 19, 2005, following the ordinary business practice.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 19, 2005, at San Francisco, California.

Signed:


Baine Kerr

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Colusa County
547 Market Street
Colusa, CA 95932

District Attorney of Contra Costa
County
725 Court Street, Room 402
Martinez, CA 94553

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Del Norte
County
450 H Street, Ste 171
Crescent City, CA 95531

District Attorney of Amador County
708 Court Street, #202
Jackson, CA 95642

District Attorney of Butte County
25 County Center Drive
Oroville, CA 95965

District Attorney of El Dorado
County
515 Main Street
Placerville, CA 95667

District Attorney of Calaveras
County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Fresno County
2220 Tulare Street, #1000
Fresno, CA 93721

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P.O. Box 430
Willows, CA 95988

District Attorney of Kings County
1400 West Lacey
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Humboldt
County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street
El Centro, CA 92243

District Attorney of Lassen County
220 S. Lassen St., Ste 8
Susanville, CA 96130

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Los Angeles
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210 W. Temple Street, Room 345
Los Angeles, CA 90012

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Kern County
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Bakersfield, CA 93301

District Attorney of Marin County
3501 Civic Center Dr., Room 183
San Rafael, CA 94903

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P.O. Box 617
Bridgeport, CA 93517

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P.O. Box 730
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District Attorney of Monterey
County
PO Box 1131
Salinas, CA 93901

District Attorney of Mendocino
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P.O. Box 1000
Ukiah, CA 95482

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Merced
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Merced, CA 95340

District Attorney of Nevada
County
201 Church St., Suite 8
Nevada City, CA 95959

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401 Civic Ctr Drive West
Santa Ana, CA 92701

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Alturas, CA 96101-4020

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Auburn, CA 95603

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San Bernardino, CA 92415-0004

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Quincy, CA 95971

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330 West Broadway, Suite 1320
San Diego, CA 92112

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Riverside, CA 92501

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San Francisco, CA 94103

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Sacramento, CA 95814

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Stockton, CA 95201

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San Luis Obispo, CA 93408

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Hollister, CA 95023

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Santa Barbara, CA 93101

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Yreka, CA 96097

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Santa Cruz, CA 95061

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Modesto, CA 95353

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Ventura, CA 93009

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Sonora, CA 95370

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San Jose, CA 95110

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200 N. Main Street
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, 12th Floor
San Diego, CA 92101

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*Robert L. Nardelli or Current
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1000 Lowe's Blvd.
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