

## **NOTICE OF VIOLATION**

California Safe Drinking Water and Toxic Enforcement Act

### **Lead in Light Fixtures - Consumer Exposures**

April 24, 2006

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 specific type of products causing these violations is light fixtures. These light fixtures are made with and contain Lead. A list of non-exclusive examples of this specific type of 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 uncoated solder used to hold metal parts of the light fixtures together. Use of these light fixtures results in consumer 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. These exposures 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. 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 Michael Ruggie and his counsel Eric S. Somers at Lexington Law Group, LLP, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

## **Exhibit 1: List of Violators**

Sea Gull Lighting Products, Inc.  
301 W Washington St  
Riverside, NJ 08075

Seagull Lighting Products, Inc.  
301 W Washington St  
Riverside, NJ 08075

Sea Gull Lighting Products, LLC  
301 W Washington St  
Riverside, NJ 08075

Seagull Lighting Products, LLC  
301 W Washington St  
Riverside, NJ 08075

Barnett, Inc.  
3333 Lenox Avenue  
Jacksonville, FL 32254

Intermatic Incorporated  
Intermatic Plaza  
Spring Grove, Illinois 60081

Quorum International  
201 Railhead Rd.  
Forth Worth TX 76106

Trade Source International Inc.  
650 Souh Royal Lane Suite 100  
Coppell TX 75019

Wal-Mart Stores Inc.  
702 SW Eighth Street  
Bentonville, AR 72716

**EXHIBIT 2: Non-Exclusive Examples of the Products**

<b>Non-Exclusive Example of the Products</b>	<b>Package SKU #</b>	<b>Noticed Parties</b>
Single-Light Hill Gate Outdoor close to Ceiling Model # 8834-08	8565289348	Sea Gull Lighting Products, Inc.; Seagull Lighting Products, Inc.; Sea Gull Lighting Products, LLC; Seagull Lighting Products, LLC
Quorum outdoor wall mounted light	Qur 729-4-36	Quorum International
TSI Prime 4-light Beveled Glass Ceiling Fixture	Model #T52311-2	Trade Source International Inc., Wal-Mart Stores, Inc.
Polished Brass Ceiling Fixture model # 671363	7633567363	Barnett, Inc.
Intermatic Malibu Low Voltage Metal Lighting (Canterbury Collection)	CS160	Intermatic Incorporated

## **CERTIFICATE OF MERIT**

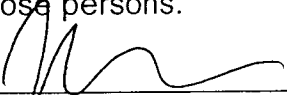
### **Health & Safety Code §25249.7(d)**

I, Howard Hirsch, 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: April 24, 2006



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Howard Hirsch  
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 April 24, 2006, 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 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 April 24, 2006, 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 April 24, 2006, at San Francisco, California.

Signed:

  
Baine Kerr

## SERVICE LIST

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Los Angeles, CA 90012

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1200 3rd Avenue, 12th Floor  
San Diego, CA 92101

San Francisco City Attorney's Office  
City Hall, Room 234  
San Francisco, CA 94102

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California Attorney General's Office  
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