

April 28, 2006

To Whom It May Concern:

This letter serves as the sixty (60) day notice requirement on behalf of the Physicians Committee for Responsible Medicine's intent to sue Applebee's for violations of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act, California Health & Safety Code § 25249.6 (1986). Applebee's has failed to warn consumers that it is exposing them to compound "PhIP," or 2-AMINO-1-METHYL-6-PHENYLIMIDAZO[4,5-*b*]PYRIDINE.

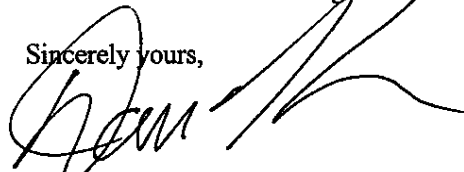
For the last several months, Applebee's has been exposing its customers to consumer product exposure of PhIP by ingestion. PhIP is listed on the Governor's List of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm, and Applebee's is therefore required to warn customers of a risk of exposure. The following products on your menu have been laboratory tested and proven to contain high levels of PhIP:

| Location | Product Sampled | Code |
|---|--------------------------------------|------|
| Applebee's Alhambra store 21 E. Main St. Alhambra, CA 91801 | Grilled Italian Chicken Caesar Salad | 9.03 |
| Applebee's Alhambra store 21 E. Main St. Alhambra, CA 91801 | Honey Grilled Chicken | 10.0 |
| Applebee's Montebello store 1493 N. Montebello Blvd. Montebello, CA 90640 | Grilled Italian Chicken Caesar Salad | 10.4 |
| Applebee's Montebello store 1493 N. Montebello Blvd. Montebello, CA 90640 | Honey Grilled Chicken | 6.96 |
| Applebee's Natomas store 3601 Truxel Rd. Sacramento, CA 95833 | Grilled Italian Chicken Caesar Salad | 3.04 |
| Applebee's Natomas store 3601 Truxel Rd. Sacramento, CA 95833 | Honey Grilled Chicken | 4.42 |
| Applebee's Roseville store 6700 Stanford Ranch Road Sacramento, CA 95678 | Grilled Italian Chicken Caesar Salad | 11.6 |
| Applebee's Roseville store 6700 Stanford Ranch Road Sacramento, CA 95678 | Honey Grilled Chicken | 20.0 |
| Applebee's San Marcos store 573 Grand Ave. San Marcos, CA 92069 | Grilled Italian Chicken Caesar Salad | 0.73 |

| | | |
|---|--------------------------------------|------|
| Applebee's San Marcos store 573 Grand Ave. San Marcos, CA 92069 | Honey Grilled Chicken | 17.7 |
| Applebee's Oceanside store 2146 Vista Way Oceanside, CA 92054 | Grilled Italian Chicken Caesar Salad | 2.06 |
| Applebee's Oceanside store 2146 Vista Way Oceanside, CA 92054 | Honey Grilled Chicken | 5.84 |
| Applebee's Union City store 30980 Dyer St. Union City, CA 95487 | Grilled Italian Chicken Caesar Salad | 0.27 |
| Applebee's Union City store 30980 Dyer St. Union City, CA 95487 | Honey Grilled Chicken | 0.31 |
| Applebee's Fremont store 39139 Farwell Dr. Fremont, CA 94538 | Grilled Italian Chicken Caesar Salad | 10.3 |
| Applebee's Fremont store 39139 Farwell Dr. Fremont, CA 94538 | Honey Grilled Chicken | 10.9 |
| Applebee's Milpitas store 84 Ranch Drive Milpitas, CA 95035 | Grilled Italian Chicken Caesar Salad | 7.23 |
| Applebee's Milpitas store 84 Ranch Drive Milpitas, CA 95035 | Honey Grilled Chicken | 5.07 |
| Applebee's Saratoga store 555 Saratoga Ave. San Jose, CA 95129 | Grilled Italian Chicken Caesar Salad | 10.8 |
| Applebee's Saratoga store 555 Saratoga Ave. San Jose, CA 95129 | Honey Grilled Chicken | 5.77 |

In accordance with California Code of Regulations, Title 22, section 12903, I am enclosing a Certificate of Merit outlining the basis of our complaint and a Summary of Proposition 65.

Sincerely yours,



Daniel Kinburn, Esq.

DK:jk

cc: Office of the Attorney General of the State of California
Offices of the District Attorneys of the Counties of the State of California
Office of the District Attorney of the City of San Diego
Office of the District Attorney of the City of San Francisco
Office of the District Attorney of the City of Los Angeles
Office of the District Attorney of the City of San Jose

CERTIFICATE OF MERIT
Health and Safety Code Section 25249.7(d)

I, Daniel Kinburn, 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.

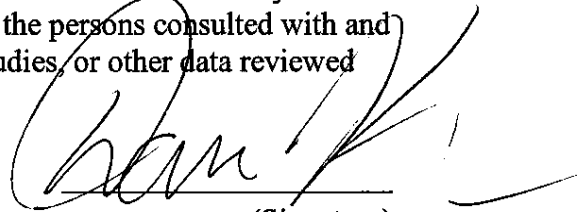
(2) I am the attorney for the noticing party.

(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 chemical that is 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.

Dated: April 27, 2006



(Signature)