

July 3, 2006

**Sixty Day Notice of Intent to Sue For Violating California
Health & Safety Code § 25249.6**

Paul Makarechian, President and CEO
Makar Properties LLC
Makar Enterprises, Inc.
4100 Macarthur Boulevard
Newport Beach, CA 92660

Peter Strebel, President
Wyndham Hotels & Resorts, LLC
1950 Stemmons Freeway
Suite 6001
Dallas, Texas 75207

Steven Rudnitsky
Chairman and CEO
Cendant Hotel Group
AKA Wyndham Worldwide
1 Sylvan Way
Parsippany, NJ 07054

Henry R. Silverman
Chairman and CEO
Cendant Corporation
9 W. 57th St.
New York, NY 10019

Re: **Sixty Day Notice of Intent to Sue Wyndham Hotels & Resorts, LLC, Cendant
Hotel Group, Wyndham Worldwide and Cendant Corporation For Violating
California Health & Safety Code § 25249.6**

Dear sirs:

As required under law, this letter is to sent to you by Brian Fagan as agent for Brian Fagan LLC as sixty days notice of its intent to sue Makar Properties LLC, Makar Enterprises, Inc., Wyndham Hotels & Resorts, LLC, its member Cendant Hotel Group, also known as Wyndham Worldwide and the parent of Cendant Hotel Group, also known as Wyndham Worldwide, Cendant Corporation (hereafter referred to collectively as "Wyndham") for violating California Health & Safety Code Section 25249.6 by failing to post a clear and reasonable warning at the hotel parking structure Wyndham owns, controls, manages and operates the Wyndham Orange County at the Orange County Performing Arts Center hotel located at 3350

Avenue of the Stars, Costa Mesa, CA 92626. Makar Properties LLC, Makar Enterprises, Inc., Wyndham Hotels & Resorts, LLC, its member Cendant Hotel Group, also known as Wyndham Worldwide and the parent of Cendant Hotel Group, also known as Wyndham Worldwide, Cendant Corporation, each have more than nine employees and therefore are subject to California Health & Safety Code Section 25249.6

At the Wyndham hotel located at 3350 Avenue of the Stars, Costa Mesa, CA 92626 you own, control, operate and/or manage a multi-storey parking structure, which includes two above ground levels, a roof parking level and an underground level. The parking structure provides parking for the employees, workers, hotel guests and persons using the hotel facilities (such as the hotel restaurant called the Terra Nova Cal-Ital Bar & Grille). The parking structure has one driving entrance, which is also the primary method for walking into and out of the structure. There are also two internal stairways and an elevator.

Automotive exhaust fumes contain a number of chemicals listed by the State of California as being known to the State of California to cause cancer and/or reproductive toxicity. The specific chemicals known to the State of California to cause cancer and/or reproductive toxicity and which are contained in automotive exhausts are as follows: Acetaldehyde; 1,3-Butadiene; 1,6-Dinitropyrene; 1,8-Dinitropyrene; 1-Nitropyrene; 2-Nitrofluorene; 3,7-Dinitrofluoranthene; 3,9-Dinitrofluoranthene; 5-Methylchrysene; Acetaldehyde; Arsenic (inorganic arsenic compounds); Benz[a]anthracene; Benzene; Benzo[a]pyrene; Benzo[b]fluoranthene; Benzo[j]fluoranthene; Benzo[k]fluoranthene; Cadmium; Carbon monoxide; Chrysene; Cobalt [II] oxide; Dibenz[a,h]acridine; Dibenz[a,h]anthracene; Dibenz[a,j]acridine; Dibenz[a,h]pyrene; Diesel engine exhaust; Formaldehyde (gas); Indeno [1,2,3-cd]pyrene; Lead; Lead and lead compounds; Nickel; and, Toluene. Everyone who uses the parking structure, including hotel employees, hotel guests, visitors to the hotel, persons using the hotel facilities (such as the hotel restaurant called the Terra Nova Cal-Ital Bar & Grille), security guards, administrative, maintenance and cleaning personnel are exposed the these chemicals every day on which they use the parking structure since they will of necessity breathe in these chemicals from the car exhausts from cars which are or have been in use in the parking structure.

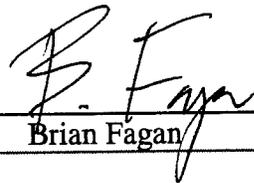
On June 23, 2006, and again on July 3, 2006, an investigator for Brian Fagan LLC visited the site and observed that, despite the fact that hundreds of people, including the investigator on that day, are exposed to the relevant chemicals every day, Wyndham does not provide a warning of any kind as required by California Health & Safety Code Section 25249.6. The investigator examined the driving entrance as well as the pedestrian entrance and stairway entrances and saw no warning sign anywhere related to California Health & Safety Code Section 25249.6, Proposition 65, any of the chemicals identified herein or any chemicals at all. The investigator identified himself to a hotel employee at the reception desk and informed him he was examining the parking structure for violations of the California Health & Safety Code and was taking photographs of the various entrances and walkways. Copies of those photographs have been provided to the Office of the Attorney General.

Included with this Sixty Day Notice of Intent to Sue Makar Properties, LLC, Makar Enterprises, Inc., Wyndham Hotels & Resorts, LLC, Cendant Hotel Group, Wyndham

Worldwide and Cendant Corporation is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" as well as the required "Certificate of Merit". This Sixty Day Notice of Intent to Sue Makar Properties, LLC, Makar Enterprises, Inc., Wyndham Hotels & Resorts, LLC, Cendant Hotel Group, Wyndham Worldwide and Cendant Corporation has been sent to the Orange County District Attorney and to the California Attorney General, along with supporting information.

Should this matter proceed to litigation the noticing party will be seeking an injunction requiring the posting of a clear and reasonable warning at each entrance to the parking structure, civil penalties and attorneys fees and costs. If you wish to contact the noticing party prior to litigation you may do so by contacting its agent Brian Fagan, located at 5942 Edinger Avenue, Suite 113, Huntington Beach, CA 92649, telephone number (714) 209-6216.

Yours,



Brian Fagan

CERTIFICATE OF MERIT

I, Brian Fagan, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that Makar Properties, LLC, Makar Enterprises, Inc., Wyndham Hotels & Resorts, LLC, Cendant Hotel Group, Wyndham Worldwide and Cendant Corporation have violated Health and Safety Code section 25249.6 by failing to provide a clear and reasonable warning for exposure to automotive fumes.
2. I am the person who prepared and sent the 60 Day Notice. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposures to the listed chemicals that are the subject of the action.
3. 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.
4. 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 Huntington Beach, California on July 3, 2006.

A handwritten signature in black ink, appearing to read "B. F. Fyfe", is written over a solid horizontal line. The signature is cursive and somewhat stylized.

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of the county where the mailing occurred. My address is 5942 Edinger Avenue, Suite 113, Huntington Beach, CA 92649.

I served the 60-Day Notice of Intent to Sue Under Health & Safety Code Section 24249.6 and "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary", by US Mail on July 1, 2006 on the following persons:

Paul Makarechian, President and CEO
Makar Properties LLC
Makar Enterprises, Inc.
4100 Macarthur Boulevard
Newport Beach, CA 92660

California Attorney General
Proposition 65 Notice
1515 Clay Street, 20th Floor
P O Box 70550
Oakland, CA 94612

Peter Strebel, President
Wyndham Hotels & Resorts, LLC
1950 Stemmons Freeway, Suite 6001
Dallas, Texas 75207

Steven Rudnitsky
Chairman and CEO
Cendant Hotel Group
AKA Wyndham Worldwide
1 Sylvan Way
Parsippany, NJ 07054

Henry R. Silverman
Chairman and CEO
Cendant Corporation
9 W. 57th St.
New York, NY 10019

Orange County District Attorney
700 Civic Center Dr. W., 2nd Fl.
Santa Ana, CA 92701

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: July 3, 2006

