

July 21, 2006

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

Jack Cameron  
Managing Agent, Member  
Agent for Service  
Los Cab, LLC  
3480 Torrance Blvd., Ste. 300  
Torrance, CA 90503

Jack Cameron  
Managing Agent  
Los Caballeros Racquet & Sports Club, Ltd.  
22330 Hawthorne Blvd., Suite 212  
Torrance, CA 90505

Wallace B. Rodecker, Pres.  
Los Caballeros Real Estate and Financial Services, PC  
17284 Newhope Street, Suite 100  
Fountain Valley, CA 92708

Re: Sixty Day Notice of Intent to Sue Los Cab, LLC, Los Caballeros Racquet & Sports Club, Ltd. and Los Caballeros Real Estate and Financial Services, PC For Violating California Health & Safety Code § 25249.6

Dear sirs:

As required under law, this letter is to sent to you by Brian Fagan LLC as sixty days notice of its intent to sue Los Cab, LLC, Los Caballeros Racquet & Sports Club, Ltd. and Los Caballeros Real Estate and Financial Services, PC (hereinafter referred to as "Los Cab") for violating California Health & Safety Code Section 25249.6 by failing to post a clear and reasonable warning at the multi-storey parking structure Los Cab owns, controls, manages and operates at the Los Caballeros Racquet & Sports Club located at 17272 Newhope Street, Fountain Valley, CA 92708.

At the Los Caballeros Racquet & Sports Club located at 17272 Newhope Street, Fountain Valley, CA 92708 Los Cab owns, controls, operates and manages a multi-storey parking structure, which includes two above ground levels and a roof parking level. The parking structure provides parking for the Los Cab club members, employees, workers, guests and persons parking on the Los Cab property to visit and use the numerous businesses located there. The parking structure has one driving entrance, which is also the primary method for walking into and out of the structure, as well as external stairways.

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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 Los Cab club members, employees, workers, guests and persons parking on the Los Cab property to visit and use the numerous businesses located there, security guards, administrative, maintenance and cleaning personnel are exposed to 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 30, 2006, and again on July 10, 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, Los Cab 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 entrances 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 took photographs of the various entrances and walkways. Copies of those photographs have been provided to the Office of the Attorney General. They are available to Los Cab on request.

Included with this Sixty Day Notice of Intent to Sue Los Cab, LLC, Los Caballeros Racquet & Sports Club, Ltd. and Los Caballeros Real Estate and Financial Services, PC 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 Los Caballeros Racquet & Sports Club, Ltd. and Los Caballeros Real Estate and Financial Services, PC 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 the entrances to the parking structure, civil penalties and its reasonable attorneys fees and costs. If you wish to contact the noticing party prior to litigation you may do so by contacting its counsel Anthony Graham, located at 950 South Coast Drive, Suite 220, Costa Mesa, CA 92626, telephone number (714) 850-9390.

Yours,

  
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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 Los Caballeros Racquet & Sports Club, Ltd. and Los Caballeros Real Estate and Financial Services, PC 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 11, 2006.

  
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## 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 21, 2006 on the following persons:

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

Jack Cameron  
Managing Agent  
Los Caballeros Racquet & Sports Club, Ltd.  
22330 Hawthorne Blvd., Suite 212  
Torrance, CA 90505

Jack Cameron  
Managing Agent, Member  
Agent for Service  
Los Cab, LLC  
3480 Torrance Blvd., Ste. 300  
Torrance, CA 90503

Wallace B. Rodecker, Pres.  
Los Caballeros Real Estate and Financial Services, PC  
17284 Newhope Street, Suite 100  
Fountain Valley, CA 92708

Orange County District Attorney  
700 Civic Center Dr. W., 2<sup>nd</sup> 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 21, 2006

  
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