



August 16, 2007

60-DAY NOTICE OF VIOLATION IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

TO:

Orly International, Inc.
7710 Haskell Ave
Van Nuys, CA 91406

Lippmann Enterprises, LLC
55 Vandam Street
Suite 903
New York, NY 10013

FROM: CHRISTINE DEUBLER

I. INTRODUCTION

My name is Christine Deubler. I am a citizen of the State of California acting in the interest of the general public I seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to Proposition 65. As noted above, notice is being provided to the violators on the newly supplemented Exhibit A (the "Violators"). The violations covered by this Notice consist of the product exposure, routes of exposures, and types of harm potentially resulting from exposure to the following toxic chemicals ("listed chemicals"):

- Product Exposure: See Section VI. Exhibit A
- Listed Chemicals: Di-n-butyl phthalate (DBP), also known as dibutyl phthalate
- Routes of Exposure: Dermal (finger and toe nail, nail cuticles and skin areas surrounding nails)
- Types of Harm: Birth Defects and Other Reproductive Harm

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type or types of products (hereafter the "products") that are causing consumer and occupational exposures in violation of Proposition 65 (and that are covered by this Notice) are listed on Exhibit A in section V below. The Violators' sales of these nail products have been occurring from at least from December 2, 2006 to the present.

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As a result of the sales of these products, exposures to the listed chemicals have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemicals produced by the products, California citizens lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemicals from reasonably foreseeable use of the products.

A. Consumer Product Exposure

California consumers, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemicals- by way of example but not limitation, its intended use as a nail polish. Simply stated, the application of nail polish will cause consumers to be exposed through dermal routes of exposure. Specifically, DBP is absorbed into the body through the finger and toe nails, the nail cuticles and the skin areas surrounding nails. People likely to be exposed include both children and adults.

The products identified in Exhibit A can be distinguished from other nail polishes for which no violation is alleged. Specifically, there are a number of consumer nail polishes available throughout the marketplace that state in the ingredient section "DBP Free" or something similar. Accordingly, my research and investigation indicates the products listed in Exhibit A, and other products yet to be identified, are currently in violation of Proposition 65. I reserve the right to supplement this Notice of Violation with other alleged violators as my research and investigation continue.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to my counsel at the following address:

John H. Donboli
JL Sean Slattery
Del Mar Law Group, LLP
322 8th Street, Suite 101
Del Mar, CA 92014
Telephone: (858) 793.6244
Facsimile: (858) 793.6005

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessments ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violators' reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

V. **“EXHIBIT A”**

<u>Name brand</u>	<u>Product</u>	<u>Manufacturer and/or Parent Company</u>	<u>Location</u>
Lippmann Collection	Treat Me Right Nail Treatment Set Nail Lacquer Haven't We Met Nail Lacquer Weekend in New England, Secret Love, Satin Doll, Girl Talk Nail Lacquer It's Delovely Nail Lacquer Ain't Misbehavin' Nail Lacquer Prelude to a Kiss, Angel Eyes, A Nightingale Sang in Berkely Square Nail Lacquer Sarah Smile created with Sarah Jessica Parker, As Time Goes By, Love Shack, Constant Craving Nail Essentials Top Coat On a Clear Day Nail Essentials Rehydrating Base Coat	Lippmann Enterprises, LLC	New York, NY 10013
Orly	Orly Salon Nails Nail Color	<i>Orly International Inc.</i>	Van Nuys, CA 91406

The specifically identified example of the type of products subject to this Notice are for the recipients benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemicals from other items within the

product category listed in Exhibit A. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under Products in Exhibit A. Further, it is this citizen's position that the alleged violator is obligated to continue to conduct a good faith investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, stored (or otherwise within the notice recipient's control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

CERTIFICATE OF MERIT
Health and Safety Code Section 25249 7(d)

I, JL Sean Slattery, hereby declare:

1. This Certificate of Merit accompanies the attached sixty day notice in which it is alleged the parties identified in the notice have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warning.

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 chemicals that are the subject of this action.

4. Based on the information obtained through those consultants and on all other information, in my opinion, 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 information identified in Health and 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: August 16, 2007

DEL MAR LAW GROUP, LLP

By: 

JL Sean Slattery, Esq.
John H. Donboli, Esq.
Del Mar Law Group, LLP
Attorneys for Plaintiff Christine Deubler

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is 322 8th Street, Suite 101, Del Mar, CA 92014.

On August 16, 2007, I served the following document:

- **60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);**
- **PROPOSITION 65: A SUMMARY;**
- **CERTIFICATE OF MERIT; AND**
- **CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)**

served on the Violators listed below via U.S. mail by placing a true and correct copy in each sealed envelope, addressed to each Violator and depositing such envelope in a with the United States Postal Service this same day in the ordinary course of business pursuant to Code of Civil Procedure §1013a.:

Orly International, Inc.
7710 Haskell Ave
Van Nuys, CA 91406

Lippmann Enterprises, LLC
55 Vandam Street
Suite 903
New York, NY 10013

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in sealed envelope, addressed to each party listed below.

Thomas J. Orloff Alameda County District Attorney 1225 Fallon Street #900 Oakland, CA 94612	William A. Richmond Alpine County District Attorney 14777 State Route 89 Markleeville, CA 96120
Todd Riebe Amador County District Attorney 708 Court Street Jackson, CA 95642	Michael Ramsey Butte County District Attorney 25 County Center Drive Oroville, CA 95965
Jeffrey Tuttle Calaveras County District Attorney	John Poyner Colusa County District Attorney

891 Mountain Ranch Road San Andreas, CA 95249	547 Market Street Colusa, CA 95932
Robert J. Kochly Contra Costa County District Attorney 100 37 th Street Richmond, CA 94805	Mike Riese Del Norte County District Attorney 450 H Street Crescent City, CA 95531
Ron Calhoun Kings County District Attorney 1400 West Lacey Boulevard Hanford, CA 93230	Erni Li Calsi Madera County District Attorney 14227 Road 28 Madera, CA 93638
Larry D. Morse, II Merced County District Attorney 2222 M Street Merced, CA 95340	Gary Lacy El Dorado County District Attorney 515 Main Street Placerville, CA 95667
Elizabeth A. Egan Fresno County District Attorney 2220 Tulare Street Fresno, CA 93721	Robert S. Holzapfel Glenn County District Attorney 540 West Sycamore Street Willows, CA 95988
Paul Gallegos Humboldt County District Attorney 825-5 th Street Eureka, CA 95501	Gilbert Otero Imperial County District Attorney 939 West Main Street El Centro, CA 92243
Arthur Maillet INYO County District Attorney P.O. Box Drawer D 386 West Line Street Bishop, CA 93514	Edward Jagels Kern County District Attorney 1215 Truxton Avenue Bakersfield, CA 93301
Gerhard Luck Lake County District Attorney 255 North Forbes Street Lakeport, CA 95453	Robert Brown Mariposa County District Attorney P.O. Box 730 5088 Bullion Street Mariposa, CA 95338
Keith Faulder Mendocino County District Attorney	Jordan Funk Modoc County District Attorney

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P.O. Box 1000 100 North State Street Ukiah, CA 95482	204 South Court Street, Room 202 Alturas, CA 96101
Steve Cooley Los Angeles County District Attorney 210 West Temple Street Los Angeles, CA 90012	Edward Berberian Marin County District Attorney 3501 Civic Center Drive #130 San Rafael, CA 94903
George Booth Mono County District Attorney P.O. Box 617 Bridgeport, CA 93517	Dean Flippo Monterey County District Attorney 240 Church Street #101 Salinas, CA 93901
Gary Lieberstein Napa County District Attorney 931 Parkway Mall Napa, CA 95959	Michael Ferguson Nevada County District Attorney 201 Church Street #8 Nevada City, CA 95959
Tony Rackauckas Orange County District Attorney 401 Civic Center Drive West Santa Ana, CA 92701	Bradford Fenocchio Placer County District Attorney 11562 B Avenue Auburn, CA 95603
Jeff Cunan Plumas County District Attorney 520 Main Street #404 Quincy, CA 95971	Grover Trask, II Riverside County District Attorney 4075 Main Street Riverside, CA 92501
Jan Scully Sacramento County District Attorney 901 G Street Sacramento, CA 95814	Michael Ramos San Bernardino District Attorney 316 N. Mountain View Avenue San Bernardino, CA 92415
Bonnie Dumanis San Diego County District Attorney 330 West Broadway #1300 San Diego, CA 92101	James Willett San Joaquin County District Attorney P.O. Box 990 Stockton, CA 95201
Gerald Shea San Luis Obispo District Attorney 1050 Monterey Street #450 San Luis Obispo, CA 93408	James Fox San Mateo District Attorney 400 County Center, Third Floor Redwood City, CA 94063

Thomas Sneddon, Jr. Santa Barbara District Attorney 1105 Santa Barbara Street Santa Barbara, CA 93101	George Kennedy Santa Clara County District Attorney 70 West Hedding Street, West Wing San Jose, CA 95110
Bob Lee Santa Cruz District Attorney 701 Ocean Street, Room 200 Santa Cruz, CA 95060	Gerald Benito Shasta County District Attorney 1525 Court Street, Third Floor Redding, CA 96001
Lawrence Allen Sierra County District Attorney P.O. Box 457 100 Courthouse Square Downieville, CA 95936	James Andrews Siskiyou County District Attorney 311 4 th Street Yreka, CA 96097
David Paulson Solano County District Attorney 675 Texas Street Fairfield, CA 94533	Stephan Passa Lacqua Sonoma County District Attorney 600 Administration Drive #212J Santa Rosa, CA 95403
Birgit Fladager Stanislaus County District Attorney P.O. Box 442 800 11 th Street, Room 200 Modesto, CA 95354	Carl Adams Sutter County District Attorney 446 2 nd Street Yuba, CA 95991
Gregg Cohen Tehama County District Attorney P.O. Box 519 444 Oak Street Red Bluff, CA 96080	David Cross Trinity County District Attorney P.O. Box 1310 101 Court Street FL 2 Weaverville, CA 96093
Phillip Cline Tulare County District Attorney 221 So. Mooney Blvd., Ste. 224 Visalia, CA 93291	Donald Segerstrom, Jr. Tuolumne County District Attorney 423 No. Washington Street Sonora, CA 95370
Gregory Totten Ventura County District Attorney 800 So. Victoria Avenue Ventura, CA 93009	David Henderson Yolo County District Attorney 301 Second Street Woodland, CA 95695

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Patrick McGrath Yuba County District Attorney 215 5 th Street Marysville, CA 95901	Robert Burns Lassen County District Attorney 221 S. Roop St., Suite 4 Susanville, CA 96130
Kamala D. Harris San Francisco County District Attorney Hall of Justice 850 Bryant Street, Room 325 San Francisco, CA 94103	John Sarsfield San Benito County District Attorney 419 4 th Street Hollister, CA 95023-3801
Dennis J. Herrera City Attorney for San Francisco Office of the City Attorney City Hall, Room 234 San Francisco, CA 94102	Rocky Delgadillo City Attorney for Los Angeles 800 City Hall East 200 No. Main Street Los Angeles, CA 90012
Michael Aguirre City Attorney for San Diego 1200 Third Avenue, #1620 San Diego, CA 92101	Richard Doyle Office of the City Attorney 200 East Santa Clara Street San Jose, CA 95113
Eileen M. Teichert Office of the City Attorney 980 9 th Street, 10 th Floor Sacramento, CA 95814	Bill Lockyer Office of the Attorney General 1300 "I" Street Sacramento, CA 94244-2550 Via Federal Express

Executed on August 16, 2007, at Del Mar, California.


Glenda Austin, Secretary
Del Mar law Group, LLP