

60-DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: November 20, 2007

TO: Everett Novak, President – Unique Industries, Inc.
California Attorney General's Office;
District Attorney's Office for 58 Counties; and
City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles

FROM: Anthony E. Held, Ph.D., P.E.

I. INTRODUCTION

My name is Anthony E. Held. I hold a Doctor of Philosophy degree in Environmental Engineering and I am a registered professional engineer in the state of California. 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 California Health & Safety Code §25249.6 *et seq.* ("Proposition 65"). As noted above, notice is being provided to the violator, Unique Industries, Inc. (the "Violator"). The violations covered by this Notice consist of the product exposures, routes of exposures, and types of harm potentially resulting from exposure to the toxic chemical ("listed chemical") identified below, as follows:

Product Exposure: See Section VI. Exhibit A
Listed Chemical: Di(2-ethylhexyl)phthalate
Routes of Exposure: Ingestion
Types of Harm: Birth Defects and Other Reproductive Harm

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer and occupational exposures in violation of Proposition 65, and that is covered by this Notice, is listed under "Product Category/Type" in Exhibit A in Section VI below. All products within the type covered by this Notice shall be referred to hereinafter as the "products." The Violator's sales of these products dating back as far as November 20, 2006 are subject to this notice. As a result of the sales of these products, exposures to the listed chemical 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 chemical, resulting from contact with 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 chemical from the reasonably foreseeable use of the products.

California citizens, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemical. By way of example but not limitation, exposures occur when infants and children place the product, or a portion thereof, into their mouth, suck, lick, teethe, bite and/or otherwise mouth the products. In addition, exposures occur through direct dermal contact with the products, and may continue to occur for a significant period after the products are removed from the skin. These tasks cause infants and children to be exposed directly through migration of the listed chemical from the products. People likely to be exposed are infants and children.

III. CONTACT INFORMATION

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

Anthony E. Held, Ph.D., P.E.
 c/o David Lavine
 Hirst & Chanler LLP
 2560 Ninth Street
 Parker Plaza, Suite 214
 Berkeley, CA 94710
 Telephone: (510) 848-8880

IV. PROPOSITION 65 INFORMATION

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

V. ADDITIONAL NOTICE INFORMATION

THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER CAL. CODE REGS., TITLE 22 §12903(b)(4).

Identified below is a specific example of a product recently purchased and witnessed as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the example within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violator and other distributors and retailers of the manufacturer.

<i>Product*</i>	<i>Retailer(s)</i>	<i>Manufacturer(s)/ Distributor(s)</i>
Party 6 Squeaky Ducks #86920 (# 0 11179 86920 6)	Dana's Party Planet Alameda County, Northern California	Unique Industries, Inc.

VI. EXHIBIT A

<i>Product Category/Type</i>	<i>Such As*</i>	<i>Toxins</i>
Vinyl Bathroom Toys/Children's Items containing Di(2-ethylhexyl)phthalate	Party 6 Squeaky Ducks #86920 (# 0 11179 86920 6)	Di(2-ethylhexyl)phthalate

*The specifically identified example of the type of product which is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category/type 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 "Product Category/Type" in Exhibit A. Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

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 2560 Ninth Street, Parker Plaza, Suite 214, Berkeley, CA 94710.

On November 20, 2007, I served the following documents:

**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)**

on the Violator at the address listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the Violator and providing the envelope to a United States Postal Service Representative:

Everett Novak, President
Unique Industries, Inc.
4750 League Island Boulevard
Philadelphia, PA 19112

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

<i>Via 2nd Day Air Service by placing such envelope in a Federal Express Drop-Off Box:</i>	The Attorney General of the State of California;
<i>By placing each envelope in a United States Postal Service mailbox, first class postage prepaid:</i>	The District Attorney for Each of the 58 counties in California; and The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento;

A list of addresses for each of these recipients is attached.

Executed on November 20, 2007, at Berkeley, California.



Mark Langford

CERTIFICATE OF MERIT

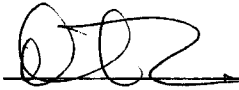
Health and Safety Code Section 25249.7(d)

I, David Lavine, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice has violated Health and Safety Code §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 this 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 plaintiff's 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:

Nov. 16, 2007



David Lavine

SERVICE LIST

- The Honorable Tom Orloff
Alameda County District Attorney
1225 Fallon Street, Room 900
Oakland, CA 94612
- The Honorable William Richmond
Alpine County District Attorney
270 Laramie Street, PO BOX 248
Markleeville, CA 96120
- The Honorable Todd Riebe
Amador County District Attorney
708 Court Street, #202
Jackson, CA 95642
- The Honorable Michael Ramsey
Butte County District Attorney
25 County Center Drive,
Administration Building
Oroville, CA 95965
- The Honorable Jeffrey Tuttle
Calaveras County District Attorney
891 Mountain Ranch Road
San Andreas, CA 95249
- The Honorable John R. Poyner
Colusa County District Attorney
547 Market Street
Colusa, CA 95932
- The Honorable Robert J. Kochly
Contra Costa County District Attorney
725 Court Street, 4th Floor, Rm. 402
Martinez, CA 94553
- The Honorable Michael Riese
Del Norte County District Attorney
450 H Street
Crescent City, CA 95531
- The Honorable Gary Lacy
El Dorado County District Attorney
515 Main Street
Placerville, CA 95667
- The Honorable Elizabeth Egan
Fresno County District Attorney
2220 Tulare Street, #1000
Fresno, CA 93721
- The Honorable Robert Holzapfel
Glenn County District Attorney
540 West Sycamore
Willows, CA 95988
- The Honorable Paul Gallegos
Humboldt County District Attorney
825 5th Street
Eureka, CA 95501
- The Honorable Gilbert Otero
Imperial County District Attorney
939 West Main Street
El Centro, CA 92243
- The Honorable Arthur Maillet
Inyo County District Attorney
P.O. Drawer D
Independence, CA 93526
- The Honorable Edward R. Jagels
Kern County District Attorney
1215 Truxtun Avenue
Bakersfield, CA 93301
- The Honorable Ronald Calhoun
Kings County District Attorney
1400 West Lacey Boulevard
Hanford, CA 93230
- The Honorable Gerhard Luck
Lake County District Attorney
255 North Forbes Street
Lakeport, CA 95453
- The Honorable Robert Burns
Lassen County District Attorney
220 S. Lassen Street, Ste. 8
Susanville, CA 96130
- The Honorable Steve Cooley
Los Angeles County District Attorney
210 West Temple Street
Los Angeles, CA 90012
- The Honorable Ernest LiCalsi
Madera County District Attorney
209 West Yosemite Avenue
Madera, CA 93637
- The Honorable Edward Berberian
Marin County District Attorney
3501 Civic Center Drive, Room 130
San Rafael, CA 94903
- The Honorable Robert Brown
Mariposa County District Attorney
5101 Jones Street, P.O. Box 730
Mariposa, CA 95338
- The Honorable Norman Vroman
Mendocino County District Attorney
100 North State Street, G-10
Ukiah, CA 95482
- The Honorable Gordon Spencer
Merced County District Attorney
2222 M Street
Merced, CA 95340
- The Honorable Jordan Funk
Modoc County District Attorney
204 S. Court Street, Room 202
Alturas, CA 96101
- The Honorable George Booth
Mono County District Attorney
Old Court House, Main Street
Bridgeport, CA 93517
- The Honorable Dean Flippo
Monterey County District Attorney
240 Church Street, #101
Salinas, CA 93901
- The Honorable Gary Lieberstein
Napa County District Attorney
931 Parkway Mall
Napa, CA 94559
- The Honorable Michael Ferguson
Nevada County District Attorney
201 Church Street, Suite 8
Nevada City, CA 95959
- The Honorable Tony Rackauckas
Orange County District Attorney
401 Civic Center Drive West
Santa Ana, CA 92701
- The Honorable Bradford Fenocchio
Placer County District Attorney
11562 B Avenue
Auburn, CA 95603
- The Honorable Jeff Cunan
Plumas County District Attorney
520 Main Street, Room 404
Quincy, CA 95971
- The Honorable Grover Trask II
Riverside County District Attorney
4075 Main Street
Riverside, CA 92501
- The Honorable Jan Scully
Sacramento County District Attorney
901 G Street
Sacramento, CA 95814
- The Honorable John Sarsfield
San Benito County District Attorney
419 4th Street, Second Floor
Hollister, CA 95203
- The Honorable Michael Ramos
San Bernardino County District Attorney
330 N. Mountain View Avenue
San Bernardino, CA 92415
- The Honorable Bonnie Dumanis
San Diego County District Attorney
330 W. Broadway Street, Suite 1320
San Diego, CA 92101
- The Honorable Kamala Harris
San Francisco County District Attorney
850 Bryant Street, Room 325
San Francisco, CA 94103
- The Honorable James Willett
San Joaquin County District Attorney
222 E. Weber Avenue, 2nd Floor, Room 202
Stockton, CA 95201
- The Honorable Gerald Shea
San Luis Obispo County District Attorney
1050 Monterey Street, Room 450
San Luis Obispo, CA 93408
- The Honorable James Fox
San Mateo County District Attorney
400 County Center, Third Floor
Redwood City, CA 94063
- The Honorable Thomas Sneddon, Jr.
Santa Barbara County District Attorney
1112 Santa Barbara Street
Santa Barbara, CA 93101
- The Honorable George Kennedy
Santa Clara County District Attorney
70 West Hedding Street, West Wing
San Jose, CA 95110
- The Honorable Bob Lee
Santa Cruz County District Attorney
701 Ocean Street, Room 200
Santa Cruz, CA 95060
- The Honorable Gerald Benito
Shasta County District Attorney
1525 Court Street, Third Floor
Redding, CA 96001
- The Honorable Lawrence Allen
Sierra County District Attorney
100 Courthouse Square, Second Floor
Downsville, CA 95936
- The Honorable James Andrus
Siskiyou County District Attorney
311 4th Street
Yreka, CA 96097
- The Honorable David Paulson
Solano County District Attorney
675 Texas Street, Suite 4500
Fairfield, CA 94533
- The Honorable Stephan Passalacqua
Sonoma County District Attorney
600 Administration Drive, Room 212J
Santa Rosa, CA 95403
- The Honorable Carol Shipley
Stanislaus County District Attorney
800 11th Street, Room 200
Modesto, CA 95353
- The Honorable Carl Adams
Sutter County District Attorney
446 Second Street
Yuba City, CA 95991
- The Honorable Gregg Cohen
Tehama County District Attorney
PO BOX 519
Red Bluff, CA 96080
- The Honorable Michael B. Harper
Trinity County District Attorney
PO Box 310
Weaverville, CA 96093
- The Honorable Phillip Cline
Tulare County District Attorney
221 South Mooney Boulevard, Suite 224
Visalia, CA 93291
- The Honorable Donald Segerstrom, Jr.
Tuolumne County District Attorney
2 South Green Street
Sonora, CA 95370
- The Honorable Gregory Totten
Ventura County District Attorney
800 South Victoria Avenue
Ventura, CA 93009
- The Honorable David C. Henderson
Yolo County District Attorney
301 Second Street
Woodland, CA 95695
- The Honorable Patrick McGrath
Yuba County District Attorney
215 Fifth Street
Marysville, CA 95901
- The Honorable Rockard Delgadillo
Office of the City Attorney, Los Angeles
200 North Main Street
Los Angeles, CA 90012
- The Honorable Michael Aguirre
Office of the City Attorney, San Diego
1200 Third Avenue, Suite 1620
San Diego, CA 92101
- The Honorable Samuel Jackson
Office of the City Attorney, Sacramento
915 I Street, 4th Floor
Sacramento, CA 95814
- The Honorable Dennis J. Herrera
Office of the City Attorney, San Francisco
City Hall, Room 234
San Francisco, CA 94102
- The Honorable Richard Doyle
Office of the City Attorney, San Jose
200 East Santa Clara Street
San Jose, CA 95113
- Office of the California Attorney General
Proposition 65 Enforcement Reporting
ATTN: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550