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January 25, 2008

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RE: **NOTICE OF PROPOSITION 65, CALIFORNIA HEALTH & SAFETY CODE
SECTION 25249.6, VIOLATIONS: EXPOSURE OF CONSUMERS TO
CARCINOGENIC SUBSTANCES WITHOUT FIRST GIVING WARNINGS**

Dear Gentilepersons:

This firm, in conjunction with Public Justice and Brayton • Purcell LLP, represents the Asbestos Disease Awareness Organization, Inc. ("ADAO"), a non-profit corporation that advocates for the interests of victims of asbestos-related diseases. In addition, we represent Randy Trujillo and Brigit Nevin, California consumers.

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This letter constitutes notice that CBS Corporation, Planet Toys, Inc., Amazon.com International, Inc., Buy.com Inc., Costco Wholesale Corporation, eToys Direct, Inc., K Mart Corporation, Sears, Roebuck and Co., The Parent Company, KB Toys.com, The SpeedyDog Corporation, Toys "R" Us, Inc., QVC Inc., and Walgreen Co., have violated and continue to violate provisions of the California Safe Drinking Water and Toxic Enforcement Act of 1986, Health & Safety Code § 25249.5 *et seq* (commonly known as California's Proposition 65). Specifically, the above named entities have violated and continue to violate Health & Safety Code § 25249.6, which provides: "No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual"

Pursuant to Health & Safety Code §25249.7(d), ADAO, Randy Trujillo, and Brigit Nevin intend to bring suit in the public interest against the above named entities sixty (60) days hereafter to correct the violations set forth herein.

General Information: Pursuant to 22 California Code of Regulations § 12903(b)(1), attached hereto is a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary", as prepared by the Office of Environmental Health Hazard Assessment of the California Environmental Protection Agency.

Description of Violation: Since approximately October 1, 2004, and continuing to the present, the above named entities have exposed and continue to expose California consumers to asbestos, via inhalation, during their reasonably foreseeable use of crime scene and other investigation kits that include, as a component part, asbestos-containing fingerprint powder (hereafter collectively referred to as "The Kits"). For convenience of your reference, examples of The Kits include, but are not limited to, the CSI: Crime Scene Investigation™ Fingerprint Examination Kits, the CSI: Crime Scene Investigation™ Field Kits, and the CSI: Crime Scene Investigation™ Forensic Lab Kits. Exposures to asbestos unavoidably occurred (1) when consumers used, handled, or disturbed, contaminated fingerprint powder contained in The Kits, (2) when others used, handled, or disturbed the contaminated fingerprint powder in their presence, and (3) when consumers were exposed to contaminated fingerprint powder in homes and other places after they became contaminated with asbestos from the fingerprint powders, from approximately October 1, 2004, and continuing to the present. Testing of fingerprint powder contained in The Kits has revealed the presence of tremolite, a form of asbestos, in concentrations as high as 7.24 percent. Asbestos is a chemical known to the State of California to cause cancer and has been listed since February 1987 as a carcinogen on the list of carcinogenic chemicals published by the Governor of the State of California at 22 California Code of Regulations § 1200(b). Because asbestos is listed in Proposition 65 as a carcinogen, pursuant to Health & Safety Code § 25249.6, the above named entities were, and are, required to warn California consumers purchasing or using The Kits, and persons otherwise being exposed to contaminated fingerprint powder from The Kits, that The Kits contain a chemical known by the State of California to cause cancer before exposing said consumers

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to asbestos contained therein. Since approximately October 1, 2004, the above named entities have violated and continue to violate California Health & Safety Code § 25249.6, by exposing numerous individuals within the State of California to asbestos without first giving clear and reasonable warnings to said individuals that The Kits contain a chemical known by the State to cause cancer.

Noticing Entity: The noticing entity is the Asbestos Disease Awareness Organization, Inc. (“ADAO”), a non-profit, asbestos victim organization. The mailing address of ADAO is 1525 Aviation Boulevard, Suite 318, Redondo Beach, CA 90278, and the telephone number is 310-437-3886. Linda Reinstein is the Executive Director of ADAO. ADAO is represented in this matter by Public Justice, Brayton • Purcell LLP, and the Metzger Law Group, through whom all communications should be directed at the following addresses and telephone numbers:

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Noticing Individuals: The noticing individuals are Randy Trujillo and Brigit Nevin, consumers in the State of California who purchased one or more of The Kits. Mr. Trujillo’s address is 137 Glacier Court, Petaluma, California, 94954, and his telephone number is 707-763-3022. Ms. Nevin’s address is 225 Club Drive, Novato, California, 94945, and her telephone number is 415-895-1049. Both Mr. Trujillo and Ms. Nevin are represented in this matter by Public Justice, Brayton • Purcell LLP, and the Metzger Law Group, through whom all communications should be directed at the addresses and telephone numbers referenced above.

Names of Violators: The violators are CBS Corporation, a Delaware corporation; Planet Toys, Inc., a Delaware corporation; Amazon.com International, Inc., Delaware corporation; Buy.com Inc., a Delaware corporation; Costco Wholesale Corporation, a Washington corporation; eToys Direct, Inc.; K Mart Corporation, a Michigan corporation; Sears, Roebuck and Co., a New York corporation; The Parent Company; KB Toys.com; The SpeedyDog Corporation, a California corporation; Toys “R” Us, Inc., a Delaware corporation; QVC Inc., Walgreen Co., an Illinois corporation; and Does 1 through 1000, inclusive.

Time of Violations: The violations of California Health & Safety Code § 25249.6 are numerous and have occurred continuously and uninterrupted since approximately October 1, 2004, to the present throughout the State of California. The timing of the violations is such that they occurred every moment that every individual within the State of California used, handled, disturbed, or was otherwise exposed to asbestos from The Kits without first receiving the required Proposition 65 warnings.

Listed Chemicals: The carcinogenic chemical involved in the named entities' Proposition 65 violations is asbestos, Chemical Abstracts Service Registry number 1332-21-4, which was first listed at 22 California Code of Regulations § 1200(b) as a chemical known to the State of California to cause cancer on February 27, 1987.

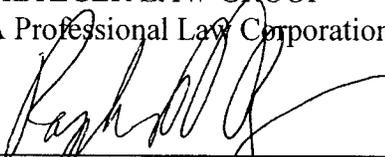
Consumer Product Exposure Description: Since approximately October 1, 2004, and continuing to the present, the above named entities have exposed and continue to expose numerous consumers using, handling, and disturbing The Kits, or otherwise being exposed to contaminated fingerprint powder from The Kits within the State of California to high levels of asbestos, a known human carcinogen contained in the fingerprint powder of The Kits. Exposures to asbestos unavoidably occurred via inhalation whenever a consumer used, handled, or disturbed contaminated fingerprint powder contained in The Kits, when others used, handled, or disturbed the contaminated fingerprint powder in their presence, and when consumers were exposed to asbestos in homes and other places where The Kits were used, handled, or disturbed, from the from approximately October 1, 2004, to the present. Testing of the fingerprint powder contained in The Kits has revealed the presence of tremolite, a form of asbestos, in concentrations as high as 7.24 percent. Asbestos is a chemical known to the State of California to cause cancer and has been listed since February 1987 as a carcinogen on the list of carcinogenic chemicals published by the Governor of the State of California at 22 California Code of Regulations § 1200(b). Since approximately October 1, 2004, the above named entities have violated and continue to violate California Health & Safety Code § 25249.6 by exposing, via inhalation, numerous consumers within the State of California to asbestos without first giving clear and reasonable warnings to said individuals that the fingerprint powder contained in The Kits contains a chemical known by the State of California to cause cancer. The above named entities' Proposition 65 violations are particularly egregious and hazardous given the extremely high concentrations of asbestos found therein, and the fact that The Kits are marketed to young children. The Kits come with a brush which children are instructed to use in applying the fingerprint powder, thereby releasing asbestos fibers into the air and the breathing zones of children. In addition, the instructions direct children to blow excess powder off of their fingerprints, thereby generating respirable asbestos dust into the air that the children breathe. Prior to serving this notice, ADAO made repeated requests to CBS Corporation and Planet Toys, Inc., that they voluntarily recall these products.

Conclusion. Proposition 65 requires that notice and intent to sue be given to a violator sixty (60) days before suit is filed. By this letter, ADAO, Randy Trujillo, and Brigit Nevin give notice of the foregoing violations to the above named entities, and to the appropriate governmental authorities. If the above named entities wish to resolve this matter before ADAO, Randy Trujillo, and Brigit Nevin file suit, they should contact counsel at the above-mentioned addresses and telephone numbers. Otherwise, suit will be filed after sixty (60) days have elapsed.

We look forward to your prompt action terminating all exposures of California consumers, including vulnerable children, to the horrific hazards of asbestos contained in The Kits.

Very truly yours,

METZGER LAW GROUP
A Professional Law Corporation



By: Raphael Metzger, Esq.

BRAYTON • PURCELL LLP



By: Alan R. Brayton, Esq.

PUBLIC JUSTICE



By: Arthur Bryant, Executive Director

cc: all governmental authorities
per attached proof of service
attachments: Summary of Proposition 65
Certificate of Merit
Proof of Service by Mail

The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary

The following summary has been prepared by the Office of Environmental Health Hazard Assessment, the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 22 of the California Code of Regulations, Sections 12000 through 14000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 735 chemical listings have been included as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release or otherwise engage in activities involving those chemicals must comply with the following:

Clear and reasonable warnings. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts: Governmental agencies and public water utilities. All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.

Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "no significant risk" levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharges that do not result in a "significant amount" of the listed chemical entering into any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation to the Attorney General, the appropriate district attorney and city attorney, and the business accused of the violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 22, California Code of Regulations, Section 12903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violation. FOR FURTHER INFORMATION. . .

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.

22 CCR Appendix A, 22 CA ADC Appendix A

CERTIFICATE OF MERIT

I, Raphael Metzger, declare as follows:

1. I am an attorney at law, duly licensed and authorized to practice law in the State of California.

2. Unless the context indicates otherwise, I have personal knowledge of the matters set forth hereinafter and, if called as a witness, I would competently testify thereto.

3. 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 warnings.

4. I am the attorney for the noticing parties: Asbestos Disease Awareness Organization, Inc. (“ADAO”), Randy Trujillo, and Brigit Nevin.

5. My clients, ADAO, Randy Trujillo, and Brigit Nevin, allege that since approximately October 1, 2004, and continuing to the present, the parties identified in the notice have exposed and continue to expose California consumers to asbestos, via inhalation, during their reasonably foreseeable use of crime scene and other investigation kits that include, as a component part, asbestos-containing fingerprint powder (hereafter collectively referred to as “The Kits”). Examples of The Kits include, but are not limited to, the CSI: Crime Scene Investigation™ Fingerprint Examination Kits, the CSI: Crime Scene Investigation™ Field Kits, and the CSI: Crime Scene Investigation™ Forensic Lab Kits. Exposures to asbestos unavoidably occurred (1) when consumers used, handled, or disturbed, contaminated fingerprint powder contained in The Kits, (2) when others used, handled, or disturbed the contaminated fingerprint powder in their presence, and (3) when consumers were exposed to contaminated fingerprint powder in homes and other places after they became contaminated with asbestos from the fingerprint powders, from approximately October 1, 2004, and continuing to the present. Testing of fingerprint powder contained in The Kits has revealed the presence of tremolite, a form of asbestos, in concentrations as high as 7.24 percent.

Asbestos is a chemical known to the State of California to cause cancer and has been listed since February 1987 as a carcinogen on the list of carcinogenic chemicals published by the Governor of the State of California at 22 California Code of Regulations § 1200(b). Because asbestos is listed in Proposition 65 as a carcinogen, pursuant to Health & Safety Code § 25249.6, the parties identified in the notice were, and are, required to warn California consumers purchasing or using The Kits, and persons otherwise being exposed to contaminated fingerprint powder from The Kits, that The Kits contain a chemical known by the State of California to cause cancer before exposing said consumers to asbestos contained therein. Since approximately October 1, 2004, the parties identified in the notice have violated and continue to violate California Health & Safety Code § 25249.6, by exposing numerous individuals within the State of California to asbestos without first giving clear and reasonable warnings to said individuals that The Kits contain a chemical known by the State to cause cancer.

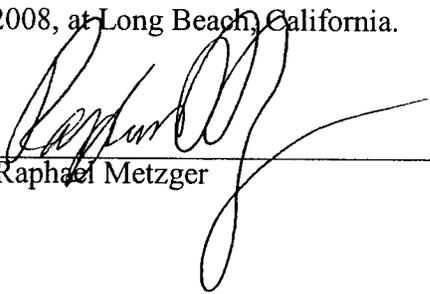
6. I have consulted with an expert with relevant and appropriate experience and expertise who has reviewed facts, studies, and data regarding the presence of, concentration of, and exposure to asbestos from fingerprint powder in The Kits. Based on such consultation, I believe that exposures to high levels of asbestos unavoidably occurred via inhalation whenever a consumer used fingerprint powder within The Kits from approximately October 1, 2004, and continuing to the present. Based on such consultation and the fact that the parties identified in the notices have failed to provide the warnings required by Health & Safety Code § 25249.6 before exposing consumers to asbestos, I also believe that there is a reasonable and meritorious case for a private action, pursuant to Health & Safety Code §25249.7(d), brought by my clients, ADAO, Randy Trujillo, and Brigit Nevin, for their violations of Proposition 65 since approximately October 1, 2004, and continuing to the present.

7. I believe the Proposition 65 violations of the parties identified in the notice are particularly egregious and hazardous given the extremely high concentrations of asbestos found in The Kits, and the fact that The Kits are marketed to young children. The Kits come with a brush

which children are instructed to use in applying the fingerprint powder, thereby releasing asbestos fibers into the air and the breathing zones of children. In addition, the instructions direct children to blow excess powder off of their fingerprints, thereby generating respirable asbestos dust into the air they breathe. Prior to giving notice of its intent to sue, my client ADAO and my co-counsel made repeated requests to CBS Corporation and Planet Toys, Inc., that they voluntarily recall these products.

8. Attached only to the original of this document to be served on the Attorney General are analytical reports and other documentation supporting the merit of this matter.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed January 25, 2008, at Long Beach, California.


Raphael Metzger

PROOF OF SERVICE BY U.S. MAIL

(Our File No. 6935)

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles. I am over the age of 18 and not a party to the within action. My business address is 401 E. Ocean Boulevard, Suite 800, Long Beach, California 90802. On January 25, 2008, I served the within Notice of Proposition 65, California Health & Safety Code Section 25249.6 Violations: Exposure of Consumers to Carcinogenic Substances Without First Giving Warnings, Certificate of Merit, and Statement entitled "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" on the following violators and governmental attorneys who are required to be served copies of said notice, by placing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the U.S. mail at Long Beach, CA, addressed as follows:

Edmond G. Brown, Jr.
Office of the Attorney General
1515 Clay Street, 20th Floor
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Founder and Chairman
Buy.Com Inc.
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Michael J. Wagner
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The Parent Company
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1099 18th Street, Suite 1800
Denver, CO 80202

Aylwin B. Lewis
CEO & President
K Mart Corporation
Sears, Roebuck and Co.
3333 Beverly Road
Hoffman Estates, IL 60179

Sheldon Dubow
President
The SpeedyDog Corporation
1180 Westlake Blvd., Suite C
Westlake Village, CA 91361

Gerald L. Storch
Chairman & CEO
Toys "R" Us, Inc.
One Geoffrey Way
Wayne, NJ 07470

Mike George
President & CEO
QVC Inc.
9353 Bolsa Ave, D12
Westminster, CA 92683

Jeffrey A. Rein
Chairman & CEO
Walgreen Co.
200 Wilmont Road
Deerfield, IL 60015

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed January 25, 2008, at Long Beach, California.

Nina S. Vidal, Declarant