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FILE NO. 47715.046

May 5, 2008

VIA REGISTERED MAIL

Robert Roth, President
World Oil Marketing Company
9302 Garfield Avenue
Southgate, California 90280

Re: 60-Day Notice of Violation of The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65)

Dear Mr. Roth:

This letter serves as notification, pursuant to California Health and Safety Code Section 25249.7(d)(1), that the Los Angeles Unified School District (the "District") intends to bring suit against World Oil Marketing Company (hereinafter "World Oil") for, among other claims, violations of California Health and Safety Code §§ 25249.5 and 25249.6 (also known as "proposition 65"). Section 25249.5 provides:

> "No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes, or probably will pass, into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9."

Section 25249.6 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, except as provided in Section 25249.10."

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The following discussion will provide you with a greater understanding regarding the location of the exposure, the type of exposure, the method of exposure, and the approximate length of time the land beneath the property at issue has been exposed to chemicals released from a leaking underground storage tank (hereinafter "LUST") located at a property owned by World Oil. The following is intended to provide you with facts sufficient to enable you to undertake a meaningful investigation of the exposed property and thereafter remedy the environmental contamination that has occurred on those premises.

I. LOCATION OF SOURCE OF EXPOSURE

The violation covered by this notice consists of a release of total petroleum hydrocarbons (TPH), benzene, and other petroleum-related volatile organic compounds ("VOCs") from at least one LUST on a property located in the City of Los Angeles, County of Los Angeles, California, and further described as follows: a gasoline service station owned and/or operated by World Oil, which uses Exxon signage, located at 1101 East Florence Avenue (hereinafter the "World Oil Property").

The District is currently engaged in the process of constructing an elementary school, South Region Elementary School #2 (hereinafter the "School Property"), on property that is located directly across the street from the Service Station. A map of the School Property is attached hereto as Exhibit A [the World Oil property is located directly across the street and to the north of the school property.]

II. NATURE OF EXPOSURE

Prior to its acquisition of the School Property, and pursuant to state law, the District was required to investigate the School Property and neighboring properties. Since 2005, the District has retained environmental consultants to conduct a Phase I Environmental Site Assessment ("ESA"), Preliminary Environmental Assessment ("PEA"), and Supplemental Site Investigation ("SSI") for the Property and a Remedial Action Plan ("RAP").

The findings of the ESA, PEA, SSI and RAP identified several areas of potential environmental concern, including the LUST located at the World Oil Property. During these investigations, the District learned that a subsurface investigation had been performed at the World Oil Property. The subsurface investigation, performed after removal of LUSTs, revealed elevated concentrations of TPH as gasoline, benzene, toluene, ethylbenzene, total xylenes, and methyl tertiary butyl ether (MTBE) in the soil. A case closure letter for the LUST incident at this facility was issued by the California Regional Water Quality Control Board ("Regional Board") on June 17, 1998.

Subsequent to the Phase I ESA, a PEA was conducted in 2005. During the course of the PEA in 2005, a sampling and analysis of the soil gas and soil was conducted to evaluate the potential areas of concern identified in the Phase I ESA, including the World Oil Property. One or more of the following constituents were detected in the soil gas borings: benzene, toluene, xylenes, and tetrachloroethylene. Total petroleum hydrocarbons ("TPH") and volatile organic compounds ("VOCs") were also detected in deep soils at the northern portion of the School Property in the vicinity of several potential sources. The World Oil Property was identified as a possible known source for the benzene in the northwest corner of the School Property.

On March 3, 2008, the Regional Board reopened its investigation of the World Oil Property (Case No. R-10637A). The Regional Board stated in its reopening letter that, among other things, the releases from the World Oil Property are threatening the School Property and the School Property is considered a "sensitive receptor."

III. EXTENT OF THE EXPOSURE

The SSI was conducted during the period between March and September, 2006. During the SSI, benzene was the primary chemical detected in the soil gas in the northwestern area of the School Property. Ethylbenzene, MTBE, toluene, and xylenes were also detected in the soil gas in the northwestern area of the School Property. The maximum concentration of benzene (130 ug/L) was detected on soil gas boring SV-16 at 20 feet bgs. A concentration of 2.7 ug/L for MTBE and 1.2 ug/L for ethylbenzene was also found at this location in the northwest corner of the School Property. According to the SSI report and Remedial Investigation (RI) report, the presence of MTBE and ethylbenzene, as well as the elevated levels of benzene, suggests that the presence of VOCs in soil gas in the northwestern area of the School Property may be attributable to the World Oil Property. Likewise, soil sampling results showed high concentrations of benzene and other gasoline VOCs in the northwest area of the School Property, which are likely attributable to the World Oil Property. The results further showed that the benzene in the soil had migrated southward from the World Oil Property towards the School Property.

IV. ROUTE OF EXPOSURE AND ITS POTENTIAL HEALTH RISKS

The release of the chemicals of concern at the World Oil Property has caused the release of chemicals known to the State of California to cause cancer or reproductive toxicity that is threatening the School Property. The identified chemicals of concern include, among others, benzene and MTBE.

A human health risk assessment was prepared to evaluate data collected during the PEA and SSI. The results of the assessment indicated that chemicals detected at the World Oil Property may potentially pose a significant health risk to future students and faculty who occupy the School Property (incidental soil ingestion and dermal contact with soil) and outdoor

inhalation pathways. TPH was the primary contributor to the hazard risk index estimate. The estimated excess cancer risk and the estimated cumulative hazard index for the soil gas to indoor pathway for hypothetical future residents is due primarily to benzene.

The Regional Board also has determined that groundwater at and near the World Oil Property is threatened and therefore is requiring World Oil to investigate groundwater impacts. Moreover, the California Department of Toxic Substances Control has determined that the World Oil Property is a potential threat to the School Property (and its future occupants) and is requesting that World Oil investigate the groundwater contamination at and near the World Oil Property.

A more detailed analysis of the human health risk assessment, as detailed in the SSI, is attached hereto as "Exhibit B" and incorporated herein by reference.

V. TIME PERIOD DURING WHICH VIOLATION HAS OCCURRED

The releases have occurred since at least as early as the 1980s. These chemicals continue to be released into the subsurface soils and groundwater.

VI. CONCLUSION

As a result of the above, the District believes that the World Oil Property, owned and operated by World Oil, has impacted the soil, soil gas, and groundwater at and beneath the World Oil Property, thus potentially threatening the School Property and its future students and faculty.

Attached please find a copy of "The Safe Drinking Water and Toxic Enforcement Act of 1986" (Proposition 65), prepared by the Office of Environmental Health Hazard Assessment ("OEHHA"), the lead state agency for the implementation of the Act. (Exhibit "C") Furthermore, copies of the PEA, SSI, RAP, and other documents produced in relation to this environmental study can be found at: http://www.laschools.org/project-status/one-project-images?project_id=805947#attachments.

Please direct all questions concerning this notice of violation to the following address: Barry C. Groveman, Esq., Musick, Peeler & Garrett LLP, One Wilshire Boulevard, 624 South Grand Avenue, Suite 2100, Los Angeles, California 90017-3383, (213) 629-7615. Should you require more information regarding the Property and/or exposure risks, the District will provide you with any available reports.

For general information concerning the provisions of Proposition 65, please contact the Office of Environmental Health Hazard Assessment, Proposition 65 Implementation Office, at (916) 445-6900.

Very truly yours,

Barry C. Groveman
MUSICK, PEELER & GARRETT LLP

BCG:ERF

Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040

SERVICE LIST

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SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986
(Chapter 6.6 added by Proposition 65 1986 General Election)

25249.5. *Prohibition On Contaminating Drinking Water With Chemicals Known to Cause Cancer or Reproductive Toxicity*. No person in the course of doing business shall knowingly discharge or release a chemical known to the state to cause cancer or reproductive toxicity into water or onto or into land where such chemical passes or probably will pass into any source of drinking water, notwithstanding any other provision or authorization of law except as provided in Section 25249.9.

25249.6. *Required Warning Before Exposure To Chemicals Known to Cause Cancer Or Reproductive Toxicity*. 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, except as provided in Section 25249.10.

25249.7. *Enforcement*.

(a) Any person that violates or threatens to violate Section 25249.5 or 25249.6 may be enjoined in any court of competent jurisdiction.

(b) (1) Any person who has violated Section 25249.5 or 25249.6 shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2500) per day for each violation in addition to any other penalty established by law. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction.

(2) In assessing the amount of a civil penalty for a violation of this chapter, the court shall consider all of the following:

(A) The nature and extent of the violation.

(B) The number of, and severity of, the violations.

(C) The economic effect of the penalty on the violator.

(D) Whether the violator took good faith measures to comply with this chapter and the time these measures were taken.

(E) The willfulness of the violator's misconduct.

(F) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.

(G) Any other factor that justice may require.

(c) Actions pursuant to this section may be brought by the Attorney General in the name of the people of the State of California, by any district attorney, by any city attorney of a city having a population in excess of 750,000, or, with the consent of the district attorney, by a city prosecutor in any city or city and county having a full-time city prosecutor, or as provided in subdivision (d).

(d) Actions pursuant to this section may be brought by any person in the public interest if both of the following requirements are met:

(1) The private action is commenced more than 60 days from the date that the person has given notice of an alleged violation of Section 25249.5 or 25249.6 that is the subject of the private action to the Attorney General and the district attorney, city attorney, or prosecutor in whose jurisdiction the violation is alleged to have occurred, and to the alleged violator. If the notice alleges a violation of Section 25249.6, the notice of the alleged violation shall include a

certificate of merit executed by the attorney for the noticing party, or by the noticing party, if the noticing party is not represented by an attorney. The certificate of merit shall state that the person executing the certificate has consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the exposure to the listed chemical that is the subject of the action, and that, based on that information, the person executing the certificate believes there is a reasonable and meritorious case for the private action. Factual information sufficient to establish the basis of the certificate of merit, including the information identified in paragraph (2) of subdivision (h), shall be attached to the certificate of merit that is served on the Attorney General.

(2) Neither the Attorney General, any district attorney, any city attorney nor any prosecutor has commenced and is diligently prosecuting an action against the violation.

(e) Any person bringing an action in the public interest pursuant to subdivision (d) and any person filing any action in which a violation of this chapter is alleged shall notify the Attorney General that the action has been filed. Neither this subdivision nor the procedures provided in subdivisions (f) to (j), inclusive, shall affect the requirements imposed by the statute or a court decision in existence on January 1, 2002 concerning whether any person filing any action in which a violation of this chapter is alleged is required to comply with the requirements of subdivision (d).

(f) (1) Any person bringing an action in the public interest pursuant to subdivision (d), any person filing any action in which a violation of this chapter is alleged, or any private person settling any violation of this chapter alleged in a notice given pursuant to paragraph (1) of subdivision (d), shall, after the action or violation is either subject to a settlement or to a judgment, submit to the Attorney General a reporting form that includes the results of that settlement or judgment and the final disposition of the case, even if dismissed. At the time of the filing of any judgment pursuant to an action brought in the public interest pursuant to subdivision (d), or any action brought by a private person in which a violation of this chapter is alleged, the plaintiff shall file an affidavit verifying that the report required by this subdivision has been accurately completed and submitted to the Attorney General.

(2) Any person bringing an action in the public interest pursuant to subdivision (d) or any private person bringing an action in which a violation of this chapter is alleged, shall, after the action is either subject to a settlement, with or without court approval, or to a judgment, submit to the Attorney General a report that includes information on any corrective action being taken as a part of the settlement or resolution of the action.

(3) The Attorney General shall develop a reporting form that specifies the information that shall be reported, including, but not limited to, for purposes of subdivision (e), the date the action was filed, the nature of the relief sought, and for purposes of this subdivision, the amount of the settlement or civil penalty assessed, other financial terms of the settlement, and any other information the Attorney General deems appropriate.

(4) If there is a settlement of an action brought by a person in the public interest under subdivision (d), the plaintiff shall submit the settlement, other than a voluntary dismissal in which no consideration is received from the defendant, to the court for approval upon noticed motion, and the court may approve the settlement only if the court makes all of the following findings:

(A) Any warning that is required by the settlement complies with this chapter.

(B) Any award of attorney's fees is reasonable under California law.

(C) Any penalty amount is reasonable based on the criteria set forth in paragraph (2) of subdivision (b).

(5) The plaintiff subject to paragraph (4) has the burden of producing evidence sufficient to sustain each required finding. The plaintiff shall serve the motion and all supporting papers on the Attorney General, who may appear and participate in any proceeding without intervening in the case.

(6) Neither this subdivision nor the procedures provided in subdivision (e) and subdivisions (g) to (j), inclusive, shall affect the requirements imposed by statute or a court decision in existence on the January 1, 2002 concerning whether claims raised by any person or public prosecutor not a party to the action are precluded by a settlement approved by the court.

(g) The Attorney General shall maintain a record of the information submitted pursuant to subdivisions (e) and (f) and shall make this information available to the public.

(h) (1) Except as provided in paragraph (2), the basis for the certificate of merit required by subdivision (d) is not discoverable. However, nothing in this subdivision shall preclude the discovery of information related to the certificate of merit if that information is relevant to the subject matter of the action and is otherwise discoverable, solely on the ground that it was used in support of the certificate of merit.

(2) Upon the conclusion of an action brought pursuant to subdivision (d) with respect to any defendant, if the trial court determines that there was no actual or threatened exposure to a listed chemical, the court may, upon the motion of that alleged violator or upon the court's own motion, review the basis for the belief of the person executing the certificate of merit, expressed in the certificate of merit, that an exposure to a listed chemical had occurred or was threatened. The information in the certificate of merit, including the identity of the persons consulted with and relied on by the certifier, and the facts, studies, or other data reviewed by those persons, shall be disclosed to the court in an in-camera proceeding at which the moving party shall not be present. If the court finds that there was no credible factual basis for the certifier's belief that an exposure to a listed chemical has occurred or was threatened, then the action shall be deemed frivolous within the meaning of Section 128.6 or 128.7 of the Code of Civil Procedure, whichever provision is applicable to the action. The court shall not find a factual basis credible on the basis of a legal theory of liability that is frivolous within the meaning of Section 128.6 or 128.7 of the Code of Civil Procedure, whichever provision is applicable to the action.

(i) The Attorney General may provide the factual information submitted to establish the basis of the certificate of merit on request to any district attorney, city attorney, or prosecutor within whose jurisdiction the violation is alleged to have occurred, or to any other state or federal government agency, but in all other respects the Attorney General shall maintain, and ensure that all recipients maintain, the submitted information as confidential official information to the full extent authorized in Section 1040 of the Evidence Code.

(j) In any action brought by the Attorney General, a district attorney, a city attorney, or a prosecutor pursuant to this chapter, the Attorney General, district attorney, city attorney, or prosecutor may seek and recover costs and attorney's fees on behalf of any party who provides a notice pursuant to subdivision (d) and who renders assistance in that action.

25249.8. List Of Chemicals Known to Cause Cancer Or Reproductive Toxicity.

(a) On or before March 1, 1987, the Governor shall cause to be published a list of those chemicals known to the state to cause cancer or reproductive toxicity within the meaning of this

chapter, and he shall cause such list to be revised and republished in light of additional knowledge at least once per year thereafter. Such list shall include at a minimum those substances identified by reference in Labor Code Section 6382(b)(1) and those substances identified additionally by reference in Labor Code Section 6382(d).

(b) A chemical is known to the state to cause cancer or reproductive toxicity within the meaning of this chapter if in the opinion of the state's qualified experts it has been clearly shown through scientifically valid testing according to generally accepted principles to cause cancer or reproductive toxicity, or if a body considered to be authoritative by such experts has formally identified it as causing cancer or reproductive toxicity, or if an agency of the state or federal government has formally required it to be labeled or identified as causing cancer or reproductive toxicity.

(c) On or before January 1, 1989, and at least once per year thereafter, the Governor shall cause to be published a separate list of those chemicals that at the time of publication are required by state or federal law to have been tested for potential to cause cancer or reproductive toxicity but that the state's qualified experts have not found to have been adequately tested as required.

(d) The Governor shall identify and consult with the state's qualified experts as necessary to carry out his duties under this section.

(e) In carrying out the duties of the Governor under this section, the Governor and his designates shall not be considered to be adopting or amending a regulation within the meaning of the Administrative Procedure Act as defined in Government Code Section 11370.

25249.9. *Exemptions from Discharge Prohibition.*

(a) Section 25249.5 shall not apply to any discharge or release that takes places less than twenty months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.

(b) Section 25249.5 shall not apply to any discharge or release that meets both of the following criteria:

(1) The discharge or release will not cause any significant amount of the discharged or released chemical to enter any source of drinking water.

(2) The discharge or release is in conformity with all other laws and with every applicable regulation, permit, requirement, and order. In any action brought to enforce Section 25249.5, the burden of showing that a discharge or release meets the criteria of this subdivision shall be on the defendant.

25249.10. *Exemptions from Warning Requirement.* Section 25249.6 shall not apply to any of the following:

(a) An exposure for which federal law governs warning in a manner that preempts state authority.

(b) An exposure that takes place less than twelve months subsequent to the listing of the chemical in question on the list required to be published under subdivision (a) of Section 25249.8.

(c) An exposure for which the person responsible can show that the exposure poses no significant risk assuming lifetime exposure at the level in question for substances known to the state to cause cancer, and that the exposure will have no observable effect assuming exposure at one thousand (1000) times the level in question for substances known to the state to cause

reproductive toxicity, based on evidence and standards of comparable scientific validity to the evidence and standards which form the scientific basis for the listing of such chemical pursuant to subdivision (a) of Section 25249.8. In any action brought to enforce Section 25249.6, the burden of showing that an exposure meets the criteria of this subdivision shall be on the defendant.

25249.11. *Definitions*. For purposes of this chapter:

(a) "Person" means an individual, trust, firm, joint stock company, corporation, company, partnership, limited liability company, and association.

(b) "Person in the course of doing business" does not include any person employing fewer than 10 employees in his or her business; any city, county, or district or any department or agency thereof or the state or any department or agency thereof or the federal government or any department or agency thereof; or any entity in its operation of a public water system as defined in Section 4010.1.

(c) "Significant amount" means any detectable amount except an amount which would meet the exemption test in subdivision (c) of Section 25249.10 if an individual were exposed to such an amount in drinking water.

(d) "Source of drinking water" means either a present source of drinking water or water which is identified or designated in a water quality control plan adopted by a regional board as being suitable for domestic or municipal uses.

(e) "Threaten to violate" means to create a condition in which there is a substantial probability that a violation will occur.

(f) "Warning" within the meaning of Section 25249.6 need not be provided separately to each exposed individual and may be provided by general methods such as labels on consumer products, inclusion of notices in mailings to water customers, posting of notices, placing notices in public news media, and the like, provided that the warning accomplished is clear and reasonable. In order to minimize the burden on retail sellers of consumer products including foods, regulations implementing Section 25249.6 shall to the extent practicable place the obligation to provide any warning materials such as labels on the producer or packager rather than on the retail seller, except where the retail seller itself is responsible for introducing a chemical known to the state to cause cancer or reproductive toxicity into the consumer product in question.

25249.12. (a) The Governor shall designate a lead agency and other agencies that may be required to implement this chapter, including this section. Each agency so designated may adopt and modify regulations, standards, and permits as necessary to conform with and implement this chapter and to further its purposes.

(b) The Safe Drinking Water and Toxic Enforcement Fund is hereby established in the State Treasury. The director of the lead agency designated by the Governor to implement this chapter may expend the funds in the Safe Drinking Water and Toxic Enforcement Fund, upon appropriation by the Legislature, to implement and administer this chapter.

(c) In addition to any other money that may be deposited in the Safe Drinking Water and Toxic Enforcement Fund, all of the following amounts shall be deposited in the fund:

(1) Seventy-five percent of all civil and criminal penalties collected pursuant to this chapter.

(2) Any interest earned upon the money deposited into the Safe Drinking Water and Toxic Enforcement Fund.

(d) Twenty-five percent of all civil and criminal penalties collected pursuant to this chapter shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, or in the case of an action brought by a person under subdivision (d) of Section 25249.7, to that person.

25249.13. *Preservation Of Existing Rights, Obligations, and Penalties*. Nothing in this chapter shall alter or diminish any legal obligation otherwise required in common law or by statute or regulation, and nothing in this chapter shall create or enlarge any defense in any action to enforce such legal obligation. Penalties and sanctions imposed under this chapter shall be in addition to any penalties or sanctions otherwise prescribed by law.

25180.7. (a) Within the meaning of this section, a "designated government employee" is any person defined as a "designated employee" by Government Code Section 82019, as amended.

(b) Any designated government employee who obtains information in the course of his official duties revealing the illegal discharge or threatened illegal discharge of a hazardous waste within the geographical area of his jurisdiction and who knows that such discharge or threatened discharge is likely to cause substantial injury to the public health or safety must, within seventy-two hours, disclose such information to the local Board of Supervisors and to the local health officer. No disclosure of information is required under this subdivision when otherwise prohibited by law, or when law enforcement personnel have determined that such disclosure would adversely affect an ongoing criminal investigation, or when the information is already general public knowledge within the locality affected by the discharge or threatened discharge.

(c) Any designated government employee who knowingly and intentionally fails to disclose information required to be disclosed under subdivision (b) shall, upon conviction, be punished by imprisonment in the county jail for not more than one year or by imprisonment in state prison for not more than three years. The court may also impose upon the person a fine of not less than five thousand dollars ($5000) or more than twenty-five thousand dollars ($25,000). The felony conviction for violation of this section shall require forfeiture of government employment within thirty days of conviction.

(d) Any local health officer who receives information pursuant to subdivision (b) shall take appropriate action to notify local news media and shall make such information available to the public without delay.

25192. (a) All civil and criminal penalties collected pursuant to this chapter shall be apportioned in the following manner:

(1) Fifty percent shall be deposited in the Hazardous Substance Account in the General Fund.

(2) Twenty-five percent shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action.

(3) Twenty-five percent shall be paid to the department and used to fund the activity of the CUPA, the local health officer, or other local public officer or agency authorized to enforce the provisions of this chapter pursuant to Section 25180, whichever entity investigated the matter that led to the bringing of the action. If investigation by the local police department or sheriff's office or California Highway Patrol led to the bringing of the action, the CUPA, the

local health officer, or the authorized officer or agency, shall pay a total of 40 percent of its portion under this subdivision to that investigating agency or agencies to be used for the same purpose. If more than one agency is eligible for payment under this paragraph, division of payment among the eligible agencies shall be in the discretion of the CUPA, the local health officer, or the authorized officer or agency.

(b) If a reward is paid to a person pursuant to Section 25191.7, the amount of the reward shall be deducted from the amount of the civil penalty before the amount is apportioned pursuant to subdivision (a).

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Barry C. Groveman, hereby declare:

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

2. I am the attorney for the noticing party Los Angeles Unified School District (the "District").

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 the 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 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 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.

DATED: May 5, 2008

MUSICK, PEELER & GARRETT LLP

By: _____
Barry C. Groveman
Attorneys for Los Angeles Unified School District

Attorney General Copy: Contains Official Information Pursuant to Evidence Code Section 1040