

HIGGINBOTHAM

The Heineman Building
130 Bush Street, 10th Floor San Francisco, CA. 94104 (415) 956-1600

July 21, 2008

Ben and Nicks
5612 College Avenue
Oakland, CA 94111

RE: NOTICE OF VIOLATION OF
HEALTH & SAFETY CODE § 25249

Dear Mr. Graham:

This correspondence shall serve as introduction of our office as legal counsel to Wil Velasquez, and all future correspondence related to this matter should be forwarded to this office.

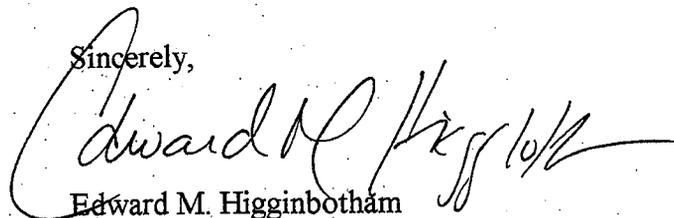
Our client has informed us that your entity is knowingly exposing the public, including his person, to known toxins, including lead in violation of the Health & Safety Code § 25249.

Please note Health & Safety § 25249 requires you to warn patrons of the hazards to their health stemming from your business. **Should you fail to take these measures, we will bring litigation against your business to enforce the statute.** You or your attorney must contact the undersigned within sixty (60) days of receipt of this letter to notify us of the corrective actions you have undertaken.

We trust we have impressed upon you the grave nature of this matter, and that you will respond appropriately.

Should a suit be necessary, we will be seeking an injunction, damages, and attorney's fees.

Sincerely,



Edward M. Higginbotham

Cc: Oakland District Attorney
Oakland City Attorney
California Attorney General