

**60-DAY NOTICE OF INTENT TO SUE PROPERTY MANAGEMENT
ASSOCIATES UNDER HEALTH & SAFETY CODE SECTION 25249.6**

August 1, 2008

Jodi Stancampiano
Property Management Associates
5120 West Goldleaf Circle, Suite 300
Los Angeles, CA 90056

AND THE PUBLIC PROSECUTORS LISTED ON ACCOMPANYING CERTIFICATE OF
SERVICE

This Notice is given by Rozita Haiimpour, a private citizen acting in the public
interest, whom must be contacted through her counsel:

Daniel D. Cho, Esq.
3700 Wilshire Blvd., Suite 480
Los Angeles, CA 90010
Telephone: 213-382-3183
Facsimile: 213-382-3430

Rozita Haimpour hereby notifies Property Management Associates, through Jodi Stancampiano, 5120 West Goldleaf Circle, Suite 300 Los Angeles, CA 90056 (hereinafter referred to collectively as "**Violator**") that it has violated the Safe Drinking Water and Toxic Enforcement Act. (Health & Saf. Code, § 25249.6 et seq.) ("Proposition 65"). Violator violated Proposition 65 by exposing its tenants, visitors, guests, invitees, contractors and employees at the following facility, 231 N. La Peer Drive, Beverly Hills, CA 90211 (hereinafter referred to as the "**Facility**"), as well as its tenants, visitors, guests, invitees, contractors and employees at the other facilities owned, managed and or operated by Violator (**See Exhibit A**), during its ordinary course of business, to Tobacco Smoke and its constituents and byproducts, which include the chemicals listed by the State of California under California Code of Regulations, title 22, section 12306 ("§12306") to cause cancer and/or reproductive toxicity, as depicted in **Exhibit B**. Violator has caused the exposures to the carcinogens and reproductive toxins depicted in Exhibit B without providing clear and reasonable warnings of such so that persons would be aware that if they entered the **Facility** or any of the other properties owned, managed and operated by **Violator** they would likely be exposed to one or more of the listed chemicals known to the State of California to cause Cancer and Reproductive Toxicity.

Ms. Haiimpour has for the last few years consistently complained to Violator and the management of the Facility regarding the horrible effects that the Tobacco Smoke,

and in particular the Second hand smoke in the Facility has had on her life and on the lives of her family, and in particular on the health of her children. Ms. Haiimpour's children are constantly exposed to the Chemicals known to cause cancer and reproductive toxicity depicted in Exhibit B, because of the Second hand smoke permeating the Facility, and in particular coming into their apartment, and are always suffering from health problems. Ms. Haiimpour and her children have trouble breathing in their own apartment, and guests are uncomfortable to visit them because of the smoke. In the last three years that Ms. Haiimpour has been exposed to Second Hand Smoke in the Facility, she has had two separate miscarriages. It is a known fact that Second Hand Smoke causes irreversible reproductive harm, such as the injuries suffered by Ms. Haiimpour. Ms. Haiimpour is concerned that other persons exposed to the Second Hand Smoke in the facility and the other properties owned, managed and or operated by Violator are in grave danger, and must be immediately warned about the chemicals they are being exposed to. This Notice is designed to encourage Violator to comply with Proposition 65 by posting such warnings and to collect penalties available under Proposition 65.

1. Secondhand Tobacco Smoke

Description: Tobacco smoke and its by-products contain chemicals that are harmful when inhaled and under §12306 are known to cause cancer and/or reproductive toxicity. Smoking is allowed by Violator in the Facility, including in tenants' apartments, lobby, hallways, and outdoor pool area. When persons enter areas of the Facility where other persons are smoking, or have recently been smoking, they inhale airborne tobacco smoke and its by-products and are exposed to the chemicals contained in tobacco smoke and its by-products through inhalation and dermal contact. Persons are similarly exposed to the chemicals contained in tobacco smoke and its by-products when they enter areas that are both adjacent to the areas where smoking occurs and where barriers between the areas where smoking occurs and the areas adjacent to where smoking occurs are insufficient to prevent airborne tobacco smoke from escaping from the designated smoking areas and into the adjacent areas. Second Hand Smoke emanating from the apartments of other tenants in the facility constantly enters Ms. Haiimpour's apartment and is inhaled by her and her family, including her young children and infant. The Violator has been told about this on dozens of occasions, but has done nothing about it.

Carcinogens and reproductive toxins: Proposition 65-listed chemicals found in Tobacco Smoke and its by-products are listed in the attached Exhibit B, entitled "Carcinogens and Reproductive Toxins".

Routes of exposure: direct inhalation and dermal contact with tobacco smoke and its by-products.

Persons exposed: Tenants, visitors, guests, invitees, contractors and employees at the **Facility** and at the other properties owned, managed and or operated by Violator, including those depicted in **Exhibit A**.

Locations of the source of exposure: Apartments of other tenants in the **Facility and** at the other properties owned, managed and or operated by Violator (some of which are depicted in **Exhibit A**), including in the hallways, lobbies, and outdoor pool areas.

A. Environmental Exposures

While in the course of doing business at the Facility, and at the other properties owned, managed and or operated by Violator, including those depicted in **Exhibit A**, from August 1, 2005, through August 1, 2008, Violator has been and is knowingly and intentionally exposing Tenants, visitors, guests, invitees, contractors and employees at the Facility and at the other properties owned, managed and or operated by Violator to the Designated Chemicals depicted in **Exhibit B** and designated under §12306 to cause cancer or reproductive toxicity without first giving clear and reasonable warning of such to the exposed persons. The locations of the exposures are at the Facility and at the other properties owned, managed and or operated by Violator (some of which are depicted in **Exhibit A**), including in the hallways, outdoor pool areas and the apartments into which Tobacco Smoke and or Second Hand Smoke enters.

B. Occupational Exposures

While in the course of doing business, at the Facility and at the other facilities owned, managed and or operated by Violator (including those depicted on Exhibit A), from August 1, 2005, through August 1, 2008, the Violator has been and is knowingly and intentionally exposing employees to Designated Chemicals listed below and designated under §12306 to cause cancer or reproductive toxicity without first giving clear and reasonable warning of such to the exposed persons. Employees include maintenance workers, services personnel, administrative personnel and professional personnel and business invitees and contractors who are employees of others, at the facilities owned managed and or operated by Violator. The nature of the exposures is detailed in Paragraphs 1 above.

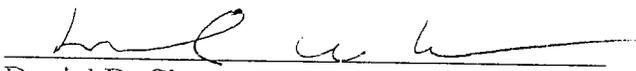
This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use any means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires

that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General.

With the copy of this notice submitted to the violator, a copy is provided of *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary*.

At any stage of the litigation Ms. Haiimpour would agree to substantially reduce her monetary recovery, including penalties, restitution, and attorney's fees and costs, should the alleged Violator agree to adopt a smoke-free policy and prohibit smoking on its premises.

Dated: Friday, August 01, 2008

By: 
Daniel D. Cho
Attorney for Ms. Rosita Haiimpour

CERTIFICATE OF SERVICE

I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 3700 Wilshire Blvd., Suite 480, Los Angeles, CA 90010.

I AM SERVING THE FOLLOWING:

- 1.) 60-Day Notice of Intent to Sue Under Health & Safety Code Section 25249.6
- 2.) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary (*only sent to violators*)

by enclosing a true copy of the same in a sealed envelope addressed to each person whose name and address is shown below and depositing the envelope in the United States mail with the postage fully prepaid.

Date of Mailing: August 1, 2008
Place of Mailing: Los Angeles, CA

NAME AND ADDRESS OF EACH PERSON TO WHOM DOCUMENTS WERE MAILED:

California Attorney General
P.O. Box 944255
Sacramento CA 94244 -2550

Jodi Stancampiano
Property Management Associates
5120 West Goldleaf Circle,
Suite 300
Los Angeles, CA 90056

Los Angeles County District Attorney
210 W Temple St, 18th Floor
Los Angeles, CA 90012

Los Angeles City Attorney
200 N Main St Ste 1800
Los Angeles CA 90012

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated:



Joshua Najemy

EXHIBIT A
Locations of Violations

231 N. La Peer Drive,
Beverly Hills, CA 90211
("The Facility")

415 N. Oakhurst Drive
Beverly Hills, CA 90210

9231-9245 ½ Doheny Road
West Hollywood, CA 90069

637 Hauser Blvd.
Los Angeles, CA 90036

EXHIBIT B
Tobacco Smoke and Its Constituents and By-Products

CARCINOGENS

4-Aminodiphenyl)	Arsenic (inorganic arsenic compounds)
1,1-Dimethylhydrazine (UDMH)	Benz[a]anthracene
1,3-Butadiene	Benzene
1-Naphthylamine	Benzo[a]pyrene
2-Naphthylamine	Benzo[b]fluoranthene
2-Nitropropane	Benzo[j]fluoranthene
4-Aminobiphenyl	Benzo[k]fluoranthene
7H-Dibenzo[c,g]carbazole	Cadmium
Acetaldehyde	Captan
Acetamide	Chromium (hexavalent compounds)
Acrylonitrile	Chrysene
Aniline	Dibenz[a,h]acridine
(4-Aminodiphenyl)	Arsenic (inorganic arsenic compounds)
1,1-Dimethylhydrazine (UDMH)	Benz[a]anthracene
1,3-Butadiene	Benzene
1-Naphthylamine	Benzo[a]pyrene
2-Naphthylamine	Benzo[b]fluoranthene

2-Nitropropane	Benzo[j]fluoranthene
4-Aminobiphenyl	Benzo[k]fluoranthene
7H-Dibenzo[c,g]carbazole	Cadmium
Acetaldehyde	Captan
Acetamide	Chromium (hexavalent compounds)
Acrylonitrile	Chrysene
Aniline	Dibenz[a,h]acridine

REPRODUCTIVE TOXINS

Arsenic (inorganic Oxides)	Cadmium
Carbon disulfide	Carbon monoxide
Lead	Nicotine
Toluene	Tobacco Smoke
Urethane	

Appendix A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACTION 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 550 chemicals have been listed as of May 1, 1996. 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.

Discharge 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 list 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.

Proposition 65 Implementation Office at (916) 445-6900.

§14000. Chemicals Required by State or Federal Law to Have been Tested for Potential to Cause Cancer or Reproductive Toxicity, but Which Have Not Been Adequately Tested As Required.

(a) The Safe Drinking Water and Toxic Enforcement Act of 1986 requires the Governor to publish a list of chemicals formally required by state or federal agencies to have testing for carcinogenicity or reproductive toxicity, but that the state's qualified experts have not found to have been adequately tested as required [Health and Safety Code 25249.8)c)].

Readers should note a chemical that already has been designated as known to the state to cause cancer or reproductive toxicity is not included in the following listing as requiring additional testing for that particular toxicological endpoint. However, the "data gap" may continue to exist, for purposes of the state or federal agency's requirements. Additional information on the requirements for testing may be obtained from the specific agency identified below.

(b) Chemicals required to be tested by the California Department of Pesticide Regulation.

The Birth Defect Prevention Act of 1984 (SB 950) mandates that the California Department of Pesticide Regulation (CDPR) review chronic toxicology studies supporting the registration of pesticidal active ingredients.

Property Management Associates

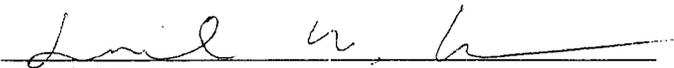
CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

, Daniel D. Cho, hereby declare:

- 1 This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the party(s) identified in the notice(s) has 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.
- 3 I have consulted with at least one person 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.
- 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: August 1, 2008

By: 
Daniel D. Cho