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60-Day Notice of Intent to Sue Under Health & Safety Code
§25249.6

Notice is hereby given pursuant to Health & Safety Code §25249.6 by RICHARD KURLAND and MARY KURLAND, that they believe that the following entities (“Violators”) have violated *The Safe Water and Toxic Enforcement Act* (Health & Safety Code §25249.5, et. seq.) (“Proposition 65”) as referenced below:

Noticing Party: Gregory J. Testa, Esq.
TESTA & ASSOCIATES, LLP
570 Rancheros Drive, Suite 250
San Marcos, CA 92069
Tel: (760) 891-0490
Attorneys for RICHARD and MARY KURLAND

Violator: D.S. ZEISSLER, INC., a corporation doing business as
SERVPRO OF ESCONDIDO and SERVPRO OF
ESCONDIDO/TEMECULA
570 N. Tulip Street
Escondido, CA 92025

Time of Violation: August 6, 2007 and August 9, 2007.

Environmental
Exposures:

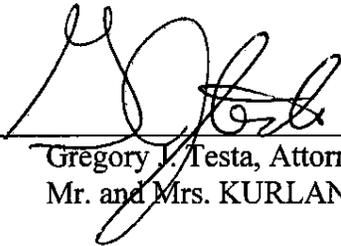
On the dates listed above, the Violator applied a chemical solution utilizing several chemicals that were improperly combined, at Mr. and Mrs. KURLAND’s residence located at 24577 Pantera Court, Murietta, CA 92561 (the “Residence”). On or about August 21, 2007, air samples taken from the Residence revealed the presence of 2,4,6 Trichlorophenol, a chemical listed to cause cancer and reproductive cancer by the State of California without first giving a clear and visible warning of such to exposed persons. The route of exposure to such chemicals is alleged to have been through inhalation, dermal contact and through drinking water in the Residence. Mr. and Mrs. KURLAND are informed and believe that the Violators routinely mix these chemicals and utilize these chemicals in the areas where Violators do business.

These exposures took place in the areas where Violators conduct their on-site residential chemical applications.

Proposition 65 requires that notice and intent to sue be given to the violator(s) 60 days before the suit is filed. With this letter, Mr. and Mrs. KURLAND give notice of the

alleged violations to the Violator and appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within 60 days of the sending of this notice, Mr. and Mrs. KURLAND may file suit. With the copy of this notice, a copy of the following is attached: *The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary.*

Dated: July 21, 2009

By: 

Gregory I. Testa, Attorney for
Mr. and Mrs. KURLAND

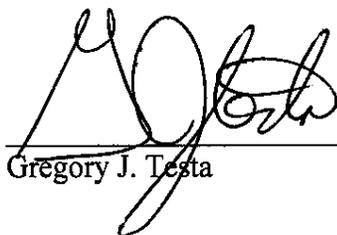
CERTIFICATE OF MERIT

(Health & Safety Code §22549.7(d))

I, Gregory J. Testa, declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the parties identified in the notice have violated Health & Safety Code §22549.6 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 the action.
4. Based on the information obtained through 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 the information identified in Health & 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: 7-21-09



Gregory J. Testa

ATTORNEY GENERAL COPY:

CONTAINS OFFICIAL INFORMATION PURSUANT TO

EVIDENCE CODE SECTION 1040

MAILING LIST

Richard Kurland and Mary Kurland v. D.S. Zeissler, Inc.

Proposition 65 Enforcement Reporting
California Attorney General's Office
Attn: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, California 94612-0550

D.S. Zeissler, Inc. dba SERVPRO of ESCONDIDO
SERVPRO OF ESCONDIDO/TEMECULA
570 N. Tulip Street
Escondido, CA 92025

Riverside County District Attorney
4075 Main Street
Riverside CA 92501