NOTICE OF VIOLATION

California Safe Drinking Water
and Toxic Enforcement Act

Lead in Wallets, Handbags, Purses, Clutches and Totes
Made With Leather, Vinyl or Imitation Leather Materials

December 21, 2009

This Notice of Violation is provided to you pursuant to and in compliance with California Health and Safety Code Section 25249.7(d).

- For general information regarding the California Safe Drinking Water and Toxic Enforcement Act, see the attached summary provided by the California EPA (copies not provided to public enforcement agencies).
- This Notice of Violation is provided by the Center for Environmental Health ("CEH"), 2201 Broadway, Suite 302, Oakland, CA 94612, (510) 655-3900. CEH is a nonprofit corporation dedicated to protecting the environment, improving human health and supporting environmentally sound practices. Michael Green is the Executive Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are listed on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least December 21, 2006, and are continuing to this day.
- Provision of Proposition 65: This Notice of Violation covers the "warning provision" of Proposition 65, which is found at California Health and Safety Code Section 25249.6.
- Chemical(s) Involved: The names of the listed chemicals involved in these violations are lead and lead compounds ("Lead"). Exposures to Lead occur from use of the products identified in this Notice.
- Types of Product: The specific types of product causing this violation are wallets, handbags, purses, clutches and totes made with leather, vinyl or imitation leather materials. Non-exclusive examples of these specific types of products are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. Use of the products identified in this Notice results in human exposures to Lead. Lead is found in the products as a stabilizer in the vinyl or imitation leather materials, as a chemical ingredient in some of the dies, paints and other coloring agents used in the products and in the chemicals used in the leather tanning process. Lead is also found in the metallic components such as zippers and zipper pulls used on the products. The route of exposure for the violations is direct ingestion when consumers (including children) place the products or items that have been stored in the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the products or items that have

been stored in the products; and dermal absorption directly through the skin when consumers touch or handle the products or items that have been stored in the products. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each of the alleged violators unless such violator agrees in a binding written instrument to: (1) recall products already sold; (2) provide clear and reasonable warnings for products sold in the future or reformulate such products to eliminate the Lead exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If any of the alleged violators is interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through its counsel identified below. It should be noted that CEH cannot: (1) finalize any settlement until after the 60-day notice period has expired; nor (2) speak for the Attorney General or any District or City Attorney who received CEH's 60-day Notice. Therefore, while reaching an agreement with CEH will resolve its claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to CEH and its counsel Eric S. Somers (esomers at lexlawgroup.com) or Howard Hirsch (hhirsch at lexlawgroup.com) at Lexington Law Group, 1627 Irving Street, San Francisco, CA 94122, (415) 759-4111.

EXHIBIT 1
December 21, 2009 Notice of Violation
Lead in Wallets, Handbags, Purses, Clutches, and Totes
Non-Exclusive Examples of the Products

Responsible Party	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
Beyond Productions LLC 31 W. 34th Street Suite 1100 New York, NY 10001	Dereon Dazzle Satchel Handbag	SKU No. 047417-02087-0 Style No. 02087
Check Group LLC 1385 Broadway FL 16 New York, NY 10018-6041	Dereon Dazzle Satchel Handbag	SKU No. 047417-02087-0 Style No. 02087
Cole Haan, Inc. 1 Cole-Haan Drive Yarmouth, ME 04096 **Cole Haan Company Store, Inc.** 1 Cole-Haan Drive Yarmouth, ME 04096	Large Dome Wristlet Handbag	SKU No. 7-01937-73534-7 Style No. 4500190529
Etienne Aigner, Inc. 47 Brunswick Ave. Edison, NJ 08818	Tucson Collection Top Zip Purse - Marigold	SKU No. 7-40027-15419-4 Style No. 70341
Joe's Jeans, Inc. 5901 S. Eastern Ave. Commerce, CA 90040	Joe's Jeans Handbags Allanah Ns Satchel - Mustard	SKU No. 7-89829-05591-9 Style No. JOP208-MUS-JOE
Kenneth Cole Productions, Inc. 603 W 50th St. New York, NY 10019	Kenneth Cole Reaction Classic Women's Leather Checkbook Wallet - Marigold	SKU No. 0-77979-88566-2

Me & You Accessories Inc. 129 S Central St. Knoxville, TN 37902	Red by Marc Ecko Pleated Pleasure Hobo Handbag - Gold	SKU No. 8-82640-06851-6 Style No. H0800113RED Item No. 3326999
Nicole, Inc. 3430 S. Broadway Los Angeles, CA 90007	Nicole Lee Handbag - Red	SKU No. 9846250000
Phoenix Leather Goods LLC 931 W. 75th Street Ste. 137-197 Naperville, IL 60565	Kenneth Cole Reaction Classic Women's Leather Checkbook Wallet - Marigold	SKU No. 0-77979-88566-2
The Buckle, Inc. 2407 W 24th St. Kearny, NE 68847	Nicole Lee Handbag - Red	SKU No. 9846250000

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Howard Hirsch, hereby declare:

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

2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

3. Members of my firm and 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 exposures to the listed chemical that is the subject of the action.

4. Based on the information obtained through those consultations, and on 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 violators will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of the 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.

December 21, 2009

Howard Hirsch
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 1627 Irving Street, San Francisco, California 94122. I am over the age of 18 years and not a party to the within cause.

On, December 21, 2009, I served true copies of the following documents:

NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;

CERTIFICATE OF MERIT; and

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only sent to those on service list marked with an asterisks).

On this date, I deposited fully prepaid and sealed envelopes containing the above-mentioned documents with the United States Postal Service, addressed to the following individuals:

Please see attached service list.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on December 21, 2009, at San Francisco, California.

Signed:_____

Jennie Romer

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Ste. 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney of Contra Costa County
900 Ward Street
Martinez, CA 94553

District Attorney of Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney of El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney of Fresno County
2220 Tulare Street, Ste. 1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
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939 Main Street, Ste. 102
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1215 Truxtun Avenue
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255 N. Forbes Street
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District Attorney of Lassen County
220 S. Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney of Los Angeles County
210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

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209 West Yosemite Avenue
Madera, CA 93637

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3501 Civic Center Drive, Rm. 130
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P.O. Box 730
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District Attorney of Merced County
2222 "M" Street
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204 S Court Street, Rm. 202
Alturas, CA 96101-4020

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Bridgeport, CA 93546

District Attorney of Monterey County
230 Church Street, Bldg. 2
Salinas, CA 93901

District Attorney of Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney of Nevada County
201 Church Street, Ste. 8
Nevada City, CA 95959

District Attorney of Orange County
401 Civic Ctr Drive West
Santa Ana, CA 92701

District Attorney of Placer County
10810 Justice Ctr Drive, Ste. 240
Roseville, CA 95678

District Attorney of Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney of Riverside County
4075 Main Street
Riverside, CA 92501

District Attorney of Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney of San Benito County
419 Fourth Street, 2nd Fl.
Hollister, CA 95023

District Attorney of San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of San Diego County
330 West Broadway, Ste. 1300
San Diego, CA 92101

District Attorney of San Francisco County
850 Bryant Street, Room 325
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P.O. Box 990
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San Luis Obispo, CA 93408

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400 County Ctr, 3rd Fl.
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Santa Barbara, CA 93101

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70 West Hedding Street, West Wing
San Jose, CA 95110

District Attorney of Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney of Shasta County
1525 Court Street, 3rd Fl.
Redding, CA 96001-1632

District Attorney of Sierra County Courthouse
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675 Texas Street, Ste. 4500
Fairfield, CA 94533

District Attorney of Sonoma County
600 Administration Drive, Rm. 212J
Santa Rosa, CA 95403

District Attorney of Stanislaus County
832 12th Street, Ste. 300
Modesto, CA 95354

District Attorney of Sutter County
446 Second Street
Yuba City, CA 95991

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District Attorney of Ventura County
800 South Victoria Avenue
Ventura, CA 93009

District Attorney of Yolo County
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Woodland, CA 95695

District Attorney of Yuba County
215 Fifth Street
Marysville, CA 95901

Los Angeles City Attorney's Office
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200 N. Main Street, Room 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste. 1620
San Diego, CA 92101

San Francisco City Attorney's Office
City Hall, Room 234
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street
San Jose, CA 95113

California Attorney General's Office
Attention: Proposition 65 Coordinator and Robert Thomas
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550

President *
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