

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Lead in Belts Made With Leather, Vinyl or Imitation Leather Materials

March 9, 2010

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 March 9, 2007, 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.
- Type of Product: The specific types of products causing these violations are belts 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 dyes, 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 buckles used on the products. The route of exposure for the violations is direct ingestion when consumers (including children) place the products in their mouths; ingestion via hand to mouth contact after consumers touch or handle the products; and dermal absorption directly through the skin when consumers take on or off, touch or handle 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 through 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
March 9, 2010 Notice of Violation
Lead in Belts Made With Leather, Vinyl or Imitation Leather Materials
Non-Exclusive Examples of the Products

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p style="text-align: center;">Amiee Lynn Inc. 366 5th Avenue, Rm. 405 New York, NY 10001</p>	<p style="text-align: center;">Amiee Lynn Stretch Belt - Red</p>	<p style="text-align: center;">SKU No. 6-11566-00750-3 KSN No. 01240947-0</p>
<p style="text-align: center;">Billabong Retail, Inc. 117 Waterworks Way Ste. 100 Irvine, CA 92618</p> <p style="text-align: center;">Billabong USA Holdings PTY Ltd. 117 Waterworks Way Irvine, CA 92618</p> <p style="text-align: center;">Billabong USA Investments PTY Ltd. 117 Waterworks Way Irvine, CA 92618</p> <p style="text-align: center;">Burleigh Point, Ltd. 117 Waterworks Way Ste. 100 Irvine, CA 92618</p>	<p style="text-align: center;">Nixon Burning Heart Belt - Goldenrod</p>	<p style="text-align: center;">SKU No. 8-82902-31295-1 Style No. C1182 568-21</p>
<p style="text-align: center;">Fantas Eyes, Inc. 385 5th Avenue, 9th Fl. New York, NY 10016</p>	<p style="text-align: center;">Rampage Black Belt with Multi-Color Peace Signs</p>	<p style="text-align: center;">SKU No. 400043292125 Style No. D1529-C5506</p>
<p style="text-align: center;">Nixon, Inc. 701 South Coast Highway Encinitas, CA 92024</p>	<p style="text-align: center;">Nixon Burning Heart Belt - Goldenrod</p>	<p style="text-align: center;">SKU No. 8-82902-31295-1 Style No. C1182 568-21</p>

Sears, Roebuck and Co. 3333 Beverly Road Hoffman Estates, IL 60179	Amiee Lynn Stretch Belt - Red	SKU No. 6-11566-00750-3 KSN No. 01240947-0
Zappos.com, Inc. 2280 Corporate Circle Ste. 100 Henderson, NV 89074	Nixon Burning Heart Belt - Goldenrod	SKU No. 8-82902-31295-1 Style No. C1182 568-21

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.

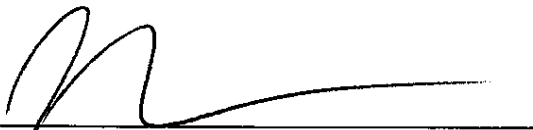
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

March 9, 2010



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 March 9, 2010, 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 March 9, 2010, at San Francisco, California.

Signed: _____
Jade Nicholson

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
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Placerville, CA 95667

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

District Attorney of Glenn County
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Willows, CA 95988

District Attorney of Humboldt County
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District Attorney of Kings County
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District Attorney of Lake County
255 N. Forbes Street
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220 S. Lassen Street, Ste. 8
Susanville, CA 96130

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Los Angeles, CA 90012-3210

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209 West Yosemite Avenue
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3501 Civic Center Drive, Rm. 130
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2222 "M" Street
Merced, CA 95340

District Attorney of Modoc County
204 S Court Street, Rm. 202
Aituras, CA 96101-4020

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230 Church Street, Bldg. 2
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931 Parkway Mall
Napa, CA 94559

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

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401 Civic Ctr Drive West
Santa Ana, CA 92701

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

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Riverside, CA 92501

District Attorney of Sacramento
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Sacramento, CA 95814

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419 Fourth Street, 2nd Fl.
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District Attorney of San
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316 N. Mountain View Avenue
San Bernardino, CA 92415

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

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850 Bryant Street, Room 325
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1050 Monterey Street, Room 450
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70 West Hedding Street, West Wing
San Jose, CA 95110

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

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Woodland, CA 95695

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

Los Angeles City Attorney's Office
City Hall East
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
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Oakland, CA 94612-0550

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C/O Lance G Harris, Esq.
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