

SIXTY-DAY NOTICE OF INTENT TO SUE FOR VIOLATION OF THE SAFE DRINKING WATER
AND TOXIC ENFORCEMENT ACT OF 1986
(*Cal. Health & Safety Code § 25249.5, et seq.*) (“Proposition 65”)

February 15, 2010

Mr. Robert Borchardt, President, or
Current President/ CEO
Recoton Corporation
2950 Lake Emma Road
Lake Mary, FL 32746-3702

AND THE PUBLIC PROSECUTORS LISTED ON THE DISTRIBUTION LIST ACCOMPANYING THE
ATTACHED CERTIFICATE OF SERVICE

Re: Violations of Proposition 65 concerning **MicroThin™ Phone 25 ft. MODULAR LINE
CORD (Item No. T20THINW)**

Dear Mr. Borchardt, and to whom else this may concern:

Consumer Advocacy Group, Inc. (“CAG”), the noticing entity, serves this Notice of Violation (“Notice”) Recoton Corporation (“Violator”) pursuant to and in compliance with Proposition 65. Violator may contact CAG concerning this Notice through its designated person within the entity, its attorney, Reuben Yeroushalmi, Esq., 3700 Wilshire Boulevard, Suite 480, Los Angeles, CA 90010, telephone no. (213) 382-3183, facsimile no. (213) 382-3430. This Notice satisfies a prerequisite for CAG to commence an action against Violator in any Superior Court of California to enforce Proposition 65. The violations addressed by this Notice occurred at numerous locations in each county in California as reflected in the district attorney addresses listed in the attached distribution list. CAG is serving this Notice upon each person or entity responsible for the alleged violations, the California Attorney General, the district attorney for each county where alleged violations occurred, and the City Attorney for each city with a population (according to the most recent decennial census) of over 750,000 located within counties where the alleged violations occurred.

- CAG is a registered corporation based in California. CAG is a nonprofit entity dedicated to protecting the environment, improving human health, and supporting environmentally sound practices. By sending this Notice, CAG is acting “in the public interest” pursuant to Proposition 65.
- This Notice concerns violations of the warning prong of Proposition 65, which states that “[n]o person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual . . .” *Cal. Health & Safety Code § 25249.6.*
- **MicroThin™ Phone 25 ft. MODULAR LINE CORD (Item No. T20THINW)** contains lead, which is known to the State of California to cause both cancer and reproductive toxicity, developmental, female, male. On February 27, 1987, the Governor of California added lead to the list of chemicals known to the State to cause reproductive toxicity, developmental, female, male, and on October 1, 1992, the Governor

added lead and lead components to the list of chemicals known to the State to cause cancer. Both additions took place more than twenty (20) months before CAG served this Notice.

- This Notice addresses consumer products exposures. A “[c]onsumer products exposure’ is an exposure which results from a person’s acquisition, purchase, storage, consumption, or other reasonably foreseeable use of a consumer good, or any exposure that results from receiving a consumer service.” *Cal. Code Regs. tit. 27, § 25602(b)*.

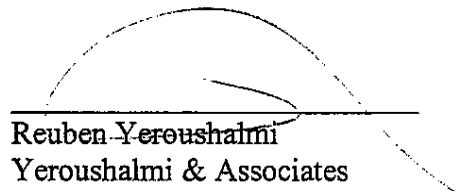
Violators caused consumer product exposures in violation of Proposition 65 by producing or making available for distribution or sale in California to consumers **MicroThin™ Phone 25 ft. MODULAR LINE CORD (Item No. T20THINW) (hereinafter “Phone Cord”)**. The packaging for the **Phone Cord** (meaning any label or other written, printed or graphic matter affixed to or accompanying the product or its container or wrapper) contain no Proposition 65-complaint warning. Nor did Violator, with regard to the **Phone Cord**, provide a system of signs, public advertising identifying the system and toll-free information services, or any other system, which provided clear and reasonable warnings. Nor did Violator, with regard to the **Phone Cord**, provide identification of the product at retail outlets in a manner that provided a warning through shelf labeling, signs, menus, or a combination thereof. The **Phone Cord** is designed for use to connect telephone device to modular wall outlet, including in the home.

These violations occurred each day between February 15, 2007, and February 15, 2010, and are ever continuing thereafter.

The principal routes of exposure were through dermal contact, ingestion, and inhalation. Persons sustain exposures by handling the **Phone Cord** without wearing gloves or by touching bare skin or mucous membranes with gloves after handling **Phone Cord**, as well as hand to mouth contact, hand to mucous membrane, or breathing in particulate matter emanating from the **Phone Cord** during application and installation, as well as through environmental mediums that carry the lead and lead compounds once contained within the **Phone Cord**.

Proposition 65 requires that notice of intent to sue be given to the violator(s) sixty (60) days before the suit is filed. *Cal. Health & Safety Code § 252549.7(d)(1)*. With this letter, CAG gives notice of the alleged violations to Violator and the appropriate governmental authorities. In absence of any action by the appropriate governmental authorities within sixty (60) calendar days of the sending of this notice (plus ten (10) calendar days because the place of address is within the United States but beyond the State of California), CAG may file suit. *See Cal. Code Civ. Proc. § 1013; Cal. Health & Safety Code § 25249.7(d)(1); and Cal. Code Regs. tit. 27, § 25903(d)(1)*. CAG is ready and willing to discuss the possibility of resolving its grievances in the public interest short of formal litigation.

Dated: 12/15/10


Reuben Yeroushalmi
Yeroushalmi & Associates
Attorneys for Consumer Advocacy Group, Inc.

MicroThin™ Phone 25 ft. MODULAR LINE CORD (Item No. T20THINW)

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Reuben Yeroushalmi, 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: 02/15/10

By: 
Reuben Yeroushalmi

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 Boulevard, Suite 480, Los Angeles, CA 90010.

ON THE DATE SHOWN BELOW, I SERVED THE FOLLOWING:

- 1) 60-Day Notice of Intent to Sue Under Health & Safety Code Section 25249.6
- 2) Certificate of Merit: Health and Safety Code Section 25249.7(d)
- 3) Certificate of Merit (Attorney General Copy): Factual information sufficient to establish the basis of the certificate of merit (*only sent to Attorney General*)
- 4) The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary

by enclosing copies of the same in a sealed envelope, along with an unsigned copy of this declaration, addressed to each person shown below and depositing the envelope in the U.S. mail with the postage fully prepaid. Place of Mailing: Los Angeles, CA

Name and address of each party to whom documents were mailed:

Mr. Robert Borchardt, President, or
Current President/ CEO
Recoton Corporation
2950 Lake Emma Road
Lake Mary, FL 32746-3702

Name and address of each public prosecutor to who documents were mailed:

Office of the Attorney General	Los Angeles County District Attorney	Los Angeles City Attorney
P.O. Box 70550	210 W Temple St, 18th Floor	200 N Main St Ste 1800
Oakland, CA 94612-0550	Los Angeles, CA 90012	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.

Date of Mailing: 03/08/10

By: _____
Jessie Mahn