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June 9, 2011

Via U.S. Mail

ATTORNEY GENERAL COPY: CONTAINS OFFICIAL INFORMATION PER EVIDENCE CODE § 1040

NOTICE OF VIOLATION OF CALIFORNIA HEALTH & SAFETY CODE §25249.5 ET SEQ.

Dear Public Enforcement Agencies:

Shute, Mihaly & Weinberger LLP ("Firm") represents As You Sow ("AYS"), a 501 (c) (3) non-profit corporation dedicated to, among other causes, the protection of the environment, toxics reduction, the promotion of and improvement of human health, the improvement of worker and consumer rights, environmental education and corporate accountability. As You Sow is based in San Francisco, California and was incorporated in 1992 under the laws of the State of California.

This firm and AYS have documented violations of California's Safe Drinking Water & Toxic Enforcement Act of 1986 ("Proposition 65"), codified at Health & Safety Code §25249.5 et seq. This letter serves to provide this Firm's and AYS' notification of these violations to the public enforcement agencies. Pursuant to §25249.7(d) of the statute, this Firm intends to bring an enforcement action on behalf of AYS sixty (60) days after effective service of this notice unless the public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

A summary of the statute and its implementing regulations, which was prepared by the lead agency designated under the statute, is enclosed with the copy of this notice served upon the violator. The specific details of the violations that are the subject of this notice are provided below.

Alleged violators. The name of the violator covered by this notice is Best Buy Company, Inc., doing business as "Rocketfish".

Chemicals. These violations involve exposures to di(2-ethylhexyl) phthalate (DEHP) from the products listed below. On October 24, 2003, the State of California officially listed DEHP as a chemical known to cause reproductive toxicity. On January 1, 1988, the State of California officially listed DEHP as a chemical known to cause cancer.

Consumer products. The products that are the subject of this notice are the Rocketfish Stereo Headphones (RF-MEP3G), manufactured, sold and/or distributed by Best Buy Company, Inc., dba "Rocketfish", in California.

Route of exposure. Use of the product identified in this notice results in human exposures to DEHP. The routes of exposure include ingestion via hand to mouth contact after consumers touch or handle the product; dermal absorption directly through the skin, ears, and eyes when consumers touch or handle the product or leave it in the ears for extended periods of time; inhalation when consumers breathe near the products; and direct ingestion if consumers put the product in their mouth. No clear and reasonable warning is provided with this product regarding the carcinogenic and reproductive hazards of DEHP.

Duration of violations. Each of these ongoing violations has occurred on every day since at least June 9, 2010, as well as every day since the products were introduced in the California marketplace, and will continue every day until clear and reasonable warnings are provided to product purchasers and users or until these known toxic chemicals are removed from the products.

Pursuant to Title 11, C.C.R. § 3100, a certificate of merit is attached hereto.

In keeping with its public interest mission and to expeditiously rectify these ongoing violations of California law, AYS is interested in seeking a constructive resolution of this matter without engaging in costly and protracted litigation. You may communicate directly with As You Sow to discuss an early resolution of this matter by contacting Larry Fahn, President, or Kara Buchner, Staff Attorney, 311 California Street, Suite 510, San Francisco, CA 94104, 415-391-3212. You may also contact AYS' counsel:

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Very truly yours,

SHUTE, MIHALY & WEINBERGER LLP

Ellison Folk

CERTIFICATE OF MERIT

(Notice of Proposition 65 Violation on Best Buy Company, Inc.)

I, Ellison Folk, declare:

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

2. I am an 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 exposure to the listed chemicals that are 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 plaintiff's case can be established and that 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 section 25249.7(h)(2) of the Health and Safety Code, 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: 6-9-11

Ellison Folk

Enclosure (For Attorney General Copy only)

CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct:

I am a citizen of the United States, over the age of 18 years, and not a party to the within action; my business address is: 396 Hayes Street, San Francisco, CA 94102.

On June 9, 2011, I served the following documents:

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit
- "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary"

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Mr. Brian Dunn, CEO
Best Buy Company, Inc.
dba Rocketfish
7601 Pennsylvania Avenue South
Richfield, MN 55423-3645

On June 9, 2011, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit, including Supporting Documentation Required by Title 11, C.C.R. § 3102

on the following party by placing a true and correct copy thereof in a sealed envelope, addressed to the party listed below, and depositing it at a United States Postal Service Office for delivery by Certified Mail:

Proposition 65 Enforcement Reporting
Attention: Prop 65 Coordinator
1515 Clay Street, Suite 2000
Post Office Box 70550
Oakland, California 94612-0550

On June 9, 2011, I served the following document(s):

- Notice of Violation of California Health & Safety Code § 25249.5 et seq.
- Certificate of Merit

on each of the parties on the service list attached hereto by placing a true and correct copy thereof in a sealed envelope, addressed to each of the parties on the service list attached hereto, and depositing it at United States Postal Service mail box for delivery by First Class Mail.

Executed on June 9, 2011, at San Francisco, California.

Sean Mulligan

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