

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

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

July 1, 2011

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. Charlie Pizarro is the Associate 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 July 1, 2008, 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 type of product causing these violations is footwear made with leather, vinyl or imitation leather materials. Non-exclusive examples of this specific type of product are listed on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead as to all of the alleged violators listed on the attached Exhibit 1 and occupational exposures to Lead as to the alleged violators marked with a pound symbol (#) on the attached Exhibit 1. 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. The route of exposure for the violations is ingestion via hand to mouth contact and dermal absorption directly through the skin. Consumer exposures to Lead from the products occur when consumers wear, take on or off, or otherwise touch or handle the products. Occupational exposures to Lead from the products occur throughout the State of California when workers manufacture, assemble, display, sell, store, assist consumers

stores that come into contact with the products. This Notice only applies to occupational exposures that occur in the State of California. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

- o Statement Re: Occupational Exposures: As set forth above, this Notice alleges violations of both consumer and, as to those alleged violators marked with a pound symbol (#) on the attached Exhibit 1, occupational exposures to Lead. The following statement concerns procedures and requirements that are specific to occupational exposures. "This notice alleges the violation of Proposition 65 with respect to occupational exposures governed by the California State Plan for Occupational Safety and Health. The State Plan incorporates the provisions of Proposition 65, as approved by Federal OSHA on June 6, 1997. This approval specifically placed certain conditions with regard to occupational exposures on Proposition 65, including that it does not apply to the conduct of manufacturers occurring outside the State of California. The approval also provides that an employer may use the means of compliance in the general hazard communication requirements to comply with Proposition 65. It also requires that supplemental enforcement is subject to the supervision of the California Occupational Safety and Health Administration. Accordingly, any settlement, civil complaint, or substantive court orders in this matter must be submitted to the Attorney General." 8 Cal. Code Regs. § 338(b).

Resolution of Noticed Claims:

- o 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, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800.

EXHIBIT 1**July 1, 2011 Notice of Violation****Lead in Footwear 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
The Fashion Exchange LLC 1407 Broadway Suite 1706 New York, NY 10018 SHM Shoes, LLC 2171 E 21 st Street Brooklyn, NY 11229 Yoki Shoes LLC 1407 Broadway Suite 918 New York, NY 10018	SHM Sandal in Green	Style Name: TARA 12
	Yoki Sandal in Green	Style Name: TASHA-26
Fortune Dynamic Inc. # 21923 Ferrero Pky City of Industry, CA 91789	SODA Flats in Yellow	SKU No. 64807 Style No. AFAR-S
Francesca's Collections, Inc. # 3480 W 12 th St Houston, TX 77008	Sandal in Yellow	Item No. 52909 Style Name: Dolce
Funk-tional Enterprises, LLC 34 West 33 rd Street, 11 th Fl. New York, NY 10001	Hello Kitty Foldable Ballet Flat in Red	SKU No. 555697-001
Ivanka Trump Marks LLC 502 Park Avenue New York, NY 10022	Ivanka Trump Pumps in Pink	SKU No. 886113334269 Style Name: Itindico

Love Culture, Inc. # 2423 E. 23 rd Street Los Angeles, CA 90058 Love Culture LLC # 5411 S. Soto Street Los Angeles, CA 90058	Love Culture T-Strap Sandal with Flower Detail in Mustard Yellow	SKU No. 1029217275 Style No. 10177-1 Midnight-75
Marc Fisher LLC 777 West Putnam Avenue Greenwich, CT 06830	Ivanka Trump Pumps in Pink	SKU No. 886113334269 Style Name: Itindico
Prestige Footwear Inc. # 1028 Lawson Street City of Industry, CA 91748	Mixx Strap Sandal in Yellow	SKU No. 71259 Style No. Iris-06
Sanrio, Inc. # 570 Eccles Ave S San Francisco, CA 94080	Hello Kitty Foldable Ballet Flat in Red	SKU No. 555697-001
Shoe Republic LA, Inc. # 18227 Railroad Street City of Industry, CA 91748	Promise Pump in Yellow Patent	SKU No. 70706 Style Name: Zanotti
Together # 1350 Travis Blvd., Store #610 Fairfield, CA 94533	Breckelle's Flip Flop Sandal in Yellow	n/a

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 chemicals that are 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.

July 1, 2011



Howard Hirsch
Attorney for CENTER FOR
ENVIRONMENTAL HEALTH

PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in San Francisco County, California; my business address is 503 Divisadero Street, San Francisco, California 94117. I am over the age of 18 years and not a party to the within cause and my electronic notification address is pcarey@lexlawgroup.com.

On July 1, 2011, 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 asterisk).

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.

Also on this date, I transmitted via electronic mail the documents listed above to the electronic mail addresses set forth below at 12:58 pm. on July 1, 2011:

Lon Wixson, Deputy District
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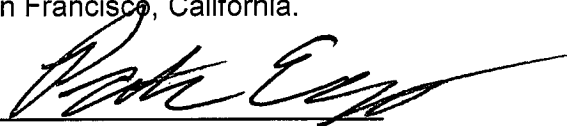
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Riverside, CA 92501
Prop65@rivcoda.org

The transmission was reported as complete and without error.

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed on July 1, 2011, at San Francisco, California.

Signed: _____



Patrick Carey

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Rm. 900
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708 Court Street, Ste. 202
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25 County Center Drive
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Colusa, CA 95932

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2220 Tulare Street, Ste. 1000
Fresno, CA 93721

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San Francisco, CA 94102

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

California Attorney General's Office
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Coordinator and Robert Thomas
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