60 DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFTEY CODE §25249.7(d)

DATE: August 22, 2011

To: All Parties Listed On Attachment "A"

and

California Attorney General's Office:
District Attorney's Office for 58 counties;
City Attorney's for San Francisco, San Diego, San Jose, Sacramento and Los Angeles;

From: Ms. Maureen Parker

I. My name is Maureen Parker. I am a citizen of the State of California acting in the interest of the general public. I seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve human health by reducing hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6 et seq. ("Proposition 65"). The violations covered by this Notice consist of the product exposures, routes of exposures, and type s of harm potentially resulting from exposure to the toxic chemical ("listed chemical") identified below, as follows:

Product Exposure:	**See Section VII. Exhibit A**
Listed Chemical:	**Lead and Lead Compounds**
Routes of Exposure:	**Dermal absorption, Subcutaneous, Ingestion, Inhalation.**
Types of Harm:	**Carcinogen, Causes Birth Defects and Other Reproductive Harm**

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer and occupational exposures in violation of Proposition 65, and that is covered by this Notice, is listed under "Product Category/Type" in Exhibit A in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the "Products." The sales of these products in California dating at least as far back as June 3, 2011 are subject to this notice. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products, California citizen lack the information necessary to make informed decisions on whether and how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

California citizens, through the act of buying, acquiring or utilizing the products, are exposed to the listed chemical in homes, workplaces and everywhere else throughout California where these products are used. By way of example but not limitation, exposures occur when consumers handle these products, lead comes off on the hands and is then absorbed through the skin or ingested via inhalation, hand to mouth behavior, hand to food to mouth behavior, or through hand to cigarette to lung behavior. These violations also occur during foreseeable use of the products, when heated water flows through these products, and when steam is dispersed from the products. Exposure may continue to occur for a significant period after the initial contact. These activities cause women, pregnant women, and women of child bearing age to be exposed directly through migration of the listed chemical from the products. People likely to be exposed are women, men, infants and children. These violations and threatened violations pertain to Proposition 65 chemicals that are listed as carcinogens and as reproductive toxins.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to me through my counsel's office at the following address:

Mrs. Maureen Parker
c/o Mr. Stephen Ure
Law Offices of Stephen Ure, PC.
1518 Sixth Avenue
San Diego, CA 92101
Tel: 619-235-5400

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (916) 445-6900. For the Violator's reference, I have attached a copy of "Proposition 65: A Summary" which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged Violator unless such Violator enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those whom have received such products; (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 & Safety Code §25249.7(b). If the alleged Violator is interested in resolving this dispute without resort to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III above. It should be noted that neither my counsel nor I can: (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 this Notice. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

VI. ADDITIONAL INFORMATION

THIS INFORMATION IS NOT REQUIRED TO BE PROVIDED UNDER TITLE 22CAL.CODE REGS,. §12903 (b)(4).

Identified below is a specific example of a product recently purchased and witnessed as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturuers of the example within the category or type of product are also provided below. I believe and allege that the sale of the offending products also has occurred without the requisite Proposition 65 "clear and reasonable warnings" at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business to business, through the internet, and/or via catalog by the Violator and other distributors and retailers of the manufacturer.

Product**	Retailer(s)	Manufacturer(s)/Distributor(s)
Whistle	K-Mart	Coleman

VII. EXHIBIT A

Product Category/Type	Such As*	Toxins
Sporting Goods/Whistles	Coleman Whistle UPC#076501904925	Lead

*The specifically identified example of the type of product which is subject to this Notice is for the recipient's benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category/type listed in Exhibit A. It is important to note that this example is not meant to be an exhaustive or comprehensive identification of each specific offending product of the type listed under "Product Category/Type" in Exhibit A. Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipient's custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7(d)

I, Stephen Ure, hereby declare:

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

2. I am the 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 the *alleged* exposure to the listed chemical that is the subject of this 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 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 information identified in Health and 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.)

Dated: August 22, 2011

Stephen Ure

PROOF OF SERVICE

I, the undersigned, declare under penalty of perjury:

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 1518 Sixth Avenue, San Diego, CA 92101.

On August 22, 2011, I served the following documents:

60-DAY NOTICE OF VIOLATION SENT IN COMPLIANCE WITH HEALTH & SAFETY CODE §25249.7(d);

PROPOSITION 65: A SUMMARY;

CERTIFICATE OF MERIT; AND

CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)

on the Violator listed below via First Class Certified Mail through the United States Postal Service by placing a true and correct copy in a sealed envelope, addressed to the Violator and providing such envelope to a United States Postal Service Representative:

Violators: Those Parties Listed on Attachment "A".

as well as providing copies of the notice to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below and served as follows:

Via 2nd Day Air Service by placing such envelope in a Federal Express Drop-Off Box	The Attorney General of the State of California
By placing each envelope in a United States Postal Service Box, first class postage pre-paid	The District Attorneys for each of the 58 California Counties and; The City Attorneys for Los Angeles, San Diego, San Jose, San Francisco, Sacramento, Anaheim, Burbank, Torrance, and Oakland

A list of addresses for each of the recipient's is attached.

Executed on August 22, 2011, San Diego, California

Stephen Ure

Attorney General's Office Attn: Edward G. Weil P.O. Box 70550 Oakland, CA 94612-0550	District Attorney COLUSA COUNTY 547 Market Street, Ste. 102 Colusa, CA 95932	District Attorney DEL NORTE COUNTY 450 H Street, Room 171 Crescent City, CA 95531
District Attorney ALPINE COUNTY PO Box 248 Markleeville, CA 96120	District Attorney CONTRA COSTA COUNTY 725 Court Street, Fourth Floor Martinez, CA 94553	District Attorney EL DORADO COUNTY 515 Main Street Placerville, CA 95667
District Attorney AMADOR COUNTY 708 Court Street #202 Jackson, CA 95642	District Attorney FRESNO COUNTY 2220 Tulare Street, Ste. 1000 Fresno, CA 93721	District Attorney GLENN COUNTY PO Box 430 Willows, CA 95988
District Attorney BUTTE COUNTY 25 County Center Drive -- Administration Building Oroville, CA 95965	District Attorney HUMBOLDT COUNTY 825 5th Street Eureka, CA 95501	District Attorney IMPERIAL COUNTY 940 West Main Street, Ste. 102 El Centro, CA 92243
District Attorney CALAVERAS COUNTY 891 Mountain Ranch Road San Andreas, CA 95249	District Attorney INYO COUNTY PO Drawer D Independence, CA 93526	District Attorney KERN COUNTY 1215 Truxtun Avenue Bakersfield, CA 93301
District Attorney KINGS COUNTY 1400 West Lacey Blvd. Hanford, CA 93230	District Attorney LAKE COUNTY 255 N. Forbes Street Lakeport, CA 95453	District Attorney LASSEN COUNTY 220 S. Lassen Street, Ste. 8 Susanville, CA 96130
District Attorney MADERA COUNTY 209 West Yosemite Avenue Madera, CA 93637	District Attorney MARIN COUNTY 3501 Civic Center Drive, Room 130 San Rafael, CA 94903	District Attorney MARIPOSA COUNTY PO BOX 730 Mariposa, CA 95338
District Attorney MENDOCINO COUNTY PO BOX 1000 Ukiah, CA 95482	District Attorney MERCED COUNTY 2222 M Street Merced, CA 95340	District Attorney MODOC COUNTY 204 S. Court Street, Room 202 Alturas, CA 96101
District Attorney MONO COUNTY PO BOX 617 Bridgeport, CA 93546	District Attorney MONTEREY COUNTY PO BOX 1131 Salinas, CA 93902	District Attorney NAPA COUNTY PO BOX 720 Napa, CA 94559
District Attorney SAN DIEGO COUNTY 330 W. Broadway, Suite 1300 San Diego, CA 92101	District Attorney County of Los Angeles 210 West Temple Street, Suite 18000 Los Angeles, CA 90012-3210	District Attorney NEVADA COUNTY 110 Union Street Nevada City, CA 95959
District Attorney ORANGE COUNTY 401 Civic Center Drive West Santa Ana, CA 92701	District Attorney PLACER COUNTY 10810 Justice Center Drive Roseville, CA 95678	District Attorney PLUMAS COUNTY 520 Main Street, Room 404 Quincy, CA 95971

District Attorney RIVERSIDE COUNTY 4075 Main Street Riverside, CA 92501	District Attorney SACRAMENTO COUNTY PO BOX 749 Sacramento, CA 95812	District Attorney SAN BENITO COUNTY 419 4th Street Hollister, CA 95023-3801
District Attorney SAN FRANCISCO COUNTY 880 Bryant Street, Third Floor San Francisco, CA 94103	District Attorney SAN JOAQUIN COUNTY PO BOX 990 Stockton, CA 95202	District Attorney SAN LUIS OBISPO COUNTY 1035 Palm Street San Luis Obispo, CA 93408
District Attorney SAN MATEO COUNTY 400 County Center, Third Floor Redwood City, CA 94063	District Attorney SANTA BARBARA COUNTY 1112 Santa Barbara Street Santa Barbara, CA 93101	District Attorney SANTA CLARA COUNTY 70 West Hedding Street, West Wing San Jose, CA 95110
District Attorney SANTA CRUZ COUNTY 701 Ocean Street, Room 200 Santa Cruz, CA 95060	District Attorney SHASTA COUNTY 1525 Court Street, Third Floor Redding, CA 96001-1632	District Attorney SIERRA COUNTY 100 Courthouse Square Downieville, CA 95936
District Attorney SISKIYOU COUNTY PO BOX 986 Yreka, CA 96097	District Attorney SOLANO COUNTY 675 Texas Street, Ste. 4500 Fairfield, CA 94533	District Attorney SONOMA COUNTY 600 Administration Drive, Room 212J Santa Rosa, CA 95403
District Attorney STANISLAUS COUNTY 832 12th Street, Ste. 300 Modesto, CA 95353	District Attorney SUTTER COUNTY PO BOX 1555 Yuba City, CA 95992	District Attorney TEHAMA COUNTY PO BOX 519 Red Bluff, CA 96080
District Attorney TRINITY COUNTY PO BOX 310 Weaverville, CA 96093	District Attorney TULARE COUNTY 221 South Mooney Blvd., Suite 224 Visalia, CA 93291	District Attorney TUOLUMNE COUNTY 423 No. Washington Street Sonora, CA 95370
District Attorney VENTURA COUNTY 800 South Victoria Avenue Ventura, CA 93009	District Attorney YOLO COUNTY 301 Second Street Woodland, CA 95695	District Attorney YUBA COUNTY 215 Fifth Street, Ste. 152 Marysville, CA 95901
District Attorney ALAMEDA COUNTY 1225 Fallon Street, Room 900 Oakland, CA 94612	District Attorney County of San Bernardino 316 N. Mountain View Ave San Bernardino, CA 92415-0004	Office of the City Attorney CITY OF BURBANK 275 E. Olive Avenue Burbank, CA 91502
Office of the City Attorney CITY OF SACRAMENTO P.O. Box 1948 Sacramento, CA 95812	Office of the City Attorney CITY OF LOS ANGELES 200 N. Main Street Los Angeles, CA 90012	Office of the City Attorney CITY OF TORRANCE 3031 Torrance Blvd. Torrance, CA 90503
Office of the City Attorney CITY OF SAN DIEGO Consumer and Environmental Protection 1200 Third Avenue, Suite 700 San Diego, CA 92101	Office of the City Attorney City of Oakland 505 14th Street 12th Floor Oakland, CA 94612	Office of the City Attorney City of San Jose 200 East Santa Clara Street San Jose, CA 95113

Office of the City Attorney City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102-4682	Office of the City Attorney CITY OF ANAHEIM 200 S. Anaheim Blvd. Anaheim, CA 92805	

Attachment "A"

The Coleman Company, Inc.
Mr. Sam A. Solomon, President and CEO
3600 N. Hydraulic
Wichita, KS 67219

K-Mart Corporation
Mr. Alwyn Lewis, President/CEO
3333 Beverly Road
Hoffman Estates, IL 60179