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Via U.S. Mail

November 28, 2011

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Storage Etc., LLC
8447 Wilshire Blvd., #100
Beverly Hills, CA 90211

SE Sky Terrace, LLC
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Sky Dewey, LLC
14 Corporate Plaza, #100
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Dewey Koar, LLC
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Bruce Rothman
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Irvine, CA 92612

**RE: Proposition 65 Notice
Sky Terrace Mobile Home Park
12089 Lopez Canyon Rd.
Sylmar, CA 91042**

This office represents the following people who were residents at Sky Terrace Mobile Home Park, and this notice is given on their behalf:

1. Pamela Marchese
2. David Bixler
3. Michael Blunt
4. Linda Brewer
5. Ralph Chelli
6. Herbert Coleman
7. Donna Cornell
8. Hilda De Jesus
9. Gonzalo Diaz
10. Eva Zapet
11. Joseph Flores
12. Ana Flores
13. Scott Freeman
14. Frida Freeman
15. Gerardo Fuertes
16. Sally Garrett
17. Michael Gomula
18. Jamie Jenney
19. Glenn Leavitt
20. Heriberta Martinez
21. Peter McGrath
22. Jennifer Phillips
23. Hipolito Ramirez
24. Ken Rede
25. Darlene Rede
26. Barbara Stevenson
27. Angel Torres
28. Maria Torres
29. Tonya Valdivia
30. Luis Valdivia
31. Wanda Whelan
32. Darlene Westman
33. Dana Xedos Tkac
34. Linda Rubio
35. Efrain Diaz

This notice is given to comply with Health and Safety Code section 25249.7.

I. BACKGROUND AND HISTORY

The 35 people above lived at Sky Terrace Mobile Home Park ("Sky Terrace"). The park closed in March 2011. However, Sky Terrace was not an ordinary mobile home park. Sky Terrace and the adjacent Valley Crest property sit above the Russell Moe Dump, an experimental landfill that was opened in 1955 by Sky Terrace's initial owner, Russell Moe.

The Russell Moe Dump operated from 1955 to 1964. The landfill was not closely monitored or investigated during operation or after the landfill was closed. Sky Terrace was developed over portions of the landfill shortly after the landfill was closed. There was no indication any site investigations were conducted to assess any potential environmental hazards prior to opening Sky Terrace. Further, there was no indication that any remediation measures were implemented prior to opening Sky Terrace.

No records were located that disclose the presence of an engineered landfill cap. In fact, no such cap was ever in place. Instead, there was compacted soil in some places, as well as detritus and gravel. Reviewed documents indicate the Russell Moe Dump did not contain a leachate monitoring system. Results from a 1994 investigation indicated the presence of liquid in the landfill. According to the State of California Solid Waste Management Program Technical Guidance Manual: "In recent years ... we have seen scattered indications that hazardous wastes in [even] ordinary disposal sites might be more of a problem than previously anticipated. Solvents and pesticides have been found in groundwater under disposal sites and in landfill gases emanating from the soil."

A. ENVIRONMENTAL ASSESSMENTS OF THE PROPERTY

In 1994, an environmental consulting firm called ATC performed a very limited environmental investigation consisting of installing and sampling from a groundwater well and soil vapor well. Then from 2006 to 2008, environmental consulting firm BAS installed monitoring wells on the adjacent Valley Crest property: DEW-MW-1 (downgradient), DEW-MW-2 (crossgradient), and DEW-MW-3 (upgradient).

BAS also installed three permanent nested soil vapor wells around Valley Crest's western perimeter (DEW-P1, DEW-P2, and DEW-P3). BAS also installed five semi-permanent soil vapor probes. These shallow probes were used to monitor VOCs around Valley Crest's eastern and southern perimeters. According to BAS reports, the soil vapor probe boreholes encountered refuse and debris during installation.

BAS measured significant concentrations of landfill gases expressed as methane up to 33%. BAS reported that the elevated methane levels indicated that the landfill gas was migrating the short distance outward from within the nearby unlined landfill. BAS noted that even when surface gas emissions are controlled in one location, the subsurface gas can travel and find a pathway or outlet to the surface in another location. BAS also note that landfill gas has the ability to accumulate inside structures. BAS recommended installing gas monitoring and alarm systems based on its findings.

In 2008 environmental consulting firm Earth Tech (now AECOM) performed site activities relating to removing three underground storage tanks (USTs) that previously contained gasoline and diesel fuel. Earth Tech resampled existing groundwater wells and soil vapor wells installed by BAS, as well as ATC's groundwater well VW-1 installed in 1994.

Earth Tech found that the Los Angeles County Solid Waste Management Program conducted quarterly emission surveys at Sky Terrace. Earth Tech also prepared a preliminary volatile organic chemical (VOC) evaluation of the possibility of intrusion of air laden with VOCs into concrete slabs on Sky Terrace structures by extrapolating methane and VOC values from soil vapor samples collected and analyzed from the adjacent Valley Crest property.

Potential migration of VOC vapors to indoor air was estimated using the Johnson & Johnson Ettinger Model modified to incorporate Cal/EPA and DTSC toxicity values for residential exposures. Although Earth Tech concluded that the VOCs of concern were below regulatory thresholds, Earth Tech's calculations did not include Proposition 65 safe harbor levels.

Thus, over the past 40 years constant subsidence, land movement, erosion, and other geological factors caused repeated and numerous cracks in the pavement and ground, permitting large amounts of underground landfill gases to surface, thereby impacting local air quality. Individuals who resided at, worked at, or frequently visited Sky Terrace would have been exposed to ongoing, continuous, and repeated landfill gas emissions.

B. RELEASE OF/EXPOSURE TO PROPOSITION 65 CHEMICALS

The Russell Moe Dump was not designed to and did not prevent the release of landfill gases or Proposition 65 chemicals into the surrounding environment. The Proposition 65 chemicals most likely commingled with the subsurface landfill gases resulting in the chemicals' release with the landfill gases. In other words, the landfill gases including methane at Sky Terrace likely acted carrier gases and/or a transport mechanism for the Proposition 65 chemicals to rise to the surface where people were ultimately exposed.

Once at the surface, the Proposition 65 chemicals mixed as they were with the landfill gases were released into the atmosphere and caused inhalation exposure to individuals at who resided at, worked at, or visited Sky Terrace. Even though some of the levels Proposition 65 chemicals were detected in the parts per billion range, these levels were still significant when viewed in concert with the Proposition 65 safe harbor levels.

For example, benzene was detected in soil vapor at Sky Terrace at $62 \mu\text{g}/\text{m}^3$ in 2008. The safe harbor limit for benzene is $13 \mu\text{g}/\text{day}$. Assuming a conservative adult inhalation/breathing rate of 10 m^3 of air per day, and individual at Sky Terrace inhaling an average concentration of $62 \mu\text{g}/\text{m}^3$ of benzene a day, could have potential exposure to $620 \mu\text{g}$ of benzene ($62 \mu\text{g}/\text{m}^3 \times 10 \text{ m}^3/\text{day}$), which is 47 times above the safe harbor level of $13 \mu\text{g}/\text{day}$. Similar calculations can be applied to many other Proposition 65 chemicals that were present at Sky Terrace as shown below.

C. CONTAMINATORS

The Sky Terrace property was owned by Russell Moe, Inc. from the time it opened until the Russell Moe landfill closed. The property was transferred to Jay Morris around 1994. Jay Morris died in 2002, and the property was owned by the Estate of Jay Morris. Christine Salstrom was the estate's executrix. Therefore Christine Salstrom is listed as a contaminator.

After several years of discussions and negotiations, Christine Salstrom sold the property to Bruce Rothman's companies in 2007 with escrow closing in 2008. On the purchase agreement Sky Terrace Investors, LLC is listed as the purchaser, although Christine Salstrom as executrix of the Estate of Jay Morris and on behalf of Russell Moe, Inc., and a nonexistent entity, Sky Terrace Investors, LLC.

SE Sky Terrace, LLC claims it is the entity that took possession of the property, it appears that there is commingling between Bruce Rothman's companies that demonstrate all the companies, including their principals, are liable under Proposition 65. Bruce Rothman's companies are the following:

1. Storage Etc., LLC
2. SE Sky Terrace, LLC
3. Sky SPE, LLC
4. Sky Dewey, LLC
5. SE Lopez 1, LLC
6. Dewey Koar, LLC

The principals of Bruce Rothman's companies are the following: Bruce Rothman, Greg Houge, Christopher Lyons, John Dewey, and Laurent Opman. Bruce Rothman's companies partnered with John Dewey of The Dewey Group (John Dewey was also a principal in at least three of the Bruce Rothman companies) to purchase the Sky Terrace property and manipulate data submitted to the Los Angeles Regional Water Quality Control Board to obtain a No Further Action letter.

Bruce Rothman, Greg Houge, Christopher Lyons, Laurent Opman, and John Dewey are individually responsible for the contamination since the multiple LLCs they set up were their alter ego rather than separate entities, and allowing these individuals to dodge personal liability would sanction a fraud and promote an injustice. When Bruce Rothman's companies closed escrow on the property in 2008, the companies and their staff had completed extensive real estate due diligence to gauge the extent of environmental contamination at the property.

D. FRAUDULENT CONCEALMENT

The real estate due diligence yielded findings of Proposition 65 chemicals, however this information was not disclosed to the people above (or any of the other mobile home park tenants). Therefore Health and Safety Code section 25249.6 was violated. This statute provides:

“Required Warning Before Exposure to Chemicals Known to Cause Cancer or Reproductive Toxicity. No 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 individuals, except as provided in Section 25249.10.”

There were 20 chemicals on the Proposition 65 list at the Sky Terrace property while the tenants lived at the property. The property owners did not disclose their presence to the 35 tenants listed above. The following lists the chemicals:

1. ARSENIC

This chemical has been on the Proposition 65 list since February 1987. The safe harbor limit for arsenic is .06 µg/day. Arsenic causes cancer. There were at least three emissions of arsenic above the safe harbor limit. In 1994, ATC (environmental consultant) soil samples may have exceeded hazardous waste thresholds. Arsenic is poisonous since it disrupts adenosine triphosphate production.

Arsenic was also detected by BAS (environmental consultant) groundwater well DEW-MW-1 at 280 ppb, exceeding the federal drinking water standard. Finally, arsenic was also detected in 2009 by AECOM (environmental consultant) at groundwater well DEW-MW-1 that exceeded the Maximum Contaminant Level (MCL) for arsenic. This and the presence of the following chemicals were not disclosed to any of the mobile home park tenants.

2. BENZENE

This chemical has been on the Proposition 65 list since February 1987. The safe harbor limit for benzene is 13 µg/day (inhalation) and 6.4 µg/day (oral). Benzene causes cancer. It is a basic petrochemical and aromatic hydrocarbon. Long term exposure to benzene causes leukemia. Benzene is found in vapors from glues, paints, furniture wax, and detergents. The Russell Moe Dump contained paint sludge. There were at least seven emissions of benzene above the safe harbor limit. In 1994, ATC detected benzene at groundwater well VW-1 at 12 ppb, exceeding the federal drinking water standard of 1 ppb. Also in 1994 ATC detected benzene in soil vapor from well VW-2 at 350 µg/m³.

Also, benzene was detected in soil vapor 2006 by BAS from the adjacent Valley Crest parcel in deep nested soil vapor wells up to 10 ppb. In 2006 BAS also detected benzene in shallow soil vapor wells up to 14 ppb.

Then in 2007 BAS detected benzene at groundwater well DEW-MW-2 at about 20 ppb, exceeding the MCL of 1 ppb. In 2008 benzene was detected by Earth Tech (environmental consultant) in soil vapor near well DEW-P3A at 62 $\mu\text{g}/\text{m}^3$. Finally, benzene was detected in 2008 by Earth Tech at groundwater well DEW-MW-2 at 4 ppb, exceeding the MCL of 1 ppb. T

3. BENZ[A]ANTHRACENE

This chemical has been on the Proposition 65 list since July 1987. The safe harbor limit for benz[a]anthracene is .033 $\mu\text{g}/\text{day}$ (oral). This chemical causes cancer. In 1994, ATC detected benz[a]anthracene at groundwater well VW-1 at 22 ppb.

4. BENZO[B]FLUORANTHENE

This chemical has been on the Proposition 65 list since July 1987. The safe harbor limit for benzo[b]fluoranthene is .096 $\mu\text{g}/\text{day}$ (oral). This chemical causes cancer. In 1994, ATC detected benzo[b]fluoranthene at groundwater well VW-1 at 20 ppb.

5. BENZO[A]PYRENE

This chemical has been on the Proposition 65 list since July 1987. The safe harbor limit for benzopyrene is .06 $\mu\text{g}/\text{day}$. This chemical causes cancer. Benzo[a]pyrene was detected in 1994 by ATC at groundwater well VW-1 at 9 ppb.

6. CADMIUM AND CADMIUM COMPOUNDS

This chemical has been on the Proposition 65 list since October 1987. The safe harbor limit for cadmium is .05 $\mu\text{g}/\text{day}$ (inhalation). This chemical causes cancer. Cadmium was detected in 1994 by TC in soil samples. It was also detected in 1994 by ATC in groundwater from well VW-1. Finally, cadmium was detected in 2008 by BAS at groundwater well DEW-MW-1 at 140 ppb which exceeded the federal drinking water standard of 5 ppb.

7. CHLOROFORM

This chemical has been on the Proposition 65 list since October 1987. The safe harbor limit for chloroform is 40 $\mu\text{g}/\text{day}$ (inhalation) and 40 $\mu\text{g}/\text{day}$ (oral). This chemical causes cancer. Chloroform was detected in 2006 by BAS in soil vapor Valley Crest deep nested soil vapor wells up to 30 ppb. It was also detected in 2007 by BAS in groundwater from private water well Furnas #2.

8. p-DICHLOROBENZENE

This chemical has been on the Proposition 65 list since January 1989. *p*-Dichlorobenzene causes cancer. The safe harbor limit for dichlorobenzene is 20 µg/day. Dichlorobenzene was detected in 1994 by ATC at groundwater well VW-1 at 5 ppb. It was also detected in 1994 by ATC in soil samples from VW-1 borings at 190 ppb and 1900 ppb. Finally, dichlorobenzene was detected in 2006 by BAS in soil vapor from Valley Crest shallow soil vapor wells up to 15 ppb.

9. 1,1-DICHLOROETHANE

This chemical has been on the Proposition 65 list since January 1990. 1,1-dichloroethane causes cancer. The safe harbor limit for 1,1-dichloroethane is 100 µg/day. 1,1-dichloroethane was detected in 2006 by BAS in soil vapor from Valley Crest deep nested soil vapor wells up to 48 ppb.

10. 1,2 DICHLOROPROPANE

This chemical has been on the Proposition 65 list since January 1990. 1,2-dichloropropane causes cancer. The safe harbor limit for 1,2-dichloropropane is 9.7 µg/day. 1,2-dichloropropane was detected in 2006 by BAS in soil vapor from Valley Crest deep nested soil vapor wells up to 2.9 ppb. It was also detected in 2008 by Earth Tech (now AECOM) in soil vapor at well DEW-P3A at 19 µg/m³.

11. ETHYL ALCOHOL

This chemical has been on the Proposition 65 list since October 1987. Ethyl alcohol causes cancer. No safe harbor threshold has been established for ethyl alcohol. In 2008 ethyl alcohol was discovered in soil vapor at well DEW-P3A at 35 µg/m³.

12. ETHYLBENZENE

This chemical has been on the Proposition 65 list since June 2004. Ethylbenzene causes cancer. The safe harbor limit for ethylbenzene is 54 µg/day (inhalation) and 41 µg/day (oral). Ethylbenzene was detected in 1994 by ATC at groundwater well VW-1 at 8 ppb. It was again detected in 1994 by ATC in soil vapor from VW-2 at 2700 µg/m³. It was also detected in 1994 by ATC in soil samples from well VW-1 borings at 220 ppb.

It was detected in 2006 by BAS in soil vapor from Valley Crest shallow soil vapor wells up to 54 ppb. It was then detected in 2006 by BAS in soil vapor from Valley Crest shallow soil vapor wells at < 1ppb. Finally, ethylbenzene was detected in 2008 by Earth Tech now AECOM in soil vapor at well DEW-P3A at 9.2 µg/m³.

13. ETHYLENE DICHLORIDE (1,2-DICHLOROETHANE)

This chemical has been on the Proposition 65 list since October 1987. This chemical causes cancer. The safe harbor limit for ethylene dichloride is 10 $\mu\text{g}/\text{day}$. It was detected in 2008 by Earth Tech in soil vapor at well DEW-P3A at 16 $\mu\text{g}/\text{m}^3$.

14. LEAD

This chemical has been on the Proposition 65 list since February 1987. This chemical causes developmental defects in for both males and females. The safe harbor limit for lead is 15 $\mu\text{g}/\text{day}$. Lead was detected in 1994 by ATC in soil samples from well VW-1 borings at 190,000 ppb, exceeding hazardous waste criteria. It was also detected in 2008 by BAS at groundwater well DEW-MW-1 at 54 ppb, exceeding the federal drinking water standard of 15 ppb.

15. DICHLOROMETHANE (METHYLENE CHLORIDE)

This chemical has been on the Proposition 65 list since April 1988. This chemical causes cancer. The safe harbor limit for dichloroethane is 200 $\mu\text{g}/\text{day}$ (inhalation) and 50 $\mu\text{g}/\text{day}$ (oral). It was detected in 2006 by BAS in soil vapor from Valley Crest deep nested soil vapor wells up to 54 ppb. It was also detected by BAS in groundwater from private well Furnas #2. Finally, it was detected in 2008 by Earth Tech in soil vapor at well DEW-P3A at 8.9 $\mu\text{g}/\text{m}^3$.

16. NAPHTHALENE

This chemical has been on the Proposition 65 list since April 2002. This chemical causes cancer. The safe harbor limit for naphthalene is 5.8 $\mu\text{g}/\text{day}$. It was detected in 1994 by ATC at groundwater well VW-1 at 150 ppb. It was also detected in 2008 by Earth Tech at groundwater well VW-1 at 360 ppb, exceeding the federal drinking water advisory level of 20 ppb. It was also detected in 2008 by BAS at groundwater well DEW-MW-1 at 280 ppb, exceeding the federal drinking water standard of 50 ppb.

17. TETRACHLOROETHYLENE (PERCHLOROETHYLENE (PCE))

This chemical has been on the Proposition 65 list since April 1988. This chemical causes cancer. The safe harbor limit for tetrachloroethylene is 14 $\mu\text{g}/\text{day}$. It was detected in 2006 by BAS in soil vapor from Valley Crest deep nested soil vapor wells up to 81 ppb. It was also detected in 2007 by BAS at groundwater well DEW-MW-2 at about 4.5 ppb. Finally, it was detected in 2008 by Earth Tech in soil vapor at well DEW-P3A at 230 $\mu\text{g}/\text{m}^3$.

18. TRICHLOROETHYLENE (TCE)

This chemical has been on the Proposition 65 list since April 1988. This chemical causes cancer. The safe harbor limit for trichloroethylene is 50 $\mu\text{g}/\text{day}$ (oral) and 80 $\mu\text{g}/\text{day}$ (inhalation). It was detected in 2006 by BAS in soil vapor from Valley Crest deep nested soil vapor wells up to 27 ppb. It was detected at in 2007 by BAS at groundwater well DEW-MW-2 at about 4 ppb. Finally, it was detected in 2008 by Earth Tech in soil vapor at well DEW-P3A at 150 $\mu\text{g}/\text{m}^3$.

19. VINYL CHLORIDE

This chemical has been on the Proposition 65 list since February 1987. This chemical causes cancer. The safe harbor limit for vinyl chloride is 3 $\mu\text{g}/\text{day}$. It was detected in 2006 by BAS in soil vapor from Valley Crest in deep nested soil vapor wells up to 2 ppb. It was also detected in 2008 by Earth Tech in soil vapor at well DEW-P3A at 28 $\mu\text{g}/\text{m}^3$.

20. UNLEADED GASOLINE

This chemical has been on the Proposition 65 list since April 1988. This chemical causes cancer. The safe harbor limit for this chemical has not been established. There were three underground storage tanks at the Sky Terrace property, including a 10,000 gallon tank and a 20,000 gallon tank. In 1993 regulatory violations were documented including leaks at a gasoline dispensing unit. During the tank removal in 2008, subsurface unleaded gasoline was detected.

II. EXPOSURE

As explained above, the continually escaping methane and other landfill gases mixed with the Proposition 65 chemicals in the Russell Moe Dump and exposed the Sky Terrace tenants to substances that cause cancer and reproductive toxicity. Individuals at Sky Terrace could also be exposed to the Proposition 65 chemicals through inhalation and ingestion of landfill soil particles contaminated with the Proposition 65 chemicals.

The contaminators knew the Proposition 65 chemicals were at the Sky Terrace property since all them conducted environmental site assessments that demonstrated exposure. The following analysis shows examples of how the amount of Proposition 65 chemicals found at Sky Terrace, multiplied by a conservative adult inhalation/breathing rate of 10 m^3/day , yielded unsafe potential exposure levels that exceeded the applicable Proposition 65 safe harbor limits.

A. BENZENE

Benzene was detected in soil vapor at Sky Terrace at 62 $\mu\text{g}/\text{m}^3$ in 2008. The safe harbor limit for benzene is 13 $\mu\text{g}/\text{day}$. Assuming a conservative adult inhalation/breathing rate of 10 m^3 of air per day, and individual at Sky Terrace inhaling an average concentration of 62 $\mu\text{g}/\text{m}^3$ of benzene a day, could have potential exposure to 620 μg of benzene (62 $\mu\text{g}/\text{m}^3 \times 10 \text{ m}^3/\text{day}$), which is 47 times above the safe harbor level of 13 $\mu\text{g}/\text{day}$.

B. VINYL CHLORIDE

Vinyl chloride was detected in soil vapor at 28 micrograms per cubic meter in 2008. The safe harbor limit for vinyl chloride is 3 micrograms per day. Assuming a breathing rate of 10 cubic meters per day, an individual inhaling an average of 28 micrograms of vinyl chloride throughout the day could potentially be exposed to 280 micrograms of vinyl chloride a day, 90 times above the safe harbor limit of 3 micrograms.

C. TETRACHLOROETHYLENE (PCE)

PCE was detected in soil vapor at 230 micrograms per cubic meter in 2008. The safe harbor limit for PCE was 14 micrograms per day. Assuming a breathing rate of 10 cubic meters per day, an individual inhaling an average concentration of 230 micrograms of PCE throughout the day could potentially be exposed to 2,300 micrograms of PCE, 164 times above the safe harbor limit of 14 micrograms per day.

D. 1,2 DICHLOROPROPANE

1,2 dichloropropane was detected in soil vapor at 150 micrograms per cubic meter in 2008. The safe harbor limit is 9.7 micrograms per day. Assuming a breathing rate of 10 cubic meters per day, an individual inhaling an average concentration of 150 micrograms throughout the day could potentially be exposed to 190 micrograms of 1,2 dichloropropane, 19 times above the safe harbor limit of 9.7 micrograms per day.

E. TRICHLOROETHYLENE (TCE)

Trichloroethylene was detected in soil vapor at 150 micrograms per cubic meter in 2008. The safe harbor limit for TCE is 80 micrograms per day. Assuming a breathing rate of 10 cubic meters per day, an individual inhaling an average concentration of 150 micrograms throughout the day could potentially be exposed to 1,500 micrograms of TCE, 18 times above the safe harbor limit of 80 micrograms per day.

F. ETHYL BENZENE

Ethyl benzene was detected in soil vapor at 9.2 micrograms per cubic meter in 2008. The safe harbor limit for ethyl benzene is 54 micrograms per day. Assuming a breathing rate of 10 cubic meters per day, an individual inhaling an average concentration of 9.2 micrograms throughout the day could potentially be exposed to 92 micrograms of ethyl benzene, 2 times above the safe harbor limit of 54 micrograms per day.

G. ETHYLENE DICHLORIDE

Ethylene dichloride was detected in soil vapor at 16 micrograms per cubic meter in 2008. The safe harbor limit for ethylene dichloride is 10 micrograms per day. Assuming a breathing rate of 10 cubic meters per day, an individual inhaling an average concentration of 10 micrograms per cubic meter of ethylene dichloride throughout the day could potentially be exposed to 160 micrograms, 16 times above the safe harbor limit of 16 micrograms per day.

There is ongoing litigation about Sky Terrace that does not yet include the Proposition 65 issues. The tenant plaintiffs plan on filing an amended complaint in consolidated Los Angeles Superior Court case number BC413944 after the sixty-day period ends. As a courtesy, a copy of this letter is being sent to all attorneys in the consolidated cases.

Please direct all questions about the above issues to Adam Rose, Law Office of Robert Starr, 23277 Ventura Blvd., Woodland Hills, CA 91364, (818) 225-9040.

Date: November 28, 2011

LAW OFFICE OF ROBERT STARR



Adam Rose, Esq.
Attorney for Plaintiffs
Pamela Marchese, et al.

CERTIFICATE OF MERIT (HEALTH AND SAFETY CODE SECTION 25249.7(d))

I, Adam Rose, declare the following:

1. This Certificate of Merit accompanies the attached sixty-day notice that alleged the parties identified in the notice violated Health and Safety Code section 25249.6. by failing to provide clear and reasonable warnings about chemicals on the Proposition 65 list.
2. I am the attorney for the noticing parties. I have personal knowledge of the facts in this declaration and if called on to testify about the facts I could and would competently do so.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed 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 in 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 violators will be able to establish any of the affirmative defenses set forth in the statute.
5. A true and correct copy of this Certificate of Merit served on the Attorney General attaches to it factual information sufficient to establish the basis of this certificate, including the information identified in Health and Safety Code section 25249.7(h)(2), i.e., (1) the identity of the other persons consulted with and relief on by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

of merit is attached to the certificate of merit served on the Attorney General.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.

Date: November 28, 2011



Adam Rose

1 **PROOF OF SERVICE**

2 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

3 I am employed in the County of Los Angeles, State of California. I am over the age
4 of 18 and not a party to the with action; my business address is 23277 Ventura Boulevard,
Woodland Hills, California 91364.

5 On November 28, 2011, I served the foregoing document described as set forth
6 below on the interested parties in this action by placing true copies thereof enclosed in
7 sealed envelopes, addressed as follows:

8 Document(s) Served: Proposition 65 letter, certificate of merit

9 Person(s) Served: Office of the Attorney General
10 1515 Clay St., #2000
Oakland, CA 94612

11 Office of the Attorney General
12 P.O. Box 70550
Oakland, CA 94612

13 Los Angeles County District Attorney's Office
14 210 W. Temple St., #18000
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