Vineet Dubey, Esq.
Dubey@CD-Lawyers.com

February 12, 2014

Dashe Wine Cellars, LLC
c/o Michael Dashe
576 Liberty St.
San Francisco, CA 94114

Re: NOTICE OF VIOLATION AGAINST DASH WINE CELLARS, LLC, OF CALIFORNIA HEALTH & SAFETY CODE SECTION 25249.6

To Whom It May Concern and to Public Prosecutors:

Rafael Delgado, Jr. ("Delgado") is a citizen of the state of California acting in the interest of the general public seeking to further, among other causes, the protection of the environment, toxics reduction, the promotion and improvement of human health, the improvement of workers and consumer rights, environmental education and corporate accountability. As described below, Mr. Delgado has identified violations of California's Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition 65" or "Act"), codified at Cal. Health & Safety Code §25249.5 *et seq.* by Dashe Wine Cellars, LLC., a California limited liability company (the "Violator"). This letter serves to provide Mr. Delgado's notification of these violations to the Violator and elected prosecutors. Pursuant to §25249.7(d) of the statute, Mr. Delgado intends to bring an enforcement action sixty (60) days or more after effective service of this notice unless the appropriate public enforcement agencies have commenced and are diligently prosecuting an action to rectify these violations.

The products which are causing an exposure without a warning in violation of Proposition 65, are alcoholic beverages manufactured, distributed, offered for sale, and/or served to California consumers by Violator ("Products"). The location of the violations include Mi Piace located at 25 E. Colorado Blvd., Pasadena, CA 91105.

A copy of the Proposition 65 summary prepared by the Office of Environmental Health Hazard Assessment is attached, to the copy of this letter served to the Violator.

Because of this lack of a warning, consumers were exposed to the following chemicals without the proper required Proposition 65 warnings: 1) Alcoholic beverages, when associated with alcohol abuse; 2) Ethyl alcohol in alcoholic beverages; and 3) Ethanol in alcoholic beverages.

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**Pursuant to Title 27, CCR § 25603.3(e)(7): "For alcoholic beverages, the placement and maintenance of the warning shall be the responsibility of the manufacturer or its distributor at no cost to the retailer, and any consequence for failure to do the same shall rest solely with the manufacturer or its distributor, provided that the retailer does not remove, deface, or obscure the requisite signs or notices, or obstruct, interfere with, or otherwise frustrate the manufacturer's reasonable efforts to post, maintain, or periodically replace said materials."**

Mr. Delgado intends to file a private enforcement action as provided for in the Act for the alleged violations by the Violator, unless California agrees in an enforceable written instrument to: (1) recall the listed products so as to eliminate further exposures to the identified chemicals; or (2) affix clear and reasonable Proposition 65 warning labels; and (3) pay an appropriate civil penalty. Consistent with the public interest goals of Proposition 65, Mr. Delgado is interested in seeking a constructive resolution to this matter, and invites violator, should it seek early resolution of this matter, to communicate directly with Delgado's attorneys. Such resolution will avoid further unwarned consumer exposures, as well as resource intensive litigation.

Please direct all questions concerning this notice to Mr. Delgado's attorneys, Vineet Dubey (dubey@cd-lawyers.com) or Miguel A. Custodio, Jr.(custodio@cd-lawyers.com), 766 E. Colorado Blvd., Ste 108, Pasadena, CA 91101, 213-785-2909.

Sincerely,

Vineet Dubey
Custodio & Dubey LLP

cc: see attached distribution list

Attachments:
Proposition 65 summary
Certificate of Merit
Certificate of Service

Vineet Dubey, Esq.
Dubey@CD-Lawyers.com

**CERTIFICATE OF MERIT**
Health and Safety Code Section 25249.7(d)

**Re: Rafael Delgado's Amended Notice of Proposition 65 Violations by Dashe Wine Cellars, LLC.**

I, Vineet Dubey, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged the party identified in the notice violated California Health & Safety Code Section 25249.6 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, extensively reviewed Title 22, CCR §12601(b)(1)(D)(2), and have assembled evidence attached to the copy for the California Attorney General as Exhibits 1 and 2 to this Certificate of Merit regarding the lack of warnings for the listed chemical that is the subject of the notice.

4. Based on the information obtained; Title 22, CCR §12601(b)(1)(D)(2); 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 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 California Health & Safety Code §25249.7(h)(2).

Dated: February 12, 2014

Vineet Dubey, Attorney at Law

766 East Colorado Boulevard ▫ Suite 108 ▫ Pasadena, California 91101
(213) 785-2909 ▫ (213) 785-2899 – Facsimile
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Vineet Dubey, Esq.
Dubey@CD-Lawyers.com

## 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 766 E. Colorado Blvd., Ste 108, Pasadena, CA 91101.

On the date shown below, I served the following:

1) 60-Day Notice of Intent to Sue Under Health and 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

on the alleged 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 entity's agent for service of process listed below and providing such envelope to a United States Postal Service Representative:

Dashe Wine Cellars, LLC
c/o Michael Dashe
576 Liberty St.
San Francisco, CA 94114

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 the party listed below, and served as follows:

Office of the Attorney General
PO Box 70550
Oakland, CA 94612

Los Angeles County District Attorney
210 W. Temple St., 18th Floor
Los Angeles, CA 90012

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

February 12, 2014

Vineet Dubey