

AMENDED 60 DAY NOTICE OF VIOLATION

Amends AG Number 2013-00454 by adding a name. This does not supersede or override the original notice

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

DATE: March 6, 2014
To: Belwith Products LLC.;
California Attorney General’s Office;
District Attorney’s Office for 58 Counties; and
City Attorney’s Office for Los Angeles, San Diego, San Jose and San Francisco.

From: Shefa LMV, LLC

I. INTRODUCTION

Our name is Shefa LMV, LLC. We are citizens and a Limited Liability Company of the State of California acting in the interest of the general public. We seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve public health and safety by reducing the 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 alleged by this Notice consist of product exposures, routes of exposures, and types of harm that may potentially result from exposures to the toxic chemical (“listed chemical”) identified below:

Product Exposure:	See Section VII, Exhibit A
Listed Chemical:	Lead and Lead Compounds
Routes of Exposure:	Touch, Oral
Types of Harm:	Carcinogen, Causes Birth Defects and Other Reproductive Toxicity

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 which is the subject of 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 **April 23, 2013** 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 responsible 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 citizenry 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.

Through the act of buying, acquiring and using the products, citizens of California are exposed to the listed chemical in homes, workplaces and elsewhere throughout California where these products are used. Exposure to consumers includes, but is not limited to, when handling the product Lead comes off on the hands and is then absorbed through the skin or ingested via inhalation, hand to mouth contact, hand to food to mouth contact, or through hand to cigarette to lung contact. 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 re listed as carcinogens and as reproductive toxins.

III. CONTACT INFORMATION

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

Daniel N. Greenbaum, Esq.
14752 Otsego Street
Sherman Oaks, CA 91403
Phone: 310.200.2631
Email: danielgreenbaumesq@gmail.com

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 ("OEHHA") in the Proposition 65 Implementation Office at (916) 445-6900. For the alleged Violator(s), I have attached a copy of "Proposition 65 in Plain Language" 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(s), 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 resorting to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III. It should be noted that neither my counsel nor I can: (1) finalize any settlement until after the 60-day Notice period elapses; nor (2) speak for the Attorney General or any District Attorney or City Attorney who received this Notice. Therefore, while reaching an agreement that will resolve my claims, such as agreement may not satisfy the public prosecutors.

VI. ADDITIONAL INFORMATION

<u>Product</u>	<u>Retailer(s)</u>	<u>Manufacturer(s)/Distributor(s)</u>
Flush Bolt	Orchard Supply Hardware	Belwith Products, LLC

Identified above is a specific example of a product recently purchased and witnesses 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 manufacturers 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 alleged Violator(s) and other distributors and retailers of the product.

VII. EXHIBIT A

<u>Product Category/Type</u>	<u>Specific Product</u>¹	<u>Toxins</u>
Hardware	Flush Bolt; UPC 078555770389	Lead and Lead Compounds

¹ The specific example identified above is of the type of product which is the subject of this Notice. I am identifying herein for all recipients’ 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 does not represent an exhaustive or comprehensive identification of any or all specific products of the type listed under “Product Category/Type” in Exhibit A. Further, it is this citizen’s position that the alleged Violator(s) are 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 alleged Violator(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.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this case or action. My business address is:
14752 Otsego Street Sherman Oaks, CA 91403

A true and Correct copy of the foregoing document entitled **Amended 60 Day Notice of Violation** will be served or was served in the manner stated below:

I. Interested Parties (Served via Certified Mail): On March 6, 2014, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, Certified mail, postage prepaid, and addressed as follows:

Belwith Products, LLC
Attn: James Oberstadt
3100 BROADWAY
GRANDVILLE MI 49418

II. California Attorney General (via website Portal): On March 6, 2014, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General's website.

III. District and City Attorneys (via U.S. Mail): On March 6, 2014, I served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows

See attached pages for full service list

IV. District Attorneys (via Email): On March 6, 2014, I visited the Attorney General's website and found the following District Attorneys and their email address listed. In accordance with Cal. Code Regs., tit. 27, § 25903(c)(1), I served a true and correct copy of the foregoing document as a PDF attached to the following persons and/or entities via email with a subject line reading "Proposition 65 Notice of Violation"

Lon Wixson, Deputy District Attorney: lwixson@contracostada.org
Dije Ndreu, Deputy District Attorney: Prop65DA@co.monterey.ca.us
Gary Lieberstein, District Attorney: CEPD@countyofnapa.org
Paul E. Zellerbach, District Attorney: Prop65@rivcoda.org
Karyn Sinunu-Towery, Assistant District Attorney: epu@da.sccgov.org
Stephan R. Passalacqua, District Attorney: jbarnes@sonoma-county.org
Birgit Fladager, District Attorney: Prop65@standa.org
Phillip J. Cline, District Attorney: Prop65@co.tulare.ca.us
Gregory D. Totten, District Attorney: daspecialops@ventura.org

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

March 6, 2014

Daniel N. Greenbaum, Esq.

Date

Printed Name



Signature

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ALAMEDA COUNTY
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney
ALPINE COUNTY
PO Box 248
Markleeville, CA 96120

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AMADOR COUNTY
708 Court Street, #202
Jackson, CA 95642

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25 County Center Drive —
Administration Building
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CALAVERAS COUNTY
891 Mountain Ranch Road
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Colusa, CA 95932

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900 Ward Street
Martinez, CA 94553

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San Bernardino, CA 92415

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SAN JOAQUIN COUNTY
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Courthouse Annex, 4th Floor
San Luis Obispo, CA 93408

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400 County Center, Third Floor
Redwood City, CA 94063

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Santa Barbara, CA 93101

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70 West Hedding Street, West Wing
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City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

CERTIFICATE OF MERIT

I, Daniel N. Greenbaum, hereby declare:

(1) This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 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 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 plaintiffs' 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 the information identified in Health and Safety Code section 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.

March 6, 2014

Date

Daniel N. Greenbaum, Esq.

Printed Name



Signature