

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

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

August 8, 2014

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 identified on the attached Exhibit 1.
- Time Period of Exposure: The violations have been occurring since at least August 8, 2011, 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 identified on the attached Exhibit 1.
- Description of Exposure: This Notice addresses consumer exposures to Lead. 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 routes of exposure for the violations are ingestion via hand to mouth contact and dermal absorption directly through the skin. Exposures to Lead from the products occur when consumers wear, take on or off, or otherwise touch or handle the products. No clear and reasonable warning is provided with these products regarding the carcinogenic or reproductive hazards of Lead.

Resolution of Noticed Claims:

- Based on the allegations set forth in this Notice, CEH intends to file a citizen enforcement lawsuit against each alleged violator 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 alleged violator 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's counsel Eric S. Somers or Howard Hirsch at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, esomers at lexlawgroup.com, hhirsch at lexlawgroup.com.

EXHIBIT 1
August 8, 2014 Notice of Violation
Lead in Footwear Made with Leather, Vinyl or Imitation Leather Materials

Names and Addresses of Responsible Parties	Non-Exclusive Examples of the Products	Item or SKU # or Further Description
<p>Augusta Baby Collections 7109 S Highland Dr. Suite 100-A Salt Lake City, UT 84121</p> <p>Augusta Products, LLC 239 N. 1250 West, Suite 1 Centerville, UT 84014</p>	<p>Augusta Baby I Love Grandma Soft Sole Leather Baby Shoes</p>	<p>SKU No. 8-14732-01492-7 Item No. AB00128D Overstock Item No. 14258474</p>
	<p>Augusta Baby Collections Leather Moccasin in Yellow</p>	<p>SKU No. 9724283 Item No. AB00171-10</p>
	<p>Augusta Baby Vermillion Bumblebee Booties</p>	<p>SKU No. 8-14732-01579-5 Item No. AB00134A</p>
<p>The Bon-Ton Stores, Inc. 2801 E. Market Street York, PA 17402</p>	<p>Bellini Zorro II Dress Pumps with Cap-toe Detail in Coral Patent</p>	<p>SKU No. 8-87655-18780-1</p>
	<p>Bellini Panama II Slingback Pumps in Red Patent</p>	<p>SKU No. 8-87655-11922-2</p>
	<p>Bellini Philadelphia Cross Strap Dress Heels in Red</p>	<p>SKU No. 8-87655-03417-4</p>
	<p>Bellini Panama II Slingback Pumps in Emerald Patent</p>	<p>SKU No. 8-87655-11946-8</p>
	<p>Bellini Peru II Dress Pumps in Red Patent</p>	<p>SKU No. 8-87655-12585-8</p>
	<p>Rampage Raiden Metal Hardware Sandals in Tan</p>	<p>SKU No. 8-86524-81263-9</p>

<p>Consolidated Shoe Company, Inc. 22290 Timberlake Road Lynchburg, VA 24502</p>	<p>Nicole Wide Mini Flower Sandals in Red</p>	<p>Ross SKU No. 400104589911</p>
<p>Elaine Turner Designs, LLC 5120 Woodway Drive, #3039 Houston, TX 77056</p>	<p>Elaine Turner Mara Patent Leather Flat Sandals in Pink & Coral</p>	<p>SKU No. 846913071726 T.J. Maxx Style No. 1000022572</p>
<p>Forever Link International, Inc. 18738 San Jose Avenue City of Industry, CA 91748</p>	<p>Forever Gladiator Sandals in Yellow</p>	<p>SKU No. 400107249713 Style No. RANI-55</p>
<p>Overstock.com, Inc. 6350 S. 3000 East Salt Lake City, UT 84121</p>	<p>Augusta Baby I Love Grandma Soft Sole Leather Baby Shoes</p>	<p>SKU No. 8-14732-01492-7 Item No. AB00128D Overstock Item No. 14258474</p>
<p>Tangelo, Inc. 710 E. Pico Blvd., Suite 108 Los Angeles, CA 90021</p>	<p>Betani Flip Flops in Mint</p>	<p>Style No. FREYA-1 Item No. 140214</p>
<p>Unisa Fisher LLC 777 West Putnam Avenue Greenwich, CT 06830</p>	<p>Unisa Barinie Flats in Orange</p>	<p>SKU No. 8-83830-83787-5 Item No. 274151</p>

CERTIFICATE OF MERIT
Health & Safety Code §25249.7(d)

I, Eric S. Somers, 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.

August 8, 2014



Eric S. Somers
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 cfisher@lexlawgroup.com.

On August 8, 2014, 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 1:53 P.m. on August 8, 2014:

Stacey Grassini, Deputy District Attorney
Contra Costa County
900 Ward Street
Martinez, CA 94553
sgrassini@contracostada.org

Dije Ndreu, Deputy District Attorney
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Karyn Sinunu-Towery,
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Stephan R. Passalacqua, District Attorney
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600 Administration Drive, Rm. 212J
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jbarnes@sonoma-county.org

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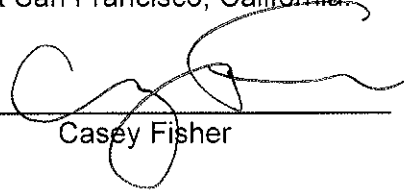
Paul E. Zellerbach, District Attorney
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Riverside, CA 92501
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Gregory D. Totten, District Attorney Ventura
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800 South Victoria Avenue
Ventura, CA 93009
daspecialops@ventura.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 August 8, 2014, at San Francisco, California.

Signed: _____

A handwritten signature in black ink, appearing to read "Casey Fisher", is written over a horizontal line. The signature is stylized and somewhat cursive.

Casey Fisher

SERVICE LIST

District Attorney of Alameda County
1225 Fallon Street, Rm. 900
Oakland, CA 94612

District Attorney of Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney of Amador County
708 Court Street, Ste. 202
Jackson, CA 95642

District Attorney of Butte County
Administration Building
25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras
County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney of Colusa County
547 Market Street, Ste. 102
Colusa, CA 95932

District Attorney of Del Norte County
450 H Street, Ste. 171
Crescent City, CA 95531

District Attorney of El Dorado
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515 Main Street
Placerville, CA 95667

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2220 Tulare Street, Ste. 1000
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825 5th Street
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1400 West Lacey Blvd.
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240
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Los Angeles, CA 90012

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1200 Third Avenue, Ste. 1620
San Diego, CA 92101

San Francisco City Attorney's
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City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

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

California Attorney General's Office
Attention: Proposition 65
Coordinator and Robert Thomas
1515 Clay Street, Ste. 2000
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Oakland, CA 94612-0550

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