

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

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

October 31, 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 October 31, 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
October 31, 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>The Cato Corporation 8100 Denmark Road Charlotte, NC 28273</p>	<p>Cato Crystal Stretch Thong Sandals in Pureed Pumpkin</p>	<p>SKU No. 29782190 Style No. 29781671</p>
	<p>Cato Cross Strap Platform Wedges in Emberglow</p>	<p>SKU No. 28801678 Style No. 28800670</p>
<p>Colony Brands, Inc. 1112 7th Avenue Monroe, WI 53566</p> <p>Seventh Avenue, Inc. 1112 7th Avenue Monroe, WI 53566</p>	<p>385 Fifth Mirror Bank Ankle Strap Sandals in Red</p>	<p>SKU No. 8-474050-206040 Style No. RF19905SEV-6 Item No. DI706338</p>
<p>D2F, LLC 1407 Broadway, Suite 3200 New York, NY 10018</p> <p>V2F, LLC 1407 Broadway, Suite 3200 New York, NY 10018</p>	<p>Pink Key Scalloped Laser-Cut Ballet Flats in Mint</p>	<p>SKU No. 301559326 Style No. KRISTANNA</p>
<p>E.S. Originals Inc. 450 West 33rd Street New York, NY 10001</p>	<p>Rampage Rangler Flat Sandals in Red Patent</p>	<p>SKU No. 8-86524-31315-0 Style No. MI1208</p>
	<p>Rampage Raiden Flat Thong Sandals in Tan</p>	<p>SKU No. 8-86524-81262-2 Style No. BB3016</p>
<p>Esquire Footwear LLC 390 5th Avenue, Suite 405 New York, NY 10018</p>	<p>Maui Stunner Sandals in Coral</p>	<p>Item No. 176184</p>

<p>Gina Concepts LLC 10 W. 33rd Street 3rd Floor New York, NY 10001</p> <p>Gina Group LLC 10 W. 33rd Street 3rd Floor New York, NY 10001</p>	<p>rue21 etc! Color Block Criss-Cross Sandals in Fuschia</p>	<p>SKU No. 4-00182-65207-1 Style No. 2396 Vendor Style No. FL23096</p>
	<p>rue21 etc! Color Block Criss-Cross Sandals in Turquoise</p>	<p>SKU No. 4-00182-64721-3 Style No. 2396 Vendor Style No. FL23096</p>
	<p>rue21 etc! Basic Patent Flip Flops in Yellow</p>	<p>SKU No. 4-00182-24675-1 Style No. 2260 Vendor Style No. FL22601</p>
<p>Matisse Footwear, Inc. 1550 E. Franklin Ave. El Segundo, CA 90245</p>	<p>Coconuts Thin Sandals in Black & Silver</p>	<p>Ross SKU No. 400102493593</p>
<p>Pacific Shoes Industria e Comercio de Calcados Ltda. 1802 Major Bento Alves St. Sapirange R.S. 93800-000 Brazil</p>	<p>Brighton Candy Apple Patent Flip Flops in Red</p>	<p>SKU No. 8-81934-18249-5 Style No. ORLA3</p>
<p>Posh Footwear Inc. 751 Monterey Pass Road Monterey Park, CA 91754</p>	<p>Shiekh Mellina-2 Patent High Heels with Zipper in Red</p>	<p>SKU No. 4-0000-53497-8 Item No. 153745</p>
<p>Realplay Corp. 18856 E. San Jose Avenue City of Industry, CA 91748</p> <p>Riplay, Inc. 18856 E. San Jose Avenue City of Industry, CA 91748</p>	<p>Mark & Maddux Elisha Strappy Upper Wedge Sandals in Black & Beige</p>	<p>SKU No. 9212443750 Style No. ELISHA-07</p>
	<p>Mark & Maddux Elisha Strappy Upper Wedge Sandals in Tan</p>	<p>SKU No. 9182103950 Style No. ELISHA-08</p>

<p>Royal Footwear and Accessories LLC 385 Fifth Avenue 4th Floor New York, NY 10016</p>	<p>385 Fifth Mirror Bank Ankle Strap Sandals in Red</p>	<p>SKU No. 8-474050-206040 Style No. RF19905SEV-6 Item No. DI706338</p>
---	---	---

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

I, Howard Hirsch, 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.

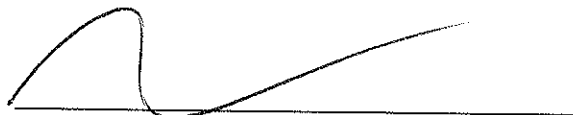
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, the Center for Environmental Health.

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.

October 31, 2014



Howard Hirsch
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 October 31, 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 _____:_____ .m. on October 31, 2014:

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

Dije Ndreu, Deputy District Attorney
Monterey County
230 Church Street, Bldg. 2
Salinas, CA 93901
Prop65DA@co.monterey.ca.us

Yeng Dang
Supervising Deputy District Attorney
Santa Clara County
70 West Hedding Street, West Wing
San Jose, CA 95110
epu@da.sccgov.org

Gary Lieberstein, District Attorney
Napa County
931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Stephan R. Passalacqua, District Attorney
Sonoma County
600 Administration Drive, Rm. 212J
Santa Rosa, CA 95403
jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
Tulare County
221 S. Mooney Avenue, Rm. 224
Visalia, CA 93291
Prop65@co.tulare.ca.us

Paul E. Zellerbach, District Attorney
Riverside County
4075 Main Street
Riverside, CA 92501
Prop65@rivcoda.org

Gregory D. Totten, District Attorney Ventura
County
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 October 31, 2014, at San Francisco, California.

Signed: _____
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
County
515 Main Street
Placerville, CA 95667

District Attorney of Fresno County
2220 Tulare Street, Ste. 1000
Fresno, CA 93721

District Attorney of Glenn County
P.O. Box 430
Willows, CA 95988

District Attorney of Humboldt County
825 5th Street
Eureka, CA 95501

District Attorney of Imperial County
939 Main Street, Ste. 102
El Centro, CA 92243

District Attorney of Inyo County
P.O. Drawer D
Independence, CA 93526

District Attorney of Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney of Kings County
1400 West Lacey Blvd.
Hanford, CA 93230

District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney of Lassen County
220 S. Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney of Los Angeles
County
210 W. Temple Street, Ste. 1800
Los Angeles, CA 90012-3210

District Attorney of Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney of Marin County
3501 Civic Center Drive, Rm. 130
San Rafael, CA 94903

District Attorney of Mariposa
County
P.O. Box 730
Mariposa, CA 95338

District Attorney of Mendocino
County
P.O. Box 1000
Ukiah, CA 95482

District Attorney of Merced County
2222 "M" Street
Merced, CA 95340

District Attorney of Modoc County
204 S. Court Street, Rm. 202
Alturas, CA 96101-4020

District Attorney of Mono County
P.O. Box 617
Bridgeport, CA 93546

District Attorney of Nevada County
201 Commercial Street
Nevada City, CA 95959

District Attorney of Orange
County
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney of Placer County
10810 Justice Center Drive, Ste.
240
Roseville, CA 95678

District Attorney of Plumas
County
520 Main Street, Rm. 404
Quincy, CA 95971

District Attorney of Sacramento
County
901 "G" Street
Sacramento, CA 95814

District Attorney of San Benito
County
419 Fourth Street, 2nd Fl.
Hollister, CA 95023

District Attorney of San
Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415

District Attorney of San Diego
County
330 West Broadway, Ste. 1300
San Diego, CA 92101

District Attorney of San
Francisco County
850 Bryant Street, Rm. 325
San Francisco, CA 94103

District Attorney of San Joaquin
County
P.O. Box 990
Stockton, CA 95202

District Attorney of San Luis
Obispo County
1050 Monterey Street, Rm. 450
San Luis Obispo, CA 93408

District Attorney of San Mateo
County
400 County Center, 3rd Fl.
Redwood City, CA 94063

District Attorney of Santa Cruz County 701 Ocean Street, Rm. 200 Santa Cruz, CA 95060	Los Angeles City Attorney's Office City Hall East 200 N. Main Street, Rm. 800 Los Angeles, CA 90012	President * Gina Concepts LLC 10 W. 33 rd Street 3 rd Floor New York, NY 10001
District Attorney of Santa Barbara County Attn: Jerry Lule-Jian 312-D E. Cook Street Santa Maria, CA 93454	San Diego City Attorney's Office 1200 Third Avenue, Ste. 1620 San Diego, CA 92101	President * Gina Group LLC 10 W. 33 rd Street 3 rd Floor New York, NY 10001
District Attorney of Shasta County 1355 West Street Redding, CA 96001	San Francisco City Attorney's Office City Hall, Room 234 1 Dr. Carlton B. Goodlett Place San Francisco, CA 94102	Michael Katz, President * Matisse Footwear, Inc. 1550 E. Franklin Ave. El Segundo, CA 90245
District Attorney of Sierra County Courthouse 100 Courthouse Sq., 2 nd Fl. Downieville, CA 95936	San Jose City Attorney's Office 200 East Santa Clara Street San Jose, CA 95113	President * Pacific Shoes Industria e Comercio de Calçados Ltda. 1802 Major Bento Alves St. Sapirange R.S. 93800-000 Brazil
District Attorney of Siskiyou County P.O. Box 986 Yreka, CA 96097	California Attorney General's Office Attention: Proposition 65 Coordinator and Robert Thomas 1515 Clay Street, Ste. 2000 P.O. Box 70550 Oakland, CA 94612-0550	Kenneth Wu, President * Posh Footwear Inc. 751 Monterey Pass Road Monterey Park, CA 91754
District Attorney of Solano County 675 Texas Street, Ste. 4500 Fairfield, CA 94533	John P. D. Cato, CEO * The Cato Corporation 8100 Denmark Road Charlotte, NC 28273	Cheung-Tzong Wang, President * Realplay Corp. 18856 E. San Jose Avenue City of Industry, CA 91748
District Attorney of Stanislaus County 832 12th Street, Ste. 300 Modesto, CA 95354	John Baumann, CEO * Colony Brands, Inc. 1112 7 th Avenue Monroe, WI 53566	Cheung-Tzong Wang, President * Riplay, Inc. 18856 E. San Jose Avenue City of Industry, CA 91748
District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	President * D2F, LLC 1407 Broadway, Suite 3200 New York, NY 10018	Roy Cheika, President * Royal Footwear and Accessories LLC 2038 East 8 th Street Brooklyn, NY 11223
District Attorney of Tehama County P.O. Box 519 Red Bluff, CA 96080	Joseph Safdeye, CEO * E.S. Originals Inc. 450 West 33 rd Street New York, NY 10001	Roy Cheika, President * Royal Footwear and Accessories LLC 385 Fifth Avenue 4 th Floor New York, NY 10016
District Attorney of Trinity County P.O. Box 310 11 Court Street Weaverville, CA 96093	Lee Cohen, CEO * Esquire Footwear LLC 390 5 th Avenue, Suite 405 New York, NY 10018	President * Seventh Avenue, Inc. 1112 7 th Avenue Monroe, WI 53566
District Attorney of Tuolumne County 423 N. Washington Street Sonora, CA 95370	Lee Cohen, CEO * Esquire Footwear LLC 385 5 th Avenue, 2 nd Floor New York, NY 10016	
District Attorney of Yolo County 301 Second Street Woodland, CA 95695		
District Attorney of Yuba County 215 Fifth Street Marysville, CA 95901		

President *
V2F, LLC
1385 Broadway, Suite 417
New York, NY 10018

President *
V2F, LLC
1407 Broadway, Suite 3200
New York, NY 10018