

## 60-DAY NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

<b>Date:</b>	December 26, 2014
<b>To:</b>	Santa Ana Patients Association, dba SAPA California Attorney General's Office District Attorney's Office for 58 Counties City Attorneys for San Francisco, San Diego, San Jose, Sacramento and Los Angeles
<b>From:</b>	Michael DiPirro

**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, you may contact the Office of Environmental Health Hazard Assessment's ("OEHHA") Proposition 65 Implementation Office at (919) 445-6900. Attached for your reference is a summary, "Proposition 65 In Plain Language," provided by the California Office of Environmental Health Hazard Assessment's ("OEHHA") (copies not provided to public enforcement agencies).**

This Notice of Violation is provided by Michael DiPirro. I am a citizen of the State of California acting in the interest of the general public. I am dedicated to protecting the environment, promoting awareness of exposures to toxic chemicals in products sold in California, improving human health and supporting environmentally sound practices.

Identified below are specific examples of products recently purchased and/or witnessed as being available for purchase or use in California that are within the categories or types of offending products covered by this Notice. 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 location and/or via other means including, but not limited to, transactions made over-the-counter, business-to-business, through the internet and/or via a catalog by the Violator and other retailers and distributors of the manufacturer, including, but not limited to the retailer(s) and/or distributor(s) listed below.

### Description of Violations:

<b>Violator:</b>	Santa Ana Patients Association, dba SAPA
<b>Toxic Chemical:</b>	Marijuana Smoke Exposures to Marijuana Smoke occur from use of the products identified in this Notice.
<b>Product Categories:</b>	Marijuana Intended for Smoking; Paraphernalia for Smoking Marijuana

<b>Non-exclusive Example of Type of Product<sup>1</sup>:</b>	Marijuana "bud" intended for smoking; Water Bonges; Smoking Pipes; Rolling Papers; Blunts
<b>Retailer(s)/Distributor(s)/Manufacturer(s)</b>	Santa Ana Patients Association, dba SAPA
<b>Types of Harm:</b>	Cancer
<b>Description of Exposure:</b>	These exposures occur in homes, some workplaces and everywhere else throughout California where these products are handled or used. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and reasonable warnings as required by Proposition 65.
<b>Routes of Exposure:</b>	Inhalation  Reasonably foreseeable use of the products identified in this Notice results in human exposures to Marijuana Smoke. Marijuana Smoke is a direct and unavoidable by-product of the use of the Products listed above. The route of exposure for the violations is inhalation when the consumer inhales Marijuana Smoke as a result of using the Products listed above.
<b>Time Period of Exposure:</b>	The violations have been occurring since at least December 26, 2011, and are continuing to this day.

**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 unless such Violator enters into a binding written agreement to: (1) recall products already sold; (2) take effective measures to prevent unwarned Marijuana Smoke exposures from products sold in the future and to ensure that the requisite health hazard warnings are provided to those who have received such products; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249(b). If the alleged Violator is interested in resolving this dispute without resorting to expensive and time-consuming litigation, please feel free to contact me through my counsel identified below. It should be noted that neither my counsel nor I can: (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 this Notice of Violation. Therefore, while reaching an agreement with me will resolve my claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to Michael DiPirro through his counsel Jennifer Henry at Law Offices of Jennifer Henry, 3270 Mendocino Avenue, # 2E, Santa Rosa, CA 95403; Telephone: (925) 351-9139.

<sup>1</sup> The specifically identified examples of the types of products that are subject to this Notice are for the recipients' benefit to assist in their investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product categories/types listed in Exhibit A. These examples are not meant to be an exhaustive or comprehensive identification of each specific offending product of the types listed under "Product Category." Further, it is this citizen's position that the alleged Violator is obligated to continue to conduct in good faith an investigation into other specific products within the types or categories described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the notice recipients' custody or control) during the relevant period so as to ensure that the requisite toxic warnings were and are provided to California citizens prior to purchase.


## CERTIFICATE OF MERIT

Health & Safety Code § 25249.7(d)

I, Jennifer Henry, hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice in which it is alleged that the party identified in the notice has violated Health & Safety Code § 25249.6 by failing to provide clear and reasonable warnings.
2. I am an attorney who represents the noticing party.
3. Members of my firm and I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies or other data regarding the alleged exposure to the listed chemical that is the subject of this 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 plaintiff's case can be established and the information did not prove that the alleged Violator(s) 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.

December 26, 2014

  
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Jennifer Henry  
Attorney for Michael DiPirro

**PROOF OF SERVICE**

I declare that:

I am employed in Sonoma County, California; my business address is 755 Baywood Drive, Petaluma, CA 94954. I am over the age of 18 years and not a party to the within cause.

On December 26, 2014, I served true copies of the following documents:

- 60-DAY NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT;**
- PROPOSITION 65 IN PLAIN LANGUAGE (only sent to the Violator(s));**
- CERTIFICATE OF MERIT; and**
- CERTIFICATE OF MERIT ATTACHMENTS (SERVED ONLY ON THE ATTORNEY GENERAL)**

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 as follows:

on the alleged Violator(s) 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 entities listed below and providing each envelope to a United States Postal Service Representative:

Santa Ana Patients Association, dba SAPA 1651 East Edinger, #104 Santa Ana, CA 92705-5001	
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By providing copies to the addressees below electronically as follows:

<i>Electronically via the Attorney General website:</i>	The Attorney General of the State of California;
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<i>Electronically to the following recipients at the following electronic mail addresses:</i>	Lon Wixson Deputy District Attorney Contra Costa County <a href="mailto:lwixson@contracostada.org">lwixson@contracostada.org</a>	Dije Ndreu Deputy District Attorney Monterey County <a href="mailto:Prop65DA@co.monterey.ca.us">Prop65DA@co.monterey.ca.us</a>	Gary Lieberstein District Attorney Napa County <a href="mailto:CEPD@countyofnapa.org">CEPD@countyofnapa.org</a>	Paul E. Zellerbach District Attorney Riverside County <a href="mailto:Prop65@rivcoda.org">Prop65@rivcoda.org</a>
Karyn Sinunu-Towery Assistant District Attorney Santa Clara County <a href="mailto:epu@da.sccgov.org">epu@da.sccgov.org</a>	Stephan R. Passalacqua District Attorney Sonoma County <a href="mailto:jbarnes@sonoma-county.org">jbarnes@sonoma-county.org</a>	Birgit Fladager District Attorney Stanislaus County <a href="mailto:Prop65@standa.org">Prop65@standa.org</a>	Phillip J. Cline District Attorney Tulare County <a href="mailto:Prop65@co.tulare.ca.us">Prop65@co.tulare.ca.us</a>	Gregory D. Totten District Attorney Ventura County <a href="mailto:daspecialops@ventura.org">daspecialops@ventura.org</a>

As well as providing copies to the public enforcers by placing a true and correct copy in a sealed envelope, addressed to each party listed below, and served as follows:

*By placing each envelope in a United States Postal Service mailbox, postage prepaid:*

The District Attorney for Each of the 58 counties in California; and  
 The City Attorney for Los Angeles, San Diego, San Jose, San Francisco and Sacramento

*A list of addresses for each of these recipients is attached.*

Executed on December 26, 2014, at Petaluma, California.

  
 \_\_\_\_\_  
 Michael Hader

SERVICE LIST

The Honorable Nancy O'Malley  
Alameda County District Attorney  
1225 Fallon Street, Room 900  
Oakland, CA 94612

The Honorable Greg Cohen  
Tehama County District Attorney  
PO Box 519  
Red Bluff, CA 96080

The Honorable Michael Ramos  
San Bernardino County District Attorney  
316 N. Mountain View Avenue  
San Bernardino, CA 92415

The Honorable Michael Keitz  
Madera County District Attorney  
209 West Yosemite Avenue  
Madera, CA 93637

The Honorable Michael Ramsey  
Butte County District Attorney  
25 County Center Drive  
Oroville, CA 95965

The Honorable Donald Segerstrom, Jr.  
Tuolumne County District Attorney  
423 North Washington Street  
Sonora, CA 95370

The Honorable James Willett  
San Joaquin County District Attorney  
PO Box 990  
Stockton, CA 95201

The Honorable C. David Eyster  
Mendocino County District Attorney  
PO Box 1000  
Ukiah, CA 95482

The Honorable Patrick McGrath  
Yuba County District Attorney  
215 Fifth Street  
Marysville, CA 95901

The Honorable Joyce Dudley  
Santa Barbara County District Attorney  
1112 Santa Barbara Street  
Santa Barbara, CA 93101

The Honorable Greg Strickland  
Kings County District Attorney  
1400 West Lacey Boulevard  
Hanford, CA 93230

The Honorable George Booth  
Mono County District Attorney  
PO Box 617  
Bridgeport, CA 93517

The Honorable Elizabeth Egan  
Fresno County District Attorney  
2220 Tulare Street, #1000  
Fresno, CA 93721

The Honorable Eileen M. Teichert  
Office of the City Attorney, Sacramento  
PO Box 1948  
Sacramento, CA 95812

The Honorable Robert Burns  
Lassen County District Attorney  
220 S. Lassen Street, Ste. 8  
Susanville, CA 96130

The Honorable Terese Drabec  
Alpine County District Attorney  
270 Laramie Street, PO Box 248  
Markleeville, CA 96120

The Honorable Michael B. Harper  
Trinity County District Attorney  
PO Box 310  
Weaverville, CA 96093

The Honorable Bonnie Durnanis  
San Diego County District Attorney  
330 W. Broadway Street  
San Diego, CA 92101

The Honorable Edward Berberian  
Marin County District Attorney  
3501 Civic Center Drive, Room 130  
San Rafael, CA 94903

The Honorable Barbara Yook  
Calaveras County District Attorney  
891 Mountain Ranch Road  
San Andreas, CA 95249

The Honorable Jon Alexander  
Del Norte County District Attorney  
450 H Street, Room 171  
Crescent City, CA 95531

The Honorable Gerald Shea  
San Luis Obispo County District Attorney  
1035 Palm Street  
San Luis Obispo, CA 93408

The Honorable Larry Morse II  
Merced County District Attorney  
2222 M Street  
Merced, CA 95340

The Honorable Carmen Trutanich  
Office of the City Attorney, Los Angeles  
200 North Main Street  
Los Angeles, CA 90012

The Honorable Jan Scully  
Sacramento County District Attorney  
901 G Street  
Sacramento, CA 95814

The Honorable David Hollister  
Plumas County District Attorney  
520 Main Street, Room 404  
Quincy, CA 95971

The Honorable Lisa Green  
Kern County District Attorney  
1215 Truxtun Avenue  
Bakersfield, CA 93301

The Honorable Robert Maloney  
Glenn County District Attorney  
PO Box 430  
Willows, CA 95988

The Honorable Candice Hooper- Mancino  
San Benito County District Attorney  
419 4th Street, Second Floor  
Hollister, CA 95203

The Honorable Steve Cooley  
Los Angeles County District Attorney  
210 West Temple Street, Suite 1800D  
Los Angeles, CA 90012

The Honorable Todd Riebe  
Amador County District Attorney  
708 Court Street  
Jackson, CA 95642

The Honorable Christopher Brooke  
Modoc County District Attorney  
204 S. Court Street, Room 202  
Alturas, CA 96101

The Honorable George Gascon  
San Francisco County District Attorney  
850 Bryant Street, Room 322  
San Francisco, CA 94103

The Honorable Robert Brown  
Mariposa County District Attorney  
5101 Jones Street, PO Box 730  
Mariposa, CA 95338

The Honorable John R. Poyner  
Colusa County District Attorney  
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Colusa, CA 95932

The Honorable Jeff Reisig  
Yolo County District Attorney  
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Woodland, CA 95695

The Honorable Stephen Wagstaffe  
San Mateo County District Attorney  
400 County Center, Third Floor  
Redwood City, CA 94603

The Honorable Vernon Pierson  
El Dorado County District Attorney  
515 Main Street  
Placerville, CA 95667

The Honorable Carl Adams  
Sutter County District Attorney  
446 Second Street  
Yuba City, CA 95991

The Honorable Jan Goldsmith  
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1200 Third Avenue, Suite 1620  
San Diego, CA 92101

The Honorable Bob Lee  
Santa Cruz County District Attorney  
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Santa Cruz, CA 95060

The Honorable David Paulson  
Solano County District Attorney  
675 Texas Street, Suite 4500  
Fairfield, CA 94533

The Honorable Ronald Owens  
Placer County District Attorney  
10810 Justice Center Drive, Suite 240  
Roseville, CA 95678

The Honorable Arthur Maillet  
Inyo County District Attorney  
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Independence, CA 93526

The Honorable James Kirk Andrus  
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The Honorable Tony Rackauckas  
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940 West Main Street, Suite 102  
El Centro, CA 92243

The Honorable Richard Doyle  
Office of the City Attorney, San Jose  
200 East Santa Clara Street  
San Jose, CA 95113

The Honorable Lawrence Allen  
Sierra County District Attorney  
100 Courthouse Square, Second Floor  
Downieville, CA 95936

The Honorable Clifford Newell  
Nevada County District Attorney  
110 Union Street  
Nevada City, CA 95959

The Honorable Paul Gallegos  
Humboldt County District Attorney  
825 5th Street  
Eureka, CA 95501

The Honorable Dennis J. Herrera  
Office of the City Attorney, San Francisco  
City Hall, Room 234  
San Francisco, CA 94102

The Honorable Stephen Carlton  
Shasta County District Attorney  
1525 Court Street, Third Floor  
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The Honorable Donald Anderson  
Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453