

## **60-DAY NOTICE OF VIOLATION**

(Pursuant to California Health & Safety Code, § 2549.7(d))

Re: Marijuana Smoke

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Date: February 11, 2015

To: Midcity Wellness Center, dba Med City  
California Attorney General's Office;  
Each California District Attorney's Office (see service list below)  
Los Angeles, San Diego, San Jose, and San Francisco City Attorneys' Offices

From: Tyanna Walker

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I, Tyanna Walker, provide this Notice of Violation to you pursuant to and in compliance with California Health and Safety Code section 25249.7, subsection d. I am a citizen of the State of California acting in the interest of the general public. I seek to increase the public's awareness and the safety regarding products sold for consumption in California that expose the public to unsafe levels of carcinogens. I can be reached through my counsel's office, listed below. The violations covered by this Notice consist of the products' exposures, routes of exposure, and type of harm potentially resulting from exposure to the toxic chemical identified below, as follows:

### **Description of Violation:**

- Violator: Midcity Wellness Center, dba Med City, a marijuana dispensary.
- Time Period of Exposure: The violations have been occurring for at least a year prior to the date of this letter and are ongoing.
- Proposition 65 Provision Violated: This Notice of Violation involves violation of California Health and Safety Code section 25249.6 for failure to provide a "warning provision" required by Proposition 65. I visited Midcity Wellness Center's dispensary and after a careful review of products, signs, and literature, saw no warning signs required by Proposition 65.
- Listed Chemical Involved: Marijuana Smoke, a carcinogen.
- Description of Exposure: Consumers smoke marijuana as identified by this Notice, which results in consumers inhaling marijuana smoke. No clear and reasonable warning is provided with these products identified by this Notice regarding carcinogen hazards associated with marijuana smoke exposure.
- Type of Product: All marijuana sold not in an edible form.

**Resolution of Notice Claims:**

Based on the allegations set forth in this Notice, I intend to file a citizen enforcement lawsuit against the alleged violator 60 days after effective service unless such alleged violator enters into a binding written agreement to remedy the violations alleged herein by:

- (1) Recalling products already sold;
- (2) Reformulating all such products to eliminate the ability to smoke them or taking appropriate measures to otherwise comply with Proposition 65; and
- (3) Paying an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b).

If any of the alleged violators is interested in resolving this dispute without resort to litigation, please feel free to contact me through my counsel identified below. It should be noted that I and my counsel may not: (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 my 60-day Notice. Therefore, while reaching an agreement with myself will resolve my claims, such agreement may not satisfy the public prosecutors.

Please direct any inquiries regarding this Notice to my counsel: Wade Miller at 235 E. Broadway, Ste. 424, Long Beach, CA 90802, (562) 437-6300, [wmler@wademillerlaw.com](mailto:wmler@wademillerlaw.com).

## CERTIFICATE OF MERIT

Health & Safety Code § 25249.7(d)

I, Wade Miller, 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.

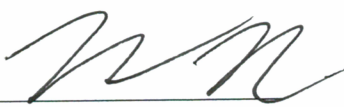
(2) I am the attorney for the noticing party.

(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.

Dated: February 11, 2015

  
Wade Miller

## PROOF OF SERVICE BY MAIL AND ELECTRONIC MAIL

I declare that:

I am employed in Long Beach, California; my business address is 235 E. Broadway, Ste. 424, Long Beach, CA 90802. I am over the age of 18 years and not a party to the within cause and my electronic mail address is hrobertson@wademillerlaw.com.

On February 11, 2015, I served true copies of the following documents by mail and electronically as stated below:

60-DAY NOTICE OF VIOLATION PURSUANT TO CALIFORNIA HEALTH AND SAFETY CODE SECTION 2549.7(d);

CERTIFICATE OF MERIT;

CERTIFICATE OF MERIT SUPPORTING DOCUMENTS (only served on Attorney General)

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY (only served on the violator).

On this date, I transmitted without error the above documents via electronic mail to the electronic mail addresses set forth below at 10:49 AM PST on February 11, 2015:

Stacey Grassini, Deputy District Attorney  
Contra Costa County  
sgrassini@contracostada.org

Yen Dang, Supervising Deputy District Attorney  
Santa Clara County  
EPU@da.sccgov.org

Dije Ndreu, Deputy District Attorney  
Monterey County  
Prop65DA@co.monterey.ca.us

Stephan R. Passalacqua, District Attorney  
Sonoma County  
Jbarnes@sonoma-county.org

Gary Lieberstein, District Attorney  
Napa County  
CEPD@countyofnapa.org

Phillip J. Cline, District Attorney  
Tulare County  
Prop65@co.tulare.ca.us

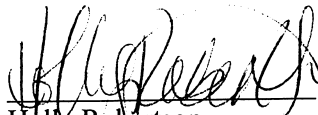
Paul E. Zellerbach, District Attorney  
Riverside County  
Prop65@rivcoda.org

Gregory D. Totten, District Attorney  
Ventura County  
daspecialops@ventura.org

I deposited fully prepaid and sealed envelopes containing the above mentioned documents with the United States Postal Service, addressed to the individuals in the attached service list.

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

Dated: February 11, 2015

  
Holly Robertson

## 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, Ste. 202  
Alturas, CA 96101

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, 3'd Fl.  
Redwood City, CA 94063

District Attorney of Santa Cruz County  
701 Ocean Street, Rm. 200  
Santa Cruz, CA 95060

District Attorney of Santa Barbara County  
Attn: Jerry Lule-Jian  
312-D E. Cook Street  
Santa Maria, CA 93454

District Attorney of Shasta County  
1355 West Street  
Redding, CA 96001

District Attorney of Sierra County Courthouse  
100 Courthouse Sq., 2nd Fl.  
Downieville, CA 95936

District Attorney of Siskiyou County  
P.O. Box 986  
Yreka, CA 96097

District Attorney of Solano County  
675 Texas Street, Ste. 4500  
Fairfield, CA 94533

District Attorney of Sutter County  
446 Second Street  
Yuba City, CA 95991

District Attorney of Tehama County  
P.O. Box 519  
Red Bluff, CA 96080

District Attorney of Trinity County  
P.O. Box 310, 11 Court Street  
Weaverville, CA 96093

District Attorney of Tuolumne County  
423 N. Washington Street  
Sonora, CA 95370

District Attorney of Yolo County  
301 Second Street  
Woodland, CA 95695

District Attorney of Yuba County  
215 Fifth Street  
Marysville, CA 95901

Los Angeles City Attorney's Office  
City Hall East  
200 N. Main Street, Rm. 800  
Los Angeles, CA 90012

San Diego City Attorney's Office  
1200 Third Avenue, Ste. 1620  
San Diego, CA 92101

San Francisco City Attorney's Office  
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

District Attorney of Stanislaus County  
832 12th Street, Suite 300  
Modesto, California 95354

Gayk Satamyan, Agent for Service of Process  
Midcity Wellness Center, dba Med City  
458 W Lexington  
Glendale, California 91203