

March 27, 2015

**VIA ELECTRONIC SERVICE TO ATTORNEY GENERAL
AND VIA FIRST CLASS MAIL TO OTHERS**Alliant Techsystems Inc.
1300 Wilson Boulevard, Suite 400
Arlington, Virginia 22209-2307Alliant Techsystems, Inc.
c/o CT Corporation, Registered Agent
717 W. Seventh St., 2nd Floor
Los Angeles, CA 90017Wilbur R. Primos, or Current
President or CEO
Primos, Inc.
604 First Street
Flora, MS 39071-9356Wilbur R. Primos, Registered Agent
Primos Wild Game Calls, Inc.
4436 N State St.
Jackson, MS 39206Vista Outdoor, Inc.
938 University Park Boulevard
Clearfield, UT 84015Vista Outdoor, Inc.
c/o CT Corporation, Registered Agent
818 W. Seventh St., 2nd Floor
Los Angeles, CA 90017Vista Outdoor Operations, LLC
938 University Park Boulevard
Clearfield, UT 84015Vista Outdoor Operations, LLC
c/o CT Corporation, Registered Agent
555 Capitol Mall, Ste. 1000
Sacramento, CA 95814Orbital ATK, Inc.
45101 Warp Drive
Dulles, VA 20166Orbital ATK, Inc.
c/o Corporation Services Company,
Registered Agent
1111 East Main St., 16th Floor
Richmond, VA 23219Bushnell Holdings, Inc.
9200 Cody Street
Overland Park, KS 66214Bushnell Holdings, Inc.
c/o The Corporation Company, Inc.,
Registered Agent
112 S.W. 7th Street, Suite 3C
Topeka, KS 66603**RE: Ronald Hendry's Sixty-Day Notice of Intent to Sue for Violations of
California Health & Safety Code § 25249.6 et seq. ("Proposition 65")**



To Alliant Techsystems, Inc. and Whom Else This May Concern:

Ronald Hendry, through his attorneys, serves this Notice of Violation upon Alliant Techsystems Inc., and any of its parent companies, subsidiaries, affiliates, and successors; Vista Outdoor Inc., and any of its parent companies, subsidiaries, affiliates, and successors; Vista Outdoor Operations LLC, and any of its parent companies, subsidiaries, affiliates, and successors; Orbital ATK, Inc., and any of its parent companies, subsidiaries, affiliates, and successors; Primos, Inc. (“Primos”), and any of its parent companies, subsidiaries, affiliates, and successors; and Bushnell Holdings, Inc., and any of its parent companies, subsidiaries, affiliates, and successors (collectively, “ATK”), pursuant to and in compliance with Proposition 65.

The game calls manufactured by ATK and their component elements contain substances known to the State of California to cause cancer or reproductive toxicity. Specifically, the game calls identified in the attached Appendix B (“Game Calls”) -- all of which ATK is manufacturing, producing, packaging, transporting, distributing, and/or selling -- contain at least one of the following chemicals (“Hazardous Chemicals”) in amounts that exceed the amounts permitted by Proposition 65:

- Lead
- Chromium VI
- Di (2-ethylhexyl) phthalate (“DEHP”)
- Diisononyl Phthalate (“DINP”)
- Di-isodecyl phthalate (“DIDP”)

The Game Calls are consumer products designed for both indoor and outdoor use. If used in the manner for which they are intended and/or in a reasonably foreseeable manner, the Game Calls will expose consumers to the Hazardous Chemicals contained therein. The principal exposure pathways are dermal absorption, ingestion, and inhalation. Persons may be exposed to the Hazardous Chemicals in the Game Calls by touching the Game Calls, handling the Game Calls without wearing protective gloves, by touching bare skin or mucous membranes after handling the Game Calls, placing the Game Calls onto the lips or into the mouth, hand-to-mouth contact after handling the Game Calls, and/or breathing in particulate matter emanating from the Game Calls.

Primos began making game calls in 1976. ATK has known of the presence of the Hazardous Chemicals in the Game Calls since, at the latest, October 25, 2013. Pursuant to Proposition 65, ATK was required to warn consumers that the Game Calls contain Hazardous Chemicals: “No person in the course of doing business shall knowingly and intentionally expose any individual to a chemical known to the state to cause cancer or reproductive toxicity without first giving clear and reasonable warning to such individual....” *Cal. Health & Safety Code* § 25249.6.

Despite knowledge of the presence of Hazardous Chemicals, ATK failed to warn consumers of the various ways that consumers’ use of the Game Calls could expose them to those chemicals. Specifically, the packaging for the Game Calls (meaning any label or other



written, printed or graphic matter affixed to or accompanying the Game Call or its container or wrapper) contains no Proposition 65-compliant warning. ATK also failed to provide any other system providing clear and reasonable warnings of the Hazardous Chemicals contained in the Game Calls. ATK did not provide warnings at retail outlets where the Game Calls were sold through shelf labeling, signs, or a combination thereof.

* * *

Proposition 65 requires that notice of intent to sue be given to the violator sixty (60) days before the suit is filed. *Cal. Health & Safety Code* § 25249.7(d)(1). With this letter, Mr. Hendry hereby gives notice to ATK (as defined above), and the appropriate governmental authorities of his intent to sue in the public interest. While violations are occurring throughout the State of California, Mr. Hendry does not know if violations are occurring in each of California's 58 counties. Therefore, pursuant to *Cal. Health & Safety Code* § 25903(c)(3), notice is provided to the district attorney for each of the 58 counties in California. Further, Mr. Hendry is providing this Notice to the California Attorney General and the city attorneys for the cities of Los Angeles, San Diego, San Jose, and San Francisco.

In the absence of any action by the appropriate governmental authorities within sixty (60) calendar days of the sending of this Notice (plus ten (10) calendar days because the place of mailing is within the State of California but some of the ATK entities' addresses are outside the State but within the United States), Mr. Hendry, through his attorneys, may file suit. *See Cal. Health & Safety Code* § 25249.7(d)(1); *Cal. Code Regs. 27* § 25903(d)(1); and *Cal. Code Civ. Proc.* § 1013.

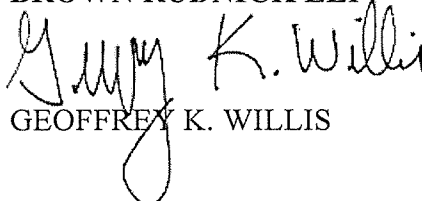
Pursuant to Title 11, Division 4, Chapter 2, Section 3100 of the California Code of Regulations, Mr. Hendry has included a Certificate of Merit with this Notice. The copy of this Notice sent to the Attorney General includes materials supporting the Certificate of Merit, as required by *Cal. Health & Safety Code* § 25249.7(d)(1).

All communications concerning this matter should be directed to:

Geoffrey K. Willis
Brown Rudnick LLP
2211 Michelson Dr., Seventh Floor
Irvine, CA 92612

Regards,

BROWN RUDNICK LLP


GEOFFREY K. WILLIS



APPENDIX A

OFFICE OF ENVIRONMENTAL HEALTH HAZARD ASSESSMENT CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY

THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACTION 1986 (PROPOSITION 65): A SUMMARY

The following summary has been prepared by the Office of Environmental Health Hazard Assessment, the lead agency for the implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 (commonly known as "Proposition 65"). A copy of this summary must be included as an attachment to any notice of violation served upon an alleged violator of the Act. The summary provides basic information about the provisions of the law, and is intended to serve only as a convenient source of general information. It is not intended to provide authoritative guidance on the meaning or application of the law. The reader is directed to the statute and its implementing regulations (see citations below) for further information.

Proposition 65 appears in California law as Health and Safety Code Sections 25249.5 through 25249.13. Regulations that provide more specific guidance on compliance, and that specify procedures to be followed by the State in carrying out certain aspects of the law, are found in Title 27 of the California Code of Regulations, Sections 25000 through 27000.

WHAT DOES PROPOSITION 65 REQUIRE?

The "Governor's List." Proposition 65 requires the Governor to publish a list of chemicals that are known to the State of California to cause cancer, or birth defects or other reproductive harm. This list must be updated at least once a year. Over 735 chemicals have been listed as of November 16, 2001. Only those chemicals that are on the list are regulated under this law. Businesses that produce, use, release, or otherwise engage in activities involving those chemicals must comply with the following:

Clear and Reasonable Warning. A business is required to warn a person before "knowingly and intentionally" exposing that person to a listed chemical. The warning given must be "clear and reasonable." This means that the warning must: (1) clearly make known that the chemical involved is known to cause cancer, or birth defects or other reproductive harm; and (2) be given in such a way that it will effectively reach the person before he or she is exposed. Exposures are exempt from the warning requirement if they occur less than twelve months after the date of listing of the chemical.

Prohibition from discharges into drinking water. A business must not knowingly discharge or release a listed chemical into water or onto land where it passes or probably will pass into a source of drinking water. Discharges are exempt from this requirement if they occur less than twenty months after the date of listing of the chemical.

DOES PROPOSITION 65 PROVIDE ANY EXEMPTIONS?

Yes. The law exempts:

Governmental agencies and public water utilities. All agencies of the federal, State or local government, as well as entities operating public water systems, are exempt.



Businesses with nine or fewer employees. Neither the warning requirement nor the discharge prohibition applies to a business that employs a total of nine or fewer employees.

Exposures that pose no significant risk of cancer. For chemicals that are listed as known to the State to cause cancer ("carcinogens"), a warning is not required if the business can demonstrate that the exposure occurs at a level that poses "no significant risk." This means that the exposure is calculated to result in not more than one excess case of cancer in 100,000 individuals exposed over a 70-year lifetime. The Proposition 65 regulations identify specific "no significant risk" levels for more than 250 listed carcinogens.

Exposures that will produce no observable reproductive effect at 1,000 times the level in question. For chemicals known to the State to cause birth defects or other reproductive harm ("reproductive toxicants"), a warning is not required if the business can demonstrate that the exposure will produce no observable effect, even at 1,000 times the level in question. In other words, the level of exposure must be below the "no observable effect level (NOEL)," divided by a 1,000-fold safety or uncertainty factor. The "no observable effect level" is the highest dose level which has not been associated with an observable adverse reproductive or developmental effect.

Discharge that do not result in a "significant amount" of the listed chemicals entering into any source of drinking water. The prohibition from discharges into drinking water does not apply if the discharger is able to demonstrate that a "significant amount" of the listed chemical has not, does not, or will not enter any drinking water source, and that the discharge complies with all other applicable laws, regulations, permits, requirements, or orders. A "significant amount" means any detectable amount, except an amount that would meet the "no significant risk" or "no observable effect" test if an individual were exposed to such an amount in drinking water.

HOW IS PROPOSITION 65 ENFORCED?

Enforcement is carried out through civil lawsuits. These lawsuits may be brought by the Attorney General, any district attorney, or certain city attorneys (those in cities with a population exceeding 750,000). Lawsuits may also be brought by private parties acting in the public interest, but only after providing notice of the alleged violation. The notice must provide adequate information to allow the recipient to assess the nature of the alleged violation. A notice must comply with the information and procedural requirements specified in regulations (Title 27, California Code of Regulations, Section 25903). A private party may not pursue an enforcement action directly under Proposition 65 if one of the governmental officials noted above initiates an action within sixty days of the notice.

A business found to be in violation of Proposition 65 is subject to civil penalties of up to \$2,500 per day for each violation. In addition, the business may be ordered by a court of law to stop committing the violations.

FOR FURTHER INFORMATION...

Contact the Office of Environmental Health Hazard Assessment's Proposition 65 Implementation Office at (916) 445-6900.



Appendix B

ATK Products in Violation of Proposition 65

<u>Product Name</u>	<u>Chemical</u>
Buck Roar	DEHP, DINP
Bull Horn	Lead
Camo Face Paint	Lead
Classic Wood duck	DINP
Coyote Bear Buster	Lead, Chromium VI, DINP
Deer Bleat & Bawl	DINP
Double Gobble	DINP, DIDP
Dove Call	Lead, Chromium VI
Feeding Mallard	DINP, DIDP
Hardwood Fawn Bleat	DINP
Hardwood Grunt	DINP
Hog Grunter	DINP
Hog Squealer	Lead, Chromium VI
Hog Wild	DINP
Hyper Lip Single	Lead, Chromium VI
Imaka Da Bull Crazy	DINP
Javelina Call	DINP
Ki Yi	DINP
Lip Service	DINP
Little Big Roar	DINP
Long Range Imaka Da Bull Crazy	DINP
Loretta Hen	DINP
Magnum Chukar	DINP, DIDP
Mini Howler	Lead, Chromium VI
Power Buck & Doe	DEHP, DINP
Power Drake/Duck Whistle	Lead, Chromium VI
Power Hawk	Lead, Chromium VI
Power Mule/Blacktail Grunt	DEHP, DINP
Raspy Coaxer	Lead, Chromium VI, DINP
Rubberneck	DINP
Shawty Hands Free	DINP
Squirrel Buster	DINP, DIDP, Lead, Chromium VI
Still Cottaintail Rabbit	Lead, Chromium VI, DINP
Still Grunter	Lead, Chromium VI, DINP
Still Jackrabbit	Lead, Chromium VI, DINP
Tiffany Grunt	DINP



Certificate of Merit
Health & Safety Code § 25249.7

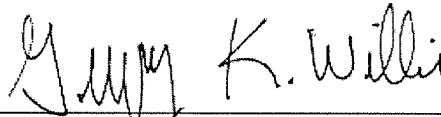
I, Geoffrey K. Willis, hereby declare:

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 with Brown Rudnick LLP and I represent the noticing party, Ronald Hendry.
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 exposures to the listed chemicals in products which are the subjects of this 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 this 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 will be able to establish any of the affirmative defenses set forth in the statute.
5. I have included with the copy of the Certificate of Merit served on the Attorney General factual information sufficient to establish the basis for this certificate, including the information identified in *Cal. Health & Safety Code § 25249.7(h)(2)*, i.e., (1) the identity of the persons consulted with and relied upon by the certifier, and (2) the facts, studies, or other data reviewed by those persons.

DATED: March 27, 2015

BROWN RUDNICK LLP

By:



GEOFFREY K. WILLIS
Attorneys for Ronald Hendry



CERTIFICATE OF SERVICE

I, the undersigned, declare under penalty of perjury under the laws of the State of California that the following is true and correct: I am over the age of 18 and not a party to this case. I am a resident of or employed in the county where the mailing occurred. My business address is 2211 Michelson Dr., Suite 700, Irvine, California 92612.

On March 27, 2015, I served the following documents:

1. **Sixty-Day Notice of Intent to Sue for Violations of California Health & Safety Code § 25249.6 et seq. ("Proposition 65") and attachments thereto**
2. **Certificate of Merit: Health and Safety Code Section 25249.7**
3. **Certificate of Merit (Attorney General Copy): Factual information sufficient to establish the basis of the certificate of merit (*only sent to Attorney General*)**
4. **The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary**

on the following parties in this action as follows:

BY E-MAIL OR ELECTRONIC TRANSMISSION: I electronically served the documents on the following party by uploading a true and correct copy thereof on the California Attorney General's website, which can be accessed at <https://oag.ca.gov/prop65/add-60-day-notice>:

Office of the Attorney General
Prop 65 Enforcement Reporting
1515 Clay Street, Suite 2000
Oakland, CA 94612-0550

BY MAIL: I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Distribution List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Brown Rudnick LLP's practice for collecting and processing correspondence for mailing. On the same day that the correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.

SEE ATTACHED DISTRIBUTION LIST

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

Executed on March 27, 2015, at Irvine, California.


Michelle L. LaClair



DISTRIBUTION LIST

Alliant Techsystems Inc. 1300 Wilson Boulevard, Suite 400 Arlington, Virginia 22209-2307	Alliant Techsystems, Inc. c/o CT Corporation, Registered Agent 717 W. Seventh St., 2nd Floor Los Angeles, CA 90017	Vista Outdoor Inc., 938 University Park Boulevard Clearfield, UT 84015
Wilbur R. Primos, or Current President or CEO Primos, Inc. 604 First Street Flora, MS 39071-9356	Wilbur R. Primos, Registered Agent Primos Wild Game Calls, Inc. 4436 N State St. Jackson, MS 39206	Vista Outdoor, Inc. c/o CT Corporation, Registered Agent 818 W. Seventh St., 2nd Floor Los Angeles, CA 90017
Vista Outdoor Operations LLC 938 University Park Boulevard Clearfield, UT 84015	Vista Outdoor Operations, LLC c/o CT Corporation Registered Agent 555 Capitol Mall, Ste. 1000 Sacramento, CA 95814	Orbital ATK, Inc. 45101 Warp Drive Dulles, VA 20166
Orbital ATK, Inc. c/o Corporation Services Company, Registered Agent 1111 East Main St., 16th Floor Richmond, VA 23219	Bushnell Holdings, Inc. 9200 Cody Street Overland Park, KS 66214	Bushnell Holdings, Inc. c/o The Corporation Company, Inc., Registered Agent 112 S.W. 7th Street, Suite 3C Topeka, KS 66603
Alameda County District Atty 1225 Fallon St., Room 900 Oakland, CA 94612	Los Angeles County District Attorney 210 W. Temple St., 18th Floor Los Angeles, CA 90012	Mono County District Attorney P.O. Box 617 Bridgeport, CA 93514
Alpine County District Attorney P.O. Box 248 Markleeville, CA 96120	Madera County District Attorney 209 W. Yosemite Ave. Madera, CA 93637	San Joaquin County District Attorney 222 E. Weber Ave., Suite 202 Stockton, CA 95202
Amador County District Attorney 708 Court, Suite 202 Jackson, CA 95642	Mariposa County District Attorney P.O. Box 730 Mariposa, CA 95338	San Francisco County District Attorney 850 Bryant St., Room 322 San Francisco, CA 94103
Butte County District Attorney 25 County Center Dr., Suite 225 Oroville, CA 95965-3385	Marin County District Attorney 3501 Civic Center Dr., Suite 130 San Rafael, CA 94903	San Diego County District Attorney 330 W. Broadway, Suite 1300 San Diego, CA 92101
Calaveras County District Attorney 891 Mountain Ranch Road San Andreas, CA 95249	Mendocino County District Attorney 501 Low Gap Rd. Ukiah, CA 95482	San Bernardino County District Atty 316 N. Mountain View Ave. San Bernardino, CA 92415-0004
Tehama County District Attorney 444 Oak St., #L Red Bluff, CA 96080	Los Angeles City Attorney 200 N. Main St., Suite 800 Los Angeles, CA 90012	San Francisco City Attorney #1 Dr. Carlton B. Goodlett Place, # 234 San Francisco, CA 94102-4682
Colusa County District Attorney 346 Fifth St., Suite 101 Colusa, CA 95932	Inyo County District Attorney 168 N. Edwards St. Independence, CA 93526	Placer County District Attorney 10810 Justice Center Dr., #240 Roseville, CA 95678-6231
Contra Costa County District Attorney 900 Ward St. Martinez, CA 94553	Orange County District Attorney P.O. Box 808 Santa Ana, CA 92702	Merced County District Attorney 550 W. Main St. Merced, CA 95340



Del Norte County District Attorney 981 "H" St. Crescent City, CA 95531	Nevada County District Attorney 110 Union Alley Nevada City, CA 95959	Napa County District Attorney P.O. Box 720 Napa, CA 94559-0720
El Dorado County District Attorney 515 Main St. Placerville, CA 95667-5697	Plumas County District Attorney 520 Main St., Room 404 Quincy, CA 95971	Riverside County District Attorney 3960 Orange St. Riverside, CA 92501
Fresno County District Attorney 2220 Tulare St., Suite 1000 Fresno, CA 93721	Sacramento County District Attorney 901 G Street Sacramento, CA 95814	San Benito County District Attorney 419 4th Street Hollister, CA 95023
Glenn County District Attorney 540 W. Sycamore St. Willows, CA 95988	San Luis Obispo County District Atty County Government Center, Rm 450 San Luis Obispo, CA 93408	Siskiyou County District Attorney 311 4th Street Yreka, CA 96097
Humboldt County District Attorney 825 5th St., 4th Floor Eureka, CA 95501	San Mateo County District Attorney 400 County Center, 3rd Floor Redwood City, CA 94063	Solano County District Attorney 675 Texas St., Suite 4500 Fairfield, CA 94533
Imperial County District Attorney 940 W. Main St., Suite 102 El Centro, CA 92243-2860	Santa Barbara County District Attorney 1112 Santa Barbara St. Santa Barbara, CA 93101	Sonoma County District Attorney 600 Administration Dr., Rm 212-J Santa Rosa, CA 95403
Kern County District Attorney 1215 Truxtun Ave. Bakersfield, CA 93301	Santa Clara County District Attorney 270 Grant Ave. Palo Alto, CA 94306	Shasta County District Attorney 1355 West St. Redding, CA 96001-1632
Kings County District Attorney Gov't Ctr, 1400 W. Lacey Blvd. Hanford, CA 93230	Santa Cruz County District Attorney 701 Ocean St., Rm 200 Santa Cruz, CA 95060	Sierra County District Attorney P.O. Box 457 Downieville, CA 95936-0457
Lake County District Attorney 255 N. Forbes St. Lakeport, CA 95453-4790	Stanislaus County District Attorney 832 12th St., Suite 300 Modesto, CA 95354	Trinity County District Attorney P.O. Box 310 Weaverville, CA 96093
Modoc County District Attorney 204 S. Court St., Suite 4 Alturas, CA 96101-4020	Sutter County District Attorney 446 Second St. Yuba City, CA 95991	Yuba County District Attorney 215 5th St., Suite 152 Marysville, CA 95901
San Diego City Attorney City Center Plaza 1200 3rd Ave., Suite 1620 San Diego, CA 92101	Lassen County District Attorney 221 S. Roop St., Suite 4 Susanville, CA 96130	Monterey County District Attorney P.O. Box 1131 Salinas, CA 93902
Tuolumne County District Attorney 423 N. Washington St. Sonora, CA 95370	Tulare County District Attorney 221 S. Mooney Blvd., Rm 224 Visalia, CA 93291	Yolo County District Attorney 301 2nd Street Woodland, CA 95695
Ventura County District Attorney 800 S. Victoria Ave. Ventura, CA 93009	San Jose City Attorney 200 E. Santa Clara St., 16th Floor San Jose, CA 95113	