

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

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

May 28, 2015

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 May 28, 2012, 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 clothing 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 direct ingestion when consumers (including children) place the products in their mouths; ingestion via hand to mouth contact after consumers wear, touch or handle the products; and dermal absorption directly through the skin when consumers wear, 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 Howard Hirsch at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, hhirsch at lexlawgroup.com.

EXHIBIT 1
May 28, 2015 Notice of Violation
Lead in Clothing 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>ASOS.com Limited 142 Greene Street 3rd Floor New York, NY 10003</p>	<p>ASOS Pencil Skirt in Leather Look in Tan</p>	<p>SKU No. 3100057 Item No. U60584369</p>
<p>AX Paris USA, LLC 1544 Blackfoot Drive Fremont, CA 94539</p> <p>www.AXParis.co.uk Ltd. Unit 3, Trafalgar Business Park Broughton Lane Manchester Lancashire M8 9TZ United Kingdom</p>	<p>AX Paris Faux Leather Mini Skirt in Burgundy</p>	<p>SKU No. 8-89020-01432-3 Style No. SK125BUR-S31 KSN No. 7258217 Item No. 027V007258217000</p>
<p>Belk, Inc. 2801 West Tyvola Road Charlotte, NC 28217</p> <p>Belk eCommerce LLC 2801 West Tyvola Road Charlotte, NC 28217</p>	<p>Flying Tomato Faux Leather Pleated Midi Skirt in Red</p>	<p>SKU No. 812922020185</p>
<p>D&H Solutions LLC 18122A Cantrell Road Little Rock, AR 72223</p>	<p>Y & F Pleather Top-Stitched Decorative Zippers Skirt in Brown</p>	<p>Item No. YF-003-BROWN-M</p>
<p>Excelled Sheepskin & Leather Coat Corp. 1400 Broadway New York, NY 10018</p>	<p>R&O Excelled Leather Skirt with Knit Inserts in Red</p>	<p>SKU No. 8-05099-38317-7 Style No. L5000LK KSN No. 7911966 Item No. 027V007911966000</p>
<p>Great Vision International, Inc. 10915 Rush Street S. El Monte, CA 91733</p>	<p>Y & F Pleather Top-Stitched Decorative Zippers Skirt in Brown</p>	<p>Item No. YF-003-BROWN-M</p>

<p>Item House, Inc. 2920 South Steele Street Tacoma, WA 98409</p>	<p>George Simonton Collection Faux Leather Trench Coat in Green</p>	<p>Item No. 15254200</p>
<p>Kmart Corporation 3333 Beverly Road Hoffman Estates, IL 60179</p>	<p>R&O Excelled Leather Skirt with Knit Inserts in Red</p>	<p>SKU No. 8-05099-38317-7 Style No. L5000LK KSN No. 7911966 Item No. 027V007911966000</p>
	<p>AX Paris Faux Leather Mini Skirt in Burgundy</p>	<p>SKU No. 8-89020-01432-3 Style No. SK125BUR-S31 KSN No. 7258217 Item No. 027V007258217000</p>
<p>McCaulou's, Inc. 3512 Mt. Diablo Blvd. Lafayette, CA 94549</p>	<p>Red Snap Jacket in Brown</p>	<p>Item No. J6P2684</p>
<p>ModMerica Group LLC 401 West A Street Suite 1785 San Diego, CA 92101</p> <p>ModMerica Services, LLC 3515 Main Street Suite 201 Chula Vista, CA 91911</p> <p>ModMerica Group, Inc. 2765 Main Street Chula Vista, CA 91911</p>	<p>Very J Double Up Faux Leather Mini Skirt in Black & Olive</p>	<p>SKU No. 92971583543895 Item No. VS50075#</p>
	<p>Very J Sweetheart Swing Faux Leather Dress in Teal</p>	<p>SKU No. 21688344810230 Item No. VD30354 Hunter Green</p>
	<p>Very J Show Off Faux Leather Mini Skirt in Brown</p>	<p>SKU No. 84312345248400 Item No. VS50074 Cocoa</p>
<p>Overstock.com, Inc. 6350 S. 3000 E. Salt Lake City, UT 84121</p>	<p>George Simonton Collection Faux Leather Trench Coat in Green</p>	<p>Item No. 15254200</p>
<p>Salt & Pepper Clothing, Inc. 4770 E. 50th Street Vernon, CA 90058</p>	<p>Flying Tomato Faux Leather Pleated Midi Skirt in Red</p>	<p>SKU No. 812922020185</p>

<p>Very J Inc. 1935 E. 7th Street Los Angeles, CA 90021</p>	<p>Very J Double Up Faux Leather Mini Skirt in Black & Olive</p>	<p>SKU No. 92971583543895 Item No. VS50075#</p>
	<p>Very J Sweetheart Swing Faux Leather Dress in Teal</p>	<p>SKU No. 21688344810230 Item No. VD30354 Hunter Green</p>
	<p>Very J Show Off Faux Leather Mini Skirt in Brown</p>	<p>SKU No. 84312345248400 Item No. VS50074 Cocoa</p>
<p>Wings Manufacturing Corporation 729 Madison Street Hoboken, NJ 07030</p>	<p>Red Snap Jacket in Brown</p>	<p>Item No. J6P2684</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 chemical that is 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.

May 28, 2015



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 May 28, 2015, 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 11:17A.m. on May 28, 2015:

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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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
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931 Parkway Mall
Napa, CA 94559
CEPD@countyofnapa.org

Stephan R. Passalacqua, District Attorney
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600 Administration Drive, Rm. 212J
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jbarnes@sonoma-county.org

Phillip J. Cline, District Attorney
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Visalia, CA 93291
Prop65@co.tulare.ca.us

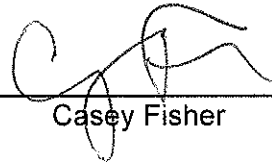
Paul E. Zellerbach, District Attorney
Riverside County
4075 Main Street
Riverside, CA 92501
Prop65@rivcoda.org

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 May 28, 2015, 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 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
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25 County Center Drive
Oroville, CA 95965

District Attorney of Calaveras
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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
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Crescent City, CA 95531

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515 Main Street
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2220 Tulare Street, Ste. 1000
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825 5th Street
Eureka, CA 95501

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

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1215 Truxtun Avenue
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District Attorney of Kings County
1400 West Lacey Blvd.
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District Attorney of Lake County
255 N. Forbes Street
Lakeport, CA 95453

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220 S. Lassen Street, Ste. 8
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Los Angeles, CA 90012-3210

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209 West Yosemite Avenue
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240
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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* D&H Solutions LLC 3501 Silverside Road Naamans Building, Suite 206 Wilmington, DE 19810
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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	William Goldman, CEO* Excelled Sheepskin & Leather Coat Corp. 1400 Broadway New York, NY 10018
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	Ying Liu, President* Great Vision International, Inc. 10915 Rush Street S. El Monte, CA 91733
District Attorney of Solano County 675 Texas Street, Ste. 4500 Fairfield, CA 94533	President* ASOS.com Limited 142 Greene Street 3 rd Floor New York, NY 10003	Gregory Davis, President* Item House, Inc. 2920 South Steele Street Tacoma, WA 98409
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District Attorney of Sutter County 446 Second Street Yuba City, CA 95991	President* www.AXParis.co.uk Ltd. Unit 3, Trafalgar Business Park Broughton Lane Manchester Lancashire M8 9TZ United Kingdom	Alasdair James, President* Kmart Corporation 3333 Beverly Road Hoffman Estates, IL 60179
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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		

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