

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

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

November 12, 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 November 12, 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 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.

Preservation of Relevant Evidence:

This Notice also serves as a demand that each alleged violator preserve and maintain all relevant evidence, including all electronic documents and data, pending resolution of this matter. Such relevant evidence includes but is not limited to all documents relating to the presence or potential presence of Lead in footwear made with leather, vinyl or imitation leather materials; purchase and sales information for such products; efforts to comply with Proposition 65 with respect to such products; communications with any person relating to the presence or potential presence of Lead in such products; and representative exemplars of each unit of any such products sold by each alleged violator in the year preceding this Notice.

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
November 12, 2015 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 style="text-align: center;">Faryl Robin, LLC 200 Park Avenue South Suite 1610 New York, NY 10003</p>	<p style="text-align: center;">Farylrobin & Free People Vegan Slope Heels in Tan</p>	<p style="text-align: center;">SKU No. 36239408 Style No. 36239317 Item No. GINA</p>
<p style="text-align: center;">Tishkoff Enterprises, LLC (dba Drew Shoe Corp. and Bellini Shoes) 252 Quarry Road Lancaster, OH 43130</p>	<p style="text-align: center;">Bellini Zorro II Dress Pumps with Cap-toe Detail in Coral Patent</p>	<p style="text-align: center;">SKU No. 8-87655-18780-1</p>
	<p style="text-align: center;">Bellini Panama II Slingback Pumps in Red Patent</p>	<p style="text-align: center;">SKU No. 8-87655-11922-2</p>
	<p style="text-align: center;">Bellini Philadelphia Cross Strap Dress Heels in Red</p>	<p style="text-align: center;">SKU No. 8-87655-03417-4</p>
	<p style="text-align: center;">Bellini Panama II Slingback Pumps in Emerald Patent</p>	<p style="text-align: center;">SKU No. 8-87655-11946-8</p>
	<p style="text-align: center;">Bellini Peru II Dress Pumps in Red Patent</p>	<p style="text-align: center;">SKU No. 8-87655-12585-8</p>
	<p style="text-align: center;">Bellini Philadelphia Pumps in Red</p>	<p style="text-align: center;">SKU No. 8-87655-03416-7 Item No. 316142</p>
	<p style="text-align: center;">Bellini Coppito Slingback Pumps in Red Patent</p>	<p style="text-align: center;">SKU No. 8-87655-24470-2 Item No. 20131-55</p>
	<p style="text-align: center;">Bellini Felicity Sandals in Orange</p>	<p style="text-align: center;">SKU No. 8-87655-27018-3</p>

<p>Urban Outfitters, Inc. 5000 South Broad Street Philadelphia, PA 19112</p> <p>Free People of PA LLC 5000 South Broad Street Philadelphia, PA 19112</p>	<p>Farylrobin & Free People Vegan Slope Heels in Tan</p>	<p>SKU No. 36239408 Style No. 36239317 Item No. GINA</p>
<p>Wilson Design, Source, Supply Inc. 1385 Broadway Suite 604 New York, NY 10018</p> <p>Wilson Designs Ltd. 86 Kingsbridge Drive Glasgow G44 4JS Scotland</p> <p>Wilson Imports Limited Wilson Business Park 1 Queen Elizabeth Avenue Glasgow G52 4NQ Scotland</p>	<p>Black Poppy Ankle Strap Sandals in Cognac</p>	<p>SKU No. 4167003 Style No. 0003 UPC No. 4-00041-67003-1</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.

November 12, 2015



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 November 12, 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 2:00P.m. on November 12, 2015:

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

Michelle Latimer, Program Coordinator
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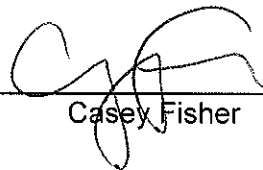
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Gregory Alker, Assistant District Attorney
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gregory.alker@sfgov.org

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 November 12, 2015, 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

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2220 Tulare Street, Ste. 1000
Fresno, CA 93721

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Independence, CA 93526

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Bakersfield, CA 93301

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P.O. Box 1131
Salinas, CA 93902

District Attorney of Nevada County
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Nevada City, CA 95959

District Attorney of Orange
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401 Civic Center Drive West
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240
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Los Angeles, CA 90012

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San Diego, CA 92101

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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

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

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