

60 DAY NOTICE OF VIOLATION

SENT IN COMPLIANCE WITH CALIFORNIA HEALTH & SAFETY CODE §25249.7(d)

DATE: April 21, 2016
To: Klein Tools, Inc.; Fry’s Electronics;
California Attorney General’s Office;
District Attorney’s Office for 58 Counties; and
City Attorney’s Office for Los Angeles, San Diego, San Jose and San Francisco.

From: SHEFA LMV, INC.

I. INTRODUCTION

We are a non-profit corporation of the State of California acting in the interest of the general public. We seek to promote awareness of exposures to toxic chemicals in products sold in California and, if possible, to improve public health and safety by reducing the hazardous substances contained in such items. This Notice is provided to the parties listed above pursuant to California Health & Safety Code §25249.6, et seq. (“Proposition 65”). The violations alleged by this Notice consist of product exposures, routes of exposures, and types of harm that may potentially result from exposures to the toxic chemical (“listed chemical”) identified below:

| | |
|----------------------------|--|
| Product Exposure: | See Section VII |
| Listed Chemical: | DIDP (Diisodecyl Phthalate) and DINP (Diisononyl Phthalate) |
| Routes of Exposure: | Touch, Oral, Dermal absorption |
| Types of Harm: | Carcinogen, Birth Defects and Reproductive Toxicity |

II. NATURE OF ALLEGED VIOLATION (PRODUCT EXPOSURE)

The specific type of product that is causing consumer and occupational exposures in violation of Proposition 65, and which is the subject of this Notice, is listed under “Product Category/Type” in Section VII below. All products within the type covered by this Notice shall be referred to hereinafter as the “products.” The sales of these products in California dating at least as far back as March 1, 2015 are subject to this Notice. As a result of the sales of these products, exposures to the listed chemical have been occurring without clear and responsible warnings as required by Proposition 65. Without proper warnings regarding the toxic effects of exposures to the listed chemical, resulting from contact with the products, California citizenry lack the information necessary to make informed decisions on whether and

how to eliminate (or reduce) the risk of exposure to the toxic chemical from the reasonably foreseeable use of the products.

Through the act of buying, acquiring and using the products, citizens of California are exposed to the listed chemical in homes, workplaces and elsewhere throughout California where these products are used. Exposure to consumers includes, but is not limited to, when handling the product DINP and DIDP comes off on the hands and is then absorbed through the skin, hand to mouth contact, hand to food to mouth contact, or through hand to cigarette to mouth. Exposure may continue to occur for a significant period after the initial contact. These activities cause women, pregnant women, and women of child bearing age to be exposed directly through migration of the listed chemical from the products. People likely to be exposed are women and men. These violations and threatened violations pertain to Proposition 65 chemicals that are listed as carcinogens and reproductive toxins.

III. CONTACT INFORMATION

Please direct all questions concerning this notice to me through my counsel's offices at the following address:

Daniel N. Greenbaum, Esq.
7120 Hayvenhurst Ave., Suite 320
Van Nuys CA 91406
Phone: (818) 809-2199
Fax: (424) 243-7689
Email: dgreenbaum@greenbaumlawfirm.com

IV. PROPOSITION 65 INFORMATION

For general information concerning the provisions of Proposition 65, please feel free to contact the Office of Environmental Health Hazard Assessment ("OEHHA") in the Proposition 65 Implementation Office at (916) 445-6900. For the alleged Violator(s), please see the attached copy of "Proposition 65 in Plain Language" which has been prepared by OEHHA.

V. RESOLUTION OF NOTICED CLAIMS

Based on the allegations set forth in this Notice, we intend to file a citizen enforcement lawsuit against the alleged Violator(s), unless such Violator enters into a binding written agreement to: (1) recall products already sold or undertake best efforts to ensure that the requisite health hazard warnings are provided to those whom have received such products; (2) provide clear and reasonable warnings for products sold in the future, or reformulate such products to eliminate the DINP and DIDP exposures.

If the alleged Violator is interested in resolving this dispute without resorting to time-consuming and expensive litigation, please feel free to contact my counsel identified in Section III. It should be

noted that neither my counsel nor we can: (1) finalize any settlement until after the 60-day Notice period elapses; nor (2) speak for the Attorney General or any District Attorney or City Attorney who received this Notice. Therefore, while reaching an agreement that will resolve my claims, such as agreement may not satisfy the public prosecutors.

VI. PRODUCT INFORMATION

| Product | Retailer(s) | Manufacturer(s)/Distributor(s) |
|--------------------------------|--------------------|---------------------------------------|
| Klein Tools Multi Cable Cutter | Fry's Electronics | Klein Tools |

Identified above is a specific example of a product recently purchased and witnesses as being available for purchase or use in California that is within the category or type of offending product covered by this Notice. Based on publicly available information, the retailers, distributors and/or manufacturers of the example within the category or type of product are also provided below. I believe and allege that he sale of the offending products also has occurred without the requisite Proposition 65 “clear and reasonable warnings” at one or more locations and/or via other means including, but not limited to, transactions made over-the-counter, business to business, through the internet, and/or via catalog by the alleged Violator(s) and other distributors and retailers of the product.

VII. EXEMPLAR PRODUCT

| Product Category/Type | Specific Product | Toxins |
|------------------------------|-------------------------|---------------|
| Cable Cutter | Cat. No. 63020 | DINP and DIDP |

The specific example identified above is of the type of product which is the subject of this Notice. We are identifying herein for all recipients’ benefit to assist in its investigation of, among other things, the magnitude of potential exposure to the listed chemical from other items within the product category/type listed in Section VII. It is important to note that this example does not represent an exhaustive or comprehensive identification of any or all specific products of the type listed under “Product Category/Type” in Section VII. Further, it is this citizen’s position that the alleged Violator(s) are obligated to continue to conduct in good faith an investigation into other specific products within the type or category described above that may have been manufactured, distributed, sold, shipped, stored (or otherwise within the alleged Violator(s)’ custody or control) during the relevant period so as to ensure that the requisite toxic warnings are provided to California citizens prior to purchase.

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this case or action. My business address is:
7120 Hayvenhurst Ave., Suite 320, Van Nuys CA 91406

A True and Correct copy of the documents entitled 60 DAY NOTICE OF VIOLATION; CERTIFICATE OF MERIT; THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65): A SUMMARY will be served or was served in the manner stated below:

I. Interested Parties (Served via Certified Mail): On April 21, 2016, I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the US Mail, postage prepaid, and addressed as follows:

| | | |
|------------------------------|-------------------------|---|
| Klein Tools, Inc. | Attn: CEO or President | 450 Bond Street, Lincolnshire IL 60069 |
| Illinois Corporation Service | c/o Klein Tools, Inc. | 801 Adlai Stevenson Drive, Springfield IL 62703 |
| Fry's Electronics, Inc. | Attn: Kathryn J. Kolder | 600 E. Brokaw Road, San Jose CA 95112 |
| Fry's Electronics, Inc. | Attn: CEO or President | 600 E. Brokaw Road, San Jose CA 95112 |

II. California Attorney General (via website Portal): On April 21, 2016, I uploaded a true and correct copy thereof as a PDF file via the California Attorney General's website.

III. District and City Attorneys (via U.S. Mail): On April 21, 2016, I caused to be served the following persons and/or entities at the last known addresses by placing a true and correct copy thereof in a sealed envelope in the United States Mail, first class, postage prepaid, and addressed as follows: SEE ATTACHED FOR FULL SERVICE LIST

IV. District and City Attorneys (via email): On April 21, 2016, I served the following persons and/or entities at the last known electronic addresses via email. The transmission was reported as sent without error.

cfepd@yolocounty.org; sgrassini@contracosta.org; Prop65DA@co.monterey.ca.us; epu@da.sccgov.org; CEPD@countyofnapa.org; jbarnes@sonoma-county.org; Prop65@co.tulare.ca.us;

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



April 21, 2016 Nathan Ford

Date *Name*

Signature

District Attorney
ALAMEDA COUNTY
1225 Fallon Street, Room 900
Oakland, CA 94612

District Attorney
ALPINE COUNTY
PO Box 248
Markleeville, CA 96120

District Attorney
AMADOR COUNTY
708 Court Street, #202
Jackson, CA 95642

District Attorney
BUTTE COUNTY
25 County Center Drive —
Administration Building
Oroville, CA 95965

District Attorney
CALAVERAS COUNTY
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney
COLUSA COUNTY
346 5th Street, Suite. 101
Colusa, CA 95932

District Attorney
DEL NORTE COUNTY
450 H Street, Room 171
Crescent City, CA 95531

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EL DORADO COUNTY
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KINGS COUNTY
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LAKE COUNTY
255 N. Forbes Street
Lakeport, CA 95453

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LASSEN COUNTY
220 S. Lassen Street, Suite. 8
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LOS ANGELES COUNTY
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209 West Yosemite Avenue
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3501 Civic Center Drive, Room 130
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PO BOX 2053
Mammoth Lakes, CA 93546

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NEVADA COUNTY
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Nevada City, CA 95959

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ORANGE COUNTY
401 Civic Center Drive West
Santa Ana, CA 92701

District Attorney
PLACER COUNTY
10810 Justice Center Drive
Roseville, CA 95678

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PLUMAS COUNTY
520 Main Street, Room 404
Quincy, CA 95971

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SAN BENITO COUNTY
419 4th Street
Hollister, CA 95023

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San Bernardino, CA 92415

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San Francisco, CA 94103

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SAN JOAQUIN COUNTY
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San Luis Obispo, CA 93408

District Attorney
SAN MATEO COUNTY
400 County Center, Third Floor
Redwood City, CA 94063

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SANTA BARBARA COUNTY
1112 Santa Barbara Street
Santa Barbara, CA 93101

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SANTA CLARA COUNTY
70 West Hedding Street, West Wing
San Jose, CA 95110

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SHASTA COUNTY
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City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

CERTIFICATE OF MERIT

I, Daniel N. Greenbaum, 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.

April 21, 2016

Date

Daniel N. Greenbaum

Name



Signature

