

NOTICE OF VIOLATION

California Safe Drinking Water and Toxic Enforcement Act

Benzene Exposures at the Snowglobe Music Festival

January 23, 2019

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. Caroline Cox is the Research Director of and a responsible individual within CEH.

Description of Violation:

- Violators: The names and addresses of the violators are:

Snowglobe, LLC
2414 Fourth Avenue, #305
Los Angeles, CA 90018

MTV Networks Enterprises, Inc.
1515 Broadway
New York, NY 10036

MTV Networks Music Productions, Inc.
1515 Broadway
New York, NY 10036

Viacom, Inc.
1515 Broadway
New York, NY 10036

- Time Period of Exposure: The violations have been occurring since at least December 29, 2017, during the Snowglobe Music Festival which takes place annually in December at the location described below. There is a substantial threat of ongoing and future violations unless and until the

alleged violators abate the threat of additional benzene exposures from ongoing and future operations.

- 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 Involved: The name of the listed chemical involved in these violations is benzene. Benzene is a chemical that is known to cause cancer, birth defects and other reproductive harm. Exposures to benzene are occurring at the location described below.
- Location of the Exposures: The specific location of the exposures is the Lake Tahoe Community Playfield located at the Lake Tahoe Community College, 1 College Drive, South Lake Tahoe, California 96150 (the “Snowglobe Festival”). The exposures occur at all locations on the grounds of the Snowglobe Festival.
- Description of Exposure: This Notice addresses environmental exposures to benzene. These exposures are caused by the alleged violators’ operations during the Snowglobe Festival. The alleged violators’ operations release benzene into the air, exposing individuals attending the festival to benzene, including but not limited to festival attendees, staff, volunteers, and other participants at the Snowglobe Festival. The primary route of exposure for the violations is inhalation when individuals inhale the air that has been contaminated with benzene released from the Snowglobe Festival operations by the alleged violators. No clear and reasonable warning is provided regarding the hazards of benzene.

Resolution of Noticed Claims:

Based on the allegations set forth in this Notice, CEH intends to bring a citizen enforcement lawsuit against the alleged violators unless such violators agree in a binding written instrument to: (1) provide clear and reasonable warnings; (2) immediately abate the threat of additional benzene exposures; and (3) pay an appropriate civil penalty based on the factors enumerated in California Health and Safety Code Section 25249.7(b). If the alleged violators are interested in resolving this dispute without resort to expensive and time-consuming litigation, please feel free to contact CEH through her 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 the alleged violators 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 benzene releases from the alleged violators' operations, actual or potential exposures to benzene from the alleged violators' operations, efforts to comply with Proposition 65, and communications with any person relating to actual or potential exposures to benzene from the alleged violators' operations since the year preceding this Notice through the date of any trial of the claims alleged in this Notice.

Please direct any inquiries regarding this Notice to CEH's counsel Mark N. Todzo at Lexington Law Group, 503 Divisadero Street, San Francisco, CA 94117, (415) 913-7800, mtodzo@lexlawgroup.com.

CERTIFICATE OF MERIT
Health & Safety Code § 25249.7(d)

I, Mark N. Todzo, 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.

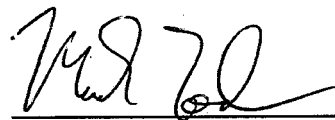
2. I am an attorney with the Lexington Law Group, and I represent the noticing party, Center for Environmental Health.

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.

January 23, 2019



Mark N. Todzo
Attorney for
Center For Environmental Health

1 **PROOF OF SERVICE**

2
3 I, Nick Redfield, declare:

4 I am a citizen of the United States and employed in the County of San Francisco, State of
5 California. I am over the age of eighteen (18) years and not a party to this action. My business
6 address is 503 Divisadero Street, San Francisco, CA 94117 and my email address is
7 nredfield@lexlawgroup.com.

8 On January 23, 2019, I served the following document(s) on all interested parties in this
9 action by placing a true copy thereof in the manner and at the addresses indicated below:

10 **NOTICE OF VIOLATION OF CALIFORNIA SAFE DRINKING WATER AND
11 TOXIC ENFORCEMENT ACT;**

12 **CERTIFICATE OF MERIT;** and

13 **THE SAFE DRINKING AND TOXIC ENFORCEMENT ACT OF 1986
14 (PROPOSITION 65): A SUMMARY** (only sent to those on service list marked with an
15 asterisk).

16 **BY MAIL:** I am readily familiar with the firm's practice for collecting and processing mail
17 with the United States Postal Service ("USPS"). Under that practice, mail would be deposited
18 with USPS that same day with postage thereon fully prepaid at San Francisco, California in the
19 ordinary course of business. On this date, I placed sealed envelopes containing the above
20 mentioned documents for collection and mailing following my firm's ordinary business practices.

21 *Please see attached service list.*

22 **BY FACSIMILE:** I caused all pages of the document(s) listed above to be transmitted via
23 facsimile to the fax number(s) as indicated and said transmission was reported as complete and
24 without error.

25 **BY ELECTRONIC MAIL:** I transmitted a PDF version of the document(s) listed above via
26 email to the email address(es) indicated on the attached service list [or noted above] before 5 p.m.
27 on the date executed.

28 **BY PERSONAL DELIVERY:** I placed all pages of the document(s) listed above in a sealed
envelope addressed to the party(ies) listed above, and caused such envelope to be delivered by
hand to the addressee(s) as indicated.

BY OVERNIGHT DELIVERY: I deposited such document(s) in a box or other facility
regularly maintained by FedEx, or delivered such document(s) to a courier or driver authorized by
FedEx, with delivery fees paid or provided for, and addressed to the person(s) being served.

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

Executed on January 23, 2019 at San Francisco, California.



Nick Redfield

SERVICE LIST

District Attorney of El Dorado County
778 Pacific Street
Placerville, CA 95667

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

Chad Donnelly, CEO*
Snowglobe LLC
2414 Fourth Ave.
Los Angeles, CA 90018

Timothy Stevenson, CEO*
MTV Networks Enterprises Inc.
1515 Broadway
New York, NY 10036

Amy Doyle, CEO*
MTV Networks Music Production Inc.
1515 Broadway
New York, NY 10036

Robert Bakish, CEO*
Viacom Inc
1515 Broadway
New York, NY 10036