

# NOTICE of VIOLATION

Health and Safety Code Section 25249.7(d)

In accordance with the California Code of Regulations, at Title 22, section 12903, the noticing party named below hereby provides sixty-day notice of the commencement of an action in the public interest to enforce provisions of The Safe Drinking Water and Toxic Enforcement Act of 1986. (Health and Safety Code, Section 25249.5 et seq.)

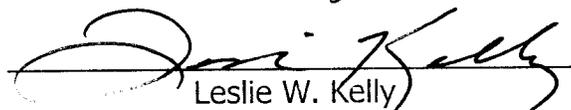
**This Notice alleges that the parties identified below have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings of chemical exposure involving certain consumer products currently distributed in the State of California.**

Please find attached a copy of "The Safe Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary" for your reference.

<b>Noticing party:</b>	Paul J. Arbogast
<b>Alleged violators:</b>	Timex Corporation Wal-Mart Corporation
<b>Time of the violation:</b>	2004 to present
<b>Chemical involved:</b>	Chromium - hexavalent compounds
<b>Route of exposure:</b>	Dermal contact with leather watchstrap
<b>Product causing violation:</b>	Timex Expedition wristwatch model 77862, and other models with leather components containing hexavalent chromium compounds.

Cal. Admin. Code title 22, section 12903

Respectfully submitted on behalf of the noticing party, Paul J. Arbogast,  
this 20 day of August, 2007.



Leslie W. Kelly

La. State Bar #27249

1000 Benton Road

Bossier City, LA 71111

318/742-2112

Attorney for noticing party

# CERTIFICATE OF MERIT

HEALTH AND SAFETY CODE SECTION 25249.7(d)

I, Leslie W. Kelly, hereby declare:

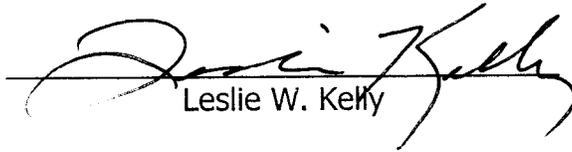
- (1) This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged the parties identified in the notices have violated Health and Safety Code section 25249.6 by failing to provide clear and reasonable warnings.
- (2) I am the attorney for the noticing party.
- (3) I have 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 plaintiff's case can be established and the information did not prove 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.

Dated: August 20, 2007

  
Leslie W. Kelly  
La. State Bar Association #27249  
1000 Benton Road  
Bossier City, LA 71111  
318/742-2112 phone  
Attorney for noticing party

CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing has been served on the following parties by first class mail this 20 day of August, 2007.

  
Leslie W. Kelly

Timex Corporation  
P.O. Box 310  
Middlebury, CT 06762

Kotai Timex Investments, Inc.  
Zhong Li Xu  
316 E Angeleno Ave.  
San Gabriel, CA 91776

Wal-Mart Stores, Inc.  
702 S.W. 8<sup>th</sup> Street  
Bentonville, AR 72716

Wal-Mart Stores, Inc.  
C T Corporation System  
818 West Seventh St.  
Los Angeles, CA 90017

Proposition 65 Enforcement Reporting  
Attention: Prop. 65 Coordinator  
1515 Clay Street, Suite 2000  
P.O. Box 70550  
Oakland, CA 94612-0550

Alameda County District Attorney  
1225 Fallon Street # 900  
Oakland, CA 94612

Alpine County District Attorney  
14777 State Route 89  
Markleeville, CA 96120

Amador County District Attorney  
708 Court Street  
Jackson, CA 95642

Butte County District Attorney  
1474 Myers Street,  
Oroville, CA 95965

Calaveras County District Attorney  
891 Mountain Ranch Road  
San Andreas, CA 95249

Colusa County District Attorney  
547 Market Street  
Colusa, CA 95932

Contra Costa County District Attorney  
100 37th Street  
Richmond, CA 94805

Del Norte County District Attorney  
450 H Street  
Crescent City, CA 95531

El Dorado County District Attorney  
807 Emerald Bay Road  
South Lake Tahoe, CA 96150

Fresno County District Attorney  
2220 Tulare Street  
Fresno, CA 93721

Glenn County District Attorney  
540 West Sycamore Street  
Willows, CA 95988

Hemet County District Attorney  
910 North State Street  
Hemet, CA 92543

Humboldt County District Attorney  
333 K Street  
Eureka, CA 95501

Imperial County District Attorney  
939 West Main Street  
El Centro, CA 92243

Inyo County District Attorney  
386 West Line Street  
Bishop, CA 93514

Kern County District Attorney  
12022 Main Street  
Lamont, CA 93241

Kings County District Attorney  
1400 West Lacey Boulevard  
Hanford, CA 93230

Lake County District Attorney  
255 North Forbes Street  
Lakeport, CA 95453

Lassen County District Attorney  
220 South Lassen Street  
Susanville, CA 96130

Los Angeles County District Attorney  
2958 East Florence Avenue  
Huntington Park, CA 90255

Madera County District Attorney  
14227 Road 28,  
Madera, CA 93638

Marin County District Attorney  
3501 Civic Center Drive # 130  
San Rafael, CA 94903

Mariposa County District Attorney  
5088 Bullion Street  
Mariposa, CA 95338

Mendocino County District Attorney  
189 South School Street  
Ukiah, CA 95482

Merced County District Attorney  
2222 "M" Street  
Merced, CA 95340

Modoc County District Attorney  
204 South Court Street  
Alturas, CA 96101

Mono County District Attorney  
P.O. Box 617  
Bridgeport, CA 93517

Monterey County District Attorney  
240 Church Street # 101  
Salinas, CA 93901

Napa County District Attorney  
931 Parkway Mall  
Napa, CA 94559

Nevada County District Attorney  
950 Maidu Avenue  
Nevada City, CA 95959

Orange County District Attorney  
4601 Jamboree Road # 102  
Newport Beach, CA 92660

Placer County District Attorney  
2501 North Lake Boulevard  
Tahoe City, CA 96145

Plumas County District Attorney  
520 Main Street # 404  
Quincy, CA 95971

Riverside County District Attorney  
4075 Main Street  
Riverside, CA 92501

Sacramento County District Attorney  
901 G Street  
Sacramento, CA 95814

San Benito County District Attorney  
419 Fourth Street  
Hollister, CA 95023

San Bernardino County District Attorney  
10565 Civic Center Drive # 250  
Rancho Cucamonga, CA 91730

San Diego County District Attorney  
500 3rd Avenue FL 3  
Chula Vista, CA 91910

San Francisco County District Attorney  
850 Bryant Street, Room 322  
San Francisco, CA 94103

San Joaquin County District Attorney  
475 East 10th Street # C  
Tracy, CA 95376

San Luis Obispo County District Attorney  
County Government Center, 4th Floor  
San Luis Obispo, CA 93408

San Mateo County District Attorney's Office  
400 County Center  
Redwood City, CA 94063

Santa Barbara County District Attorney  
115 Civic Center Plaza  
Lompoc, CA 93436

Santa Clara County District Attorney  
70 West Hedding Street  
San Jose, CA 95110

Santa Cruz County District Attorney  
420 May Avenue  
Santa Cruz, CA 95060

Shasta County District Attorney  
1525 Court Street  
Redding, CA 96001

Sierra County District Attorney  
100 Courthouse Square  
Downieville, CA 95936

Siskiyou County District Attorney  
311 4th Street  
Yreka, CA 96097

Solano County District Attorney  
800 Chadbourne Road  
Suisun City, CA 94585

Sonoma County District Attorney  
600 Administration Drive # 212J  
Santa Rosa, CA 95403

Stanislaus County District Attorney  
817 10th Street FL 2  
Modesto, CA 95354

Sutter County District Attorney  
446 2nd Street  
Yuba City, CA 95991

Tehama County District Attorney  
444 Oak Street  
Red Bluff, CA 96080

Trinity County District Attorney  
101 Court Street FL 2  
Weaverville, CA 96093

Tulare County District Attorney  
87 East Morton Avenue  
Porterville, CA 93257

Tuolumne County District Attorney  
41 Yaney Avenue  
Sonora, CA 95370

Ventura County District Attorney  
800 South Victoria Avenue  
Ventura, CA 93009

Yolo County District Attorney  
204 4th Street  
Woodland, CA 95695

Yuba County District Attorney  
215 5th Street  
Marysville, CA 95901

Office of the City Attorney  
915 I Street, 4<sup>th</sup> Floor  
Sacramento, CA 95814

Oakland City Attorney  
City Hall, 6<sup>th</sup> Floor  
1 Frank Ogawa Plaza  
Oakland, CA 94612

Office of the City Attorney  
200 East Santa Clara Street, 16<sup>th</sup> Floor  
San Jose, CA 95113

Office of the City Attorney  
Civic Center Plaza  
1200 Third Ave., #1620  
San Diego, CA 92101

Office of the City Attorney  
800 City Hall East  
200 North Main Street  
Los Angeles, CA 90012\

Office of the City Attorney  
City Hall, Room 234  
San Francisco, CA 94102