

Law Offices
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Phone (559) 221-4945
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July 11, 2009

Sent Certified Mail RRR No. 7006 2760 0004 6619 8916

The Honorable Edmund G. Brown, Jr.
State of California Attorney General's Office
1300 I Street, Suite #1120
Sacramento, CA 95814-2919

Sent Certified Mail RRR No. 7006 2760 0004 6619 8923

District Attorney Robert Kochly
Contra Costa County
900 Ward Street
Martinez, CA 94553

Sent Certified Mail RRR No. 7006 2760 0004 6618 4070

Randy Riddle
Richmond City Attorney's Office
450 Civic Center Plaza
Richmond, CA 94804

Re: Notice of Intent to Bring Civil Action "In the Public Interest" for Violations of the Safe Drinking Water and Toxic Enforcement Act of 1986, hereafter PROP 65, Pursuant to H&S Code § 25249.7(d)(1) and in Compliance with Cal. Code of Regulations Title 27 §25903.

Dear Sir/Madam:

The Law Offices of Gordon A. Stemple, A Law Corporation, represents W. Bourke Harris, President of Christie Constructors, Inc., the Noticing Party. The identities of the other noticing parties will not be disclosed in this letter, given they fear reprisals from the alleged violators for serving as noticing parties and need not do so to conform to the requirements of Cal. Code of Regulations Title 27 §25903, to provide the notice set forth herein. The noticing party alleges multiple violations of H&S Code §25249.6 of the Safe Drinking Water and Toxic Enforcement Act of 1986, hereinafter referred to as PROP 65, as set forth herein on information and belief.

Gordon A. Stemple, A Law Corporation

To: State of California Attorney General's Office

Contra Costa County District Attorney

City of Richmond City Attorney

Re: Notice of Intent to Bring Civil Action "In the Public Interest" for Violations of the Safe Drinking Water and Toxic Enforcement Act of 1986, hereafter PROP 65, Pursuant to H & S Code §25249.7(d)(1) and in Compliance with Cal. Code of Regulations, Title 27 §25903,

July 11, 2009

NOTICING PARTY:

W. Bourke Harris, President

Seaport General Corporation

4925 Seaport Avenue

Richmond, CA 94804

Phone (559) 221-4945 (Gordon A. Stemple – Attorney for Mr. Harris)

Fax (559) 276-9405 (Gordon A. Stemple – Attorney for Mr. Harris)

Email gastemple@comcast.net (Gordon A. Stemple – Attorney for Mr. Harris)

PLEASE DO NOT CONTACT MR. HARRIS DIRECTLY. HE IS REPRESENTED IN THIS MATTER. ALL INQUIRIES SHOULD BE DIRECTED TO THE UNDERSIGNED AS HIS ATTORNEY.

NAMES OF THE ALLEGED VIOLATORS:

Stauffer Chemical Company; Hudson Finance, Inc.; Imperial Chemical Industries, PLC; ICI Americas; Rhone-Poulenc, Inc.; Rhone-Poulenc Basic Chemicals Company, Inc.; Aventis CropScience USA, Inc.; Bayer CropScience Inc.; Zeneca, 1391 South 49th Street, Richmond, CA; The Regents of the University of California (UC REGENTS) and the UC Richmond Field Station (UCRFS), located at 1301 South 46th Street, Richmond, CA. The UC REGENTS and UCRFS are alleged to be violators while acting in a proprietary capacity.

APPROXIMATE TIME PERIOD DURING WHICH THE VIOLATIONS ARE ALLEGED TO HAVE OCCURRED:

Violations are alleged to have taken place on an ongoing basis from 1987, twelve months after the effective date of the passage into law of PROP 65 and to continue until the present day. The offending toxins are many and it is here alleged that none were adequately warned against, within the meaning and intent of PROP 65 within 12 months from the date each was added to the PROP 65 list.

NAMES OF EACH LISTED CHEMICAL INVOLVED IN THE ALLEGED VIOLATION:

The specific names of each known toxin believed to be on the PROP 65 list are so many they are listed in Attachment "A" to this Notice. See Attachment "A".

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ALLEGED VIOLATIONS OF H & S CODE §25249.6:

The Stauffer Chemical Company, hereafter STAUFFER, located at 1391 South 49th Street, Richmond, CA, was in the business of manufacturing agricultural chemicals, to include but not limited to, chlorinated pesticides, herbicides, nematicides, fungicides, organophosphate fertilizers, and a large array of other toxins. STAUFFER did this for approximately 100 years prior to about 1997 when it was decided STAUFFER, then known as Astra Zeneca and/or Cherokee Simeon Ventures I, LLC, would close down this facility and develop it into commercial and residential building development(s). All other alleged violators are named in an abundance of caution to give each of them every advantage of notice from a due process standpoint.

There has been a complex chain of corporate transactions, acquisitions, mergers, name changes and other transactions, modifications and changes between and among the alleged violators, which the noticing parties have yet to unravel. Once the noticing parties have subpoena power to commence appropriate discovery, they will commence to do so. For now it is alleged Cherokee Simeon Ventures I, LLC, and the other alleged violators are the successors in interest to STAUFFER and/or agents of the other so as to be liable for or have acted or omitted to act in such a manner to proximately cause each and every PROP 65 violation alleged in this notice. Excluding only the UCRFS and UC REGENTS, the STAUFFER entities shall be referred to collectively as the PRIMARY SITE OCCUPANTS.

At all times after the effective date of PROP 65 to 1997 the PRIMARY SITE OCCUPANTS manufactured the products described above. While doing so, they caused and allowed two sedimentation beds to service the PRIMARY SITE. These sedimentation beds are now known as East and West Stege Marshes. They are located to the south of the PRIMARY SITE adjacent to the San Francisco Bay.

Runoff from the contaminated surface of the PRIMARY SITE during its years of operation filled these sedimentation beds with heavy metals and most of the toxins listed on Attachment "A" to this notice. Until recent times there were no fences around these sedimentation beds. Fences were put up after the time of the PRIMARY SITE closure. However, even now these sedimentation beds (East and West Stege Marshes) are not signed with proper warning or hazard notices, nor have they ever been posted with PROP 65 signage.

The PRIMARY SITE has never been posted with sufficient PROP 65 signage. There has never been an effective lawful effort by the alleged violators to inform the occupants of the adjacent Richmond Harbor Front Business Park, hereafter the TRACT, that the toxins listed in Attachment "A" were migrating offsite by routes of air, wind and surface water runoff from the

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PRIMARY SITE to the TRACT premises. TRACT ground water aquifers and drinking water supplies were contaminated with hazardous levels of chemicals, dangerous to aquatic life, people through ingestion and inhalation, and contaminated the environment. The PRIMARY SITE OCCUPANTS also constructed an unlawful landfill on the PRIMARY SITE, in an area to the east of the PRIMARY SITE and immediately west of Interstate-580. From all three locations the TRACT continues to be exposed to the contaminated groundwater and surface water, both which off-gas toxins into the TRACT structures above.

Maintaining these contaminated sites and modifying them for the sake of future residential or commercial development is an ongoing business activity of Astra-Zeneca and Cherokee-Simeon Ventures, I, LLC. The PRIMARY SITE has only two signs warning of PROP 65 toxins. One sign is at the entrance of the PRIMARY SITE and the other is approximately 30 to 50 feet within the boundary of the PRIMARY SITE. The signage is insufficient to meet the lawful intent of PROP 65. The two existing signs would not put the TRACT or nearby residential dwelling residents on notice of the PROP 65 toxins to which they were and are today being exposed through the pathways herein above described.

During 2002 to 2004 UCRFS, acting in a proprietary capacity, collaborated and cooperated with the other alleged PRIMARY SITE violators to dispose of and receive on the PRIMARY SITE, significant amounts of its own contaminated soil in the unlawful landfill constructed on the PRIMARY SITE by its current landfill operators. Runoff from the present landfill continues to contaminate and expose people and wildlife. Contaminated groundwater supplies TRACT groundwater wells that are used to clean trucks. In the process of washing the vehicles, off-gassing exposes workers to harm via the contaminated air (Delighting), via dermal contact and inhalation.

The PRIMARY SITE is an ongoing operation, as is the runoff from it. In addition, the saltwater from the San Francisco Bay via saltwater intrusion, creates a bellowing underground hydraulic phenomena that causes the surface runoff to constantly recharge the aquifers beneath the TRACT east of the PRIMARY SITE and the Residential area to the west of the PRIMARY SITE. Contaminated soil from the PRIMARY SITE, together with soil gases rising through surface water during rainy times, continuously recharge aquifers beneath the PRIMARY SITE, then migrate to the commercial water wells in the TRACT to the east. Water from at least one of these wells is still used for washing vehicles by a TRACT commercial resident. PRIMARY SITE soil and aquifers are the source of discharged toxic waste into the San Francisco Bay. Surface runoff from rain carries contaminated water from the PRIMARY SITE to lower elevation areas above ground within the TRACT. The PRIMARY SITE is not being operated in a manner to avoid or halt these continuous contamination and exposure processes, while operational focus remains on commercial development of the PRIMARY SITE.

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Contra Costa County District Attorney
City of Richmond City Attorney

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July 11, 2009

CERTIFICATES OF MERIT:

As the Attorney for the noticing parties I have met with an appropriate professional expert familiar with the allegations and alleged facts contained herein. I am attaching two Certificates of Merit required to accompany this letter, one for all noticed parties and the other for the Attorney General ONLY (all appropriately identified). All confidentiality to the Certificate of Merit labeled Attorney General's Copy is asserted on behalf of all noticing parties and the public in general to the extent allowed pursuant to H&S Code § 25249.7(i).

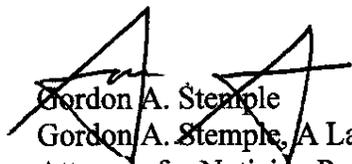
"The Attorney General may provide the factual information submitted to establish the basis of the Certificate of Merit on request to any district attorney, city attorney, or prosecutor within whose jurisdiction the violation is alleged to have occurred, or to any other state or federal government agency, but in all other respects the Attorney General shall maintain, and ensure that all recipients maintain the submitted information as confidential official information to the full extent authorized in Section 1040 of the Evidence Code." H&S Code § 25249.d(i)

FURTHER SOURCE INFORMATION:

Should you wish to learn more detail about this matter, there are many thousands of pages of material that can be accessed at the California Environmental Protection Agency Department of Toxic Substances Control Envirostor web site at <http://www.envirostor.dtsc.ca.gov/public/>.

Should you not be willing to proceed within 60 days, this office will proceed with appropriate representative Plaintiffs to assert their claims and seek all equitable relief, collection of fines, etc., allowed and provided for pursuant to H&S CODE §§ 25249.5 et seq.

Sincerely yours,


Gordon A. Stemple
Gordon A. Stemple, A Law Corporation
Attorney for Noticing Party

Gordon A. Stemple, A Law Corporation

To: State of California Attorney General's Office
Contra Costa County District Attorney
City of Richmond City Attorney

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Enclosures:

- Attachment "A" (Two pages numbered 7 to 8 of this document)

- Attorney General Copy
 - "Certificate of Merit".
Two pages, clearly labeled "The ATTORNEY GENERAL'S COPY"
Privilege is asserted for AG's Copy of Certificate of Merit

- Noticed Parties' Copy
 - "Certificate of Merit"
Two pages
 - Proof of service and Notice of Violation Letter
Three pages (Including one Exemplar 6 page Notice of Violation Letter, and, not included, each alleged violator received one copy of the AG'S Letter.

Cc:

Astra Zeneca
Aventis CropScience USA, Inc.
Bayer CropScience Inc.
Cherokee Simeon Ventures I, LLC
Hudson Finance, Inc.
ICI Americas
Imperial Chemical Industries, PLC
Rhone-Poulenc Basic Chemicals Company, Inc.
Rhone-Poulenc, Inc.
Regents of the University of California
U C Richmond Field Station
Zeneca, Inc.

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ATTACHMENT "A"

PROP 65 Toxins Known to Cause Cancer:

Metals & Minerals with CAS Numbers: ; Beryllium 7440-41-7; Cobalt 7440-48-4

Pesticides Aldrin 309-00-2; Chlordane 57 74-9; Dieldrin 60-57-1; Hexachlorocyclohexane, Alpha- 319-84-6, Beta- 319-85-7, Delta- 319-86-8, Gamma- 58-89-9; Heptachlor 76-44-8; Heptachlor epoxide 1024-57-3; Mirex 2385-85-5; Lindane, Alpha-Lindane 319-84-6, Beta-Lindane 319-85-7, Beta-hch Lindane 58-89-9, Beta-bhc Lindane 608-73-1 Toxaphene 8001-35-2; Chlordane 57-74-9, Trans- 5103-74-2

Proprietary Pesticides: Captan 133-06-2

Semi Volatile Chemicals: Azobenzene 103-33-3; (k)fluoranthene 207-08-9; Chrysene 218-01-9; Dibenz(a,h)anthracene 53-70-3; Furan 110-00-9; bis(2-Ethylhexyl)phthalate 117-81-7; Hexachlorobenzene 118-74-1; Hexachloroethane 67-72-1; Indeno(1,2,3-cd)pyrene 193-39-5; Nitrobenzene 98-95-3; Pentachlorophenol 87-86-5; Toxaphene (Camphechlor) 8001-35-2

Volatile Organic Chemicals Carbon Tetrachloride 56-23-5; Chloroform 67-66-3; 1,2-Dibromo-3-Chloropropane 96-12-8; 1,2-Dichloroethane 107-06-2; 1,2-Dichloropropane 78-87-5; 1,4-Dioxane 123-91-1; Ethylbenzene 100-41-4; Methylene Chloride; Dichloromethane 75-09-2; Naphthalene 91-20-3; 1,1,2,2-Tetrachloroethane 79-34-5; Tetrachloroethylene 127-18-4; Trichloroethylene; 1,1,2-Trichloroethane 79-00-5; Vinyl Chloride 75-01-4

Furans: 1,2,3,4,6,7,8-HpCDF Heptachlorodibenzofuran 67562-39-4; 1,2,3,4,7,8,9-HpCDF Heptachlorodibenzofuran 55673-89-7; 1,2,3,4,7,8-HxCDF Hexachlorodibenzofuran 70648-26-9; 1,2,3,6,7,8-HxCDF Hexachlorodibenzofuran 57117; 1,2,3,7,8,9-HxCDF Hexachlorodibenzofuran 72918-21-9; 1,2,3,7,8-PeCDF Pentachlorodibenzofuran 57117-41-6; 2,3,4,6,7,8-HxCDF Hexachlorodibenzofuran 60851-34-5; 2,3,4,7,8-PeCDF Pentachlorodibenzofuran 57117-31-4; 2,3,7,8-TCDF Tetrachlorodibenzofuran 51207-31-9; OCDF Octachlorodibenzofuran 39001-02-0

TPH Diesel: 68334-30-5; 86290-81-5; Gasoline C7-C12 64741-54-4

Gordon A. Stemple, A Law Corporation

To: State of California Attorney General's Office

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July 11, 2009

ATTACHMENT "A" (continued)

PROP 65 Toxins Known to Cause Developmental Problems:

Metals & Minerals with CAS Numbers: Cadmium 7440-43-9; Lead 7439-92-1; Mercury 7439-97-6; Methyl Mercury 22967-92-6

Pesticides O-p'-DDT 50-29-3; 1,1,1,2-Tetrachloro-2,2-bis(4-Chlorophenyl)ethane 789-02-6; Endrin 72-20-8; S-Ethyl dipropylthiocarbamate 759-94-4

Proprietary Pesticides: Cycloate 1134-23-2; Ethyl Dipropylthiocarbamate 759-94-4;

Semi Volatile Chemicals: Benzyl Butyl Phthalate 85-68-7

Volatile Organic Chemicals Benzene 71-43-2; Carbon Disulfide 75-15-0

PROP 65 Toxins Known to Cause Both Cancer and Developmental Problems:

Metals & Minerals with CAS Numbers: Arsenic 7440-38-2; Hexavalent Chromium 18540-29-9

Polychlorinated Biphenyls: 2,4'-Dichlorobiphenyl, PCB-8 34883-43-7; 2,2',5-trichlorobiphenyl, PCB-18 37680-65-2; 2,4,4'-Trichlorobiphenyl, PCB-28 7012-37-5; 2,2',3,5'-Tetrachlorobiphenyl, PCB-44 41464-39-5; 2,2',5,5'-Tetrachlorobiphenyl, PCB-52 35693-99-3; 2,3',4,4'-Tetrachlorobiphenyl, PCB-66 32598-10-0; 2,2',4,5,5'-Pentachlorobiphenyl, PCB-101 37680-73-2, 1336-36-3; 2,3,3',4,4'-pentachlorobiphenyl, PCB-105 32598-14-4; 2,3',4,4',5-pentachlorobiphenyl, PCB-118 31508-00-6; 2,2',3,3',4,4'-hexachlorobiphenyl, PCB-128 38380-07-3; 2,2',3,4,4',4',5 Hexachlorobiphenyl, PCB-138 35065-28-2; 2,2',4,4',5,5'-Hexachlorobiphenyl, PCB-153 35065-27-1, 2,2',3,3',4,4',5-Heptachloro-1,1'-biphenyl, PCB-170 35065-30-6; 2,2',3,4,4',5,5'-heptachlorobiphenyl, PCB-180 35065-29-3; 2,2',3,4',5,5',6-heptachlorobiphenyl, PCB-187 52663-68-0; 2,2',3,3',4,4',5,6-Octachlorobiphenyl, PCB-195 52663-78-2; 2,2',3,3',4,4',5,5',6-Nonachlorobiphenyl PCB-206 40186-72-9; 2,2',3,3',4,4',5,5',6,6'-Decachlorobiphenyl, PCB-209 2051-24-3; Aroclor 1221 11104-28-2; Aroclor 1248 12672-29-6; Aroclor 1254 11097-69-1; Aroclor 1260 11096-82-5.

Dioxins: 2,3,7,8-TCDD Tetrachlorodibenzo-p-dioxin 1746-01-6

CERTIFICATE OF MERIT

HEALTH and SAFETY CODE SECTIONS 25249.7(d)

I, Gordon A. Stemple, on behalf of Noticing Party hereby declare:

1. This Certificate of Merit accompanies the attached sixty-day notice(s) in which it is alleged that the party identified in the notice has violated California Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.

2. NOTICING PARTY:

W. Bourke Harris, President
Seaport General Corporation
4925 Seaport Avenue
Richmond, CA 94804

Phone (559) 221-4945 (Gordon A. Stemple – Attorney for Mr. Harris)

Fax (559) 276-9405 (Gordon A. Stemple – Attorney for Mr. Harris)

Email gastemple@comcast.net (Gordon A. Stemple – Attorney for Mr. Harris)

PLEASE DO NOT CONTACT MR. HARRIS DIRECTLY. HE IS REPRESENTED IN THIS MATTER. ALL INQUIRIES SHOULD BE DIRECTED TO THE UNDERSIGNED AS HIS ATTORNEY.

3. The Violating Proposition 65 Toxins have resulted for the manufacturing of agricultural chemicals, to include but not limited to, chlorinated pesticides, herbicides, nematicides, fungicides, organophosphate fertilizers, and a large array of other toxins. They are divided into Developmental, Cancer and Cancer and Development Toxins in Attachment "A" hereto at pages 3 and 4. Attachment "A" is incorporated herein by this reference.

4. 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 exposure to the listed chemical(s) that is the subject of this action.

5. Based upon the information obtained through those consultations, and 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 private action" means that the information provides a credible basis that all the 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.

6. 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 24249.7(d)(1)&(2), *i.e.*, (1) the identity of the

person consulted with and relied on by the certifier, (2) the facts, studies, or other data reviewed by those persons, and (3) to the best of my knowledge the Office of the Attorney General, no District Attorney or City Attorney have commenced an action of the type proposed in the letter sent to the Attorney General of the State of California, the District Attorney of Contra Costa County or the City Attorney of Richmond to which this Certificate of Merit pertains.

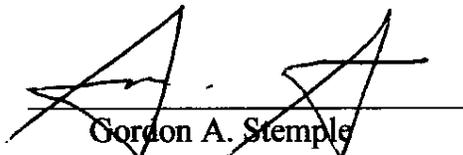
7. As the Attorney for the noticing parties I have met with an appropriate professional expert familiar with the allegations and alleged facts contained herein. I am attaching two Certificates of Merit required to accompany this letter, one for all noticed parties and the other for the Attorney General ONLY (all appropriately identified). All confidentiality to the Certificate of Merit labeled Attorney General's Copy is asserted on behalf of all noticing parties and the public in general to the extent allowed pursuant to H&S Code § 25249.7(i).

"The Attorney General may provide the factual information submitted to establish the basis of the Certificate of Merit on request to any district attorney, city attorney, or prosecutor within whose jurisdiction the violation is alleged to have occurred, or to any other state or federal government agency, but in all other respects the Attorney General shall maintain, and ensure that all recipients maintain the submitted information as confidential official information to the full extent authorized in Section 1040 of the Evidence Code." H&S Code § 25249.d(i)

Date: July 11, 2009

Gordon A. Stemple, A Law Corporation

By:



Gordon A. Stemple
Gordon A. Stemple, A Law Corporation
Attorney for the Notifying Party

ATTACHMENT "A"

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Proprietary Pesticides: Captan 133-06-2

Semi Volatile Chemicals: Azobenzene 103-33-3; (k)fluoranthene 207-08-9; Chrysene 218-01-9; Dibenz(a,h)anthracene 53-70-3; Furan 110-00-9; bis(2-Ethylhexyl)phthalate 117-81-7; Hexachlorobenzene 118-74-1; Hexachloroethane 67-72-1; Indeno(1,2,3-cd)pyrene 193-39-5; Nitrobenzene 98-95-3; Pentachlorophenol 87-86-5; Toxaphene (Camphechlor) 8001-35-2

Volatile Organic Chemicals Carbon Tetrachloride 56-23-5; Chloroform 67-66-3; 1,2-Dibromo-3-Chloropropane 96-12-8; 1,2-Dichloroethane 107-06-2; 1,2-Dichloropropane 78-87-5; 1,4-Dioxane 123-91-1; Ethylbenzene 100-41-4; Methylene Chloride; Dichloromethane 75-09-2; Naphthalene 91-20-3; 1,1,2,2-Tetrachloroethane 79-34-5; Tetrachloroethylene 127-18-4; Trichloroethylene; 1,1,2-Trichloroethane 79-00-5; Vinyl Chloride 75-01-4

Furans: 1,2,3,4,6,7,8-HpCDF Heptachlorodibenzofuran 67562-39-4; 1,2,3,4,7,8,9-HpCDF Heptachlorodibenzofuran 55673-89-7; 1,2,3,4,7,8-HxCDF Hexachlorodibenzofuran 70648-26-9; 1,2,3,6,7,8-HxCDF Hexachlorodibenzofuran 57117; 1,2,3,7,8,9-HxCDF Hexachlorodibenzofuran 72918-21-9; 1,2,3,7,8-PeCDF Pentachlorodibenzofuran 57117-41-6; 2,3,4,6,7,8-HxCDF Hexachlorodibenzofuran 60851-34-5; 2,3,4,7,8-PeCDF Pentachlorodibenzofuran 57117-31-4; 2,3,7,8-TCDF Tetrachlorodibenzofuran 51207-31-9; OCDF Octachlorodibenzofuran 39001-02-0

TPH Diesel: 68334-30-5; 86290-81-5; Gasoline C7-C12 64741-54-4

PROP 65 Toxins Known to Cause Developmental Problems:

Metals & Minerals with CAS Numbers: Cadmium 7440-43-9; Lead 7439-92-1; Mercury 7439-97-6; Methyl Mercury 22967-92-6

Pesticides O-p'-DDT 50-29-3; 1,1,1,2-Tetrachloro-2,2-bis(4-Chlorophenyl)ethane 789-02-6; Endrin 72-20-8; S-Ethyl dipropylthiocarbamate 759-94-4

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ATTACHMENT "A" (continued)

Volatile Organic Chemicals Benzene 71-43-2; Carbon Disulfide 75-15-0

PROP 65 Toxins Known to Cause Both Cancer and Developmental Problems:

Metals & Minerals with CAS Numbers: Arsenic 7440-38-2; Hexavalent Chromium 18540-29-9

Polychlorinated Biphenyls: 2,4'-Dichlorobiphenyl, PCB-8 34883-43-7; 2,2',5-trichlorobiphenyl, PCB-18 37680-65-2; 2,4,4'-Trichlorobiphenyl, PCB-28 7012-37-5; 2,2',3,5'-Tetrachlorobiphenyl, PCB-44 41464-39-5; 2,2',5,5'-Tetrachlorobiphenyl, PCB-52 35693-99-3; 2,3',4,4'-Tetrachlorobiphenyl, PCB-66 32598-10-0; 2,2',4,5,5'-Pentachlorobiphenyl, PCB-101 37680-73-2, 1336-36-3; 2,3,3',4,4'-pentachlorobiphenyl, PCB-105 32598-14-4; 2,3',4,4',5-pentachlorobiphenyl, PCB-118 31508-00-6; 2,2',3,3',4,4'-hexachlorobiphenyl, PCB-128 38380-07-3; 2,2',3,4,4',4',5 Hexachlorobiphenyl, PCB-138 35065-28-2; 2,2',4,4',5,5'-Hexachlorobiphenyl, PCB-153 35065-27-1, 2,2',3,3',4,4',5-Heptachloro-1,1'-biphenyl, PCB-170 35065-30-6; 2,2',3,4,4',5,5'-heptachlorobiphenyl, PCB-180 35065-29-3; 2,2',3,4',5,5',6-heptachlorobiphenyl, PCB-187 52663-68-0; 2,2',3,3',4,4',5,6-Octachlorobiphenyl, PCB-195 52663-78-2; 2,2',3,3',4,4',5,5',6-Nonachlorobiphenyl PCB-206 40186-72-9; 2,2',3,3',4,4',5,5',6,6'-Decachlorobiphenyl, PCB-209 2051-24-3; Aroclor 1221 11104-28-2; Aroclor 1248 12672-29-6; Aroclor 1254 11097-69-1; Aroclor 1260 11096-82-5.

Dioxins: 2,3,7,8-TCDD Tetrachlorodibenzo-p-dioxin 1746-01-6

**Law Offices
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Fresno, CA 93704**

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Fax (559) 276-9405

**NOTICE OF VIOLATION OF THE SAFE DRINKING WATER AND
TOXIC ENFORCEMENT ACT OF 1986**

(California Health and Safety Code §§25249.5, 25249.6 and §25249.7(d) et seq.)

July 11, 2009

Sent Via First Class Mail Confirmed by Proof of Service

EXAMPLE

Stauffer Chemical
c/o Lawyers Incorporating Service
2730 Gateway Oaks Dr. Ste.100
Sacramento, CA 95833

Re: Alleged Multiple Violations of California Proposition 65 at the former Stauffer Chemical Company in Richmond, California with Certificate of Merit

Dear Sir or Madam:

I, Gordon A. Stemple, attorney for W. Bourke Harris, President of Seaport ("Noticing Party") serve this Notice of Violation ("Notice") upon the above addressed company, hereafter the ("Noticed Company") pursuant to and in compliance with California Health and Safety Code ("H&S Code") §25249.7(d) and Title 27 California Code of Regulations ("CCR") §25903. This Notice satisfies a prerequisite for the Noticing Party to commence an action against the Noticed Company to enforce the Safe Drinking Water and Toxic Enforcement Act of 1986 (California H&S Code §25249.5 et seq.).

On information and belief, the violations addressed by this Notice occur in City of Richmond, State of California. This Notice is being served upon you, the California Attorney General, the District Attorney for the County of Contra Costa and the City Attorney of Richmond, CA.

Enclosed with this letter is "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary". The attached Summary was prepared by the California Environmental Protection Agency. It provides general information about the Safe Drinking Water and Toxic Enforcement Act of 1986. Copies of the Summary are not required to be, and are not being, provided to the public enforcement agencies. A description of the Noticing Party, the Alleged Violator, and the Alleged Violations addressed by this Notice are set forth in more detail in the letter sent to California Attorney General, the Contra Costa County District Attorney and the City Attorney of Richmond, CA. A copy of that letter is enclosed, absent the

Gordon A. Stemple, A Law Corporation

To: Stauffer Chemical, c/o Lawyers Incorporating Service

Re: Alleged Multiple Violations of California Proposition 65 at the former Stauffer Chemical Company in Richmond, California with Certificate of Merit

July 11, 2009

EXAMPLE

Attorney General's Certificate of Merit, for which various statutory privileges are asserted. The Noticing Party(s) are acting in the public interest pursuant to H&S Code §25249.7(d), and is acting to protect the environment, improve human health and support environmentally sound practices.

The Noticed Company's name and address is:

Stauffer Chemical

c/o Lawyers Incorporating Service

2730 Gateway Oaks Dr. Ste.100

Sacramento, CA 95833

EXAMPLE

The violations addressed by this Notice began on or after December 31, 1987, have occurred on numerous occasions each and every day since December 31, 1987, and are ongoing and continuing.

This Notice of Violation covers the "warning provision" of Proposition 65, which is found at H&S Code § 25249.6.

The names of each chemical that is listed pursuant to the Safe Drinking Water and Toxic Enforcement Act of 1986 included in the violations addressed by this Notice are set forth in Attachment "A" to this letter, pages 5 and 6. The Listed Chemicals are and have been so listed for more than twelve months by the Governor of the State of California as being a chemical known to the State of California to cause cancer and/or reproductive toxicity.

The routes of exposure for the violations addressed by this Notice are dermal absorption, inhalation, and ingestion while working at or near the former Stauffer Chemical Company located at 1391 South 49th Street, Richmond, CA, AKA and DBA Zeneca, Astra Zeneca and Cherokee Simeon Ventures I, LLC (and by other names, in concert with other entities, agents and affiliates), hereafter the PRIMARY SITE OOCUPANTS. A list of other alleged violators are found in the attached Attorney General letter. The exposures caused by each of the alleged violators, also occurred within two miles of the U.C. Richmond Field Station located at 1301 South 46th Street, Richmond, CA.

The type of consumer and industrial products causing the exposures addressed by this Notice are various chemicals manufactured for use in agriculture as specified in the enclosed Attorney General letter.

Gordon A. Stemple, A Law Corporation

To: Stauffer Chemical, c/o Lawyers Incorporating Service

Re: Alleged Multiple Violations of California Proposition 65 at the former Stauffer Chemical Company
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July 11, 2009

EXAMPLE

There are numerous sources of the exposures addressed in this Notice. On information and belief, these exposures occur in both homes, workplaces, and everywhere within a two-mile radius of the PRIMARY SITE. These exposures occur principally near the property of the Noticed Company at the time it controlled said property or had a legal or pecuniary interest in it. In the course of doing business, it is alleged that The Noticed Company knowingly and intentionally exposed, and continues to expose, individuals to the Listed Chemicals listed in Attachment "A" to the Violators Certificate of Merit and as referenced in the enclosed AG 60-Day Notice Letter. No clear and reasonable warning is or has been provided by Noticed Company to individuals regarding exposure to the Listed Chemicals or regarding the fact that the Listed Chemicals are known to the State of California to be cancer and/or reproductive toxins.

These exposures are ongoing and continuing, December 31, 1987 or thereafter.

The Noticing Party believes and so alleges that the Noticed Company tolled any applicable statute of limitations by failing at any time in the past to adequately disclose the presence of the Listed Chemicals listed in Attachment "A" to this letter, pages 5 and 6. The Noticing Party owed a warning to those individuals who worked or resided within two miles of the PRIMARY SITE at all times from December 31, 1987 to the present.

The two warning signs that exist on the premises of the PRIMARY SITE, are totally devoid on two sedimentation areas and were never posted on the Blair Landfill, fail and continue to fail to comply with H&S Code § 25249.6 et seq.

Please direct any inquiries to and only to:

Gordon A. Stemple
Gordon A. Stemple, A Law Corporation
516 West Shaw Avenue, Suite 200
Fresno, CA 93704

Phone: (559) 221-4945
Fax: (559) 276-9405
Email: gastemple@comcast.net

Sincerely,

EXAMPLE

Gordon A. Stemple
Attorney of Noticing Party, W. Bourke Harris, President
Seaport General Corporation

Gordon A. Stemple, A Law Corporation

To: Stauffer Chemical, c/o Lawyers Incorporating Service

Re: Alleged Multiple Violations of California Proposition 65 at the former Stauffer Chemical Company
in Richmond, California with Certificate of Merit

July 11, 2009

EXAMPLE

Enclosures:

1. Attorney General/District Attorney/City Attorney Letter, 8 pages

2. Violator Copy of Certificate of Merit, 4 pages

THE ATTORNEY GENERAL COPY OF THE CERTIFICATE OF MERIT IS CLAIMED TO BE PRIVILEGED AND THE ATTORNEY GENERAL HAS BEEN INSTRUCTED NOT TO VIOLATE THE PRIVILEGES ASSERTED PURSUANT TO THE ATTORNEY WORK PRODUCT PRIVILEGE, ATTORNEY CONSULTANT PRIVILEGE, AND THOSE PRIVILEGES AFFORED BY H&S Code § 25249.7 (i),

3. "The Safe Drinking Water and Toxic Enforcement Act of 1986 (Proposition 65): A Summary", prepared by the lead agency, as required by 27 CCR§ 25903(C), 3 pages

4. Proof of Service by mail, 3 pages

Confidentiality

"The Attorney General may provide the factual information submitted to establish the basis of the certificate of merit on request to any district attorney, city attorney, or prosecutor within whose jurisdiction the violation is alleged to have occurred, or to any other state or federal government agency, but in all other respects the Attorney General shall maintain, and ensure that all recipients maintain, the submitted information as confidential official information to the full extent authorized in Section 1040 of the Evidence Code." H&S Code § 25249.7(i)

Gordon A. Stemple, A Law Corporation

To: Stauffer Chemical, c/o Lawyers Incorporating Service

Re: Alleged Multiple Violations of California Proposition 65 at the former Stauffer Chemical Company
in Richmond, California with Certificate of Merit

July 11, 2009

EXAMPLE
ATTACHMENT "A"

PROP 65 Toxins Known to Cause Cancer:

Metals & Minerals with CAS Numbers: ; Beryllium 7440-41-7; Cobalt 7440-48-4

Pesticides Aldrin 309-00-2; Chlordane 57 74-9; Dieldrin 60-57-1; Hexachlorocyclohexane, Alpha- 319-84-6, Beta- 319-85-7, Delta- 319-86-8, Gamma- 58-89-9; Heptachlor 76-44-8; Heptachlor epoxide 1024-57-3; Mirex 2385-85-5; Lindane, Alpha-Lindane 319-84-6, Beta-Lindane 319-85-7, Beta-hch Lindane 58-89-9, Beta-bhc Lindane 608-73-1 Toxaphene 8001-35-2; Chlordane 57-74-9, Trans- 5103-74-2

Proprietary Pesticides: Captan 133-06-2

Semi Volatile Chemicals: Azobenzene 103-33-3; (k)fluoranthene 207-08-9; Chrysene 218-01-9; Dibenz(a,h)anthracene 53-70-3; Furan 110-00-9; bis(2-Ethylhexyl)phthalate 117-81-7; Hexachlorobenzene 118-74-1; Hexachloroethane 67-72-1; Indeno(1,2,3-cd)pyrene 193-39-5; Nitrobenzene 98-95-3; Pentachlorophenol 87-86-5; Toxaphene (Camphechlor) 8001-35-2

Volatile Organic Chemicals Carbon Tetrachloride 56-23-5; Chloroform 67-66-3; 1,2-Dibromo-3-Chloropropane 96-12-8; 1,2-Dichloroethane 107-06-2; 1,2-Dichloropropane 78-87-5; 1,4-Dioxane 123-91-1; Ethylbenzene 100-41-4; Methylene Chloride; Dichloromethane 75-09-2; Naphthalene 91-20-3; 1,1,2,2-Tetrachloroethane 79-34-5; Tetrachloroethylene 127-18-4; Trichloroethylene; 1,1,2-Trichloroethane 79-00-5; Vinyl Chloride 75-01-4

Furans: 1,2,3,4,6,7,8-HpCDF Heptachlorodibenzofuran 67562-39-4; 1,2,3,4,7,8,9-HpCDF Heptachlorodibenzofuran 55673-89-7; 1,2,3,4,7,8-HxCDF Hexachlorodibenzofuran 70648-26-9; 1,2,3,6,7,8-HxCDF Hexachlorodibenzofuran 57117; 1,2,3,7,8,9-HxCDF Hexachlorodibenzofuran 72918-21-9; 1,2,3,7,8-PeCDF Pentachlorodibenzofuran 57117-41-6; 2,3,4,6,7,8-HxCDF Hexachlorodibenzofuran 60851-34-5; 2,3,4,7,8-PeCDF Pentachlorodibenzofuran 57117-31-4; 2,3,7,8-TCDF Tetrachlorodibenzofuran 51207-31-9; OCDF Octachlorodibenzofuran 39001-02-0

TPH Diesel: 68334-30-5; 86290-81-5; Gasoline C7-C12 64741-54-4

Gordon A. Stemple, A Law Corporation

To: Stauffer Chemical, c/o Lawyers Incorporating Service

Re: Alleged Multiple Violations of California Proposition 65 at the former Stauffer Chemical Company
in Richmond, California with Certificate of Merit

July 11, 2009

EXAMPLE
ATTACHMENT "A" (continued)

PROP 65 Toxins Known to Cause Developmental Problems:

Metals & Minerals with CAS Numbers: Cadmium 7440-43-9; Lead 7439-92-1; Mercury 7439-97-6; Methyl Mercury 22967-92-6

Pesticides O-p'-DDT 50-29-3; 1,1,1,2-Tetrachloro-2,2-bis(4-Chlorophenyl)ethane 789-02-6; Endrin 72-20-8; S-Ethyl dipropylthiocarbamate 759-94-4

Proprietary Pesticides: Cycloate 1134-23-2; Ethyl Dipropylthiocarbamate 759-94-4;

Semi Volatile Chemicals: Benzyl Butyl Phthalate 85-68-7

Volatile Organic Chemicals Benzene 71-43-2; Carbon Disulfide 75-15-0

PROP 65 Toxins Known to Cause Both Cancer and Developmental Problems:

Metals & Minerals with CAS Numbers: Arsenic 7440-38-2; Hexavalent Chromium 18540-29-9

Polychlorinated Biphenyls: 2,4'-Dichlorobiphenyl, PCB-8 34883-43-7; 2,2',5-trichlorobiphenyl, PCB-18 37680-65-2; 2,4,4'-Trichlorobiphenyl, PCB-28 7012-37-5; 2,2',3,5'-Tetrachlorobiphenyl, PCB-44 41464-39-5; 2,2',5,5'-Tetrachlorobiphenyl, PCB-52 35693-99-3; 2,3',4,4'-Tetrachlorobiphenyl, PCB-66 32598-10-0; 2,2',4,5,5'-Pentachlorobiphenyl, PCB-101 37680-73-2, 1336-36-3; 2,3,3',4,4'-pentachlorobiphenyl, PCB-105 32598-14-4; 2,3',4,4',5-pentachlorobiphenyl, PCB-118 31508-00-6; 2,2',3,3',4,4'-hexachlorobiphenyl, PCB-128 38380-07-3; 2,2',3,4,4',4',5-Hexachlorobiphenyl, PCB-138 35065-28-2; 2,2',4,4',5,5'-Hexachlorobiphenyl, PCB-153 35065-27-1, 2,2',3,3',4,4',5-Heptachloro-1,1'-biphenyl, PCB-170 35065-30-6; 2,2',3,4,4',5,5'-heptachlorobiphenyl, PCB-180 35065-29-3; 2,2',3,4',5,5',6-heptachlorobiphenyl, PCB-187 52663-68-0; 2,2',3,3',4,4',5,6-Octachlorobiphenyl, PCB-195 52663-78-2; 2,2',3,3',4,4',5,5',6-Nonachlorobiphenyl PCB-206 40186-72-9; 2,2',3,3',4,4',5,5',6,6'-Decachlorobiphenyl, PCB-209 2051-24-3; Aroclor 1221 11104-28-2; Aroclor 1248 12672-29-6; Aroclor 1254 11097-69-1; Aroclor 1260 11096-82-5.

Dioxins: 2,3,7,8-TCDD Tetrachlorodibenzo-p-dioxin 1746-01-6

PROOF OF SERVICE

I, Gordon Miller, declare, that I am a resident of the State of California, over the age of eighteen (18) and not a party to the within action; my business address is GORDON A. STEMPLE, A Law Corporation, 516 West Shaw Avenue, Suite 200, Fresno, California 93704. On July 11, 2009, I served the foregoing documents described as:

- (1) **AG COPY OF 60-DAY NOTICE OF VIOLATION [Pursuant to California H&S Code Section 25249.7(d)(1)];**
- (2) **VIOLATOR COPY OF 60-DAY NOTICE OF VIOLATION [Pursuant to California H&S Code Section 25249.7(d)(1)];**
- (3) **CERTIFICATE OF MERIT [Violators Copy];**
- (4) **ATTORNEY GENERAL COPY OF THE CERTIFICATE OF MERIT [Served on the Attorney General Only, Contains Confidential Information Pursuant to H&S Code §25249.7(i) and Evidence Code Section 1040];**
- (5) **ATTACHMENT "A" [List of Proposition 65 Toxins] ATTACHED TO BOTH CERTIFICATES OF MERIT, AG LETTER AND VIOLATOR LETTER; AND,**
- (6) **A SUMMARY OF THE SAFE DRINKING WATER AND TOXIC ENFORCEMENT ACT OF 1986 (PROPOSITION 65).**

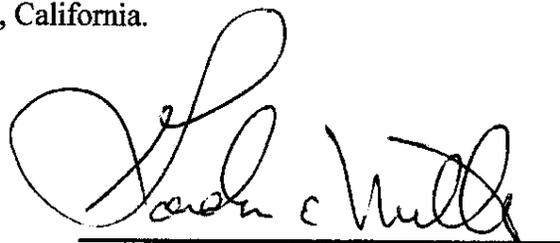
by placing a true copy of the documents, enclosed in a sealed envelope, addressed as follows:

SEE ATTACHED SERVICE LIST

(XX) BY U.S. MAIL as follows: I am "readily familiar" with the firm's practice of collection and processing of correspondence for mailing with the United States Postal Service. I know that the correspondence was deposited with the United States Postal Service on the same day this declaration was executed in the ordinary course of business. I know that the envelope was sealed and with postage thereon fully prepaid, placed for collection and mailing on this date in the United States Mail [FIRST CLASS] at Fresno, California.

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

Executed this 11th day of July, 2009, at Fresno, California.



Gordon Miller

SERVICE LIST

The Honorable Edmund G. Brown, Jr.
State of California Attorney General's Office
1300 I Street, Suite #1120
Sacramento, CA 95814-2919

District Attorney Robert Kochly
Contra Costa County District Attorney
900 Ward Street
Martinez, CA 94553

Randy Riddle
Richmond City Attorney's Office
450 Civic Center Plaza
Richmond, CA 94804

Aventis CropScience USA Inc.
(dba: ACS USA Inc.),
c/o Lawyers Incorporating Service
2730 Gateway Oaks Dr. Ste.100
Sacramento, CA 95833

Bayer CropScience Holding Inc.
100 Bayer Road
Pittsburgh, PA 15205

Bayer CropScience Inc.
100 Bayer Road
Pittsburgh, PA 15205

Bayer CropScience Inc.,
c/o Stauffer Chemical Company
2 T.W. Alexander Drive
RTP, NC 27709

Cherokee Investment Partners
111 East Hargett St., Ste.300
Raleigh, NC 27601

Cherokee Investment Partners, LLC
4600 S. Ulster Street, Ste.500
Denver, CO 80237

Cherokee Simeon Venture I, LLC
111 E Hargett, Ste.300
Raleigh, NC 27601-1439

Cherokee Simeon Venture I, LLC
c/o SIMEON Commercial Properties
655 Montgomery St., 11th Floor
San Francisco, CA 94111

Debra Briggs
Cherokee Simeon Venture I, LLC
655 Montgomery St., Ste.1190
San Francisco, CA 94111

Hudson Finance Inc. (Cayman)
c/o Stuarts Walker Hersant, Attorneys-At-Law
Financial Centre 36A,
Dr. Roy's Drive
Grand Cayman KY1-1104
CAYMAN ISLANDS, B.W.I

Hudson Finance Inc. (Cayman)
c/o Stuarts Walker Hersant, Attorneys-At-Law
P.O. Box 2510
George Town - Grand Cayman KY1-1104
CAYMAN ISLANDS, B.W.I

ICI Americas Inc.
c/o AstraZeneca U.S. Headquarters
1800 Concord Pike
PO. Box 15437
Wilmington, DE 19850

Rhone-Poulenc Basic Chemical Company Inc.
c/o Bayer CropScience Inc. (fka: Aventis
CropScience.)
100 Bayer Road
Pittsburgh, PA 15205

Rhone-Poulenc Inc.
c/o Rhone-Poulenc Basic Chemical Company, Inc.
4429 Suttle Rd.
Portland, OR 97217

Stauffer Chemical
c/o AstraZeneca (fka: ICI Americas Inc.)
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Stauffer Chemical
c/o Bayer CropScience Inc. (fka: Aventis
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1800 Concord Pike
Wilmington, DE 19850-5437

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c/o Lawyers Incorporating Service
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Sacramento, CA 95833

ICI Americas Inc.
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Los Angeles, CA 90017

Zeneca Inc.
c/o CT Corporation System
818 West Seventh St.
Los Angeles, CA 90017

Rhone-Poulenc Inc.
c/o CT Corporation System
818 West Seventh St.
Los Angeles, CA 90017

Bayer CropScience Inc.
c/o Lawyers Incorporating Service
2730 Gateway Oaks Dr. Ste.100
Sacramento, CA 95833

Zeneca Inc. (fka: ICI Americas Inc.),
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W1K 1LN
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c/o Regents of The University of California
1111 Franklin Street, 12th Floor
Oakland, CA 94607

Regents of The University of California
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Oakland, CA 94607