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20 Attorneys for Plaintiff  
21 Russell Brimer

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SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
UNLIMITED JURISDICTION

20 RUSSELL BRIMER,  
21 Plaintiff,

22 v.

23 THE BOELTER COMPANIES, et al.,  
24 Defendants.

Case No. CGC-05-440811

**STIPULATION FOR ENTRY OF  
JUDGMENT**



1           6. To the extent the Consent Judgment applies to the categories of Covered Products  
2 checked above, the Company agrees to be bound by the injunctive relief provisions of the  
3 Consent Judgment as it relates to each such category of Covered Products.

4           7. In conjunction with the execution of this Stipulation, the Company has provided the  
5 payments applicable to it as set forth in Table 14.4 of the Consent Judgment in the manner  
6 described in Exhibit E to the Consent Judgment. In this regard, the Company hereby  
7 represents and warrants that under the criteria set forth in subsections 14.4(a), (b), and (c) of  
8 the Consent Judgment, with respect to the Covered Products applicable to it pursuant to the  
9 categories checked in Paragraph 2 of this Stipulation, it is a (check only one)<sup>1</sup>:

- 10            **(a) Manufacturer** with combined sales in California of less than 350,000  
11 consumer units in calendar year 2004
- 12            **(a.1) Low Volume Manufacturer** with combined sales in California of less  
13 than 10,000 consumer units in calendar year 2004
- 14            **(b) Distributor and/or Importer** with combined sales in California of less than  
15 350,000 consumer units in calendar year 2004
- 16            **(b.1) Low Volume Distributor and/or Importer** with combined sales in  
17 California of less than 10,000 consumer units in calendar year 2004
- 18            **(c) Retailer and/or Amusement & Recreation Establishment**
- 19            **(d) Bar, Restaurant, Hotel, or Other Food/Beverage Service Defendant**
- 20            **(e) Opt-In Defendant with De Minimus Sales**, i.e., combined sales in  
21 California of less than 500 consumer units in calendar year 2004 (attach to this  
22 Stipulation a list of the names of all product lines (by narrative description and,  
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25           <sup>1</sup> Any entity which has conducted activities which comprise more than one of the  
26 categories of business listed in (a)-(d) below shall be deemed to be a Manufacturer if 15% or  
27 more of its sales of Covered Products in California were the result of its Manufacturing of  
28 Covered Products; any entity otherwise in categories (c) or (d) shall be deemed to be a  
Distributor/Importer if 15% or more of its sales of Covered Products in California were the result  
of its Distributing/Importing of Covered Products.



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12. The undersigned have full authority to make the written representations above and to enter into this Stipulation for the person/entity on behalf of which he/she is signing.

IT IS HEREBY STIPULATED AND AGREED TO:

By: Alan H. Vogel  
(signature)

By: Russell Brimer

On Behalf of Plaintiff Russell Brimer

ALAN H. VOGEL  
Name (printed/typed)  
PRESIDENT  
Title (printed/typed)

On Behalf of:  
ALCO INDUSTRIES, INC.  
(Insert Company Name)

Opt-In Defendant

Dated: Dec. 12, 2005

Dated: 6/27/06

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Opt-In Defendant Alco Industries, Inc., -- Low Volume Manufacturer

Product Lines:

1. Beverage Tyme 16 Piece Glassware Set, #4053 (#0 48676 04053 1)
2. Lifetyme Set of 4 Hand Painted Wine Glasses, #3855GRP (#0 48676 03855 2)

For further explanation, see page 6, paragraph 7(e), of the Stipulation and Proposed Order Re:  
Consent Judgment.

