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20 Attorneys for Plaintiff
21 Russell Brimer

22 SUPERIOR COURT OF THE STATE OF CALIFORNIA
23 COUNTY OF SAN FRANCISCO
24 UNLIMITED JURISDICTION

25 RUSSELL BRIMER,
26
27 Plaintiff,
28
29 v.
30
31 THE BOELTER COMPANIES, et al.,
32
33 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)¹:

- 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 Minimis 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,
23
24

25 ¹ 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: James Klund
(signature)

By: Christy Cull

James Klund
Name (printed/typed)
President
Title (printed/typed)

On Behalf of Plaintiff Russell Brimer

On Behalf of:
College Bookstores of America, Inc.
Founders Bookstores Division
Affiliated California Entities
(Insert Company Name)

Opt-In Defendant

Dated: November 14, 2005

Dated: 6/27/06

COLLEGE BOOK STORES OF AMERICA, INC
FOUNDERS BOOKSTORES SERVICES, AND AFFILIATED CALIFORNIA
ENTITIES (“CBA”)

COVERED PRODUCTS (2004)

Miscellaneous Ceramic Mugs
Miscellaneous Cups and Mugs
Bistro Ceramic Mug
Titan Ceramic Mug
Ceramic Bistro
Mom and Dad Hampton mugs
Trophy Ceramic Mugs
Cappuccino Ceramic Mugs
Revival Ceramic Mugs
Rustic Mugs

“Product Lines” are only listed where available, otherwise reference is made to miscellaneous or generic ceramic mug products.

Also, note that the above list may contain mugs provided by distributors/manufacturers that have opted in to the Brimer v. Boelter settlement, or have previously settled claims with Russell Brimer in separate litigation.

No UPC Codes are available for any covered products that may have been sold in the State of California in calendar year 2004.

List compiled December 2005 pursuant to “OPT IN” Program and *Stipulation for Entry of Judgment* in the Court in *Brimer v. The Boelter Companies, Inc.*, San Francisco Superior Court Case No. CGC 05 -440811 (“Action”).