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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 1. The following constitutes the knowing and voluntary election and stipulation of the
2 entity named below (“Company” or “Opt-In Defendant”) to join as a Settling Defendant under
3 the Consent Judgment previously entered by the Court in *Brimer v. The Boelter Companies,*
4 *Inc.*, San Francisco Superior Court Case No. CGC 05 -440811 (“Action”) and to be bound by
5 the terms of that Consent Judgment.

6 2. At any time during the one-year period prior to the filing of this Stipulation
7 (“Relevant Period”), the Company has employed ten (10) or more part-time or full-time
8 persons and has manufactured, distributed, offered for use or sold one or more items in each of
9 the following categories of Covered Products, as defined in the Consent Judgment (section 1.4)
10 (check all that apply):

- 11 **Glassware Food/Beverage Products** (“Category A Products”)
- 12 **Glassware Non-Food/Beverage Products** (“Category C Products”)
- 13 **Ceramicware Food/Beverage Products** (“Category B Products”)
- 14 **Ceramicware Non-Food/Beverage Products** (“Category D Products”)

15 3. The categories of products identified above are hereafter designated “Covered
16 Products” in the Action with respect to the Company.

17 4. At least one of the items in each of the categories checked above did not during the
18 Relevant Period or does not currently meet the Reformulation Standards set forth for that
19 category of Covered Products in section 2.3 of the Consent Judgment. The Company has not
20 provided compliant Proposition 65 warnings in conjunction with the sale or use of all such
21 Covered Products in California at all times during the Relevant Period.

22 5. The Company has not conducted a risk or exposure assessment for all Covered
23 Products within each separate category checked above firmly establishing that the use of such
24 Covered Products will result in an exposure in an amount less than that deemed permissible in
25 22 Cal. Code Regs. §12805(b) (i.e., less than 0.5 micrograms of lead per day and/or less than
26 4.1 micrograms of cadmium per day).

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 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,
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.

10OZ MUG 18 DESIGNS ASSORTED
16OZ FUNNEL MUG 12 DESIGNS ASST
3.75IN FUNNEL MUG 12 DESIGNS ASST
12 OZ. MUG W/TRIVET X6
10OZ. MUG XMAS GREEN COLOR
10OZ VALENTINE MUG X4
6IN VALENTINE FUNNEL MUG X4
10OZ ST PAT DAY MUG X4
3.75IN ST PAT DAY MUG X6
3.75IN FUNNEL MUG WHITE
6IN FUNNEL MUG WHITE
11 OZ. EASTER STONEWARE MUG 4 DESIGN
14OZ. VALENTINES STONEWARE MUG 6 DESI
18 OZ. SNOWMAN STONEWARE MUG
MOTHERS STONEWARE 11OZ. MUG 4 DESIGN
5 IN. DOLOMITE PUMPKIN MUG
5 3/4 IN. HANDPAINT PUMPKIN MUG
6 IN. HANDPAINT PUMPKIN MUG
RED HAT VASE MUG 6 IN.H W/HANDLE

