

1 Clifford A. Chanler, State Bar No. 135534
2 CHANLER LAW GROUP
3 71 Elm Street, Suite 8
4 New Canaan, CT 06840
5 Telephone: (203) 966-9911
6 Facsimile: (203) 801-5222

7 Daniel Bornstein, State Bar No. 181711
8 Laralie S. Paras, State Bar No. 203319
9 PARAS LAW GROUP
10 655 Redwood Highway, Suite 216
11 Mill Valley, CA 94941
12 Telephone: (415) 380-9222
13 Facsimile: (415) 380-9223

14 Christopher Martin, State Bar No. 186021
15 MARTIN LAW GROUP
16 23 N. Lincoln, Suite 204
17 Hinsdale, IL 60521
18 Telephone: (630) 789-6998
19 Facsimile: (630) 214-0979

20 Attorneys for Plaintiff
21 Russell Brimer

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20 RUSSELL BRIMER,
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22 Plaintiff,
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24 v.
25
26 THE BOELTER COMPANIES, et al.,
27
28 Defendants.

Case No. CGC-05-440811

**STIPULATION FOR ENTRY OF
JUDGMENT**

STIPULATION AND (PROPOSED) ORDER RE: CONSENT JUDGMENT
SFSC CASE NO. CGC 05-440811

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, where
23 available, UPC code) comprising these consumer units of Covered Products).

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.

1 8. At least 65 days prior to the submissions of this Stipulation to the Court for entry,
2 provided that it has been mailed to the address shown in Exhibit C attached hereto, the
3 Company agrees to be deemed to have accepted service of a 60-day notice letter from Russell
4 Brimer (“Brimer”) alleging certain violations of Proposition 65 with respect to sales of the
5 Covered Products identified herein.

6 9. The Company hereby stipulates to be deemed to have voluntarily accepted service
7 of the summons and complaint in this Action upon the filing of this Stipulation and agrees to
8 be subject to the jurisdiction of the Court for purposes of the Consent Judgment.

9 10. Future notices concerning this Stipulation and the Consent Judgment shall be
10 provided to the Company at the address shown in Exhibit C as attached hereto. If the
11 Company desires to change the individual and/or address designated to receive notice on its
12 behalf, the Company shall provide notice to Brimer and Boelter’s counsel at the addresses for
13 them listed in Exhibit C to the Consent Judgment.

14 11. The undersigned have read, and the person and/or entity named below
15 knowingly and voluntarily agree to be bound by, all terms and conditions of this Stipulation
16 and the Consent Judgment as previously approved and entered by the San Francisco County
17 Superior Court in this Action.

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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:

On Behalf of:


Edna Valley Vineyard
(Insert Company Name)

Opt-In Defendant

By: 

On Behalf of Plaintiff Russell Brimer

By: The Chalone Wine Group, Ltd.
Managing Partner

By: 
(signature)

Dated: ~~March 10~~ April 12, 2006

John Blood
Name (printed/typed)

Senior Vice President
Title (printed/typed)

Dated: March 10, 2006

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OPT-IN DEFENDANT WITH DE MINIMUS SALES

LIST OF PRODUCT LINES

Sold in 2004 by Edna Valley Vineyard:
Tall wine glasses – flowers painted on outside
(no UPC code available)

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EXHIBIT C (Supplement)
Contact Information for Purposes of Future Notice

Opt-In Party Name: Edna Valley Vineyard
Contact Person: General Counsel
Mailing Address: Diageo North America
801 Main Avenue
Norwalk, CT 06851
Telephone: (203) 229-2100
Fax number: (203) 229-8939