

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

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

25 RUSSELL BRIMER,
26 Plaintiff,
27 v.
28 THE BOELTER COMPANIES, et al.,
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).

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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,**

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

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

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

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

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

By: Peter Lindstrom
(signature)

By: [Signature]
LARAELI S. PARAS

On Behalf of Plaintiff Russell Brimer

PETER LINDSTROM
Name (printed/typed)

PRESIDENT
Title (printed/typed)

On Behalf of:

Image West Apparel, Inc.
(Insert Company Name)

Opt-In Defendant

Dated: Nov 4, 2005

Dated: 11-18-2005

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

3
4 Opt-In Party Name: Image West Apparel, Inc. _____
5

6 Contact Person: Wes P. Wollenweber, Esq.
7 Hopkins Tschetter Sulzer, P.C.

8 Mailing address: 2821 S. Parker Road, Suite 228
9 Aurora, CO 80014

10
11 Telephone: (303) 699-3484

12 Fax number: (720) 449-0160

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14 Email address: wes@htspc.com _____
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**IMAGE WEST APPAREL, INC.
CALIFORNIA SALES**

COVERED PRODUCT SOLD

SUMMARY: TOTAL SALES TO ALL CA CUSTOMERS

Year of sale: 2004

ITEM #	DESIGN NAME	UPC #	TOTAL
T00001	Ring for Another Round - "Bell Mug"	79063623800 6	11
T00002	It's My Party - "Bell Mug"	79063623801 3	10
T00003	50 Something - "Bell Mug"	79063623802 0	9
T00004	Congratulations - "Bell Mug"	79063623803 7	8
T00005	30 Something - "Bell Mug"	79063623804 4	10
T00006	40 Something - "Bell Mug"	79063623805 1	10
T00007	Beer Game - "Bell Mug"	79063623806 8	5
T00008	Conserve Water - "Bell Mug"	79063623807 5	7
T00009	Master Drinker - "Bell Mug"	79063623808 2	5
T00020	The Birthday Party! - Glass Game	79063623809 9	6
T00021	The Old Fool Test! - Glass Game	79063623810 5	5
T00022	SEX & BEER! - Glass Game	79063623811 2	8
T00023	The Challenge! - Glass Game	79063623812 9	8
T00024	Who's Driving? - Glass Game	79063623813 6	7
T00025	Russian Roulette! - Glass Game	79063623814 3	5
T00026	Hooray, you passed! - Glass Game	79063623815 0	4
T00027	Beer belly exercise! - Glass Game	79063623816 7	5
T00028	The Striptease! - Glass Game	79063623817 4	14
T00029	The Throw up test! - Glass Game	79063623818 1	7
T00030	The Kissing Test! - Glass Game	79063623819 8	5
T00031	The Brewer's secret! - Glass Game	79063623820 4	5
T00032	The Master drinker? - Glass Game	79063623821 1	7
T00033	The Killer! - Glass Game	79063623822 8	13
T00034	The Sing-a-long! - Glass Game	79063623823 5	4
T00035	Flirting trick! - Glass Game	79063623824 2	5
T00036	Who wears the pants? - Glass Game	79063623825 9	5
T00037	Spin the bottle opener! - Glass Game	79063623826 6	10
Total			198

Certified by:
Image West Apparel, Inc.
6900 E. 47th Ave #1000
Denver, CO 80216

Peter Lindstrom, Pres.

Peter Lindstrom, President

**IMAGE WEST APPAREL, INC.
CALIFORNIA SALES**

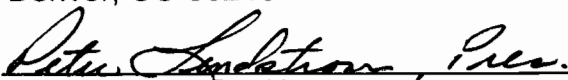
COVERED PRODUCT SOLD

Customer Name: Maui Magnets

Year of sale: 2004

ITEM #	DESIGN NAME	UPC #	TOTAL
T00001	Ring for Another Round - "Bell Mug"	79063623800 6	9
T00002	It's My Party - "Bell Mug"	79063623801 3	8
T00003	50 Something - "Bell Mug"	79063623802 0	4
T00004	Congratulations - "Bell Mug"	79063623803 7	6
T00005	30 Something - "Bell Mug"	79063623804 4	5
T00006	40 Something - "Bell Mug"	79063623805 1	5
T00007	Beer Game - "Bell Mug"	79063623806 8	3
T00008	Conserve Water - "Bell Mug"	79063623807 5	5
T00009	Master Drinker - "Bell Mug"	79063623808 2	3
T00020	The Birthday Party! - Glass Game	79063623809 9	4
T00021	The Old Fool Test! - Glass Game	79063623810 5	3
T00022	SEX & BEER! - Glass Game	79063623811 2	3
T00023	The Challenge! - Glass Game	79063623812 9	3
T00024	Who's Driving? - Glass Game	79063623813 6	5
T00025	Russian Roulette! - Glass Game	79063623814 3	3
T00026	Hooray, you passed! - Glass Game	79063623815 0	2
T00027	Beer belly exercise! - Glass Game	79063623816 7	3
T00028	The Striptease! - Glass Game	79063623817 4	10
T00029	The Throw up test! - Glass Game	79063623818 1	3
T00030	The Kissing Test! - Glass Game	79063623819 8	3
T00031	The Brewer's secret! - Glass Game	79063623820 4	3
T00032	The Master drinker? - Glass Game	79063623821 1	3
T00033	The Killer! - Glass Game	79063623822 8	8
T00034	The Sing-a-long! - Glass Game	79063623823 5	2
T00035	Flirting trick! - Glass Game	79063623824 2	3
T00036	Who wears the pants? - Glass Game	79063623825 9	3
T00037	Spin the bottle opener! - Glass Game	79063623826 6	8
Total			120

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Denver, CO 80216


Peter Lindstrom, President

**IMAGE WEST APPAREL, INC.
CALIFORNIA SALES**

COVERED PRODUCT SOLD

Customer Name: John T's

Year of sale: 2004

ITEM #	DESIGN NAME	UPC #	TOTAL
T00001	Ring for Another Round - "Bell Mug"	79063623800 6	2
T00002	It's My Party - "Bell Mug"	79063623801 3	2
T00003	50 Something - "Bell Mug"	79063623802 0	2
T00004	Congratulations - "Bell Mug"	79063623803 7	2
T00005	30 Something - "Bell Mug"	79063623804 4	2
T00006	40 Something - "Bell Mug"	79063623805 1	2
T00007	Beer Game - "Bell Mug"	79063623806 8	2
T00008	Conserve Water - "Bell Mug"	79063623807 5	2
T00009	Master Drinker - "Bell Mug"	79063623808 2	2
T00020	The Birthday Party! - Glass Game	79063623809 9	2
T00021	The Old Fool Test! - Glass Game	79063623810 5	2
T00022	SEX & BEER! - Glass Game	79063623811 2	2
T00023	The Challenge! - Glass Game	79063623812 9	2
T00024	Who's Driving? - Glass Game	79063623813 6	2
T00025	Russian Roulette! - Glass Game	79063623814 3	2
T00026	Hooray, you passed! - Glass Game	79063623815 0	2
T00027	Beer belly exercise! - Glass Game	79063623816 7	2
T00028	The Striptease! - Glass Game	79063623817 4	2
T00029	The Throw up test! - Glass Game	79063623818 1	2
T00030	The Kissing Test! - Glass Game	79063623819 8	2
T00031	The Brewer's secret! - Glass Game	79063623820 4	2
T00032	The Master drinker? - Glass Game	79063623821 1	2
T00033	The Killer! - Glass Game	79063623822 8	2
T00034	The Sing-a-long! - Glass Game	79063623823 5	2
T00035	Flirting trick! - Glass Game	79063623824 2	2
T00036	Who wears the pants? - Glass Game	79063623825 9	2
T00037	Spin the bottle opener! - Glass Game	79063623826 6	2
Total			54

Certified by:
Image West Apparel, Inc.
6900 E. 47th Ave #1000
Denver, CO 80216


Peter Lindstrom, President

**IMAGE WEST APPAREL, INC.
CALIFORNIA SALES**

COVERED PRODUCT SOLD

Customer Name: Enlightened Sights

Year of sale: 2004

ITEM #	DESIGN NAME	UPC #	TOTAL
T00001	Ring for Another Round - "Bell Mug"	79063623800 6	0
T00002	It's My Party - "Bell Mug"	79063623801 3	0
T00003	50 Something - "Bell Mug"	79063623802 0	3
T00004	Congratulations - "Bell Mug"	79063623803 7	0
T00005	30 Something - "Bell Mug"	79063623804 4	3
T00006	40 Something - "Bell Mug"	79063623805 1	3
T00007	Beer Game - "Bell Mug"	79063623806 8	0
T00008	Conserve Water - "Bell Mug"	79063623807 5	0
T00009	Master Drinker - "Bell Mug"	79063623808 2	0
T00020	The Birthday Party! - Glass Game	79063623809 9	0
T00021	The Old Fool Test! - Glass Game	79063623810 5	0
T00022	SEX & BEER! - Glass Game	79063623811 2	3
T00023	The Challenge! - Glass Game	79063623812 9	3
T00024	Who's Driving? - Glass Game	79063623813 6	0
T00025	Russian Roulette! - Glass Game	79063623814 3	0
T00026	Hooray, you passed! - Glass Game	79063623815 0	0
T00027	Beer belly exercise! - Glass Game	79063623816 7	0
T00028	The Striptease! - Glass Game	79063623817 4	2
T00029	The Throw up test! - Glass Game	79063623818 1	2
T00030	The Kissing Test! - Glass Game	79063623819 8	0
T00031	The Brewer's secret! - Glass Game	79063623820 4	0
T00032	The Master drinker? - Glass Game	79063623821 1	2
T00033	The Killer! - Glass Game	79063623822 8	3
T00034	The Sing-a-long! - Glass Game	79063623823 5	0
T00035	Flirting trick! - Glass Game	79063623824 2	0
T00036	Who wears the pants? - Glass Game	79063623825 9	0
T00037	Spin the bottle opener! - Glass Game	79063623826 6	0
Total			24

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Denver, CO 80216


Peter Lindstrom, President