Clifford A. Chanler, State Bar No. 135534 1 Syda Kosofsky, State Bar No. 172184 CHANLER & ASSOCIATES 2 1700 Montgomery Street, Suite 110 San Francisco, CA 94111 3 Tel: (415) 391-1122 4 Attorneys for Plaintiff AS YOU SOW 5 6 SUPERIOR COURT OF THE STATE OF CALIFORNIA 7 IN AND FOR THE COUNTY OF SAN FRANCISCO 8 9 AS YOU SOW, a non-profit Case No. 971349 10 corporation, 11 STIPULATION FOR Plaintiff, ENTRY OF JUDGMENT 12 PARKER-HANNIFIN CORPORATION; 13 ROBERTS CONSOLIDATED INDUSTRIES;) and DOES 1 through 1000, 14 Defendants. 15 16 17 IT IS HEREBY STIPULATED, by and between plaintiff As 18 You Sow and defendant Parker-Hannifin Corporation, through 19 their respective representatives, that judgment in the above-20 entitled action be entered in accordance with the terms of the 21 settlement agreement between the parties, which is attached 22 hereto as Exhibit A. 23 Dated: August22 , 1995 by: Syda Kosofsky joshu M. Kim. Attorneys for Plaintiff 24 AS YOU SOW 25 26 Dated: August 12, 1995 by: 27 PARKER-WANNIFIN CORPORATION 28

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SETTLEMENT AGREEMENT

On August 1, 1995 in San Francisco, California, As You Sow ("AYS") and Parker-Hannifin Corporation ("Parker-Hannifin") agreed to the following terms and conditions:

WHEREAS:

AYS is a not-for-profit public interest foundation dedicated to promoting consumer awareness, protecting the environment and improving human health; and

Parker-Hannifin is an Texas company that, through its Stratoflex Division, currently distributes hose assembly products, and packages and sells an accessory product, "Stratoflex 5027 End Dip," which contains toluene; and

On January 1, 1991, toluene was officially listed by the State of California as a chemical known to cause reproductive toxicity, pursuant to Health & Safety Code §25249.8; and

Stratoflex 5027 End-Dip (the "Product") is covered by this Agreement. The Product has been distributed by Parker-Hannifin for sale and/or use in California since January 1, 1992; and

On April 20, 1995, AYS served Parker-Hannifin with a document entitled "60-Day Notice" which provided Parker-Hannifin with notice that it was allegedly in violation of Health & Safety Code §25249.6 for failing to warn purchasers that certain products it sells in California expose users to Proposition 65-listed chemicals, including toluene; and

On July 27, 1995, AYS filed a complaint entitled As You Sow v. Parker-Hannifin Corporation; et al. (No. 971349) in the San Francisco Superior Court alleging violations of Business & Professions Code §17200 and Health & Safety Code §25249.6, on behalf of individuals in California who allegedly are exposed to Proposition 65-listed chemicals, including toluene, in certain Parker-Hannifin products; and

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Product Labeling. Parker-Hannifin agrees that as of September 1, 1995, it shall not ship (or cause to be shipped) the Product for sale or use in the State of California unless each such Product contains the following warning statement on its label:

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"WARNING: This product contains a chemical known to the State of California to cause birth defects or other reproductive harm."

This warning statement shall be prominent and displayed with such conspicuousness, as compared with other words, statements, or designs as to render it likely to be read and understood by an ordinary individual. The parties agree that the label attached hereto as Exhibit A satisfies this requirement.

- Atterial Safety Data Sheets. Beginning immediately, Parker-Hannifin will initiate revisions to its current MSDSs for the Product so that the MSDS warning will be consistent in wording with the on-label warning language required by ¶1. Final printed MSDSs incorporating the revised warning will begin to be distributed in the normal course of business but in any event no later than September 1, 1995. An example of an acceptable MSDS is attached hereto as Exhibit B.
- 3. Settlement Amount. Parker-Hannifin agrees to pay \$4,500 to AYS upon execution of this Agreement. The restitutionary component of this sum, made pursuant to Business & Professions Code \$17203, shall be distributed to the Rainforest Action Network. The cost component of this sum shall be used to help defray AYS' investigation fees and costs, expert fees, reasonable attorneys' fees, and any other costs incurred as a result of investigating, bringing this matter to Parker-Hannifin's attention, litigating and negotiating a settlement in the public interest.
- 4. AYS Release. AYS, by this Agreement, waives all rights to institute action against Parker-Hannifin, its distributors or retailers which sell the Product, whether under Proposition 65, Business & Profession Code §§17200 et seq., or any other statute or common law claim based on Parker-Hannifin's failure to warn users about exposure to toluene from the Product.
- 5. Parker-Hannifin Release. Parker-Hannifin, by this Agreement, waives all rights to institute any form of legal action against AYS, its members, officers, directors, attorneys and representatives (the "AYS Releasees") based on any statute or provision of common law and for all actions or statements made by the AYS Releasees in the course of seeking enforcement of Proposition 65 against Parker-Hannifin.
- 6. Severability. In the event that any of the provisions of this Agreement are held by a court to be unenforceable, the validity of the enforceable provisions shall not be adversely affected.

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- 7. Stipulated Judgment. The parties shall file a stipulated judgment to be approved pursuant to CCP §664.6 by the San Francisco Superior Court in accordance with the terms of this agreement.
- 8. Attorneys' Fees. In the event that a dispute arises with respect to any provision(s) of this Agreement, the prevailing party shall be entitled to recover costs and reasonable attorneys' fees.
- Governing Law. The terms of this Agreement shall be governed by the laws of the State of California.
- 10. Correspondence. All correspondence to AYS shall be mailed to:

Syda Kosofsky, Esq. Chanler & Associates 1700 Montgomery Street, Suite 110 San Francisco, CA 94111

All correspondence to Parker-Hannifin shall be mailed to:

Christopher H. Morgan Assistant General Counsel Parker-Hannifin Corporation 17325 Euclid Avenue Cleveland, Ohio 44112

- 11. No Admission. Nothing in this Agreement shall be construed as an admission by Parker-Hannifin of any fact, finding, issue of law, or violation of law, nor shall compliance with this Agreement constitute or be construed as an admission by Parker-Hannifin of any fact, finding, conclusion, issue of law, or violation of law. However, this paragraph shall not diminish or otherwise affect the obligation, responsibilities, and duties of Parker-Hannifin under this Agreement.
- 12. Authority to Execute. The undersigned are authorized to execute this Agreement on behalf of their respective parties and have read, understood and agree to all of the terms and conditions of this Agreement.

AGREED /TO:

: COWING MICHE

As You Sow

AGREED TO

y: Parker-Hamifin Corn

arker-Hannifin Corporation

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Exhibit A

PART NO. 5027

DANGER!
CONTAINS VOLATILE SOLVENTS
FLAMMABLE SOLUTION HARMFUL OR FATAL IF SWALLOWED

Stratoflex

Aerospace/Military Connectors Divsion Parker Hannifin Corporation P.O. Box 10398 Fort Worth, TX 76114 U.S.A.

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