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10 Attorneys for Defendant
 WAL-MART STORES, INC.

11 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
 12 IN AND FOR THE COUNTY OF ALAMEDA

BARTKOZANKEL
 Bartko, Zankel, Tarrant & Miller
 900 Front Street, Suite 300
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14 PEOPLE OF THE STATE OF CALIFORNIA,)
 15 ex rel. BILL LOCKYER, Attorney General,)
 16 Plaintiffs,)
 17 v.)
 18 BURLINGTON COAT FACTORY)
 19 WAREHOUSE CORPORATION, et al.,)
 Defendants.)

22 And Related and Consolidated Cases

Lead Case No. RG 04-162075
 (Consolidated with Case Nos. RG 04-162037
 and RG 04-169511)

STIPULATED CONSENT JUDGMENT

Complaint Filed: June 23, 2004
 Trial Date: None

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 *Whereas*, on June 23, 2004 plaintiffs Attorney General of the State of California on
3 behalf of the People of the State of California (“People”) and the Center for Environmental Health
4 (“CEH”) filed actions nos. RG 04-162075 and RG 04-162037, respectively, and on August 10,
5 2004 plaintiff As You Sow (“AYS”) filed action no. RG 04-169511, which three actions have been
6 consolidated;

7 *Whereas*, Wal-Mart Stores, Inc. (“Wal-Mart”) is a defendant in the actions by the
8 People and CEH;

9 *Whereas*, on February 21, 2006, upon due notice, the Court entered a Consent
10 Judgment in the consolidated actions (the “Consent Judgment”), a copy of which is attached as
11 Exhibit A;

12 *Whereas*, Wal-Mart participated fully in the negotiations and mediation that
13 preceded the Consent Judgment;

14 *Whereas*, Wal-Mart, prior to entry of the Consent Judgment on February 21, 2006,
15 announced its decision in Court to join the Consent Judgment as an Initial Settling Defendant; and

16 *Whereas*, the People, CEH, and Wal-Mart intend to settle the claims against Wal-
17 Mart and to distribute the settlement funds as if Wal-Mart were an Initial Settling Defendant;

18 *Whereas*, Wal-Mart has provided notice to all parties of its motion for entry of this
19 Stipulated Consent Judgment; and

20 *Now Therefor*, the parties hereto agree as follows:

21 1. Judgment shall be entered against Wal-Mart in these two consolidated
22 matters pursuant to the terms of the Consent Judgment, except that the following terms shall apply
23 to Wal-Mart in lieu of Section 5 of the Consent Judgment.

24 a. Within seven calendar days of entry of this Stipulated Consent
25 Judgment, Wal-Mart shall pay the sum of \$25,000 as a settlement payment. The settlement
26

1 payment shall be by check made payable to the Lexington Law Group, LLP Attorney Client Trust
2 Account. The funds paid by Wal-Mart shall be distributed as follows:

3 i. The sum of \$4,047 as payment to private plaintiffs in lieu of
4 penalty pursuant to Health and Safety Code section 25249.7(b), and California Code of
5 Regulations, title 11, section 3202(b). Of this amount, the sum of \$3,058 shall be
6 distributed to CEH, and the sum of \$989 shall be distributed to AYS. CEH and AYS shall
7 use such funds to continue their work educating and protecting people from exposures to
8 toxic chemicals, including heavy metals. Each group shall submit a proposal to the
9 Attorney General for use of the funds, approval of which shall not be unreasonably
10 withheld.

11 ii. The sum of \$20,953 as reimbursement of plaintiffs' attorney's
12 fees and investigation costs, as follows:

13 (a) The sum of \$6,295 to the Office of the California
14 Attorney General.

15 (b) The sum of \$13,309 to CEH.

16 (c) The sum of \$1,349 to AYS.

17 iii. The amount of reimbursement for attorney's fees and
18 investigation costs to which each plaintiff is entitled under Section 5.2.1.4 of the
19 Consent Judgment shall be reduced by the amount each plaintiff recovers for
20 attorney's fees and investigation costs pursuant to this Stipulated Consent Judgment.

21 b. All funds paid to the Attorney General pursuant to Paragraph 1a,
22 above, shall be placed in an interest-bearing special Deposit Fund established by the Attorney
23 General. Those funds, including any interest derived therefrom, shall be used by the Attorney
24 General, until all funds are exhausted, for the costs and expenses associated with the enforcement
25 and implementation of the Safe Drinking Water and Toxic Enforcement Act of 1986 ("Proposition
26 65"), including investigations, enforcement actions, other litigation or activities as determined by

1 the Attorney General to be reasonably necessary to carry out his duties and authority under
2 Proposition 65. Such funding may be used for the costs of the Attorney General's investigation,
3 filing fees, and other court costs, payment to expert witnesses and technical consultants, purchase of
4 equipment, travel, purchase of written materials, laboratory testing, sample collection, or any other
5 cost associated with the Attorney General's duties or authority under Proposition 65. Funding
6 placed in the Special Deposit Fund pursuant to this Paragraph, and any interest derived therefrom,
7 shall solely and exclusively augment the budget of the Attorney General's Office and in no manner
8 shall supplant or cause any reduction of any portion of the Attorney General's budget.

9 2. In all other respects, Wal-Mart shall be treated as an Initial Settling
10 Defendant, as that term is used in the Consent Judgment.

11 3. The persons for Wal-Mart to receive Notices per § 4.2.2.2 and Exhibit F to
12 the Consent Judgment, until and unless modified per § 8, shall be:

13 **For Defendant Wal-Mart Stores, Inc.**

14 Arthur R. Formanek
15 Senior Assistant General Counsel
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17 Bentonville, AR 72712-6489
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19 Facsimile: (479) 277-5991
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21 **With Copies To:**

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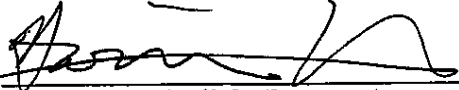
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IT IS SO STIPULATED.

DATED: March 29 2006

BILL LOCKYER, ATTORNEY GENERAL OF THE
STATE OF CALIFORNIA

By: 
Harrison M. Pollak, Deputy Attorney General

DATED: March __, 2006

CENTER FOR ENVIRONMENTAL HEALTH

By: _____
Michael Green, Executive Director

DATED: March __, 2006

By: _____
Wal-Mart Stores, Inc.

JUDGMENT SO RENDERED.

DATED: April __, 2006

JUDGE OF THE SUPERIOR COURT