

JAN 22 2010

1 EDMUND G. BROWN, JR.  
Attorney General of the State of California  
2 ALFREDO TERRAZAS  
Senior Assistant Attorney General  
3 WILBERT E. BENNETT  
Supervising Deputy Attorney General  
4 SHANA A. BAGLEY, State Bar No. 169423  
Deputy Attorney General  
5 JUSTIN R. SURBER, State Bar No. 226937  
Deputy Attorney General  
6 1515 Clay Street, 20<sup>th</sup> Floor  
P.O. Box 70550  
7 Oakland, CA 94612-0550  
8 [REDACTED]

9 NANCY E. O'MALLEY  
District Attorney of the County of Alameda  
10 LAWRENCE C. BLAZER, SBN 95598  
Assistant District Attorney  
11 SCOTT D. PATTON, SBN 148468  
Deputy District Attorney  
12 Consumer and Environmental Protection Division  
7677 Oakport Street, Suite 650  
13 Oakland, CA 94621  
14 [REDACTED]

**ENDORSED  
FILED  
ALAMEDA COUNTY**

JAN 22 2010

CLERK OF THE SUPERIOR COURT  
By A. Yvonne Bazzell, Deputy

ELIZABETH A. EGAN  
District Attorney of the County of Fresno  
MICHAEL C. BRUMMEL (236116)  
Deputy District Attorney of the  
County of Fresno  
Consumer Protection Unit  
929 L. Street  
Fresno, CA 93721  
[REDACTED]

15 Attorneys for: Plaintiff PEOPLE OF THE STATE OF CALIFORNIA

16  
17 SUPERIOR COURT OF CALIFORNIA  
18 IN AND FOR THE COUNTY OF ALAMEDA

19 PEOPLE OF THE STATE OF  
CALIFORNIA,  
20 Plaintiff,  
21 v.  
22 BE GLAD, INC., a California  
Corporation, M.I. GLAD, INC., a  
23 California corporation, SO GLAD, INC.,  
a California corporation, ALLGLAD,  
24 INC., a California corporation, and  
MAURICE IRVING GLAD,  
25 individually, and as C.E.O. of BE  
GLAD, INC., M.I. GLAD, INC., SO  
26 GLAD, INC., and ALLGLAD, INC.; and  
DOES 1 through 50,  
27 Defendants.  
28

CASE NO. RG09460505

**STIPULATED JUDGMENT**

Dept.: 23  
Judge: Hon. Winifred Smith  
Trial Date: Not Assigned

Complaint filed June 30, 2009

1 Plaintiff PEOPLE OF THE STATE OF CALIFORNIA, Alameda County District Attorney  
2 Nancy E. O'Malley, and Fresno County District Attorney Elizabeth A. Egan ("Plaintiff" and/or  
3 "PEOPLE") and Defendants BE GLAD, INC., a California Corporation, M.I. GLAD, INC., a  
4 California corporation, SO GLAD, INC., a California corporation, ALLGLAD, INC., a California  
5 corporation, and MAURICE IRVING GLAD, individually, (collectively "Defendant" and/or  
6 "Defendants") have entered into a Stipulation for Judgment wherein it is agreed that a Stipulated  
7 Judgment be entered in favor of Plaintiff and against Defendants.

8 NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED:

9 1. The Parties have entered into a Stipulation for Judgment, a copy of which is attached  
10 hereto, marked as Exhibit 1 and fully incorporated by reference herein.

11 2. The Court has jurisdiction of the subject matter hereof and of the parties hereto.

12 3. Venue as to all matters between the Parties relating hereto lies in this Court.

13 **SETTLEMENT PAYMENT, TRAINING AND EDUCATION FUND, COSTS OF LAWSUIT**  
14 **AND INVESTIGATION, ATTORNEYS FEES AND ADMINSTRATIVE COSTS**  
**RECOVERY**

15 4. Defendants will pay to Plaintiff the sum of One Million Eight Hundred Thousand  
16 (\$1,800,000) Dollars. The sum of \$1,800,000 is allocated and payable as follows:

- 17 a. Settlement Payment. Within 10 days following entry of the Stipulated  
18 Judgment in the Civil Action, Defendants shall deliver three (3) cashiers  
19 checks to the Office of the Attorney General in the total amount of  
20 \$966,667. These Settlement Payments are made pursuant to Business and  
21 Professions Code sections 17203, 17206, 17207, 17535, 17535.5 and 17536.  
22 Pursuant to Government Code section 26506, said Settlement Payment  
23 checks shall be payable to the prosecuting agencies bringing this Civil  
24 Action as follows:

<u>Agency</u>	<u>Amount</u>
Attorney General of California, D.O.J.	\$483,334
Alameda County District Attorney	\$241,666.50
Fresno County District Attorney	\$241,666.50

1           b.   Costs of Investigation, Suit and Attorneys' Fees in Civil Action. Within 10  
2 days of the entry of the Stipulated Judgment in this Civil Action, Defendants  
3 shall pay, by cashiers check payable to the Bureau of Automotive Repair, the  
4 costs of suit, including attorneys' fees, in this civil matter in the amount of  
5 \$90,000. Within 10 days of the entry of the Stipulated Judgment in this  
6 Civil Action, Defendants shall pay, by cashiers check payable to the  
7 Alameda County District Attorney, the costs of suit, including attorneys'  
8 fees, in this civil matter in the amount of \$241,666.50. Within 10 days of  
9 the entry of the Stipulated Judgment in this Civil Action, Defendants shall  
10 pay, by cashiers check payable to the Fresno County District Attorney, the  
11 costs of suit, including attorneys' fees, in this civil matter in the amount of  
12 \$241,666.50.

13           c.   Costs Recovery in Administrative Action. Within 10 days of the entry of the  
14 Stipulated Judgment in this Civil Action, Defendants shall pay, by cashiers  
15 check payable to the Bureau of Automotive Repair, the costs of investigation  
16 and prosecution, including attorneys' fees, of the Administrative Action  
17 entitled: In the Matter of the Accusation Against BE GLAD, INC., dba  
18 MIDAS AUTO SERVICE CENTER, MAURICE IRVING GLAD,  
19 President; M.I. GLAD, INC., dba MIDAS AUTO SERVICE CENTER,  
20 MAURICE IRVING GLAD, President; and, SO GLAD, INC., dba MIDAS  
21 AUTO SERVICE CENTER, MAURICE IRVING GLAD, President, et al.,  
22 Bureau of Automotive Repair Case No. 77/07 and Office of Administrative  
23 Hearings Case No. 2009022238, in the amount of \$260,000.

24           d.   Payment Method. All checks payable to the Alameda County District  
25 Attorney, Fresno County District Attorney and the Office of the Attorney  
26 General under the terms of the Settlement Agreement shall be delivered to  
27 the Office of the Attorney General, Attention Justin Surber, 455 Golden  
28 Gate Ave., Suite 11000, San Francisco CA 94102-7004 within 10 days of

1 the entry of the Stipulated Judgment in this Civil Action. All checks payable  
2 to the Bureau of Automotive Repair under the terms of the Settlement  
3 Agreement shall be delivered to Rick McLarty, Bureau of Automotive  
4 Repair, Department of Consumer Affairs 10220 Systems Parkway, Suite B,  
5 Sacramento, CA 95827 within 10 days of the entry of the Stipulated  
6 Judgment in this Civil Action. The money payable to the Attorney  
7 General's Office shall be deposited into the unfair competition law fund.

8 **INJUNCTIVE RELIEF**

9 5. Defendants agree that they shall be permanently enjoined and restrained pursuant to  
10 Business and Professions Code sections 17203 and 17535 from applying for or holding any license  
11 or registration issued by the Bureau of Automotive Repair or any successor agency. Defendants  
12 further agree that they shall be permanently enjoined and restrained pursuant to Business and  
13 Professions Code sections 17203 and 17535, directly or indirectly, from engaging in any business  
14 that requires any type of license or registration issued by Bureau of Automotive Repair or any  
15 successor agency. It is expressly understood and agreed that Defendants may lease the real  
16 property they own to licensees/registrants of the Bureau of Automotive Repair and such leasing  
17 activity shall not violate the terms of this injunctive provision, as long as Defendants are not  
18 involved in the operation of the automotive repair business.

19 a. These injunctive provisions shall become effective 90 days following entry  
20 of this Stipulated Judgment. Defendants shall be entitled to continue the  
21 operation of their Midas Shop automotive repair businesses until the  
22 effective date of these injunctive provisions.

23 6. The settlement in the Administrative Action (the "Administrative Settlement) is  
24 expressly incorporated by reference herein and made a part of this Stipulated Judgment. A copy of  
25 the Administrative Settlement is attached hereto, marked Exhibit 2 and fully incorporated by  
26 reference herein. A violation of the terms and conditions of the Administrative Settlement shall  
27 constitute a violation of the terms and conditions of this Stipulated Judgment.

1           7.     This Stipulated Judgment does not modify, alter or amend the Judgment entered  
2 June 30, 1989 in the case entitled *People v. M.I. Glad, Inc., et al.*, Superior Court of the State of  
3 California, County of Alameda, Case nos. H120168-4 and H120169-3 (the "1989 Judgment and  
4 Injunction"). The 1989 Judgment and Injunction shall remain in full force and effect as to  
5 Defendants herein. However, any purchaser of Defendants' Midas Shops will not be bound by or  
6 subject to the terms and conditions of the 1989 Judgment and Injunction, provided that any  
7 prospective purchaser is an independent third-party who is not related to MAURICE IRVING  
8 GLAD and that the purchase is otherwise conducted as an arms-length transaction. The 1989  
9 Judgment and Injunction shall not and will not encumber the sale of Defendants' Midas Shop  
10 automotive repair businesses and the new purchaser will purchase the Midas Shops free and clear  
11 of the 1989 Judgment and Injunction.

12           8.     Notwithstanding anything stated herein, the Superior Court of the State of  
13 California, County of Alameda, shall retain jurisdiction to enforce, interpret and adjudicate any  
14 breach of the Stipulation for Judgment and Stipulated Judgment.

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16  
17 DATED: JAN 22 2010 

WINIFRED Y. SMITH  
Judge of the Superior Court


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20 APPROVED AS TO FORM:

21  
22 EDMUND G. BROWN, ATTORNEY GENERAL,  
STATE OF CALIFORNIA,

23  
24 DATED: 12/30/09

  
JUSTIN R. SURBER, Deputy Attorney General,  
Attorney for Plaintiff PEOPLE OF THE STATE  
OF CALIFORNIA

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27 NANCY E. O'MALLEY, DISTRICT  
ATTORNEY, COUNTY OF ALAMEDA, STATE  
28 OF CALIFORNIA

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DATED: 12/17/09



SCOTT PATTON, Deputy District Attorney, County of Alameda, Attorney for Plaintiff PEOPLE OF THE STATE OF CALIFORNIA

ELIZABETH A. EGAN, DISTRICT ATTORNEY, COUNTY OF FRESNO, STATE OF CALIFORNIA

DATED: \_\_\_\_\_

MICHAEL BRUMMEL, Deputy District Attorney, County of Fresno, Attorney for Plaintiff PEOPLE OF THE STATE OF CALIFORNIA

McCOY, MCMAHON, KOSS, MARKOWITZ and RAINES,

DATED: \_\_\_\_\_

WILLIAM GAGEN, JR. attorney for Defendants BE GLAD, INC., a California Corporation, M.I. GLAD, INC., a California corporation, SO GLAD, INC., a California corporation, ALLGLAD, INC., a California corporation, and MAURICE IRVING GLAD

KNOX, LEMMON, ANAPOLSKY & SCHRIMP, LLP

DATED: \_\_\_\_\_

LOUIS J. ANAPOLSKY, attorney for Defendants BE GLAD, INC., a California Corporation, M.I. GLAD, INC., a California corporation, SO GLAD, INC., a California corporation, ALLGLAD, INC., a California corporation, and MAURICE IRVING GLAD

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DATED: \_\_\_\_\_

SCOTT PATTON, Deputy District Attorney, County of Alameda, Attorney for Plaintiff PEOPLE OF THE STATE OF CALIFORNIA

ELIZABETH A. EGAN, DISTRICT ATTORNEY, COUNTY OF FRESNO, STATE OF CALIFORNIA



DATED: 12/17/09

MICHAEL BRUMMEL, Deputy District Attorney, County of Fresno, Attorney for Plaintiff PEOPLE OF THE STATE OF CALIFORNIA

McCOY, MCMAHON, KOSS, MARKOWITZ and RAINES,

DATED: \_\_\_\_\_

WILLIAM GAGEN, JR. attorney for Defendants BE GLAD, INC., a California Corporation, M.I. GLAD, INC., a California corporation, SO GLAD, INC., a California corporation, ALLGLAD, INC., a California corporation, and MAURICE IRVING GLAD

KNOX, LEMMON, ANAPOLSKY & SCHRIMP, LLP

DATED: \_\_\_\_\_

LOUIS J. ANAPOLSKY, attorney for Defendants BE GLAD, INC., a California Corporation, M.I. GLAD, INC., a California corporation, SO GLAD, INC., a California corporation, ALLGLAD, INC., a California corporation, and MAURICE IRVING GLAD

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2 DATED: \_\_\_\_\_  
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SCOTT PATTON, Deputy District Attorney, County  
of Alameda, Attorney for Plaintiff PEOPLE OF THE  
STATE OF CALIFORNIA


5 ELIZABETH A. EGAN, DISTRICT ATTORNEY,  
6 COUNTY OF FRESNO, STATE OF  
7 CALIFORNIA

8 DATED: \_\_\_\_\_  
9  
10

MICHAEL BRUMMEL, Deputy District Attorney,  
County of Fresno, Attorney for Plaintiff PEOPLE  
OF THE STATE OF CALIFORNIA

11 McCOY, MCMAHON, KOSS, MARKOWITZ and  
12 RAINES,

13 DATED: Dec. 15, 2007  
14  
15

  
WILLIAM GAGEN, JR. attorney for Defendants BE  
GLAD, INC., a California Corporation, M.I.  
GLAD, INC., a California corporation, SO GLAD,  
INC., a California corporation, ALLGLAD, INC., a  
California corporation, and MAURICE IRVING  
GLAD

17 KNOX, LEMMON, ANAPOLSKY & SCHRIMP,  
18 LLP

19  
20 DATED: \_\_\_\_\_  
21  
22

LOUIS J. ANAPOLSKY, attorney for Defendants  
BE GLAD, INC., a California Corporation, M.I.  
GLAD, INC., a California corporation, SO GLAD,  
INC., a California corporation, ALLGLAD, INC., a  
California corporation, and MAURICE IRVING  
GLAD



1  
2 DATED: \_\_\_\_\_

SCOTT PATTON, Deputy District Attorney, County  
of Alameda, Attorney for Plaintiff PEOPLE OF THE  
STATE OF CALIFORNIA

3  
4  
5 ELIZABETH A. EGAN, DISTRICT ATTORNEY,  
6 COUNTY OF FRESNO, STATE OF  
7 CALIFORNIA

8 DATED: \_\_\_\_\_

MICHAEL BRUMMEL, Deputy District Attorney,  
County of Fresno, Attorney for Plaintiff PEOPLE  
OF THE STATE OF CALIFORNIA

11 McCOY, MCMAHON, KOSS, MARKOWITZ and  
12 RAINES,

13 DATED: \_\_\_\_\_

14 WILLIAM GAGEN, JR. attorney for Defendants BE  
15 GLAD, INC., a California Corporation, M.I.  
16 GLAD, INC., a California corporation, SO GLAD,  
17 INC., a California corporation, ALLGLAD, INC., a  
18 California corporation, and MAURICE IRVING  
19 GLAD

KNOX, LEMMON, ANAPOLSKY & SCHRIMP,  
LLP

20 DATED: DECEMBER 15, 2009

21 LOUIS J. ANAPOLSKY, attorney for Defendants  
22 BE GLAD, INC., a California Corporation, M.I.  
23 GLAD, INC., a California corporation, SO GLAD,  
24 INC., a California corporation, ALLGLAD, INC., a  
25 California corporation, and MAURICE IRVING  
26 GLAD  
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