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9 ECOLOGICAL RIGHTS FOUNDATION

ENDORSED  
FILED  
San Francisco County Superior Court

OCT 20 2006

GORDON PARK-LI, Clerk  
BY:           JOCELYN C. ROQUE            
Deputy Clerk

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 COUNTY OF SAN FRANCISCO  
12 (Unlimited Jurisdiction)

13 ECOLOGICAL RIGHTS FOUNDATION,

14 Plaintiff,

15 v.

16 MARTHA STEWART LIVING  
17 OMNIMEDIA, INC.; MARTHA STEWART  
18 LIVING OMNIMEDIA, LLC; KMART  
19 CORPORATION; KMART HOLDINGS,  
20 INC.; and DOES 1 through 100 INCLUSIVE,

21 Defendants.

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CASE NO. CGC-06-449758

(SLN)  
**PROPOSED ORDER**  
**APPROVING SETTLEMENT AND**  
**CONSENT JUDGMENT**

Date: October 20, 2006  
Time: 9:30 a.m.  
Dept. No.: 302

1 Plaintiff's motion for approval of settlement and entry of Consent Judgment was heard on  
2 noticed motion on October 20, 2006. This Court finds that:

3 1. The reformulation required by the Consent Judgment complies with the requirements of  
4 Proposition 65;

5 2. The removal from Defendants' California stores and warehouses of all Covered Products  
6 (i.e., leaded stained glass lamps) by November 1, 2006 is reasonable based on the requirements of  
7 Proposition 65;

8 3. The payments in lieu of civil penalty specified in the Consent Judgment are reasonable based  
9 on the criteria in Cal Health & Safety Code section 25249.7(b)(2); and

10 4. The attorneys fees awarded under the Consent Judgment are reasonable under California law.  
11 Based upon these findings, the settlement and Consent Judgment are approved.

12  
13 **IT IS SO ORDERED.**

14  
15 **OCT 20 2006**

**RONALDE. QUIDACHAY**

16 Dated: \_\_\_\_\_

\_\_\_\_\_

17 Judge of the Superior Court