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14 MATEEL ENVIRONMENTAL JUSTICE FOUNDATION

15 SUPERIOR COURT OF THE STATE OF CALIFORNIA
16 COUNTY OF SAN FRANCISCO

ENDORSED
FILED
San Francisco County Superior Court

NOV 17 2009

GORDON PARK-LI, Clerk
BY: KEVIN R. DOUGHERTY
Deputy Clerk

17 MATEEL ENVIRONMENTAL JUSTICE
18 FOUNDATION,

19 Plaintiff,

20 vs.

21 BRIEL INDUSTRIA de
22 ELECTRODOMESTICOS SA, et al.,

23 Defendants.

CASE NO. 07-468856

[PROPOSED] AMENDED DEFAULT
JUDGMENT AS TO DEFENDANTS
BRIEL INDUSTRIA de
ELECTRODOMESTICOS SA, ELEKTRA
SRL and LA PAVONI SpA

Date: November 17, 2009
Time: 9:00 a.m.
Dept. No.: 218

24 Pursuant to California Code of Civil Procedure § 585 ("CCP § 585"), the Court hereby
25 enters final judgment in favor of Plaintiff Mateel Environmental Justice Foudnation ("Mateel")
26 against Defendant Briel-Industria de Electrodomesticos SA ("Briel") as follows:

- 27 1. Briel-Industria de Electrodomesticos SA and all of its agents are permanently
28 enjoined from offering espresso machines that utilize leaded brass plumbing, including without
limitation, BRIEL CADIZ ESPRESSO, BRIEL MULTI-PRO SERIES, or BRIEL DOMUS
espresso machines, or similar, without providing, pursuant to Health & Safety Code

1 § 25247.7(a), clear and reasonable warnings of the carcinogenic and reproductive harm caused
2 by lead and lead compounds.

3 2. Within 90 days of the entry of this Judgment, Briel-Industria de
4 Electrodomesticos SA shall contact any California consumer that purchased an espresso
5 machine that utilized leaded brass plumbing, including those identified in paragraph 1 above, at
6 any time, beginning one year before the complaint was filed in this action and provide to that
7 purchaser a clear and reasonable warning of the carcinogenic and reproductive harm caused by
8 exposure to lead and lead compounds caused by the product.

9 3. Briel-Industria de Electrodomesticos SA is ordered to pay \$460,000 in civil
10 penalties, pursuant to Health and Safety Code § 25249.7(b).

11 4. Briel-Industria de Electrodomesticos SA is ordered to pay \$37,814.00 in attorneys
12 fees and costs to Mateel Environmental Justice Foundation pursuant to CCP 1021.5.

13 5. Elektra SLR and all of its agents are permanently enjoined from offering espresso
14 machines that utilize leaded brass plumbing, including without limitation, ELEKTRA FAMILY
15 MICRO CASA SEMIAUTOMATICA spresso machines, or similar, without providing,
16 pursuant to Health & Safety Code § 25247.7(a), clear and reasonable warnings of the
17 carcinogenic and reproductive harm caused by lead and lead compounds.

18 6. Within 90 days of the entry of this Judgment, Elektra SLR shall contact any
19 California consumer that purchased an espresso machine that utilized leaded brass plumbing,
20 including those identified in paragraph 1 above, at any time, beginning one year before the
21 complaint was filed in this action and provide to that purchaser a clear and reasonable warning of
22 the carcinogenic and reproductive harm caused by exposure to lead and lead compounds caused
23 by the product.

24 7. Elektra SLR is ordered to pay \$740,000 in civil penalties, pursuant to Health and
25 Safety Code § 25249.7(b).

26 8. Elektra SLR is ordered to pay \$34,314.00 in attorneys fees and costs to Mateel
27 Environmental Justice Foundation pursuant to CCP 1021.5.

28 9. La Pavoni SpA and all of its agents are permanently enjoined from offering

1 espresso machines that utilize leaded brass plumbing, including without limitation, LA PAVONI
2 EUROPICCOLA or LA PAVONI ROMANTICA MODEL EPG-8 espresso machines, or
3 similar, without providing, pursuant to Health & Safety Code § 25247.7(a), clear and reasonable
4 warnings of the carcinogenic and reproductive harm caused by lead and lead compounds.

5 10. Within 90 days of the entry of this Judgment, La Pavoni SpA shall contact any
6 California consumer that purchased an espresso machine that utilized leaded brass plumbing,
7 including those identified in paragraph 1 above, at any time, beginning one year before the
8 complaint was filed in this action and provide to that purchaser a clear and reasonable warning of
9 the carcinogenic and reproductive harm caused by exposure to lead and lead compounds caused
10 by the product.

11 11. La Pavoni SpA is ordered to pay \$4,780,000 in civil penalties, pursuant to Health
12 and Safety Code § 25249.7(b).

13 12. La Pavoni SpA is ordered to pay \$36,907.00 in attorneys fees and costs to Mateel
14 Environmental Justice Foundation pursuant to CCP 1021.5.

15 IT IS SO ORDERED

16
17 Dated: 11-17-09


Superior Court of California
WILLIAM R. GARGANO
Commissioner