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BP WEST COAST PRODUCTS LLC; 7-ELEVEN INC.;  
and YUM YUM DONUT SHOPS, INC.

CONFORMED COPY  
ORIGINAL FILED  
Superior Court of California  
County of Los Angeles

DEC 14 2020

Sherri R. Carter, Executive Officer/Clerk of Court  
By Steven Drew, Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF LOS ANGELES – SPRING STREET COURTHOUSE

COUNCIL FOR EDUCATION AND  
RESEARCH ON TOXICS, a California  
corporation, acting as a private attorney  
general in the public interest,

Plaintiff,

v.

STARBUCKS CORPORATION, a California  
corporation, et al.,

Defendants.

Case No. BC435759  
(Lead Case)

**NOTICE OF ENTRY OF ORDER  
MODIFYING CONSENT JUDGMENTS  
OF BP WEST COAST PRODUCTS LLC,  
7-ELEVEN INC., YUM YUM DONUT  
SHOPS, INC., AND CAMERON'S  
COFFEE AND DISTRIBUTION  
COMPANY**

Department: 006  
Judge: Hon. Elihu M. Berle

Date: November 9, 2020  
Time: 11:00 a.m.

COUNCIL FOR EDUCATION AND  
RESEARCH ON TOXICS, a California  
corporation, acting as a private attorney  
general in the public interest,

Plaintiff,

v.

BRAD BARRY COMPANY, LTD., a  
California corporation, et al.,

Defendants.

Case No. BC 461182  
(Consolidated with Lead Case)

NOTICE OF ENTRY OF ORDER MODIFYING CONSENT JUDGMENTS OF  
BP WEST COAST PRODUCTS LLC, 7-ELEVEN INC., YUM YUM DONUT SHOPS, INC., AND CAMERON'S  
COFFEE AND DISTRIBUTION COMPANY

1 TO ALL PARTIES AND THEIR COUNSEL OF RECORD:

2 Please take notice that on December 8, 2020 the Court entered an order granting the motion  
3 by BP West Coast Products LLC, 7-Eleven, Inc., Yum Yum Donut Shops, Inc., and Cameron's  
4 Coffee and Distribution Company to modify their consent judgments in the above-captioned matter.  
5 A true and correct copy of the Court's order is attached hereto as Exhibit 1.

6 Dated: December 14, 2020.

ARNOLD & PORTER KAYE SCHOLER LLP

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9 By: /s/ Trenton H. Norris

10 Trenton H. Norris  
11 Attorneys for BP WEST COAST  
12 PRODUCTS LLC, 7-ELEVEN INC., and  
13 YUM YUM DONUT SHOPS  
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**PROOF OF SERVICE**

I am over eighteen years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 777 South Figueroa Street, Suite 4400, Los Angeles, California 90017-5844.

On December 14, 2020, I served the following document(s):

**NOTICE OF ORDER GRANTING MOTION TO MODIFY CONSENT JUDGMENTS OF DEFENDANTS BP WEST COAST PRODUCTS LLC, 7-ELEVEN INC., YUM YUM DONUT SHOPS, INC., AND CAMERON'S COFFEE AND DISTRIBUTION COMPANY**

I served the document(s) on the following persons

**SEE ATTACHED SERVICE LIST**

The document(s) were served by the following means:

**By File & Serve Xpress.** Pursuant to agreement of the parties to accept service by e-mail or electronic transmission, I provided the document listed above electronically to the File & Serve Xpress website and thereon to those parties on the Service List maintained by that website by submitting an electronic version of the documents to File & Serve Xpress.

Additionally, the above-referenced documents were served via email and first class mail on Harrison Pollak and Tatiana Gaur, Office of the Attorney General, at the following addresses:  
Proposition 65 Enforcement Reporting  
Attention: Prop 65 Coordinator  
1515 Clay Street, Suite 2000  
Post Office Box 70550  
Oakland, California 94612-0550  
[harrison.pollak@doj.ca.gov](mailto:harrison.pollak@doj.ca.gov)  
[tatiana.gaur@doj.ca.gov](mailto:tatiana.gaur@doj.ca.gov).

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: December 14, 2020

Signature:                     /William Costley                      
William Costley

## SERVICE LIST

*Council for Education and Research On Toxics v. Starbucks Corporation, et al.*

LASC Case No. BC 435759 (Lead Case)

*Council for Education and Research On Toxics v. Brad Barry, et al.*

LASC Case No. BC 461182 (Consolidated for all purposes with Case No. 435759)

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NOTICE OF ENTRY OF ORDER MODIFYING CONSENT JUDGMENTS OF  
BP WEST COAST PRODUCTS LLC, 7-ELEVEN INC., AND YUM YUM DONUT SHOPS, INC., AND  
CAMERON'S COFFEE AND DISTRIBUTION COMPANY

	NAPA VALLEY COFFEE ROASTING COMPANY; NESTLE USA, INC.; NEW ENGLAND TEA & COFFEE, INC.; PARADISE BEVERAGES, INC.; PEERLESS COFFEE COMPANY, INC.; PEET'S COFFEE & TEA, INC.; QUARTERMAINE COFFEE ROASTERS ; REGAL COMMODITIES; ROWLAND COFFEE ROASTERS, INC. ; S&D COFFEE, INC.; SARA LEE CORPORATION ; SEATTLE'S BEST COFFEE LLC ; SEATTLE COFFEE CO.; SMUCKER FOODSERVICE, INC. ; SOUTHERN WINE; STARBUCKS CORPORATION ; STARBUCKS HOLDINGS; STEEP & BREW; THE J.M. SMUCKER COMPANY ; VERVE LLC.; VICTOR ALLEN'S COFFEE ; VILORE FOODS COMPANY, INC. ; ZAVIDA COFFEE COMPANY
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<p>Tom Van Wyngarden  Stephanie Angkadjaja  Pillsbury Winthrop Shaw Pittman LLP  725 South Figueroa Street, Suite 2800  Los Angeles, CA 90017  Tel : (213) 488-7100  E-mail :  <a href="mailto:tom.vanwyngarden@pillsburylaw.com">tom.vanwyngarden@pillsburylaw.com</a>    <a href="mailto:stephanie.angkadjaja@pillsburylaw.com">stephanie.angkadjaja@pillsburylaw.com</a></p>	<p>Attorneys for Retailer Defendants Wal-Mart, Stores, Inc. and Sams West, Inc.</p>
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<p>15 Lawrence E. Skidmore</p> <p>16 Aronowitz Skidmore Lyon</p> <p>17 200 Auburn Folsom Road, Suite 305</p> <p>18 Auburn, CA 95603</p> <p>19 Email: lskidmore@asilaw.org</p>	<p>Attorney for L. Paul Phillips dba</p> <p>Safari Morning Coffee</p>

# **Exhibit 1**



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CAMERON'S COFFEE AND DISTRIBUTION  
COMPANY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES - SPRING STREET COURTHOUSE

COUNCIL FOR EDUCATION AND  
RESEARCH ON TOXICS, a California  
corporation, acting as a private attorney  
general in the public interest,

Plaintiff,

v.

STARBUCKS CORPORATION, a California  
corporation, et al.,

Defendants.

Case No. BC 435759  
(Lead Case)

**[PROPOSED] ORDER GRANTING  
MOTIONS TO MODIFY CONSENT  
JUDGMENTS OF DEFENDANTS BP  
WEST COAST PRODUCTS LLC, 7-  
ELEVEN INC., YUM YUM DONUT  
SHOPS, INC., AND CAMERON'S  
COFFEE AND DISTRIBUTION  
COMPANY**

Department: 006  
Judge: Hon. Elihu M. Berle

Date: November 9, 2020  
Time: 11:00 a.m.

**FILED**  
Superior Court of California  
County of Los Angeles

**DEC 08 2020**

Sheri R. Carter, Executive Officer/Clerk  
By Mariela Fregoso Deputy

**RECEIVED**

**NOV 12 2020**

**ILING WINDOW**

**[PROPOSED] ORDER GRANTING MOTIONS TO MODIFY CONSENT JUDGMENTS OF  
BP WEST COAST PRODUCTS LLC, 7-ELEVEN INC., YUM YUM DONUT SHOPS, INC., AND CAMERON'S  
COFFEE AND DISTRIBUTION COMPANY**

1 COUNCIL FOR EDUCATION AND )  
2 RESEARCH ON TOXICS, a California )  
3 corporation, acting as a private attorney )  
4 general in the public interest, )

5 Plaintiff, )

6 v. )

7 BRAD BARRY COMPANY, LTD., a )  
8 California corporation, et al., )

9 Defendants. )  
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Case No. BC 461182  
(Consolidated with Lead Case)

[PROPOSED] ORDER

Having considered Defendants BP West Coast Products LLC, 7-Eleven Inc., and Yum Yum Donut Shops, Inc.'s Motion to Modify Consent Judgments, and Defendant Cameron's Coffee and Distribution Company's Motion To Modify Consent Judgment, and any other supporting and opposing papers filed thereafter, Defendants' Motions are GRANTED for good cause shown.

California Code of Regulations, Title 27, section 25704 negates the underlying basis for the warning requirements in these consent judgments. Under this regulation, Defendants are not required to provide a warning pursuant to Proposition 65 for exposures to chemicals in coffee added to the Proposition 65 list on or before March 15, 2019 as known to the state to cause cancer that are created by and inherent in the process of roasting coffee beans or brewing coffee. Providing warnings as required in these consent judgments would be adverse to the purpose of Proposition 65. The public interest would not be served by requiring cancer warnings that conflict with newly promulgated regulations. It would not only be anomalous to require some coffee companies to label coffee carcinogenic while not requiring others to do so, but it would also be inequitable.

Defendants' Consent Judgments are hereby modified to remove the warning obligations contained in paragraph 3 (and its subparagraphs) of Defendants' BP West Coast Products LLC, 7-Eleven Inc., and Yum Yum Donut Shops, Inc.'s Consent Judgments and Article 3 (comprising paragraphs 3.1, 3.2, 3.3, and 3.4) of the Consent Judgment entered on June 27, 2013 as to Defendant Cameron's Coffee and Distribution Company.

IT IS SO ORDERED.

Dated: Dec. 8, 2020

  
JUDGE OF THE SUPERIOR COURT

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## SERVICE LIST

*Council for Education and Research On Toxics v. Starbucks Corporation, et al.*

LASC Case No. BC 435759 (Lead Case)

*Council for Education and Research On Toxics v. Brad Barry, et al.*

LASC Case No. BC 461182 (Consolidated for all purposes with Case No. 435759)

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	NAPA VALLEY COFFEE ROASTING COMPANY; NESTLE USA, INC.; NEW ENGLAND TEA & COFFEE, INC.; PARADISE BEVERAGES, INC.; PEERLESS COFFEE COMPANY, INC.; PEET'S COFFEE & TEA, INC.; QUARTERMAINE COFFEE ROASTERS; REGAL COMMODITIES; ROWLAND COFFEE ROASTERS, INC.; S&D COFFEE, INC.; SARA LEE CORPORATION; SEATTLE'S BEST COFFEE LLC; SEATTLE COFFEE CO.; SMUCKER FOODSERVICE, INC.; SOUTHERN WINE; STARBUCKS CORPORATION; STARBUCKS HOLDINGS; STEEP & BREW; THE J.M. SMUCKER COMPANY; VERVE LLC.; VICTOR ALLEN'S COFFEE; VILORE FOODS COMPANY, INC.; ZAVIDA COFFEE COMPANY
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<p>21 Dawn Sestito</p> <p>22 Adam Levine</p> <p>23 Kate M. Ikehara</p> <p>24 O'Melveny &amp; Myers LLP</p> <p>25 400 South Hope Street</p> <p>26 Los Angeles, CA 90071</p> <p>27 Tel: (213) 430-7217</p> <p>28 Fax: (213) 430-6407</p> <p>E-mail: <a href="mailto:dsestito@omm.com">dsestito@omm.com</a></p> <p><a href="mailto:alevine@omm.com">alevine@omm.com</a></p> <p><a href="mailto:kikehara@omm.com">kikehara@omm.com</a></p>	<p>Attorneys for Retailer Defendant Trader Joe's Company; Mountanos Brothers Coffee Company</p>

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