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ORIGINAL FILED
MAY 27 2012
**LOS ANGELES
SUPERIOR COURT**

ORIGINAL FILED
APR 24 2012
FILING WINDOW 2012
**LOS ANGELES
SUPERIOR COURT**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

CONSUMER ADVOCACY GROUP,
INC., in the interest of the Public,

Plaintiff,

v.

ROSS DRESS FOR LESS, INC., ROSS
STORES, INC., and MAX SALES
GROUP, INC.,

Defendants.

CASE NO. BC465245

~~[PROPOSED]~~ ORDER GRANTING MOTION
TO APPROVE AND ENTER CONSENT
JUDGMENT BETWEEN CONSUMER
ADVOCACY GROUP, INC. AND MAX
SALES GROUP, INC.

Hearing Date: May 22, 2012
Time: 9:30am
Dept: 78
Judge: Hon. William F. Fahey

Trial: June 4, 2012
Complaint: July 13, 2011

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

On May 22, 2012 at 9:30 a.m., the Court heard the Motion to Approve and Enter Consent Judgment Between Consumer Advocacy Group, Inc. ("Plaintiff") and Defendant Max Sales Group, Inc. ("Defendants"). The Court, having considered the documents filed in connection with this matter, and no opposition being filed, has arrived at the following conclusions and SO ORDERS:

1 1. The Court grants the Motion to Approve and Enter Consent Judgment Between Plaintiff
2 and Defendant, in its entirety pursuant to California Health and Safety Code section 25249.7,
3 subdivision (f)(4).

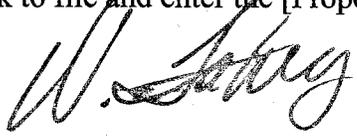
4 2. The Court approves the [Proposed] Consent Judgment, which Plaintiff and Defendant
5 have submitted to this Court for approval pursuant to Proposition 65 (*Cal. Health & Safety Code*
6 *§§25249.5, et seq.*) after making the following findings:

7 i. The Court finds that the [Proposed] Consent Judgment complies with the
8 requirements of Health and Safety Code § 25249.7 et seq. Defendant has agreed to cease
9 sale of the consumer product "FINEAUTO™ Products 31 Piece Roadside Emergency
10 Kit" ("Covered Product") in California unless the Covered Product is reformulated to a
11 point where the level of lead would not exceed 100 parts per million. The Consent
12 Judgment also requires Defendant to pay \$50,000.00 to defray Plaintiff's attorney's fees,
13 which is less than the actual lodestar figure of \$66,594.00. Additionally, the Consent
14 Judgment requires Defendant to pay \$1000.00 to Plaintiff as payment in lieu of a civil
15 penalty, and also \$1000.00 to the State of California's Office of Environmental Health
16 Hazard Assessment and Plaintiff as civil penalties. Further, the proposed settlement
17 terms are presumed to confer a public benefit.

18 ii. A public benefit is presumed, because the [Proposed] Consent Judgment requires
19 Defendant to cease sale in California of the Covered Product unless the Covered Product
20 is reformulated to a point where the level of lead does not exceed 100 parts per million.
21

22 3. The Court shall sign and hereby directs the Clerk to file and enter the [Proposed] Consent
23 Judgment.

24 Dated: 5-21-12



Judge of the Superior Court