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10 Attorneys for Plaintiffs David Steinman and
11 The Chemical Toxin Working Group, Inc.

12 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**

13 **COUNTY OF ALAMEDA**

14 **COORDINATED PROCEEDINGS
15 SPECIAL TITLE (RULE 3.550)**

**Judicial Council Coordination Proceeding
16 No. 4779/Alameda County Case No.
17 RG13686874/Reservation No. R-1605278**

18 **PROPOSITION 65 CANNED FOOD
19 CASES AND COORDINATED ACTIONS**

**NOTICE OF ENTRY OF STIPULATED
20 CONSENT JUDGMENT AND ORDER
21 APPROVING PROPOSITION 65
22 SETTLEMENT RE: JFE SHOJI TRADE
23 AMERICA, INC.**

24 **THE CHEMICAL TOXIN WORKING
25 GROUP, INC., a California non-profit
26 corporation,**

27 **Plaintiff,**

28 **v.**

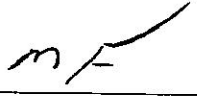
**JFE SHOJI TRADE AMERICA, INC. and
DOES 1-100,**

Defendants.

29 **PLEASE TAKE NOTICE** that on June 4, 2015, the Court entered Judgment and
30 granted Plaintiffs' Motion to approve the Proposition 65 Settlement in this action. A true and
31 correct copy of the Stipulated Consent Judgment and Order Approving Proposition 65 Settlement

1 is attached hereto as Exhibits A and B respectively.

2
3 Dated: June 11, 2015

By 
Michael Freund
Attorney for Plaintiffs David Steinman and The
Chemical Toxin Working Group, Inc.

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EXHIBIT A



READ
Complex

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23 JFE SHOJI TRADE AMERICA, INC.

24 SUPERIOR COURT OF THE STATE OF CALIFORNIA
25 COUNTY OF ALAMEDA

26 COORDINATED PROCEEDINGS SPECIAL
27 TITLE (RULE 3.550)

28 PROPOSITION 65 CANNED FOOD CASES
COORDINATED ACTIONS

THE CHEMICAL TOXIN WORKING
GROUP, INC., a California non-profit
corporation,

Plaintiff,

v.

JFE SHOJI TRADE AMERICA, INC. and
DOES 1-100,

Defendants.

FILED
ALAMEDA COUNTY

JUN 04 2015

CLERK OF THE SUPERIOR COURT

By: *[Signature]* Deputy

Judicial Council Coordination Proceeding
No. 4779/ Alameda County Case No.
RG13686874 Reservation No. R-1616321

WSC

[PROPOSED] STIPULATED CONSENT
JUDGMENT; [PROPOSED] ORDER RE: JFE
SHOJI TRADE AMERICA

[Health & Safety Code Section 25249.5 et seq.]

Date: June 4, 2015

Time: 8:30 a.m.

Dept: 21

Judge: Wynne S. Carvill

Action Filed: June 28, 2012

Trial Date: November 16, 2015

1 **1. INTRODUCTION**

2 1.1 On July 10, 2013, Plaintiff The Chemical Toxin Working Group ("CTWG"), as a
3 private enforcer, and in the public interest, initiated Case No. RG-13-686874 ("Action") by
4 filing a Complaint for Injunctive and Declaratory Relief and Civil Penalties (the "Complaint")
5 pursuant to the provisions of California Health and Safety Code section 25249.5 et seq.
6 ("Proposition 65"), against JFE Shoji Trade America ("JFE"). On September 23, 2013, CTWG
7 filed a First Amended Complaint by adding Geisha Mandarin Oranges in Light Syrup to the
8 Complaint. On May 13, 2014, this Action was coordinated with the following four separate
9 actions, and on September 24, 2014 Judge Wynne S. Carvill was assigned the Coordination
10 Trial Judge of these coordinated cases:

11 (1) *David Steinman et al. v. The Kroger Company et al.*, Case No. RG12636763,
12 Superior Court of the State of California, County of Alameda;

13 (2) *David Steinman et al. v. Crown Prince, Inc. et al.*, Case No. RG13673501, Superior
14 Court of the State of California, County of Alameda;

15 (3) *The Chemical Toxin Working Group, Inc. v. Crown Prince, Inc. et al.*, Case No.
16 RG13699240, Superior Court of the State of California, County of Alameda; and

17 (4) *David Steinman et al. v. MW Polar et al.*, Case No. C 12-01327, Superior Court of
18 the State of California, County of Contra Costa.

19 On May 22, 2015, the Court issued a Tentative Ruling granting Plaintiffs' Motion to Approve
20 Proposition 65 Settlement and for Entry of Consent Judgment. The Court remanded this Action
21 (RG13686874) to the Superior Court of California, County of Alameda for entry of the Consent
22 Judgment.

23
24 1.2 In this Action, Plaintiff alleges that the Geisha Fancy Smoked Oysters in
25 Cottonseed Oil, Geisha Whole Baby Clams, and Geisha Mandarin Oranges in Light Syrup
26 contain lead and that the Geisha Fancy Smoked Oysters in Cottonseed Oil also contains
27 cadmium. Lead and cadmium are listed pursuant to Proposition 65 as reproductive toxicants,
28 and Plaintiff alleges that these products expose consumers to these chemicals at levels requiring

1 a Proposition 65 warning. Geisha Fancy Smoked Oysters in Cottonseed Oil, Geisha Whole
2 Baby Clams, and Geisha Mandarin Oranges in Light Syrup are referred to in this Consent
3 Judgment as "the Covered Products."

4 1.3 Plaintiff CTWG is a California non-profit corporation. Plaintiff is a private
5 enforcer of Proposition 65, acting in the public interest that has diligently prosecuted this matter
6 and is settling the case in the public interest.

7 1.4 Defendant JFE is a business entity that at all times relevant for purposes of this
8 Consent Judgment employs ten or more persons.

9 1.5 The Complaint was based on allegations of lead exposure to consumers as set
10 forth in CTWG's Notices of Violation dated January 8, 2013 and July 9, 2013 served on the
11 Attorney General of the State of California, other public enforcers and JFE in regard to the
12 Covered Products. The First Amended Complaint added allegations of lead exposure to
13 consumers as set forth in CTWG's Notices of Violation. A true and correct copy of the Notices
14 of Violation is attached as Exhibit A. More than sixty (60) days have passed since the Notices
15 of Violation were mailed, and no designated governmental entity has filed a complaint against
16 JFE with regard to the Covered Products or the alleged violations.

17 1.6 On November 12, 2013, CTWG issued an additional Proposition 65 Notice of
18 Violation to JFE that was served on the Attorney General of the State of California, other public
19 enforcers and JFE in regard to cadmium exposures to consumers from Geisha Smoked Oysters
20 in Cottonseed Oil. A true and correct copy of the Notice of Violation is attached as Exhibit B.
21 The Parties hereby stipulate that the First Amended Complaint shall be deemed amended to
22 include this Notice of Violation and all such allegations contained therein.

23 1.7 Plaintiff's Notices of Violation and the Amended Complaint allege that use of
24 the Covered Products expose persons in California to Proposition 65 listed chemicals without
25 first providing clear and reasonable warnings in violation of California Health and Safety Code
26 section 25249.6. JFE denies all material allegations contained in the Notices of Violation and
27 Amended Complaint and specifically denies that it violated Proposition 65 or that the Covered
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1 Products require or required a Proposition 65 warning or otherwise caused harm to any person.
2 Nothing in the Consent Judgment shall be construed as an admission by JFE of any fact, issue of
3 law or violation of law, nor shall compliance with the Consent Judgment constitute or be
4 construed as an admission by JFE of any fact, issue of law or violation of law, at any time, for
5 any purpose. Nothing in the Consent Judgment shall prejudice, waive or impair any right,
6 remedy, argument or defense that JFE may have in other or further legal proceedings.
7

8 1.8 The Parties have entered into this Consent Judgment in order to settle,
9 compromise and resolve disputed claims and thus avoid prolonged and costly litigation.
10 Nothing in this Consent Judgment shall constitute or be construed as an admission by any of the
11 Parties, or by any of their respective officers, directors, shareholders, employees, agents, parent
12 companies, subsidiaries, divisions, affiliates, franchises, licensees, customers, suppliers,
13 distributors, wholesalers, or retailers of any fact, conclusion of law, issue of law, violation of
14 law, fault, wrongdoing, or liability, including without limitation, any admission concerning any
15 alleged violation of Proposition 65 or any other law or legal duty.

16 1.9 Except as expressly set forth herein, nothing in this Consent Judgment shall
17 prejudice, waive, or impair any right, remedy, argument, or defense the Parties may have in any
18 other or future legal proceeding unrelated to these proceedings.

19 1.10 The Effective Date of this Consent Judgment is the date on which it is entered as
20 a Judgment by this Court.

21 **2. JURISDICTION AND VENUE**

22 For purposes of this Consent Judgment only, the Parties stipulate that this Court has
23 jurisdiction over the allegations of violations contained in the Amended Complaint and personal
24 jurisdiction over JFE as to the acts alleged in the Amended Complaint, that venue is proper in
25 Alameda County, and that this Court has jurisdiction to enter this Consent Judgment as a full
26 and final resolution of all claims which were or could have been asserted in his action based on
27 the facts alleged in the Notices of Violation and the Amended Complaint.
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3. INJUNCTIVE RELIEF, WARNINGS AND TESTING

3.1 Subject to the provisions set forth in Section 3.4 below, beginning on the date that is six months after the execution of this consent judgment (the "Start Date"), JFE shall not distribute for sale in the State of California, or directly sell in the State of California, any Covered Product unless each such unit of the Covered Product (1) meets the warning requirements under Section 3.2, or (2) qualifies as a "Reformulated Covered Product" under Section 3.3.

3.1.5 As used in this Consent Judgment, the term "distribute into the State of California" shall mean JFE directly ships a Covered Product into California for sale in California or sells a Covered Product to a distributor or retailer that JFE knows will sell the Covered Product in California.

3.2 Clear and Reasonable Warnings

3.2.1. If JFE provides a Proposition 65 warning for Geisha Whole Baby Clams and Geisha Mandarin Oranges pursuant to Section 3.1 (1), then JFE shall provide the following warning:

[California Proposition 65] WARNING: THIS PRODUCT CONTAINS LEAD, A CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE [CANCER AND] BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.

The word "cancer" shall be used in the warning above only if the average daily exposure level exceeds 15 micrograms of lead as determined pursuant to the provisions set forth in Section 3.3 and 3.4.

3.2.2. If JFE provides a Proposition 65 warning for Geisha Fancy Smoked Oysters in Cottonseed Oil pursuant to Section 3.1 (1), then JFE shall provide the following warning:

[California Proposition 65] WARNING: THIS PRODUCT CONTAINS LEAD AND CADMIUM, CHEMICALS KNOWN TO THE STATE OF CALIFORNIA TO CAUSE BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM.

1 If JFE provides a Proposition 65 warning for Geisha Fancy Smoked Oysters in
2 Cottonseed Oil pursuant to Section 3.1(1), and if the average daily exposure level exceeds 15
3 micrograms of lead as determined pursuant to the provisions set forth in Section 3.3 and 3.4,
4 then JFE shall provide the following warning:

5 [California Proposition 65] **WARNING: THIS PRODUCT CONTAINS LEAD, A**
6 **CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE CANCER AND**
7 **BIRTH DEFECTS OR OTHER REPRODUCTIVE HARM, AND CADMIUM, A**
8 **CHEMICAL KNOWN TO THE STATE OF CALIFORNIA TO CAUSE BIRTH**
9 **DEFECTS OR OTHER REPRODUCTIVE HARM.**

10 3.2.3. In the above warnings, the words "California Proposition 65" may be included at
11 JFE's option. No additional language about Proposition 65, may accompany the Proposition 65
12 warning. JFE shall provide the applicable warning using the following methods:

- 13 1) On the label of the can or container (other than on the underside or bottom of the
14 can or; and/or container) of each individual unit of a Covered Product distributed to
15 retail stores in California and on Covered Product shipped to California consumers; and
- 16 2) On JFE's checkout page on its website for consumers who enter a shipping
17 address in California prior to completion of the sale.

18 In the website warning, JFE shall identify the Covered Product to which the warning
19 applies. For the receipt/invoice warnings, the receipt/invoice shall identify the Covered Product
20 to which the warning applies and the warning shall be present on the front of the receipt/invoice.
21 JFE must display the above warnings with such conspicuousness, as compared with other
22 words, statements, or design of the label, can, or container to render the warning likely to be
23 read and understood by an ordinary individual under customary conditions of purchase or use of
24 the Covered Product. Each letter in the word "WARNING" must be in all capital letters and
25 bold print.

26 3.3 Calculation of Lead Levels; Reformulated Covered Products

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1 A Reformulated Covered Product is one for which the average daily exposure level does
2 not exceed 0.5 micrograms of lead per day and/or no more than 4.1 micrograms of cadmium per
3 day as determined by the formula, testing and quality control methodology described in Section
4 3.4. As used in this Consent Judgment, "no more than 0.5 micrograms of lead per day" and "no
5 more than 4.1 micrograms of cadmium per day" mean that the samples of the testing under
6 Section 3.4 yield an average daily exposure of no more than 0.5 micrograms of lead and 4.1
7 micrograms of cadmium (with average daily exposure calculated pursuant to Section 3.4 of this
8 Consent Judgment). For a Covered Product that causes exposures in excess of 0.5 micrograms
9 of lead per day, and/or exposures in excess of 4.1 micrograms of cadmium per day JFE shall
10 provide the warning set forth in Section 3.2. For purposes of determining which warning, if
11 any, is required pursuant to Section 3.2, the average concentration utilizing the geometric mean
12 of lead and cadmium detection results of five (5) samples of the Covered Product, randomly
13 selected by JFE, will be controlling.

14 **3.4 Formula, Testing and Quality Control Methodology**

15 **3.4.1** For purposes of this Consent Judgment, average daily exposure levels
16 shall be measured in micrograms per day, and shall be calculated using the following formula:
17 the average concentration of lead or cadmium in the product in micrograms per gram, multiplied
18 by grams of product per serving of the product (using the serving size appearing on the product
19 label), multiplied by frequency of consumption of once every fourteen (14) days.

20 **3.4.2** JFE shall not be required to engage in testing pursuant to this Consent
21 Judgment unless JFE determines that it will distribute for sale in the State of California a
22 Covered Product in the future without the warning set forth in Section 3.2. All testing pursuant
23 to this Consent Judgment shall be performed using a laboratory method that complies with the
24 performance and quality control factors appropriate for the method used, including limit of
25 detection, limit of quantification, accuracy, and precision and meets the following criteria:
26 Inductively Coupled Plasma-Mass Spectrometry (ICP-MS) achieving a limit of quantification of
27
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1 less than or equal to 0.010 mg/kg or any other testing method subsequently agreed upon in
2 writing by the Parties.

3 3.4.3 All testing pursuant to this Consent Judgment shall be performed by an
4 independent third-party laboratory certified by the California Environmental Laboratory
5 Accreditation Program for the analysis of heavy metals or a laboratory that is approved by,
6 accredited by, or registered with the United States Food & Drug Administration.

7 **4. SETTLEMENT PAYMENT**

8 4.1 In full satisfaction of all potential civil penalties, payment in lieu of civil
9 penalties, attorney's fees and costs in connection with claims regarding the Covered Products,
10 JFE shall make a total payment of \$ 278,750.00 within ten (10) days of receiving the Notice of
11 Entry of Judgment. Said payment shall be made by checks apportioned as follows:

12 4.2 \$53,924.00 shall be payable as civil penalties pursuant to California Health and
13 Safety Code section 25249.7(b)(1). Of this amount, \$40,443.00 shall be payable to the Office of
14 Environmental Health Hazard Assessment ("OEHHA") and \$13,481.00 shall be payable to The
15 Chemical Toxin Working Group, Inc., pursuant to California Health and Safety Code section
16 25249.12(c)(1) & (d). JFE shall send both civil penalty payments to Plaintiff's counsel who will
17 be responsible for forwarding the civil penalty to OEHHA along with a copy of the transmittal
18 letter to JFE's counsel.

19 4.3 \$9,128.00 shall be payable to The Chemical Toxin Working Group, Inc. as
20 reimbursement to CTWG for (A) reasonable costs and expenses associated with the
21 enforcement of Proposition 65 and other costs incurred as a result of Plaintiff's work in bringing
22 this action; and (B) \$134,811.00 shall be payable to The Chemical Toxin Working Group, Inc.
23 in lieu of further civil penalties, for day-to-day business activities such as continued
24 enforcement of Proposition 65, which includes work analyzing, researching and testing food and
25 other consumer products that may contain Proposition 65 chemicals.

26 4.4 \$72,037.00 shall be payable to Michael Freund and \$8,850.00 shall be payable to
27 Ryan Hoffman as reimbursement of Plaintiff's attorney's fees.

1 4.5 JFE shall mail or deliver the payments in this Section in the form of checks to the
2 address of Michael Freund & Associates as stated in Section 11 (Provision of Notice) below.
3 Within two (2) court days of the Effective Date, Plaintiff and its counsel will provide their
4 taxpayer identification information and W-9 forms to enable JFE to process the payments.

5 **5. MODIFICATION OF CONSENT JUDGMENT**

6 5.1 This Consent Judgment may be modified only by: (i) written agreement and
7 stipulation of the Parties and (ii) upon entry of a modified Consent Judgment by the Court.

8 5.2 If JFE seeks to modify this Consent Judgment under Section 5.1, then
9 JFE must provide written notice to Plaintiff of its intention to do so ("Notice of Intent"). If
10 Plaintiff wishes to meet and confer with JFE regarding the proposed modification in the Notice
11 of Intent, then Plaintiff shall provide written notice to JFE within ten (10) days of receiving the
12 Notice of Intent. If Plaintiff notifies JFE in a timely manner of its intent to meet and confer,
13 then the Parties shall meet and confer in good faith as required in this Section. The Parties shall
14 meet in person or by phone within ten (10) days of Plaintiff's notification of its intent to meet
15 and confer. Within ten (10) days of such meeting, if Plaintiff disputes the proposed
16 modification, Plaintiff shall provide to JFE a written basis for its position. The Parties shall
17 continue to meet and confer for an additional ten (10) days in an effort to resolve any remaining
18 disputes. The Parties may agree in writing to different deadlines for the meet-and-confer period.

19 5.3 In the event that JFE initiates or otherwise requests a modification under Section
20 5.1, JFE shall reimburse Plaintiff its documented reasonable costs and reasonable attorney's fees
21 for the time spent in the meet-and-confer process and filing and arguing a joint motion or
22 application in support of a modification of the Consent Judgment; provided, however, that these
23 fees and costs shall not exceed \$8,000 total without the prior written consent of JFE.

24 5.4 Where the meet-and-confer process does not lead to a joint motion or application
25 in support of a modification of the Consent Judgment, then either Party may seek judicial relief
26 on its own. In such a situation, the prevailing party may seek to recover costs and reasonable
27 attorney's fees. As used in the preceding sentence, the term "prevailing party" means a party
28

1 who is successful in obtaining relief more favorable to it than the relief that the other party was
2 amenable to providing during the Parties' good faith attempt to resolve the dispute that is the
3 subject of the modification.

4 **5.5** If any court in a case alleging that a third-party defendant sold canned smoked
5 oysters, canned clams, or canned mandarin oranges without providing clear and reasonable
6 warnings regarding the presence of lead or cadmium in violation of Proposition 65 renders a
7 final judgment that such products do not require a warning under Proposition 65 because the
8 average daily exposure is at or below the average daily exposure based on the exposure
9 calculation accepted by that court, then JFE shall be entitled to seek to modify this Consent
10 Judgment to eliminate or modify the injunctive relief set forth in Section 3, consistent with the
11 court judgment as described herein, and considering any differences between the Covered
12 Product and the canned smoked oysters, canned clams, or canned mandarin oranges addressed
13 in the other settlement or court judgment. In addition, JFE shall be entitled to seek to modify
14 this Consent Judgment to eliminate or modify the injunctive relief set forth in Section 3 if (a)
15 lead or cadmium are removed from the Proposition 65 list of chemicals; or (b) if any court in a
16 case alleging that a defendant sold canned smoked oysters, canned clams, or canned mandarin
17 oranges without providing clear and reasonable warnings regarding the presence of lead or
18 cadmium in violation of Proposition 65 renders a final judgment that such products do not
19 require a warning under Proposition 65 because such warnings are preempted by federal law, so
20 long as such modification is consistent with the court judgment as described herein. Plaintiff
21 shall not be entitled to object to any modifications sought under this Section 5.5, except based
22 upon an error in calculation of the average daily exposure. The reimbursement provisions of
23 Sections 5.3 and 5.4 above are not applicable to modifications sought under this Section 5.5. If
24 Plaintiff objects to the calculation of the average daily exposure and a court sustains the
25 objections, JFE shall reimburse Plaintiff its documented reasonable costs and reasonable
26 attorney's fees incurred to raise the objection. Any fees and costs related to a sustained
27 objection shall not exceed \$8,000 total without the prior written consent of JFE.
28

1 **6. RETENTION OF JURISDICTION; ENFORCEMENT OF CONSENT**
2 **JUDGMENT**

3 6.1 This Court shall retain jurisdiction of this matter to enforce, modify or terminate
4 this Consent Judgment.

5 6.2 Only after it complies with Section 15 below may any Party, by motion or
6 application for an order to show cause filed with this Court, enforce the terms and conditions
7 contained in this Consent Judgment.

8 6.3 If JFE determines that it will distribute for sale in the State of California, or
9 directly sell in the State of California the Covered Products without a Section 3.2 warning in the
10 future, and subsequently Plaintiff alleges that any such Covered Product fails to qualify as a
11 Reformulated Covered Product (for which a Plaintiff alleges that no warning has been provided),
12 then the Plaintiff shall inform JFE in a reasonably prompt manner of the Plaintiff's test results.
13 JFE shall, within thirty (30) days following such notice, provide the Plaintiff with testing
14 information, from an independent third-party laboratory meeting the requirements of Sections
15 3.4.2 and 3.4.3, demonstrating JFE's compliance with the Consent Judgment. The Parties shall
16 first attempt to resolve the matter prior to Plaintiff taking any further legal action with the Court.

17 **7. APPLICATION OF CONSENT JUDGMENT**

18 This Consent Judgment shall have no application to Covered Products that are
19 distributed for sale outside the State of California.

20 **8. BINDING EFFECT, CLAIMS COVERED AND RELEASED**

21 8.1 This Consent Judgment is a full, final, and binding resolution between Plaintiff,
22 on behalf of itself and in the public interest, and JFE, of any alleged violation of Proposition 65
23 or its implementing regulations for failure to provide Proposition 65 warnings of exposure to
24 lead and cadmium from the handling, use, or consumption of the Covered Products and fully
25 resolves all claims that have been or could have been asserted in this Action up to and including
26 the date of entry of Judgment or the Start Date, whichever is later, for failure to provide
27 Proposition 65 warnings for exposure to lead and cadmium from the Covered Product. Plaintiff,
28 on behalf of itself and in the public interest, hereby discharges and releases JFE, its parents,

1 subsidiaries, affiliated entities under common ownership, directors, officers, agents, employees,
2 attorneys, and each entity to whom JFE directly or indirectly distributes or sells the Covered
3 Products, including but not limited to, downstream distributors, wholesalers, customers,
4 retailers, franchises, cooperative members and licensees, including, but not limited to, The
5 Kroger Co. and Albertsons LLC (collectively, "Releasees") from any and all claims, actions,
6 causes of action, suits, demands, liabilities, damages, penalties, fees, costs and expenses
7 asserted, or that could have been asserted, as to any alleged violation of Proposition 65 arising
8 from the failure to provide Proposition 65 warnings on the Covered Product regarding lead
9 and/or cadmium, as set forth in the Notices of Violation and the Amended Complaint.

10 8.2. Plaintiff, on behalf of itself only, hereby releases and discharges the Releasees
11 from all claims, causes of action, obligations, costs, expenses, attorney's fees, damages, losses,
12 liabilities and demands of Plaintiff of any nature, character, or kind, whether known or
13 unknown, suspected or unsuspected, arising out of alleged or actual exposures to lead and/or
14 cadmium in the Covered Products as set forth in the Notices of Violation and the Amended
15 Complaint that have been or could have been asserted in this Action up to and including the date
16 of entry of Judgment or the Start Date, whichever is later, for failure to provide Proposition 65
17 warnings for exposure to lead and/or cadmium in the Covered Products. Plaintiff, on behalf of
18 itself only, hereby waives any and all rights it may have under any applicable statute, including,
19 but not limited to California Civil Code Section 1542 or common law principle which would
20 limit the effect of the release in Section 8.1 and 8.2 to those claims actually known or suspected
21 to exist at the time of the date of entry of Judgment. Plaintiff has full knowledge of the contents
22 of California Civil Code Section 1542, which reads as follows:

23 A GENERAL RELEASE DOES NOT EXTEND TO CLAIMS
24 WHICH THE CREDITOR DOES NOT KNOW OR SUSPECT TO
25 EXIST IN HIS OR HER FAVOR AT THE TIME OF
26 EXECUTING THE RELEASE, WHICH IF KNOWN BY HIM OR

1 **With a copy to:**

2 Michael Freund
3 Michael Freund & Associates
4 1919 Addison Street, Suite 105
5 Berkeley, CA 94704
6 Telephone: (510) 540-1992
7 Facsimile: (510) 540-5543

8 **FOR JFE SHOJI TRADE AMERICA INC.**

9 Hitoshi Ino
10 JFE SHOJI TRADE AMERICA, INC.
11 340 Golden Shore, Suite 450
12 Long Beach, CA 90802

13 **With a copy to:**

14 SQUIRE PATTON BOGGS (US) LLP
15 Noriyuki Shimoda
16 Joseph A. Meckes
17 275 Battery Street, Suite 2600
18 San Francisco, California 94111

19 **12. COURT APPROVAL**

20 12.1 If this Consent Judgment is not approved by the Court, it shall be void and have
21 no force or effect.

22 12.2 Plaintiff shall comply with California Health and Safety Code section
23 25249.7(f) and with Title II of the California Code Regulations, Section 3003.

24 **13. EXECUTION AND COUNTERPARTS**

25 This Consent Judgment may be executed in counterparts, which taken together shall be
26 deemed to constitute one document. A facsimile or .pdf signature shall be construed as valid as
27 the original signature.

28 **14. DRAFTING**

The terms of this Consent Judgment have been reviewed by the respective counsel for
the each Party to this settlement prior to its signing, and each Party has had an opportunity to
fully discuss the terms with counsel. The Parties agree that, in any subsequent interpretation

1 and construction of this Consent Judgment entered thereon, the terms and provisions shall not be
2 construed against any Party.

3 **15. GOOD FAITH ATTEMPT TO RESOLVE DISPUTES**

4 If a dispute arises with respect to either Party's compliance with the terms of this
5 Consent Judgment entered by the Court, the Parties shall meet in person or by telephone and
6 endeavor to resolve the dispute in an amicable manner. No action or motion may be filed in the
7 absence of such a good faith attempt to resolve the dispute beforehand. In the event an action or
8 motion is filed, however, the prevailing party may seek to recover costs and reasonable
9 attorney's fees. As used in the preceding sentence, the term "prevailing party" means a party
10 who is successful in obtaining relief more favorable to it than the relief that the other party was
11 amenable to providing during the parties' good faith attempt to resolve the dispute that is the
12 subject of such enforcement action.

13 **16. ENTIRE AGREEMENT, AUTHORIZATION**

14 **16.1** This Consent Judgment contains the sole and entire agreement and understanding
15 of the Parties with respect to the entire subject matter herein, and any and all prior discussions,
16 negotiations, commitments and understandings related hereto. No representations, oral or
17 otherwise, express or implied, other than those contained herein have been made by any Party.
18 No other agreements, oral or otherwise, unless specifically referred to herein, shall be deemed to
19 exist or to bind any Party.

20 **16.2** Each signatory to this Consent Judgment certifies that he or she is fully
21 authorized by the Party he or she represents to stipulate to this Consent Judgment. Except as
22 explicitly provided herein, each Party shall bear its own fees and costs.

23 **17. REQUEST FOR FINDINGS, APPROVAL OF SETTLEMENT AND ENTRY OF**
24 **CONSENT JUDGMENT**

25 This Consent Judgment has come before the Court upon the request of the Parties. The
26 Parties request the Court to fully review this Consent Judgment and, being fully informed
27 regarding the matters which are the subject of this action, to:
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(1) Find that the terms and provisions of this Consent Judgment represent a fair and equitable settlement of all matters raised by the allegations of the First Amended Complaint, that the matter has been diligently prosecuted, and that the public interest is served by such settlement; and

(2) Make the findings pursuant to California Health and Safety Code section 25249.7(f)(4), approve the Settlement, and approve this Consent Judgment.

IT IS SO STIPULATED:

Dated: 5.28, 2015

THE CHEMICAL TOXIN WORKING GROUP, INC.

By: David Steinman
David Steinman, Director

Dated: _____, 2015

JFE-SHOJI TRADE AMERICA INC.

By: _____

APPROVED AS TO FORM:

Dated: 6/3, 2015

MICHAEL FREUND & ASSOCIATES

By: Michael Freund
Michael Freund
Attorney for David Steinman and The
Chemical Toxin Working Group, Inc.

Dated: _____, 2015

SQUIRE PATTON BOGGS (US) LLP

By: _____
Joseph A. Meckes,
Attorney for Defendant JFE Shoji Trade
America, Inc.

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(1) Find that the terms and provisions of this Consent Judgment represent a fair and equitable settlement of all matters raised by the allegations of the First Amended Complaint, that the matter has been diligently prosecuted, and that the public interest is served by such settlement; and

(2) Make the findings pursuant to California Health and Safety Code section 25249.7(9)(4),

approve the Settlement, and approve this Consent Judgment.

IT IS SO STIPULATED:

Dated: _____, 2015

THE CHEMICAL TOXIN WORKING GROUP, INC.

By: _____
David Steinman, Director

Dated: June 1st, 2015

JFE SHOJI TRADE AMERICA INC.

By: 
HIROSHI ONOUE
MANAGING DIRECTOR

APPROVED AS TO FORM:

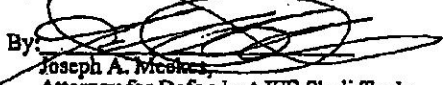
Dated: _____, 2015

MICHAEL FREUND & ASSOCIATES

By: _____
Michael Freund
Attorney for David Steinman and The
Chemical Toxin Working Group, Inc.

Dated: 6/1, 2015

SQUIRE PATTON BOGGS (US) LLP

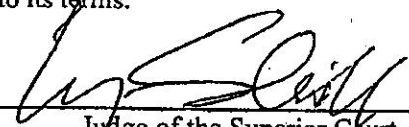
By: 
Joseph A. Mickles,
Attorney for Defendant JFE Shoji Trade
America, Inc.

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ORDER AND JUDGMENT

Based upon the Parties' Stipulation, and good cause appearing, this Consent Judgment is approved and Judgment is hereby entered according to its terms.

Dated: June 4, 2015



Judge of the Superior Court

LAW OFFICE OF
MICHAEL FREUND

1919 ADDISON STREET, SUITE 105
BERKELEY, CALIFORNIA 94704-1101

TEL (510) 540-1992
FAX (510) 540-5543
EMAIL: FREUND1@AOL.COM

January 8, 2013

VIA CERTIFIED MAIL

Hitoshi Ino
JFE Shoji Trade America, Inc.
340 Golden Shore, Suite 450
Long Beach, CA 90802

Office of the California Attorney General
Proposition 65 Enforcement Reporting
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550

VIA PRIORITY MAIL

District Attorneys of All California Counties
and Select City Attorneys
(See Attached Certificate of Service)

Re: Notice of Violation Against JFE Shoji Trade America, Inc. for Violation of California Health & Safety Code Section 25249.5 et seq.

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent The Chemical Toxin Working Group, a California non-profit corporation dedicated to reducing the amount of chemical toxins in consumer products. The Chemical Toxin Working Group was created by David Steinman, a committed environmentalist, journalist, consumer health advocate, publisher and author. His major books include *Diet for a Poisoned Planet* (1990, 2007); *The Safe Shopper's Bible* (1995); *Living Healthy in a Toxic World* (1996); and *Safe Trip to Eden: Ten Steps to Save the Planet Earth from Global Warming Meltdown* (2007). Through this Notice of Violation, The Chemical Toxin Working Group seeks to reduce consumer exposures to lead in the products set forth herein.

This letter constitutes notification that JFE Shoji Trade America, Inc. ("JFE Shoji") has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with section 25249.5 of the Health and Safety Code). The products subject to this Notice of Violation and the chemical in the products identified as exceeding allowable levels are:

Geisha Whole Baby Clams – lead
Geisha Fancy Smoked Oysters in Cottonseed Oil – lead

JFE Shoji has manufactured, marketed, distributed and/or sold the above products which have exposed and continue to expose numerous individuals within California to lead. This chemical was

listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on October 1, 1992 and as a chemical known to cause developmental toxicity, and male and female reproductive toxicity on February 27, 1987. The time period of these violations commenced one year after the listed dates above. The primary route of exposure has been through ingestion.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. JFE Shoji is in violation of Proposition 65 because the company failed to provide a warning to consumers that they are being exposed to lead. (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing consumers to this chemical without first providing a clear and reasonable warning. (Health and Safety Code section 25249.6.) The method of warning should be a warning that appears on the product's label. 22 C.C.R. section 12601 (b)(1) (A). There are no warnings currently present on the company's label for these products.

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, The Chemical Toxin Working Group gives notice of the alleged violations to the noticed party and the appropriate governmental authorities. This Notice of Violation covers all violations of Proposition 65 that are currently known to the noticing party from information now available. The Chemical Toxin Working Group is continuing its investigation that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

If you have any questions, please contact my office at your earliest convenience.

Sincerely,



Michael Freund

cc: The Chemical Toxin Working Group

Attachments:

Certificate of Merit

Certificate of Service

OEHHA Summary to JFE Shoji Trade America, Inc.

Additional Supporting Information for Certificate of Merit (to Attorney General only)

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7 (d)

I, Michael Freund hereby declare:

1. This Certificate of Merit accompanies the attached Notice of Violation in which it is alleged that the party identified in the Notice has violated Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party The Chemical Toxin Working Group. The Notice of Violation alleges that the party identified has exposed persons in California to lead from specified consumer products without providing a Proposition 65 warning. Please refer to the Notice of Violation for additional details regarding the product names and alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action. In particular, I have consulted with the laboratory who conducted the testing for lead regarding these products and I have relied on the testing results. The testing was conducted by a reputable testing laboratory by experienced scientists. These facts, studies or other data derived through this investigation overwhelmingly demonstrate that the party identified in the Notice of Violation exposes persons to lead through ingestion.
4. Based on the information obtained through the testing laboratory and on other information in my possession, I believe there is sufficient evidence that human exposures exist from exposure to the listed products from the noticed party. Furthermore, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the

plaintiff's case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code Section 25249.7 (h) (2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

Dated: January 7, 2013



Michael Freund
Attorney for The Chemical Toxin Working Group

CERTIFICATE OF SERVICE

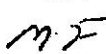
I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 1919 Addison Street, Suite 105, Berkeley, California 94704. On January 8, 2013 I served the within:

Notice of Violation Against JFE Shoji Trade America, Inc., for Violation of California Health & Safety Code Section 25249.5 et seq. and Certificate of Merit;
(Supporting Documentation sent to Attorney General only)

on the parties in said action, via electronic mail to the California Attorney General and by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in Berkeley, California addressed as follows:

See attached Service List

I, Michael Freund, declare under penalty of perjury that the foregoing is true and correct. Executed on January 8, 2013 at Berkeley, California



Michael Freund

Service List

District Attorney, Alameda County
1225 Fallon Street, Suite 900
Oakland, CA 94612

District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120

District Attorney, Amador County
708 Court Street, Suite 202
Jackson, CA 95642

District Attorney, Butte County
25 County Center Drive, Suite 245
Oroville, CA 95965

District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249

District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932

District Attorney, Contra Costa County
900 Ward Street
Martinez, CA 94553

District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531

District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667

District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 450
Willows, CA 95988

District Attorney, Humboldt County
825 5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial County
940 West Main Street, Ste 102
El Centro, CA 92243

District Attorney, Inyo County
230 W. Line Street
Bishop, CA 93514

District Attorney, Kern County
1215 Truxtun Avenue
Bakersfield, CA 93301

District Attorney, Kings County
1400 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
255 N. Forbes Street
Lakeport, CA 95453

District Attorney, Lassen County
220 South Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney, Los Angeles County
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 95317

District Attorney, Monterey County
Post Office Box 1131
Salinas, CA 93902

District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney, Nevada County
110 Union Street
Nevada City, CA 95959

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive, Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, Riverside County
3960 Orange Street
Riverside, CA 92501

District Attorney, Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023

District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney, San Francisco County
850 Bryant Street, Suite 322
San Francisco, CA 94103

District Attorney, San Joaquin County
222 E. Weber Ave. Rm. 202
Stockton, CA 95202

District Attorney, San Luis Obispo County
1035 Palm St, Room 450
San Luis Obispo, CA 93408

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Clara County
70 West Hedding Street
San Jose, CA 95110

District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

District Attorney, Sierra County
PO Box 457
Downieville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Sonoma County
600 Administration Drive,
Room 212J
Santa Rosa, CA 95403

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tulare County
221 S. Mooney Blvd., Room 224
Visalia, CA 93291

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Ventura County
800 South Victoria Ave, Suite 314
Ventura, CA 93009

District Attorney, Yolo County
301 2nd Street
Woodland, CA 95695

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113

LAW OFFICE OF
MICHAEL FREUND

1919 ADDISON STREET, SUITE 105
BERKELEY, CALIFORNIA 94704-1101

TEL (510) 540-1992
FAX (510) 540-5543
EMAIL FREUND1@AOL.COM

July 9, 2013

VIA CERTIFIED MAIL

Hitoshi Ino
JFE Shoji Trade America, Inc.
340 Golden Shore, Suite 450
Long Beach, CA 90802

Office of the California Attorney General
Proposition 65 Enforcement Reporting
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550

Re: Notice of Violation Against JFE Shoji Trade America, Inc. for Violation of California Health & Safety Code Section 25249.5 et seq.

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent The Chemical Toxin Working Group, a California non-profit corporation dedicated to reducing the amount of chemical toxins in consumer products. The Chemical Toxin Working Group was created by David Steinman, a committed environmentalist, journalist, consumer health advocate, publisher and author. His major books include Diet for a Poisoned Planet (1990, 2007); The Safe Shopper's Bible (1995); Living Healthy in a Toxic World (1996); and Safe Trip to Eden: Ten Steps to Save the Planet Earth from Global Warming Meltdown (2007). Through this Notice of Violation, The Chemical Toxin Working Group seeks to reduce consumer exposures to lead in the products set forth herein.

This letter constitutes notification that JFE Shoji Trade America, Inc. ("JFE Shoji") has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic Enforcement Act (commencing with section 25249.5 of the Health and Safety Code). The product subject to this Notice of Violation and the chemical in the product identified as exceeding allowable levels are:

Geisha Mandarin Oranges in Light Syrup – lead

JFE Shoji has manufactured, marketed, distributed and/or sold the above product which has exposed and continues to expose numerous individuals within California to lead. This chemical was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on

October 1, 1992 and as a chemical known to cause developmental toxicity, and male and female reproductive toxicity on February 27, 1987. These violations have occurred every day since at least July 9, 2010, and will continue every day until the lead is removed from the noticed products or until clear and reasonable warnings are provided. The primary route of exposure has been through ingestion.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. JFE Shoji is in violation of Proposition 65 because the company failed to provide a warning to consumers that they are being exposed to lead from the listed product. (22 C.C.R. section 12601.) While in the course of doing business, the company is knowingly and intentionally exposing consumers to this chemical without first providing a clear and reasonable warning. (Health and Safety Code section 25249.6.) The method of warning should be a warning that appears on the product's label. 22 C.C.R. section 12601 (b)(1) (A). There are no warnings currently present on the company's label for these products.

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, The Chemical Toxin Working Group gives notice of the alleged violations to the noticed party and the appropriate governmental authorities. This Notice of Violation covers all violations of Proposition 65 that are currently known to the noticing party from information now available. The Chemical Toxin Working Group is continuing its investigation that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

If you have any questions, please contact my office at your earliest convenience.

Sincerely,



Michael Freund

cc: The Chemical Toxin Working Group

Attachments:

Certificate of Merit

Certificate of Service

OEHHA Summary to JFE Shoji Trade America, Inc.

Additional Supporting Information for Certificate of Merit (to Attorney General only)

CERTIFICATE OF MERIT

Health and Safety Code Section 25249.7 (d)

I, Michael Freund hereby declare:

1. This Certificate of Merit accompanies the attached Notice of Violation in which it is alleged that the party identified in the Notice has violated Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party The Chemical Toxin Working Group. The Notice of Violation alleges that the party identified has exposed persons in California to lead from specified consumer products without providing a Proposition 65 warning. Please refer to the Notice of Violation for additional details regarding the product names and alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who has reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of the action. In particular, I have consulted with the laboratory who conducted the testing for lead regarding these products and I have relied on the testing results. The testing was conducted by a reputable testing laboratory by experienced scientists. These facts, studies or other data derived through this investigation overwhelmingly demonstrate that the party identified in the Notice of Violation exposes persons to lead through ingestion.
4. Based on the information obtained through the testing laboratory and on other information in my possession, I believe there is sufficient evidence that human exposures exist from exposure to the listed products from the noticed party. Furthermore, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the

plaintiff's case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.

5. The copy of this Certificate of Merit served on the California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code Section 25249.7 (h) (2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

Dated: July 3, 2013



Michael Freund
Attorney for The Chemical Toxin Working Group


CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 1919 Addison Street, Suite 105, Berkeley, California 94704. On July 9, 2013 I served the within:

Notice of Violation Against JFE Shoji Trade America, Inc. for Violation of California Health & Safety Code Section 25249.5 et seq. and Certificate of Merit (Supporting Documentation sent to Attorney General only)

by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in Berkeley, California addressed to the names set forth on the Notice of Violation and on the attached Service List.

I, Michael Freund, declare under penalty of perjury that the foregoing is true and correct. Executed on July 9, 2013 at Berkeley, California



Michael Freund

Service List

District Attorney, Alameda County
Ballou Street, Suite 900
Oakland, CA 94612

District Attorney, Alpine County
Box 248
Searsville, CA 96120

District Attorney, Amador County
Court Street, Suite 202
Jackson, CA 95642

District Attorney, Butte County
County Center Drive, Suite 245
Weaverville, CA 95965

District Attorney, Calaveras County
Mountain Ranch Road
Georgetown, CA 95249

District Attorney, Colusa County
Fifth Street Suite 101
Colusa, CA 95932

District Attorney, Contra Costa County
Ward Street
Martinez, CA 94553

District Attorney, Del Norte County
H Street, Room 171
Eureka, CA 95531

District Attorney, El Dorado County
Main Street
Marysville, CA 95667

District Attorney, Fresno County
Tulare Street, Suite 1000
Fresno, CA 93721

District Attorney, Glenn County
Post Office Box 430
Glenn, CA 95988

District Attorney, Humboldt County
5th Street 4th Floor
Eureka, CA 95501

District Attorney, Imperial County
West Main Street, Ste 102
Imperial, CA 92243

District Attorney, Inyo County
1 W. Line Street
Inyo, CA 93514

District Attorney, Kern County
5 Truxtun Avenue
Arnersfield, CA 93301

District Attorney, Kings County
10 West Lacey Boulevard
Hanford, CA 93230

District Attorney, Lake County
5 N. Forbes Street
Lakeport, CA 95453

District Attorney, Lassen County
10 South Lassen Street, Ste. 8
Susanville, CA 96130

District Attorney, Los Angeles County
210 West Temple Street, Suite 18000
Los Angeles, CA 90012

District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637

District Attorney, Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903

District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338

District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482

District Attorney, Merced County
550 W. Main Street
Merced, CA 95340

District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020

District Attorney, Mono County
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Bridgeport, CA 93517

District Attorney, Monterey County
Post Office Box 1131
Salinas, CA 93902

District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559

District Attorney, Nevada County
110 Union Street
Nevada City, CA 95959

District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701

District Attorney, Placer County
10810 Justice Center Drive, Ste 240
Roseville, CA 95678

District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971

District Attorney, Riverside County
3960 Orange Street
Riverside, CA 92501

District Attorney, Sacramento County
901 "G" Street
Sacramento, CA 95814

District Attorney, San Benito County
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Hollister, CA 95023

District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004

District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101

District Attorney, San Francisco County
850 Bryant Street, Suite 322
San Francisco, CA 94103

District Attorney, San Joaquin County
222 E. Weber Ave. Rm. 202
Stockton, CA 95202

District Attorney, San Luis Obispo County
1035 Palm St, Room 450
San Luis Obispo, CA 93408

District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063

District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101

District Attorney, Santa Clara County
70 West Hedding Street
San Jose, CA 95110

District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060

District Attorney, Shasta County
1355 West Street
Redding, CA 96001

District Attorney, Sierra County
PO Box 457
Downsville, CA 95936

District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097

District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533

District Attorney, Sonoma County
600 Administration Drive,
Room 212J
Santa Rosa, CA 95403

District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354

District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991

District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080

District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093

District Attorney, Tulare County
221 S. Mooney Blvd., Room 224
Visalia, CA 93291

District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370

District Attorney, Ventura County
800 South Victoria Ave, Suite 314
Ventura, CA 93009

District Attorney, Yolo County
301 2nd Street
Woodland, CA 95695

District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901

Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012

San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101

San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett Pl
San Francisco, CA 94102

San Jose City Attorney's Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113

Michael Freund & Associates

1919 Addison Street, Suite 105

Berkeley, CA 94704

Voice: 510.540.1992 • Fax: 510.540.5543

Michael Freund, Esq.

Ryan Hoffman, Esq.

OF COUNSEL:

Denise Ferkich Hoffman, Esq.

November 12, 2013

VIA CERTIFIED MAIL

Hitosho Ino
JFE Shoji Trade America, Inc.
340 Golden Shore, Suite 450
Long Beach, CA 90802

Office of the California Attorney General
Proposition 65 Enforcement Reporting
1515 Clay Street, Suite 2000
P.O. Box 70550
Oakland, CA 94612-0550

VIA PRIORITY MAIL

District Attorneys of All California Counties
and Select City Attorneys
(See Attached Certificate of Service)

Re: Notice of Violations of California Health & Safety Code Section 25249.5 et seq.

Dear Alleged Violator and the Appropriate Public Enforcement Agencies:

I represent The Chemical Toxin Working Group, Inc., ("CTWG") a California non-profit corporation dedicated to reducing the amount of chemical toxins in consumer products. CTWG was created by David Steinman, a committed environmentalist, journalist, consumer health advocate, publisher and author. His major books include Diet for a Poisoned Planet (1990, 2007); The Safe Shopper's Bible (1995); Living Healthy in a Toxic World (1996); and Safe Trip to Eden: Ten Steps to Save the Planet Earth from Global Warming Meltdown (2007). Through this Notice of Violation, CTWG seeks to reduce and/or eliminate exposures to cadmium ingested by consumers from oysters.

This letter constitutes notification that JFE Shoji Trade America, Inc. ("JFE Shoji") has violated the warning requirement of Proposition 65, the Safe Drinking Water and Toxic enforcement Act (commencing with Section 25249.5 of the Health and Safety Code). The product subject to this Notice of Violation and the chemical in the product identified as exceeding allowable levels are:

Geisha Fancy Smoked Oysters in Cottonseed Oil - Cadmium

JFE Shoji has manufactured, marketed, distributed and/or sold the above product which has exposed and continues to expose numerous individuals within California to cadmium. This chemical was listed pursuant to Proposition 65 as a chemical known to the State of California to cause cancer on October 1, 1987 and as a chemical known to cause developmental toxicity and male reproductive toxicity on May 1, 1997. These violations have occurred every day since

at least November 12, 2010, as well as every day since the product was introduced into the California marketplace and will continue every day until cadmium is removed from the noticed product, reduced to allowable levels or until clear and reasonable warnings are provided. The primary route of exposure has been through ingestion but may have also occurred through inhalation and/or dermal contact.

Proposition 65 requires that a clear and reasonable warning be provided prior to exposure to certain listed chemicals. JFE Shoji is in violation of Proposition 65 because the company failed to provide a warning to consumers that they are being exposed to cadmium. While in the course of doing business, the company is knowingly and intentionally exposing consumers to this chemical without first providing a clear and reasonable warning. (Health and Safety Code § 25249.6.) The method of warning should be a warning that appears on the product's label. Cal. Code Regs. tit. 27, § 25603.1, subd. (a.) JFE Shoji has not provided any Proposition 65 warnings on the company's label or any other appropriate warnings that persons handling, ingesting and/or otherwise using this product are being exposed to cadmium.

Proposition 65 requires that notice and intent to sue be given to a violator 60-days before the suit is filed. With this letter, CTWG gives notice of the alleged violations to the noticed party and the appropriate governmental authorities. This Notice of Violation covers all violations of Proposition 65 that are currently known to the noticing party from information now available. CTWG is continuing its investigation that may reveal further violations. A summary of Proposition 65, prepared by the Office of Environmental Health Hazard Assessment, and referenced as Appendix A, has been provided to the noticed party.

CTWG is interested in a prompt resolution of this matter with an enforceable written agreement by JFE Shoji to (1) eliminate or reduce cadmium levels to allowable levels, or provide appropriate warnings on the labels of this product; and (2) pay an appropriate civil penalty. Such a resolution will prevent further unwarned consumer exposures and expensive and time consuming litigation.

If you have any questions, please contact my office at your earliest convenience.

Sincerely,



Michael Freund

cc: The Chemical Toxin Working Group, Inc.

Attachments:

Certificate of Merit

Certificate of Service

OEHHA Summary to JFE Shoji Trade America, Inc.

Additional Supporting Information for Certificate of Merit (to Attorney General only)

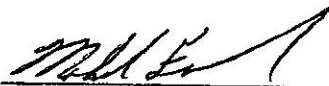
CERTIFICATE OF MERIT

**Re: The Chemical Toxin Working Group Inc.'s Notice of Proposition 65 Violations
by JFE Shoji Trade America, Inc.**

I, Michael Freund hereby declare:

1. This Certificate of Merit accompanies the attached Notice of Violation in which it is alleged that the party identified in the Notice has violated Health and Safety Code Section 25249.6 by failing to provide clear and reasonable warnings.
2. I am the attorney for the noticing party The Chemical Toxin Working Group, Inc. The Notice of Violation alleges that the party identified has exposed persons in California to the listed chemical that is the subject of this Notice. Please refer to the Notice of Violation for additional details regarding the product name(s) and alleged violations.
3. I have consulted with one or more persons with relevant and appropriate experience or expertise who have reviewed facts, studies, or other data regarding the alleged exposure to the listed chemical that is the subject of this Notice. I have reviewed the laboratory testing results for the chemical subject to this Notice and relied on these results. The testing was conducted by a reputable testing laboratory by experienced scientists. The facts, studies or other data derived through this investigation overwhelmingly demonstrate that the party identified in the Notice of Violation exposes persons to the listed chemical that is the subject of this Notice.
4. Based on the information obtained through these consultants and on other information in my possession, I believe there is sufficient evidence that human exposures exist from exposure to the listed product from the noticed party. Furthermore, I believe there is a reasonable and meritorious case for the private action. I understand that "reasonable and meritorious case for the private action" means that the information provides a credible basis that all elements of the plaintiff's case can be established and the information did not prove that the alleged violator will be able to establish any of the affirmative defenses set forth in the statute.
5. The copy of this Certificate of Merit served on the California Attorney General attaches to it factual information sufficient to establish the basis for this certificate, including the information identified in Health & Safety Code Section 25249.7 (h) (2), i.e., (1) the identity of the persons consulted with and relied on by the certifier, and (2) the facts, studies or other data reviewed by those persons.

Dated: November 12, 2013



Michael Freund
Attorney for The Chemical Toxin Working
Group, Inc.

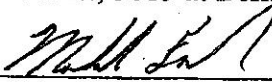
CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action. My business address is 1919 Addison Street, Suite 105, Berkeley, California 94704. On November 12, 2013 I served the within:

Notice of Violation By JFE Shoji Trade America, Inc. for Violation of California Health & Safety Code Section 25249.5 et seq. and Certificate of Merit (Supporting Documentation sent to Attorney General only)

on the parties in said action, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in Berkeley, California addressed to the names set forth on the Notice of Violation and on the attached Service List.

I, Michael Freund, declare under penalty of perjury that the foregoing is true and correct. Executed on November 12, 2013 at Berkeley, California



Michael Freund

Notice of Violations of California Health & Safety Code §25249.5 et seq.

Service List

- District Attorney, Alameda County
1225 Fallon Street, Suite 900
Oakland, CA 94612
- District Attorney, Alpine County
P.O. Box 248
Markleeville, CA 96120
- District Attorney, Amador County
708 Court Street, Suite 202
Jackson, CA 95642
- District Attorney, Butte County
25 County Center Drive, Suite 245
Oroville, CA 95965
- District Attorney, Calaveras County
891 Mountain Ranch Road
San Andreas, CA 95249
- District Attorney, Colusa County
346 Fifth Street Suite 101
Colusa, CA 95932
- District Attorney, Contra Costa County
900 Ward Street
Martinez, CA 94553.
- District Attorney, Del Norte County
450 H Street, Room 171
Crescent City, CA 95531
- District Attorney, El Dorado County
515 Main Street
Placerville, CA 95667
- District Attorney, Fresno County
2220 Tulare Street, Suite 1000
Fresno, CA 93721
- District Attorney, Glenn County
Post Office Box 430
Willows, CA 95988
- District Attorney, Humboldt County
125 5th Street 4th Floor
Eureka, CA 95501
- District Attorney, Imperial County
140 West Main Street, Ste 102
El Centro, CA 92243
- District Attorney, Inyo County
130 W. Line Street
Bishop, CA 93514
- District Attorney, Kern County
215 Truxtun Avenue
Bakersfield, CA 93301
- District Attorney, Kings County
400 West Lacey Boulevard
Hanford, CA 93230
- District Attorney, Lake County
55 N. Forbes Street
Lakeport, CA 95453
- District Attorney, Lassen County
10 South Lassen Street, Ste. 8
Susanville, CA 96130
- District Attorney, Los Angeles County
210 West Temple Street, Suite 1800
Los Angeles, CA 90012
- District Attorney, Madera County
209 West Yosemite Avenue
Madera, CA 93637
- District Attorney, Marin County
3501 Civic Center Drive, Room 130
San Rafael, CA 94903
- District Attorney, Mariposa County
Post Office Box 730
Mariposa, CA 95338
- District Attorney, Mendocino County
Post Office Box 1000
Ukiah, CA 95482
- District Attorney, Merced County
550 W. Main Street
Merced, CA 95340
- District Attorney, Modoc County
204 S Court Street, Room 202
Alturas, CA 96101-4020
- District Attorney, Mono County
Post Office Box 617
Bridgeport, CA 93517
- District Attorney, Monterey County
Post Office Box 1131
Salinas, CA 93902
- District Attorney, Napa County
931 Parkway Mall
Napa, CA 94559
- District Attorney, Nevada County
110 Union Street
Nevada City, CA 95959
- District Attorney, Orange County
401 West Civic Center Drive
Santa Ana, CA 92701
- District Attorney, Placer County
10810 Justice Center Drive, Ste 240
Roseville, CA 95678
- District Attorney, Plumas County
520 Main Street, Room 404
Quincy, CA 95971
- District Attorney, Riverside County
3960 Orange Street
Riverside, CA 92501
- District Attorney, Sacramento County
901 "G" Street
Sacramento, CA 95814
- District Attorney, San Benito County
419 Fourth Street, 2nd Floor
Hollister, CA 95023
- District Attorney, San Bernardino County
316 N. Mountain View Avenue
San Bernardino, CA 92415-0004
- District Attorney, San Diego County
330 West Broadway, Suite 1300
San Diego, CA 92101
- District Attorney, San Francisco County
850 Bryant Street, Suite 322
San Francisco, CA 94103
- District Attorney, San Joaquin County
222 E. Weber Ave. Rm. 202
Stockton, CA 95202
- District Attorney, San Luis Obispo County
1035 Palm St, Room 450
San Luis Obispo, CA 93408
- District Attorney, San Mateo County
400 County Ctr., 3rd Floor
Redwood City, CA 94063
- District Attorney, Santa Barbara County
1112 Santa Barbara Street
Santa Barbara, CA 93101
- District Attorney, Santa Clara County
70 West Hedding Street
San Jose, CA 95110
- District Attorney, Santa Cruz County
701 Ocean Street, Room 200
Santa Cruz, CA 95060
- District Attorney, Shasta County
1355 West Street
Redding, CA 96001
- District Attorney, Sierra County
PO Box 457
Downieville, CA 95936
- District Attorney, Siskiyou County
Post Office Box 986
Yreka, CA 96097
- District Attorney, Solano County
675 Texas Street, Ste 4500
Fairfield, CA 94533
- District Attorney, Sonoma County
600 Administration Drive,
Room 212J
Santa Rosa, CA 95403
- District Attorney, Stanislaus County
832 12th Street, Ste 300
Modesto, CA 95354
- District Attorney, Sutter County
446 Second Street
Yuba City, CA 95991
- District Attorney, Tehama County
Post Office Box 519
Red Bluff, CA 96080
- District Attorney, Trinity County
Post Office Box 310
Weaverville, CA 96093
- District Attorney, Tulare County
221 S. Mooney Blvd., Room 224
Visalia, CA 93291
- District Attorney, Tuolumne County
423 N. Washington Street
Sonora, CA 95370
- District Attorney, Ventura County
800 South Victoria Ave, Suite 314
Ventura, CA 93009
- District Attorney, Yolo County
301 2nd Street
Woodland, CA 95695
- District Attorney, Yuba County
215 Fifth Street, Suite 152
Marysville, CA 95901
- Los Angeles City Attorney's Office
City Hall East
200 N. Main Street, Suite 800
Los Angeles, CA 90012
- San Diego City Attorney's Office
1200 3rd Avenue, Ste 1620
San Diego, CA 92101
- San Francisco, City Attorney
City Hall, Room 234
1 Dr Carlton B Goodlett PL
San Francisco, CA 94102
- San Jose City Attorney's Office
200 East Santa Clara Street,
16th Floor
San Jose, CA 95113

EXHIBIT B

Squire Sanders (US) LLP
Attn: Meckes, Joseph A.
275 Battery Street
26th Floor
San Francisco, CA 94111 ____

Crown Prince, Inc.

Superior Court of California, County of Alameda
Rene C. Davidson Alameda County Courthouse

Proposition 65 Canned Food Cases

No. JCCP004779

Order

Motion to approve prop. 65 settlement and
Granted

(Abbreviated Title)

The Motion to approve prop. 65 settlement and filed for The Chemical Toxin Working Group, Inc. a California non-profit corporation was set for hearing on 06/04/2015 at 08:30 AM in Department 21 before the Honorable Wynne Carvill. The Tentative Ruling was published and was contested.

The matter was argued and submitted, and good cause appearing therefore,

IT IS HEREBY ORDERED THAT:

The Motion of plaintiff The Chemical Toxin Working Group, Inc. ("Plaintiff") To Approve Proposition 65 Settlement and For Entry Of Consent Judgment ("Motion") is ruled on as follows:

By way of the proposed consent judgment the parties seek to settle the claims brought by Plaintiffs against defendant JFE Shoji Trade America, Inc. ("JFE Shoji") in the included action that originated in the Superior Court of California, County of Alameda, as case no. RG13686874.

The Motion is GRANTED.

Pursuant to Health & Safety Code section 25249.7(f)(4), the court finds (a) that the warnings required under the settlement fully comply with Chapter 6.6 of the Health & Safety Code (Proposition 65); (b) that the attorney's fees provision in the settlement is reasonable under California law; and (c) that the penalty amount is reasonable based on the criteria set forth in paragraph (2) of subdivision (b) of Health & Safety Code section 25249.7.

The included action of The Chemical Toxin Working Group, Inc. v. JFE Shoji Trade America, Inc. et al., case no. RG13686874 is HEREBY REMANDED to the Superior Court of California, County of Alameda for entry of the consent judgment.

The clerk is directed to file a copy of this order in case no. RG13686874, and to submit a copy of this order to the Chair of the Judicial Council (California Rule of Court 3.511(10)).

Plaintiff shall prepare a copy of the proposed consent judgment that (a) recites the entry of this remand order in the introduction (section 1), and (b) is properly captioned for entry in RG13686874.

It is the court's understanding that Plaintiff intends that this consent judgment fully dispose case no. RG13686874. In order to establish a clear record, Plaintiff is directed to file a Request For Dismissal (mandatory Judicial Council Form CIV-110) of all unnamed DOE defendants.

Order

IT IS FURTHER ORDERED that a CASE MANAGEMENT CONFERENCE is HEREBY SET in JCCP 4779 for June 25, 2015 at 8:45 in Department 21. A Joint Case Management Conference Statement should be submitted no later than June 23, 2015. The purpose is to determine whether existing schedule works for remaining parties.

Dated: 06/04/2015

Wynne Carvill
Facsimile

Judge Wynne Carvill

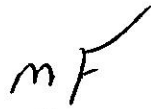
PROOF OF SERVICE

I am more than eighteen years old and not a party to this action. My business address is 1919 Addison Street, Suite 105, Berkeley, CA 94704. On June 11, 2015, I served the Notice of Entry of Stipulated Consent Judgment and Order Approving Proposition 65 Settlement on the interested parties in this action by electronic mail and/or placing a true and correct copy thereof in a sealed envelope with postage thereon fully prepaid in the United States Post Office mailbox in Berkeley, California addressed as follows:

Squire Patton Boggs, (US) LLP
Joseph A. Meckes
Amanpreet Kaur
275 Battery Street, Suite 2600
San Francisco, CA 94111

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

Executed on June 11, 2015, at Berkeley, California.

A handwritten signature in black ink, consisting of the letters 'm' and 'F' in a cursive style, positioned above a horizontal line.

Michael Freund