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Superior Court of California
County of Los Angeles

MAY 25 2016

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Executive Officer/Clerk
By: C. Burns Tucker, Deputy

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Research on Toxics ("CERT")

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

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

Plaintiff,)

vs.)

STARBUCKS CORPORATION, a)
Washington corporation; et al.,)

Defendants.)

CASE NO. BC435759
Consolidated with Case No.
BC461182
Assigned to the Honorable Elihu
Berle, Dept. 323

CONSENT JUDGMENT AS TO
DEFENDANT LUBERSKI, INC., DBA
HIDDEN VILLA RANCH

CONSENT JUDGMENT AS TO DEFENDANT LUBERSKI, INC.,
DBA HIDDEN VILLA RANCH

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OCCUPATIONAL & ENVIRONMENTAL LUNG
DISEASE, CANCER, AND TOXIC INJURIES

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1. INTRODUCTION

1.1. On May 9, 2011, the Council for Education and Research on Toxics ("CERT") filed a complaint for civil penalties and injunctive relief for violations of Proposition 65 in the Superior Court for the County of Los Angeles. CERT's complaint alleges that the Defendants failed to provide clear and reasonable warnings that ingestion of coffee would result in exposure to acrylamide, a chemical known to the State of California to cause cancer. The complaint further alleges that under the Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.6, also known as "Proposition 65," businesses must provide persons with a "clear and reasonable warning" before exposing individuals to these chemicals, and that the Defendants failed to do so.

1.2. Luberski, Inc., dba Hidden Villa Ranch, was not named as a Defendant in Plaintiff's original complaint. However, on June 21, 2012, CERT served Luberski, Inc., dba Hidden Villa Ranch, with "Notice of Proposition 65 Violations" consistent with the present lawsuit and thereafter named Luberski, Inc., dba Hidden Villa Ranch, as a defendant in this lawsuit under its true name. Luberski, Inc., dba Hidden Villa Ranch is hereinafter referred to as "Settling Defendant."

1.3. Settling Defendant is a corporation that employs more than 10 persons, or employed 10 or more persons at some time relevant to the allegations of the complaint.

1.4. Settling Defendant at one time offered coffee for sale as part of its business. However, Settling Defendant has offered satisfactory proof that during the relevant time period for this lawsuit, it did not manufacture, distribute, or offer coffee for sale in the State of California and that it does not presently manufacture, distribute, or sell coffee as part of its business in any state.

1.5. For purposes of this Consent Judgment only, the parties stipulate that this Court has jurisdiction over the allegations of violations contained in CERT's complaint and personal jurisdiction over Settling Defendant as to the acts alleged in CERT's complaint, that venue is proper in the County of Los Angeles, and that this Court has jurisdiction to enter this Consent Judgment as a full and final resolution of all claims which were raised in the complaint based on the facts alleged therein.

1.6. CERT and Settling Defendant enter into this Consent Judgment as a full and final settlement of all claims that were raised in the complaint (except as specified in Paragraph 9.1),

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arising out of the facts or conduct alleged therein. Settling Defendant has expressly waived its statute of limitations defenses with respect to the claims alleged in CERT's complaint. By execution of this Consent Judgment and agreeing to be bound by the ultimate judgment with respect to injunctive relief in this case, Settling Defendant does not admit any violations of Proposition 65, or any other law or legal duty. Except as expressly set forth herein, nothing in this Consent Judgment shall prejudice, waive or impair any right, remedy, or defense that CERT and Settling Defendant may have in any other or in future legal proceedings unrelated to these proceedings. However, this paragraph shall not diminish or otherwise affect the obligations, responsibilities, and duties of the parties under this Consent Judgment.

2. DEFINITIONS

2.1 "Covered Products" means all coffee beans or grounds, flaked, instant or freeze-dried coffee, or any other packaged coffee that is sold in any establishment in the State of California, including in restaurants, coffee houses, and retail speciality stores owned and/or operated by Settling Defendant ("Company Restaurants") or restaurants, coffee houses, and retail specialty stores owned and operated by third parties pursuant to franchise or license agreements with Settling Defendants ("Franchise Restaurants").

2.2 "Effective Date" means the date upon which this Court enters this Consent Judgment.

3. INJUNCTIVE RELIEF

3.1 Settling Defendant agrees to be bound by the final judgment rendered in this case with respect to providing warnings for Covered Products.

3.2 Settling Defendant will comply with the final judgment rendered in this case for all Covered Products sold into California beginning no later than ninety (90) days after receipt of notice of entry of the final judgment.

3.3 Nothing in this Consent Judgment requires that warnings be given for Covered Products sold outside the State of California.

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4. CIVIL PENALTIES

4.1. Calculation of Civil Penalties

4.1.1. A company that violates Proposition 65 shall be liable for civil penalties not to exceed two thousand five hundred dollars (\$2,500) per day *for each violation* in addition to any other penalty established by law pursuant to Health and Safety Code section 25249.7(b)(1).

4.1.2. In assessing the amount of civil penalties for violations of Proposition 65, all of the following factors must be considered pursuant to Health and Safety Code section 25249.7(b)(2):

- a. The nature and extent of the violation.
- b. The number of, and severity of, the violations.
- c. The economic effect of the penalty on the violator.
- d. Whether the violator took good faith measures to comply with this chapter and the time these measures were taken.
- e. The willfulness of the violator's misconduct.
- f. The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.
- g. Any other factor that justice may require.

4.2. Settling Defendant has offered satisfactory proof that at all times relevant to this lawsuit, it did not manufacture, distribute, or offer for sale coffee in the State of California and that it does not presently manufacture, distribute, or sell coffee as part of its business in any state. Further, Settling Defendant has agreed that to the extent it ever offers Covered Products for sale in the State of California in the future, it will be bound by the final judgment rendered in this case with respect to providing warnings for Covered Products. As a result, the parties have agreed that Settling Defendant will not have to pay civil penalties in this case. This agreement is based on consideration of all the penalty factors set forth in Health and Safety Code Section 25249.7(b)(2), and on 11 C.C.R. § 3203(a) which provides that a "settlement with little or no penalty may be entirely appropriate."

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5. ATTORNEYS' FEES AND COSTS

5.1. In light of Settling Defendant's agreement to be bound by the final judgment in this case with respect to providing warnings for Covered Products and its satisfactory offer of proof that it did not sell coffee in California during the time period relevant to this lawsuit, the parties have agreed to mutually waive all attorneys' fees and costs incurred in this case.

6. MODIFICATION OF CONSENT JUDGMENT

6.1. This Consent Judgment may be modified by written agreement of CERT and Settling Defendant, after noticed motion, and upon entry of a modified consent judgment by the court thereon, or upon motion of CERT or Settling Defendant as provided by law and upon entry of a modified consent judgment by the court. Before filing an application with the court for a modification to this Consent Judgment, Settling Defendant may meet and confer with CERT to determine whether CERT will consent to the proposed modification. If a proposed modification is agreed, then Settling Defendant and CERT will present the modification to the court by means of a stipulated modification to the Consent Judgment.

6.2. If Proposition 65 or its implementing regulations are changed from their terms as they exist on the date of entry of judgment, the parties may seek modifications in the Consent Judgment as follows:

a. If the change establishes that warnings for acrylamide in the Covered Products are not required, Settling Defendant may seek a modification of this Consent Judgment to conform to the judgment to the change in law.

b. If the change establishes that the warnings provided by this Consent Judgment would not comply with the law, either party may seek a modification of the Consent Judgment to conform the judgment to the change in law.

c. If the change would provide a new form or manner of an optional or safe-harbor warning, Settling Defendant may seek a modification to provide a warning in the newly permitted form, but the modification shall not be granted unless the court finds that the new warning would not be materially less informative or likely to be seen, read, and understood than the warnings provided under the final judgment in this case.

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6.3. If Settling Defendant corresponds in writing to an agency or branch of the United States Government in connection with the application of Proposition 65 to Acrylamide in the Covered Products, then, so long as such correspondence is not confidential and would be retrievable by CERT under the Freedom of Information Act, Settling Defendant originating such communication shall provide CERT with a copy of such communication as soon as practicable, but not more than 10 days after sending or receiving the correspondence; provided, however, that this section shall not apply to correspondence to or from trade associations or other groups of which Settling Defendant is a member.

7. ENFORCEMENT

7.1. CERT may, by motion or application for an order to show cause before this Court, enforce the terms and conditions contained in this Consent Judgment. In any such proceeding, CERT may seek whatever fines, costs, penalties, or remedies are provided by law for failure to comply with the Consent Judgment and where said violations of this Consent Judgment constitute subsequent violations of Proposition 65 or other laws independent of the Consent Judgment and/or those alleged in the complaint, CERT is not limited to enforcement of the Consent Judgment, but may seek in another action, whatever fines, costs, penalties, or remedies are provided for by law for failure to comply with Proposition 65 or other laws. In any action brought by CERT alleging subsequent violations of Proposition 65 or other laws, Settling Defendant may assert all available defenses.

8. AUTHORITY TO STIPULATE TO CONSENT JUDGMENT

8.1. Each signatory to this Consent Judgment certifies that he or she is fully authorized by the party he or she represents to stipulate to this Consent Judgment and to enter into and execute the Consent Judgment on behalf of the party represented and legally to bind that party.

9. CLAIMS COVERED

9.1. This Consent Judgment is a full, final, and binding resolution between CERT and Settling Defendant, of any violation of Proposition 65 that has been asserted in the Complaint dated May 9, 2011, up through the entry of final judgment in this case, for failure to provide clear and reasonable warnings of exposure to acrylamide from the use of the Covered Products, whether based on actions committed by Settling Defendant or by an entity to whom it distributes or sells coffee products, and for any franchisee who sells or has sold Covered Products in the State of California.

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Compliance with the terms of this Consent Judgment constitutes compliance with Proposition 65 with respect to exposures to acrylamide from Covered Products as set forth in the Complaint dated May 9, 2011.

10. RETENTION OF JURISDICTION

10.1. This Court shall retain jurisdiction of this matter to implement the Consent Judgment.

11. PROVISION OF NOTICE

11.1. When any party is entitled to receive any notice under this Consent Judgment, the notice shall be sent by overnight courier service to the person and address set forth in this Paragraph. Any party may modify the person and address to whom the notice is to be sent by sending each other party notice by certified mail, return receipt requested. Said change shall take effect for any notice mailed at least five days after the date the return receipt is signed by the party receiving the change.

11.2. Notices shall be sent to the following when required:

For CERT:

Raphael Metzger
Metzger Law Group
401 E. Ocean Boulevard, Suite 800
Long Beach, CA 90802
Telephone: (562) 437-4499
Facsimile: (562) 436-1561

For Settling Defendant:

Laurence Y. Wong, Esq.
Coleman & Horowitz, LLP
1880 Century Park East, Suite 404
Los Angeles, CA 90067
Telephone: (310) 286-0233
Facsimile: (310) 203-3870

12. COURT APPROVAL

12.1. This Consent Judgment shall be submitted to the Court for entry by noticed motion. If this Consent Judgment is not approved by the Court, it shall be of no force or effect and may not be used by CERT or Settling Defendant for any purpose.

//

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13. ENTIRE AGREEMENT

13.1 This Consent Judgment contains the sole and entire agreement and understanding of the parties with respect to the entire subject matter hereof, and any and all prior discussions, negotiations, commitments and understandings related hereto. No representations, oral or otherwise, express or implied, other than those contained herein have been made by any party hereto. No other agreements not specifically referred to herein, oral or otherwise, shall be deemed to exist or to bind any of the parties.


14. EXECUTION IN COUNTERPARTS

14.1. The stipulations to this Consent Judgment may be executed in counterparts and by means of facsimile, which taken together shall be deemed to constitute one document.

IT IS SO STIPULATED.

DATED: February L, 2016

METZGER LAW GROUP
A Professional Law Corporation


RAPHAEL METZGER, ESQ.
Attorneys for Plaintiff
COUNCIL ON EDUCATION AND
RESEARCH ON TOXICS ("CERT")

DATED: February __, 2016

COLEMAN & HOROWITT, LLP

LAURENCE Y. WONG, ESQ.
Attorneys for Settling Defendant LUBERSKI, INC.,
DBA HIDDEN VILLA RANCH

IT IS SO ORDERED, ADJUDGED, AND DECREED:

ELIHU M. BERLE

DATED: May 5, 2016

HON. ELIHU M. BERLE
Judge of the Superior Court

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IT IS SO STIPULATED.

DATED: February __, 2016

METZGER LAW GROUP
A Professional Law Corporation

RAPHAEL METZGER, ESQ.
Attorneys for Plaintiff
COUNCIL ON EDUCATION AND
RESEARCH ON TOXICS ("CERT")

DATED: February 1, 2016

COLEMAN & HOROWITT, LLP

LAURENCE Y. WONG, ESQ.
Attorneys for Settling Defendant LUBERSKI, INC.,
DBA HIDDEN VILLA RANCH

IT IS SO ORDERED, ADJUDGED, AND DECREED:

DATED:

HON. ELIHU M. BERLE
Judge of the Superior Court

ELECTRONIC PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 401 E. Ocean Blvd., 8th Floor, Long Beach, CA 90802.

On February 23, 2016, I served the foregoing document, described as: [PROPOSED] CONSENT JUDGMENT AS TO DEFENDANT, LUBERSKI, INC., DBA HIDDEN VILLA RANCH on the interested parties to this action by submitting an electronic version of the document via FTP upload to LexisNexis/FileAndServe - File & ServeXpress pursuant to the Court's Order.

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

Executed on February 23, 2016, at Long Beach, California.

Nina S. Vidal, Declarant

SERVICE LIST

(CERT vs. Starbucks, Case No. BC435759)

-000-

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San Francisco, CA 94105-2482
(Starbucks Corporation, Starbucks Holding
Company, Seattle Coffee Company, Peet's
Operating Company, Inc. (incorrectly sued
herein as Peet's Coffee and Tea, Inc.);
International Coffee & Tea, LLC)

(Updated 06/14/13 nav)

SERVICE LIST

(CERT v. Brad Berry, Case No. BC435759)

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 14 Farmers Markets, LLC; Reily Foods Company;
 15 H.N. Fernandez, Inc.)
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 Mountain Coffee Roasters, Inc., Illy Caffè
 North America, Inc., International Coffee &
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 Foods Inc., Massimo Zanetti Beverage USA,
 Inc., Melitta U.S.A., Inc., Nestle USA,
 Inc., Peet's Coffee & Tea, Inc., Rowland
 Coffee Roasters, Inc., Sara Lee Corporation,
 Seattle's Best Coffee LLC, Smucker
 Foodservice, Inc., Starbucks Corporation, TC
 Global, Inc., Vilore Foods Company, Inc., DD
 IP Holder LLC, The Folgers Coffee Company,
 Godiva Chocolatier, Inc., Starbucks Holding
 Company; Kraft Foods Global, Inc.; Apffels
 Coffee, Inc., Coffee Bean International,
 Inc., Dona Mireya, Inc., dba Jones Coffee
 Roasters; Equator Coffee & Teas; Boyer
 Coffee Company; Caffè Ibis, Inc.; The Coca-
 Cola Company; Community Coffee Company,
 Inc.; Copper Moon Coffee, LLC; JBR, Inc.,
 dba Rogers Family Company; Lavazza Premium
 Coffees Corp.; Cascade Coffee, Inc.; Coffee
 Roasters of Arizona, Inc.; Gold Medal
 Products Co.; Millstone Coffee, Inc.; Mother
 Parkers Tea & Coffee, Inc.; Southern Wine
 and Spirits of America, Inc.; Central Coast
 Coffee Roasting Co., Inc.; James c. Cannell
 Coffees, Inc. Dba Jim's Organic Coffee;
 Paradise Beverages, Inc. dba Hawaii Coffee
 Company; Regal Commodities; Steep & Brew,
 Inc.; Victor Allen's Coffee, LLC; Napa
 Valley Coffee Roasting Company; Kauai Coffee
 Company LLC; Peerless Coffee Co., Inc., dba
 Adam's Organic Coffees; Montana Coffee
 Traders, Inc.; Falcon Trading Company, Inc.;
 Intelligentsia Coffee & Tea, Inc.; Mayorga
 Coffee, LLC; Hometown Coffee Co.; New
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 Coffee Company, Inc.; Quartermaine Coffee
 Roasters; S & D Coffee, Inc.; Verve Pacific
 Avenue Café, LLC; Eight O'Clock Coffee
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11 Allegro Coffee Company)

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22 Ingredients, Inc.)

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Gary M. Roberts, Esq.
Melanie A. Tory, Esq.
SNR Denton US LLP
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Los Angeles, CA 90017
(Churchill Coffee Company, LLC)
Settlement pending

Updated 02/12/16 nsv

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 401 East Ocean Blvd., #800, Long Beach, CA 90802.

On February 23, 2016, I served the foregoing document, described as: [PROPOSED] CONSENT JUDGMENT AS TO DEFENDANT, LUBERSKI, INC., DBA HIDDEN VILLA RANCH as follows:

X (BY MAIL) I caused copies of such document, enclosed in sealed envelopes, to be deposited in the mail at Long Beach, California with postage thereon fully prepaid to:

Comfort Foods, Inc.
25 Commerce Way, Suite 5
North Andover, MA 01845-1002
(Comfort Foods, Inc.)


Office of the Attorney General
1515 Clay Street, 20th Floor
Oakland, CA 94612-0550

I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing set forth in this affidavit.

X (BY E-MAIL) I delivered such document by electronic mail to: Laura J. Zuckerman, Deputy Attorney General, at Laura.Zuckerman@doj.ca.gov; Harrison Pollak, Deputy Attorney General, at Harrison.Pollak@doj.ca.gov; and Susan S. Fiering, Supervising Deputy Attorney General, at Susan.Fiering@doj.ca.gov. Said document was transmitted by email transmission, which was reported complete and without error.

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

Executed on February 23, 2016, at Long Beach, California.


Nina S. Vidal, Declarant

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TORT & ENVIRONMENTAL LITIGATION
OCCUPATIONAL & ENVIRONMENTAL LUNG
DISEASE, CANCER, AND TOXIC INJURIES

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Attorneys for Plaintiff,
Council for Education and
Research on Toxics ("CERT")

SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

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

Plaintiff,)

vs.)

STARBUCKS CORPORATION, a)
Washington corporation; et al.,)

Defendants.)

CASE NO. BC435759
Consolidated with Case No.
BC461182
Assigned to the Honorable Elihu
Berle, Dept. 323

[PROPOSED] ORDER GRANTING
MOTION FOR SUMMARY ADJUDICATION
OF PLAINTIFF'S PRIMA FACIE CASE
AGAINST STIPULATING RETAILER
DEFENDANTS

DATE: April 18, 2016
TIME: 3:00 p.m.
DEPT: 323

ORDER

Plaintiff's Motion for Summary Adjudication of Plaintiff's Prima Facie Case Against the Stipulating Retailer Defendants ("Motion") came on regularly for hearing before the Court on April 18, 2016, at 3:00 p.m. The Court, having read and considered the briefing and evidence in support of an in opposition to Plaintiff's Motion, and having heard the argument of counsel with respect thereto, finds the Motion to be meritorious.

Therefore, the Court GRANTS Plaintiff's Motion as follows:

1. Plaintiff has established its *prima facie* case against the Stipulating Retailer Defendants, Costco Wholesale Corporation, Bristol Farms, Target Corporation, Safeway Inc., Sprouts Farmers Markets LLC, H.N. Fernandez, Inc., Albertsons LLC, Wal-Mart Stores, Inc., Sams West, Inc., Stater Bros. Markets, Trader Joe's Company, Whole Foods Market, California, Inc., Allegro Coffee Company, BP West Coast Products LLC, 7-Eleven Inc., Ralphs Grocery Company, and The Kroger Co., pursuant to Health and Safety Code § 25249.6; no further proof thereof shall be required at trial of this action; and the final judgment in this action shall, in addition to any matters determined at trial, be based upon this issue as so established by such summary adjudication;

2. THE COURT FURTHER ORDERS AS FOLLOWS: _____

IT IS SO ORDERED.

DATED: _____

The Honorable Elihu Berle
Los Angeles County Superior Court Judge

ELECTRONIC PROOF OF SERVICE


STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 401 E. Ocean Blvd., 8th Floor, Long Beach, CA 90802.

On February 16, 2016, I served the foregoing document, described as: [PROPOSED] ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION OF PLAINTIFF'S PRIMA FACIE CASE AGAINST STIPULATING RETAILER DEFENDANTS on the interested parties to this action by submitting an electronic version of the document via FTP upload to LexisNexis/FileAndServe - File & ServeXpress pursuant to the Court's Order.

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

Executed on February 16, 2016, at Long Beach, California.


Nina S. Vidal, Declarant

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(CERT vs. Starbucks, Case No. BC435759)

-oOo-

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herein as Peet's Coffee and Tea, Inc.);
International Coffee & Tea, LLC)

(Updated 06/14/13 nsv)

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(CERT v. Brad Berry, Case No. BC435759)

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Mountain Coffee Roasters, Inc., Illy Caffe
North America, Inc., International Coffee &
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Foods Inc., Massimo Zanetti Beverage USA,
Inc., Melitta U.S.A., Inc., Nestle USA,
Inc., Peet's Coffee & Tea, Inc., Rowland
Coffee Roasters, Inc., Sara Lee Corporation,
Seattle's Best Coffee LLC, Smucker
Foodservice, Inc., Starbucks Corporation, TC
Global, Inc., Vilore Foods Company, Inc., DD
IP Holder LLC, The Folgers Coffee Company,
Godiva Chocolatier, Inc., Starbucks Holding
Company; Kraft Foods Global, Inc.; Apffels
Coffee, Inc., Coffee Bean International,
Inc., Dona Mireya, Inc., dba Jones Coffee
Roasters; Equator Coffee & Teas; Boyer
Coffee Company; Caffe Ibis, Inc.; The Coca-
Cola Company; Community Coffee Company,
Inc.; Copper Moon Coffee, LLC; JBR, Inc.,
dba Rogers Family Company; Lavazza Premium
Coffees Corp.; Cascade Coffee, Inc.; Coffee
Roasters of Arizona, Inc.; Gold Medal
Products Co.; Millstone Coffee, Inc.; Mother
Parkers Tea & Coffee, Inc.; Southern Wine
and Spirits of America, Inc.; Central Coast
Coffee Roasting Co., Inc.; James c. Cannell
Coffees, Inc. dba Jim's Organic Coffee;
Paradise Beverages, Inc. dba Hawaii Coffee
Company; Regal Commodities; Steep & Brew,
Inc.; Victor Allen's Coffee, LLC; Napa
Valley Coffee Roasting Company; Kauai Coffee
Company LLC; Peerless Coffee Co., Inc., dba
Adam's Organic Coffees; Montana Coffee
Traders, Inc.; Falcon Trading Company, Inc.;
Intelligentsia Coffee & Tea, Inc.; Mayorga
Coffee, LLC; Hometown Coffee Co.; New
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Settlement pending

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 401 East Ocean Blvd., #800, Long Beach, CA 90802.

On February 16, 2016, I served the foregoing document, described as: [PROPOSED] ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION OF PLAINTIFF'S PRIMA FACIE CASE AGAINST STIPULATING RETAILER DEFENDANTS on the parties to this action as follows:

X (BY MAIL) I caused copies of such document, enclosed in sealed envelopes, to be deposited in the mail at Long Beach, California with postage thereon fully prepaid to:

Comfort Foods, Inc.
25 Commerce Way, Suite 5
North Andover, MA 01845-1002
(Comfort Foods, Inc.)

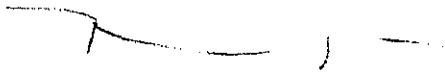
I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing set forth in this affidavit.

____ (BY FACSIMILE) I served the foregoing document by faxing true copies thereof from facsimile number (562) 436-1561, to the facsimile numbers indicated on the attached list. Said document was transmitted by facsimile transmission, which was reported complete and without error.

____ (BY OVERNIGHT MAIL) I caused such document to be delivered to the firms indicated on the attached list by Express Mail or by another express service carrier, by placing the document in an envelope designated by the carrier and addressed as indicated on the attached list, with the delivery fees provided for, and depositing same in a box or facility regularly maintained by that carrier or by delivering same to an authorized courier or driver authorized by the carrier to receive documents.

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

Executed on February 16, 2016, at Long Beach, California.


Nina S. Vidal, Declarant