

**FILED**  
ALAMEDA COUNTY

AUG 16 2019

CLERK OF THE SUPERIOR COURT

By  Deputy**SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA**

KIM EMBRY, an individual,

Plaintiff,

v.

BIMBO BAKERIES USA, INC., a Delaware corporation; TARGET CORPORATION, a Minnesota corporation; THE KROGER COMPANY, an Ohio corporation; FLOWER BAKERIES, LLC, a Georgia corporation; CALIFORNIA BAKING COMPANY, a California corporation; SMART & FINAL STORES, INC., a Delaware corporation; HOSTESS BRANDS, LLC, a Delaware corporation; WALGREENS COMPANY, an Illinois corporation; AMERIFOODS TRADING CO., a Florida corporation; NATURE'S BEST DISTRIBUTION, LLC., a California corporation; JIMBO'S NATURAL FAMILY, INC., a California corporation; DSD PARTNERS, INC., a Virginia corporation; CVS PHARMACY, INC., a Rhode Island corporation; BAYS MICHIGAN CORPORATION, a Michigan corporation; WAL-MART STORES, INC., a California corporation and DOES 1 through 100, inclusive,

Defendants.

Case No.: HG-17-885297

Reservation No.: R-2087929

**[PROPOSED] JUDGMENT  
PURSUANT TO TERMS OF  
PROPOSITION 65 SETTLEMENT  
AND CONSENT JUDGMENT AS TO  
DEFENDANTS BIMBO BAKERIES  
USA, INC. AND BAYS MICHIGAN  
CORPORATION****Date:** August 16, 2019**Time:** 11:00 a.m.**Dept.:** 21**Judge:** Hon. Winifred Smith**Case Filed:** December 8, 2017**Trial Date:** Not set

1 Plaintiff Kim Embry and Defendants Bimbo Bakeries USA, Inc. and Bays Michigan  
2 Corporation, agreed through their respective counsel to enter judgment pursuant to the terms of  
3 their settlement in the form of a stipulated judgment ("Consent Judgment"). This Court issued an  
4 Order approving the Proposition 65 Settlement and Consent Judgment on

5 August 16, 2019

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that, pursuant to Health and  
7 Safety Code, section 25249.7(f)(4) and Code of Civil Procedure, section 664.6, judgment is  
8 hereby entered in accordance with the terms of the Consent Judgment attached hereto as **Exhibit**  
9 **A.**

10 By stipulation of the parties, the Court will retain jurisdiction to enforce the settlement  
11 under Code of Civil Procedure, section 664.6.

12  
13 **IT IS SO ORDERED.**

14  
15  
16 Dated: August 16, 2019

Winifred Y. Smith  
Hon. Winifred Smith  
JUDGE OF THE SUPERIOR COURT