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FILED
ALAMEDA COUNTY

FEB 24 2021

CLERK OF THE SUPERIOR COURT

By A. Kumpalak Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF ALAMEDA

PRECILA BALABBO,
Plaintiff,
vs.
ALFA TRAVELGEAR, INC.,
Defendant.

Case No. RG19019921

~~PROPOSED~~ ORDER AND JUDGMENT

Judge: Hon. Noël Wise

Dept.: 24

DEC 11 2020 RECEIVED

AND NOW, this 24 Day of Feb, 2021, after Default having been properly entered against Defendant Alfa Travelgear, Inc. on February 13, 2020 by this Court, the Court enters Judgment against Defendant Alfa Travelgear, Inc. and ORDERS as follows:

1. The Defendant Alfa Travelgear, Inc. is ORDERED to pay civil penalties in the amount of \$ 50,000, which shall be allocated per Health & Safety Code § 25249.12(c)(1) & (d) with 75% paid to OEHHA and 25% paid to Plaintiff.
2. The Defendant Alfa Travelgear, Inc. is ORDERED to pay Brodsky & Smith, LLC attorney's fees in the amount of \$ 26,597 and costs in the amount of \$ 781.00.
3. Commencing ten days after service upon Defendant Alfa Travelgear, Inc. of the Notice of Entry of this Default Judgment, Defendant Alfa Travelgear, Inc. is ORDERED to not directly manufacture, import, distribute, sell, or offer for sale in California any *Make-Up Bag - Leopard Pattern* (the "Product(s)") that are not Di2(2-thylhexyll) phthalate ("DEHP") -Free (hereinafter "Reformulated Products") unless the Product is accompanied by a warning that complies with Article 6 of Title 27 of the California Code of Regulations

1 provide clear and reasonable warnings as set forth below. The warning shall be
2 prominently placed with such conspicuousness as compared with other words, statements,
3 designs, or devices as to render it likely to be read and understood by an ordinary individual
4 under customary conditions before purchase or use. The warning shall be provided in a
5 manner such that the consumer or user understands to which specific Product the warning
6 applies, so as to minimize the risk of consumer confusions, and shall be issued as follows:


- 7 a. For any Product shipped, sold, or offered in California by Alfa Travelgear that is
8 not DEHP-Free, one of the following warnings shall accompany the Products: (a)
9 **⚠ WARNING:** This product can expose you to chemicals including Di2(2-
10 thylhexyl) phthalate (DEHP), which is known to the State of California to cause
11 cancer and birth defects or other reproductive harm. For more information go to
12 www.P65Warnings.ca.gov; or (b) **⚠ WARNING:** Cancer and Reproductive
13 Harm - www.P65Warnings.ca.gov. The warning that is provided must print the
14 word "**WARNING:**" in all capital letters and in bold font, followed by a colon. The
15 warning symbol to the left of the word "**WARNING:**" must be a black exclamation
16 point in a yellow equilateral triangle with a black outline, except that if the sign or
17 label for the Products does not use the color yellow, the symbol may be in black
18 and white. The symbol must be in a size no smaller than the height of the word
19 "**WARNING:**". The warning shall be affixed to or printed on the Products'
20 packaging or labeling, or on a placard, shelf tag, sign or electronic device or
21 automatic process, providing that the warning is displayed with such
22 conspicuousness, as compared with other words, statements, or designs as to render
23 it likely to be read and understood by an ordinary individual under customary
24 conditions of purchase or use. A warning may be contained in the same section of
25 the packaging, labeling, or instruction booklet that states other safety warnings, if
26 any, concerning the use of the Product and shall be at least the same size as those
27 other safety warnings

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b. If Alfa Travelgear sells Products via an internet website to customers located in California, the warning requirements of this section shall be satisfied if the foregoing warning appears either: (a) on the same web page on which a Product is displayed and/or described; (b) on the same page as the price for the Product; or (c) on one or more web pages displayed to a purchaser prior to purchase during the checkout process. Alternatively, a symbol consisting of a black exclamation point in a yellow or white equilateral triangle may appear adjacent to or immediately following the display, description, price, or checkout listing of the Product, if the warning statement appears elsewhere on the same web page in a manner that clearly associates it with the product(s) to which the warning applies

IT IS HEREBY ORDERED.

Date: 2/24, 2021



JUDGE OF THE SUPERIOR COURT



JUD-100

Received
DEC 11 2020

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address): <input checked="" type="checkbox"/> Evan F. Smith, Esquire (SBN 242352) Brodsky & Smith, LLC 9595 Wilshire Blvd., Ste. 900, Beverly Hills, CA 90212 TELEPHONE NO.: (877) 534-2590 FAX NO. (Optional): (310) 247-0160 E-MAIL ADDRESS (Optional): esmith@brodskysmith.com ATTORNEY FOR (Name): Precila Balabbo, Plaintiff		FOR COURT USE ONLY FILED ALAMEDA COUNTY FEB 24 2021 CLERK OF THE SUPERIOR COURT By <u>A. Ampersach</u> Deputy	
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1221 Oak Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME: Administration Building			
PLAINTIFF: <u>PRECILA BALABBO</u>			
DEFENDANT: ALFA TRAVELGEAR, INC.		CASE NUMBER: RG19019921	
<p style="text-align: center;">JUDGMENT</p> <input type="checkbox"/> By Clerk <input checked="" type="checkbox"/> By Default <input type="checkbox"/> After Court Trial <input checked="" type="checkbox"/> By Court <input type="checkbox"/> On Stipulation <input type="checkbox"/> Defendant Did Not Appear at Trial			

COPY

JUDGMENT

1. **BY DEFAULT**
 - a. Defendant was properly served with a copy of the summons and complaint.
 - b. Defendant failed to answer the complaint or appear and defend the action within the time allowed by law.
 - c. Defendant's default was entered by the clerk upon plaintiff's application.
 - d. **Clerk's Judgment** (Code Civ. Proc., § 585(a)). Defendant was sued only on a contract or judgment of a court of this state for the recovery of money.
 - e. **Court Judgment** (Code Civ. Proc., § 585(b)). The court considered
 - (1) plaintiff's testimony and other evidence.
 - (2) plaintiff's written declaration (Code Civ. Proc., § 585(d)).

2. **ON STIPULATION**
 - a. Plaintiff and defendant agreed (stipulated) that a judgment be entered in this case. The court approved the stipulated judgment and
 - b. the signed written stipulation was filed in the case.
 - c. the stipulation was stated in open court the stipulation was stated on the record.

3. **AFTER COURT TRIAL.** The jury was waived. The court considered the evidence.
 - a. The case was tried on (date and time):
before (name of judicial officer):
 - b. Appearances by:

<input type="checkbox"/> Plaintiff (name each):	<input type="checkbox"/> Plaintiff's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
<input type="checkbox"/> Defendant (name each):	<input type="checkbox"/> Defendant's attorney (name each):
(1)	(1)
(2)	(2)
<input type="checkbox"/> Continued on Attachment 3b.	
 - c. Defendant did not appear at trial. Defendant was properly served with notice of trial.
 - d. A statement of decision (Code Civ. Proc., § 632) was not was requested.

PLAINTIFF: PRECILA BALABBO	CASE NUMBER: RG19019921
DEFENDANT: ALFA TRAVELGEAR, INC.	

JUDGMENT IS ENTERED AS FOLLOWS BY: **THE COURT** **THE CLERK**

4. **Stipulated Judgment.** Judgment is entered according to the stipulation of the parties.

5. **Parties.** Judgment is

- | | |
|---|--|
| a. <input checked="" type="checkbox"/> for plaintiff (<i>name each</i>):
PRECILA BALABBO
and against defendant (<i>names</i>):
ALFA TRAVELGEAR, INC.

<input type="checkbox"/> Continued on Attachment 5a. | c. <input type="checkbox"/> for cross-complainant (<i>name each</i>):

and against cross-defendant (<i>name each</i>):

<input type="checkbox"/> Continued on Attachment 5c. |
| b. <input type="checkbox"/> for defendant (<i>name each</i>): | d. <input type="checkbox"/> for cross-defendant (<i>name each</i>): |

6. **Amount.**

- | | |
|--|---|
| a. <input checked="" type="checkbox"/> Defendant named in item 5a above must pay plaintiff on the complaint: | c. <input type="checkbox"/> Cross-defendant named in item 5c above must pay cross-complainant on the cross-complaint: |
|--|---|

(1)	<input type="checkbox"/> Damages		\$	
(2)	<input type="checkbox"/> Prejudgment Interest at the annual rate of	%	\$	
(3)	<input checked="" type="checkbox"/> Attorney fees		\$	26,597.00
(4)	<input checked="" type="checkbox"/> Costs		\$	781.00
(5)	<input checked="" type="checkbox"/> Other (<i>specify</i>): Civil Penalty		\$	50,000.00
(6)	TOTAL		\$	77,378.00

(1)	<input type="checkbox"/> Damages		\$	
(2)	<input type="checkbox"/> Prejudgment Interest at the annual rate of	%	\$	
(3)	<input type="checkbox"/> Attorney fees		\$	
(4)	<input type="checkbox"/> Costs		\$	
(5)	<input type="checkbox"/> Other (<i>specify</i>):		\$	
(6)	TOTAL		\$	

- | | |
|---|---|
| b. <input type="checkbox"/> Plaintiff to receive nothing from defendant named in item 5b.
<input type="checkbox"/> Defendant named in item 5b to recover costs \$ _____
<input type="checkbox"/> and attorney fees \$ _____ | d. <input type="checkbox"/> Cross-complainant to receive nothing from cross-defendant named in item 5d.
<input type="checkbox"/> Cross-defendant named in item 5d to recover costs \$ _____
<input type="checkbox"/> and attorney fees \$ _____ |
|---|---|

7. Other (*specify*):

\$50,000.00 penalty to be allocated per Health & Safety Code § 25249.12(c)(1) & (d) - 75% paid to OEHHA and 25% paid to Plaintiff. See Attached Proposed Order re Injunctive Relief.

Date: 2/24/21

JUDICIAL OFFICER

Date: _____ Clerk, by _____, Deputy

(SEAL)

CLERK'S CERTIFICATE (*Optional*)

I certify that this is a true copy of the original judgment on file in the court.

Date: _____

Clerk, by _____, Deputy