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1 Evan J. Smith (SBN 242352)
esmith@brodskysmith.com
2 Ryan P. Cardona (SBN 302113)
rcardona@brodskysmith.com
3 **BRODSKY SMITH**
9595 Wilshire Boulevard, Suite 900
4 Beverly Hills, CA 90212
Telephone: (877) 534-2590
5 Facsimile: (310) 247-0160

6 *Attorneys for Plaintiff*

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF ALAMEDA

10 PRECILA BALABBO,

11 Plaintiff,

12 vs.

13 SIMPLY YOU WHOLESALE,
14 PSKTRADING, INC., 2020 APPAREL,
INC.,

15 Defendants.

Case No.: HG19036057

~~PROPOSED~~ ORDER TO STRIKE
DEFENDANT'S ANSWER, TO ENTER
DEFAULT, FOR DEFAULT
JUDGMENT, AND FOR AN AWARD OF
CIVIL PENALTIES, ATTORNEY'S
FEES, AND COSTS

Dept.: 22
Judge: Hon. Jeffrey Brand
Hearing Date: June 9, 2022
Hearing Time: 2:30 PM
Reservation #: 296930877036
Action Filed: September 20, 2019



19
20 After consideration of the papers submitted and the arguments presented, the Court hereby
21 ORDERS that:

- 22 1. Defendant 2020 Apparel, Inc.'s Answer filed on November 6, 2019 is STRICKEN
23 from the record;
24 2. DEFAULT is hereby Entered Against Defendant 2020 Apparel, Inc;
25 3. Defendant 2020 Apparel, Inc. is ORDERED to pay civil penalties in the amount of
26 \$ 11,000, which shall be allocated per Health & Safety Code §
27 25249.12(c)(1) & (d) with 75% paid to OEHHA and 25% paid to Plaintiff;
28

FILED
Superior Court of California
County of Alameda
05/02/2022
Clad File / Executive Officer / Clerk of the Court
By: M. Walker Deputy
M. Walker

1 4. Defendant 2020 Apparel, Inc. is ORDERED to pay Brodsky Smith attorney’s fees
2 in the amount of \$ and costs in the amount of \$;

3 5. Commencing ten days after service upon Defendant 2020 Apparel, Inc. of the
4 Notice of Entry of this Order and Default Judgment, Defendant 2020 Apparel, Inc.
5 is ORDERED to not directly manufacture, import, distribute, sell, or offer for sale
6 in California any *Simply You Clear Plastic Tote Bags 12HNBG9008 1705030003*
7 (the “Product(s)”) that are not Di2(2-thylhexyll) phthalate (“DEHP”)-Free
8 (hereinafter “Reformulated Products”) unless the Product is accompanied by a
9 warning that complies with Article 6 of Title 27 of the California Code of
10 Regulations provide clear and reasonable warnings as set forth below. The warning
11 shall be prominently placed with such conspicuousness as compared with other
12 words, statements, designs, or devices as to render it likely to be read and
13 understood by an ordinary individual under customary conditions before purchase
14 or use. The warning shall be provided in a manner such that the consumer or user
15 understands to which specific Product the warning applies, so as to minimize the
16 risk of consumer confusions, and shall be issued as follows:

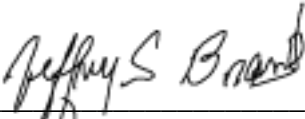
- 17 a. For any Product shipped, sold, or offered in California by Defendant 2020
18 Apparel, Inc. that is not DEHP-Free, one of the following warnings shall
19 accompany the Products: (a)  **WARNING:** This product can expose you to
20 chemicals including Di2(2-thylhexyll) phthalate (DEHP), which is known to
21 the State of California to cause cancer and birth defects or other reproductive
22 harm. For more information go to www.P65Warnings.ca.gov; or (b)
23  **WARNING:** Cancer and Reproductive Harm - www.P65Warnings.ca.gov.
24 The warning that is provided must print the word “**WARNING:**” in all capital
25 letters and in bold font, followed by a colon. The warning symbol to the left of
26 the word “**WARNING:**” must be a black exclamation point in a yellow
27 equilateral triangle with a black outline, except that if the sign or label for the
28

1 Products does not use the color yellow, the symbol may be in black and white.
2 The symbol must be in a size no smaller than the height of the word
3 “**WARNING:**”. The warning shall be affixed to or printed on the Products’
4 packaging or labeling, or on a placard, shelf tag, sign or electronic device or
5 automatic process, providing that the warning is displayed with such
6 conspicuousness, as compared with other words, statements, or designs as to
7 render it likely to be read and understood by an ordinary individual under
8 customary conditions of purchase or use. A warning may be contained in the
9 same section of the packaging, labeling, or instruction booklet that states other
10 safety warnings, if any, concerning the use of the Product and shall be at least
11 the same size as those other safety warnings;

12 b. If Defendant 2020 Apparel, Inc. sells Products via an internet website to
13 customers located in California, the warning requirements of this section shall
14 be satisfied if the foregoing warning appears either: (a) on the same web page
15 on which a Product is displayed and/or described; (b) on the same page as the
16 price for the Product; or (c) on one or more web pages displayed to a purchaser
17 prior to purchase during the checkout process. Alternatively, a symbol
18 consisting of a black exclamation point in a yellow or white equilateral triangle
19 may appear adjacent to or immediately following the display, description, price,
20 or checkout listing of the Product, if the warning statement appears elsewhere
21 on the same web page in a manner that clearly associates it with the product(s)
22 to which the warning applies.

23
24 **IT IS SO ORDERED.**

25
26 Dated: 05/02/2022



JUDGE OF THE SUPERIOR COURT
Jeffrey Brand / Judge