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Attorneys for Plaintiff  
KEEP AMERICA SAFE AND BEAUTIFUL

**FILED**  
San Francisco County Superior Court

JUL 26 2024

CLERK OF THE COURT

BY: \_\_\_\_\_

Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO  
UNLIMITED CIVIL JURISDICTION

KEEP AMERICA SAFE AND BEAUTIFUL,

Plaintiff,

v.

PMC SUPPLIES LLC; and DOES 1-30,  
inclusive,

Defendants.

Case No. CGC-22-597923

~~PROPOSED~~ JUDGMENT

(Health & Safety Code § 25249.6 et seq. and  
Code of Civil Procedure § 664.6)

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1 Section 3 must print the word “**WARNING:**” in all capital letters and in bold font. The warning  
2 symbol to the left of the word “**WARNING:**” must be a black exclamation point in a yellow  
3 equilateral triangle with a black outline, except if the labeling does not use the color yellow, the  
4 symbol may be in black and white. The entire warning shall appear in at least 6-point type and no  
5 smaller than the largest type size used for other consumer information on the Products. Where a  
6 consumer product label used to provide a warning includes consumer information in language(s)  
7 other than English, the warning must also be provided in the other language(s) in addition to English.

### 8 **3.2 Internet Warnings**

9 If, after the Effective Date, PMC sells Products via the internet, through its own website,  
10 affiliated websites or a third party website, or through customers with retail outlets in California,  
11 nationwide distribution and e-commerce websites, PMC shall provide warnings for each Product  
12 both on the Product label in accordance with Section 3.1, and by prominently displaying, or  
13 requiring the warning to be prominently displayed on affiliated websites or third party websites to  
14 the consumer during the purchase of the Products without requiring customers to seek out the  
15 warning. The warning or a clearly marked hyperlink to the warning using the word “**WARNING**”  
16 given in conjunction with the sale of the Products via the internet shall appear either: (a) on the same  
17 web page on which the Products are displayed; (b) on the same web page as the virtual cart  
18 displaying the Products; (c) on the same page as the price for the Products; or (d) on one or more  
19 web pages displayed to a purchaser during the checkout process. The warning shall appear in any of  
20 the above instances adjacent to or immediately following the display, description, or price of the  
21 Products for which it is given in the same type size or larger than other consumer information  
22 provided for the Products. For third-party websites, as a condition of sale, PMC shall notify the  
23 sellers the Products must be accompanied by a warning, prior to and as a condition of sale, in or into  
24 California, and shall supply the warning requirements, pursuant to Section 3.

## 25 **4. MONETARY TERMS**

### 26 **4.1 Civil Penalty**

27 Pursuant to Health and Safety Code § 25249.7(b), PMC shall pay a civil penalty of \$2,500  
28 within twenty (20) days of the Effective Date. PMC’s civil penalty payment will be allocated

1 according to Health and Safety Code § 25249.12(c)(1) and (d), with seventy-five percent (75%) of the  
2 penalty paid to the California Office of Environmental Health Hazard Assessment ("OEHHA"), and  
3 the remaining twenty-five percent (25%) retained by KASB. PMC shall issue its payment in two  
4 checks made payable to: (a) "OEHHA" in the amount of \$1,875; and (b) "Seven Hills LLP in trust for  
5 Keep America Safe and Beautiful" in the amount of \$625. KASB's counsel shall deliver to OEHHA  
6 and KASB their respective portions of the penalty payment.

7 **3.2 Reimbursement of Attorneys' Fees and Costs**

8 Pursuant to Code of Civil Procedure § 1021.5, within twenty (20) days of the Effective Date,  
9 PMC shall issue a check for a total amount of \$36,876.71, the sum of \$35,192.53 in attorney's fees  
10 plus \$1,684.18 in costs, payable to "Seven Hills LLP" for all legal fees and investigation costs  
11 incurred in this Proposition 65 enforcement action.


12 **3.3 Payments**

13 All payments payable and due under this Judgment shall be delivered to KASB's counsel at  
14 the following address:

15 Seven Hills LLP  
16 Attn: Laralei Paras  
17 4 Embarcadero Center, Suite 1400  
San Francisco, CA 94111

18 **IT IS SO ORDERED.**

19  
20 Dated: 7/26/24

  
JUDGE OF THE SUPERIOR COURT

MICHELLE TONG