

FILED

APR 24 2023

**JAMES M. KIM, Court Executive Officer
MARIN COUNTY SUPERIOR COURT**

By: J. Berg, Deputy *J. Berg*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MARIN

UNLIMITED CIVIL JURISDICTION

SUSAN DAVIA,

Plaintiff,

v.

NOVELTIES & BEYOND, INC.,
MCCAULOU'S, INC. and DOES 1-150,

Defendants.

Case No. CIV 2103856

J. Berg
**[PROPOSED] AMENDED DEFAULT
JUDGMENT AGAINST DEFENDANT
MCCAULOU'S, INC.**

Action Filed: November 10, 2021

Amended Action Filed: March 29, 2022

Trial Date: None Assigned

Defendant Novelties & Beyond, Inc. was dismissed from this action on March 10, 2022, with prejudice. In conjunction with the determination and entry of this default Judgment, plaintiff has stipulated to dismiss all remaining defendants, DOE 1 through DOE 150, without prejudice and this Court therefore orders dismissal of all DOE defendants from this action without prejudice.

Defendant McCaulou's, Inc. failed to appear or otherwise defend in this action and its default on the First Amended Complaint was entered on June 14, 2022. Upon application of plaintiff, though affidavit and evidence, it appears plaintiff Susan Davia is entitled to judgment against McCaulou's, Inc.

1 NOW THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that said Susan Davia
2 shall have and recover from defendant McCaulou's, Inc. the sum of \$ 2500.00 as reasonable
3 statutory penalties pursuant to H&S Code Section 25249.7(b), with interest thereon at the rate of
4 ten percent (10%) per annum from the date of this judgment, seventy-five percent (75%) of which
5 civil penalty shall be forwarded to the California Office of Health Hazard Assessment.

6 IT IS FURTHER ORDERED, ADJUDGED and DECREED that said Susan Davia shall have
7 and recover from defendant McCaulou's, Inc. the sum of \$17,408.73 as reasonable attorney fees and
8 costs pursuant to C.C.P. Section 1021.5, with interest thereon at the rate of ten percent (10%) per
9 annum from the date of this judgment.

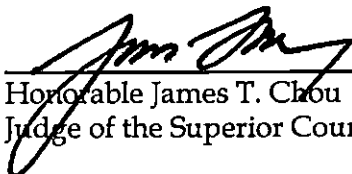
10 IT IS FURTHER ORDERED, ADJUDGED and DECREED that defendant McCaulou's, Inc.
11 shall be subject to permanent injunction precluding California distribution or sale of any style or
12 pattern of Sage & Emily Brand, Ultimate Travel Companion, vinyl 3-Pc. Bath & Body Organizer
13 products unless the product is accompanied with the following warning:

14
15 **⚠ WARNING:** This product can expose you to DEHP,
16 which is known to the State of California to cause birth
17 defects or other reproductive harm. For more information
18 go to www.P65Warnings.ca.gov.

19 Such warning shall be prominently placed on the product, its labeling or its packaging with such
20 conspicuousness as compared with other words, statements, designs, or devices as to render it
21 likely to be read and understood by an ordinary individual under customary conditions before
22 purchase or use.

23 IT IS SO ORDERED, ADJUDGED and DECREED.

24 Dated: 04/24/23

25 
26 Honorable James T. Chou
27 Judge of the Superior Court
28