

FILED

DEC 28 2022

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

By: J. Berg, Deputy) *bj*

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF MARIN

UNLIMITED CIVIL JURISDICTION

SUSAN DAVIA,

Plaintiff,

v.

TRESKA, INC., MCCAULOU'S, INC.
and DOES 1-150,

Defendants.

CW-
Case No. 2103857

SPF
[PROPOSED] DEFAULT JUDGMENT
AGAINST DEFENDANT MCCAULOU'S,
INC.

Action Filed: November 10, 2021
Trial Date: None Assigned

Defendant Treska, Inc. was dismissed from this action on September 2, 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 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.

NOW THEREFORE, IT IS ORDERED, ADJUDGED and DECREED that said Susan Davia shall have and recover from defendant McCaulou's, Inc. the sum of \$ 2,500.00 as reasonable statutory penalties pursuant to H&S Code Section 25249.7(b), with interest thereon at the rate of

1 ten percent (10%) per annum from the date of this judgment, seventy-five percent (75%) of which
2 civil penalty shall be forwarded to the California Office of Health Hazard Assessment.

3 IT IS FURTHER ORDERED, ADJUDGED and DECREED that said Susan Davia shall have
4 and recover from defendant McCaulou's, Inc. the sum of \$ 16,679.30 as reasonable attorney fees
5 and costs pursuant to C.C.P. Section 1021.5, with interest thereon at the rate of ten percent (10%)
6 per annum from the date of this judgment.

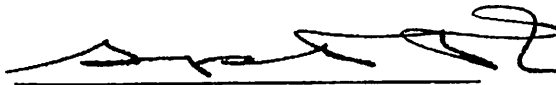
7 IT IS FURTHER ORDERED, ADJUDGED and DECREED that defendant McCaulou's, Inc.
8 shall be subject to permanent injunction precluding California distribution or sale of any style or
9 pattern of Treska vinyl accessory tote bag products unless the product is accompanied with the
10 following warning:

11 **⚠ WARNING:** The vinyl materials of this product can
12 expose you to chemicals, including DINP, that are known
13 to the State of California to cause cancer. For more
14 information go to www.P65Warnings.ca.gov.

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

19 IT IS SO ORDERED, ADJUDGED and DECREED.

20 Dated: 12/28/2022

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22 _____
23 Honorable Stephen Freccero
24 Judge of the Superior Court
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