

Plaintiff Valentino McCoy-Garcia’s Motion to Enter Stipulated Judgment
GRANTED.

FILED
Superior Court of California
County of Los Angeles

NOV 12 2025

I. BACKGROUND

On February 5, 2025, Plaintiff Valentino McCoy-Garcia (“Plaintiff”) filed a complaint against Defendants Klutch Brands LLC and Happy Fruit CA, LLC (“Defendants”) arising from alleged Proposition 65 violations seeking injunctive relief and civil penalties, alleging causes of action for:

David W. Slayton, Executive Officer/Clerk of Court
By: R. Navarro, Deputy

1. Failure to Warn (Violation of Proposition 65); and
2. Unfair Business Practices (Violation of Business and Professions Code Sections 17200 et seq.).

On October 16, 2025, Plaintiff filed this Motion for Entry of Stipulated Judgment. No opposition or other responsive pleading has been filed.

II. LEGAL STANDARD

Code of Civil Procedure section 664.6 states that “[i]f parties to pending litigation stipulate, in a writing signed by the parties outside the presence of the court or orally before the court, for settlement of the case, or part thereof, the court, upon motion, may enter judgment pursuant to the terms of the settlement. If requested by the parties, the court may retain jurisdiction over the parties to enforce the settlement until performance in full of the terms of the settlement.” (Code Civ. Proc., § 664.6.)

“Section 664.6 permits the trial court judge to enter judgment on a settlement agreement without the need for a new lawsuit. [Citation.] It is for the trial court to determine in the first instance whether the parties have entered into an enforceable settlement. [Citation.] In making that determination, ‘the trial court acts as the trier of fact, determining whether the parties entered into a valid and binding settlement. [Citation.] Trial judges may consider oral testimony or may determine the motion upon declarations alone. [Citation.] When the same judge hears the settlement and the motion to enter judgment on the settlement, he or she may consult his [or her] memory. [Citation.]’ [Citation.]” (*Osumi v. Sutton* (2007) 151 Cal.App.4th 1355, 1359–1360.)

III. DISCUSSION

Plaintiff moves for an order to enter the stipulated judgment between Plaintiff and Defendant Happy Fruit CA, LLC (“Happy”) in resolution of this action. (Motion, at p. 3.)

The stipulated consent judgment provides that, as of the date of entry of the judgment, products manufactured by Happy for sale in California containing Delta-9-

11/14/2025

Tetrahydrocannabinol (“Delta-9-THC”) will be accompanied by a Proposition 65 warning as set out in the terms of the stipulated judgment. (*Id.*, at pp. 5-6; Robinson Decl., ¶ 10, Exh. C, at pp. 3-4.) The stipulated judgment also provides that Happy will pay \$70,000.00, composed of \$4,000.00 in civil penalties and \$66,000.00 in attorney’s fees and costs, in satisfaction of all claims subject to this action. (Robinson Decl., ¶ 10, Exh. C, at pp. 4-5.) The stipulated consent judgment has been signed by representatives from both parties, and no opposition to the present motion has been filed. Thus, the court finds that the parties have entered into a valid settlement agreement.

Moreover, Health & Safety Code section 25249.7 provides for additional criteria to approve a settlement of a Proposition 65 lawsuit, as follows:

- (4) If there is a settlement of an action brought by a person in the public interest under subdivision (d), the plaintiff shall submit the settlement, other than a voluntary dismissal in which no consideration is received from the defendant, to the court for approval upon noticed motion, and the court may approve the settlement only if the court makes all of the following findings:
 - (A) The warning that is required by the settlement complies with this chapter.
 - (B) The award of attorney's fees is reasonable under California law.
 - (C) The penalty amount is reasonable based on the criteria set forth in paragraph (2) of subdivision (b).
- (5) The plaintiff subject to paragraph (4) has the burden of producing evidence sufficient to sustain each required finding. The plaintiff shall serve the motion and all supporting papers on the Attorney General, who may appear and participate in a proceeding without intervening in the case.

(Health & Safety Code § 25249.7, subd. (f)(4)-(5).)

The court finds that the stipulated judgment complies with the warning requirement as Happy has agreed to include warning language for products containing Delta-9-THC, in accordance with California Code of Regulations Title 27 section 25607.41(a). (Robinson Decl., ¶ 10, Exh. C, at pp. 3-4.)

The attorney’s fees requested in this action are \$66,000.00 representing 101.50 hours of attorney time spent at an hourly rate of \$650.00 per hour for Plaintiff’s counsel Alexander K. Robinson. (Motion, at pp. 6-7; Robinson Decl., at pp. 4-5.) The court finds this amount reasonable.

The penalty amount requested in this action is \$4,000.00, with \$3,000.00 (75%) payable to California's Office of Environmental Health Hazard Assessment and \$1,000.00 payable to Plaintiff. (Robinson Decl., ¶ 10; Exh. C., at pp. 4-5.) The statutory reasonableness for a penalty amount is analyzed as follows:

- (b)(1) A person who has violated Section 25249.5 or 25249.6 is liable for a civil penalty not to exceed two thousand five hundred dollars (\$2,500) per day for each violation in addition to any other penalty established by law. That civil penalty may be assessed and recovered in a civil action brought in any court of competent jurisdiction.
- (2) In assessing the amount of a civil penalty for a violation of this chapter, the court shall consider all of the following:
 - (A) The nature and extent of the violation.
 - (B) The number of, and severity of, the violations.
 - (C) The economic effect of the penalty on the violator.
 - (D) Whether the violator took good faith measures to comply with this chapter and the time these measures were taken.
 - (E) The willfulness of the violator's misconduct.
 - (F) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.
 - (G) Any other factor that justice may require.

(Health & Safety Code § 25249.7, subd. (b)(1)-(2).)

The court finds the penalty amount here reasonable. The amount payable to California's Office of Environmental Health Hazard Assessment is 75% as required by Title 11, California Code of Regulation, section 3203(b). Further, offset payments to a third party, such as Plaintiff, are authorized pursuant to section 3203(d).

The court also finds that this suit promotes the public interest.

IV. CONCLUSION

Plaintiff Valentino McCoy-Garcia's Motion to Enter Stipulated Judgment is GRANTED.

11/14/2025