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20 Attorneys for Plaintiff
21 Russell Brimer

22
23 SUPERIOR COURT OF THE STATE OF CALIFORNIA
24 COUNTY OF SAN FRANCISCO
25 UNLIMITED JURISDICTION

26 RUSSELL BRIMER,

27 Plaintiff,

28 v.

THE BOELTER COMPANIES, et al.,

Defendants.

Case No. CGC-05-440811

**STIPULATION FOR ENTRY OF
JUDGMENT**

STIPULATION AND (PROPOSED) ORDER RE: CONSENT JUDGMENT
SFSC CASE NO. CGC 05-440811

1 6. To the extent the Consent Judgment applies to the categories of Covered Products
2 checked above, the Company agrees to be bound by the injunctive relief provisions of the
3 Consent Judgment as it relates to each such category of Covered Products.

4 7. In conjunction with the execution of this Stipulation, the Company has provided the
5 payments applicable to it as set forth in Table 14.4 of the Consent Judgment in the manner
6 described in Exhibit E to the Consent Judgment. In this regard, the Company hereby
7 represents and warrants that under the criteria set forth in subsections 14.4(a), (b), and (c) of
8 the Consent Judgment, with respect to the Covered Products applicable to it pursuant to the
9 categories checked in Paragraph 2 of this Stipulation, it is a (check only one)¹:

- 10 **(a) Manufacturer** with combined sales in California of less than 350,000
11 consumer units in calendar year 2004
- 12 **(a.1) Low Volume Manufacturer** with combined sales in California of less
13 than 10,000 consumer units in calendar year 2004
- 14 **(b) Distributor and/or Importer** with combined sales in California of less than
15 350,000 consumer units in calendar year 2004
- 16 **(b.1) Low Volume Distributor and/or Importer** with combined sales in
17 California of less than 10,000 consumer units in calendar year 2004
- 18 **(c) Retailer and/or Amusement & Recreation Establishment**
- 19 **(d) Bar, Restaurant, Hotel, or Other Food/Beverage Service Defendant**
- 20 **(e) Opt-In Defendant with De Minimus Sales**, i.e., combined sales in
21 California of less than 500 consumer units in calendar year 2004 (attach to this
22 Stipulation a list of the names of all product lines (by narrative description and,
23 where available, UPC code) comprising these consumer units of Covered Products).

24 _____
25 ¹ Any entity which has conducted activities which comprise more than one of the
26 categories of business listed in (a)-(d) below shall be deemed to be a Manufacturer if 15% or
27 more of its sales of Covered Products in California were the result of its Manufacturing of
28 Covered Products; any entity otherwise in categories (c) or (d) shall be deemed to be a
Distributor/Importer if 15% or more of its sales of Covered Products in California were the result
of its Distributing/Importing of Covered Products.

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8. At least 65 days prior to the submissions of this Stipulation to the Court for entry, provided that it has been mailed to the address shown in Exhibit C attached hereto, the Company agrees to be deemed to have accepted service of a 60-day notice letter from Russell Brimer ("Brimer") alleging certain violations of Proposition 65 with respect to sales of the Covered Products identified herein.

9. The Company hereby stipulates to be deemed to have voluntarily accepted service of the summons and complaint in this Action upon the filing of this Stipulation and agrees to be subject to the jurisdiction of the Court for purposes of the Consent Judgment.

10. Future notices concerning this Stipulation and the Consent Judgment shall be provided to the Company at the address shown in Exhibit C as attached hereto. If the Company desires to change the individual and/or address designated to receive notice on its behalf, the Company shall provide notice to Brimer and Boelter's counsel at the addresses for them listed in Exhibit C to the Consent Judgment.

11. The undersigned have read, and the person and/or entity named below knowingly and voluntarily agree to be bound by, all terms and conditions of this Stipulation and the Consent Judgment as previously approved and entered by the San Francisco County Superior Court in this Action.

12. The undersigned have full authority to make the written representations above and to enter into this Stipulation for the person/entity on behalf of which he/she is signing.

IT IS HEREBY STIPULATED AND AGREED TO:

By: Jeffrey T. Gredvig
(signature)

Jeffrey Gredvig
Name (printed/typed)
Director, Brand Licensing, JDM

Title (printed/typed)

By: [Signature]

On Behalf of Plaintiff Russell Brimer

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On Behalf of:

Deere & Company, its subsidiaries and affiliates
(Insert Company Name)

Opt-In Defendant

Dated: 10-26-05

Dated: 11/21/05

C

Section 7(e) List of Names of Product
Items do not have UPC codes

Old-fashioned Bean Pot – ceramic
Old-fashioned Jug – ceramic
Historic Trademark Mug – ceramic
John Deere Boot Stein Mug – glass
Santa’s Workshop Mug Set – ceramic
John Deere Thermometer & Rain Gauge – glass
John Deere Picture Frame – Barn & Pond – ceramic
John Deere Picture Frame – Squirrel & Barn – ceramic
Model B Tractor Tan Coffee Mug – ceramic
Dinner Mug 1876 Logo – ceramic
Dinner Mug New Corporate logo – ceramic
Old Logo (1876) shot glass – glass
Trademark Cookie Jar – ceramic
JD Boys/Farm toy Figurine – ceramic
JD Tractor 16 oz Mug Set – ceramic
Snowperson in Wagon – ceramic
Santa on GP Tractor ornament – ceramic
“Friend In Need” Hand-Painted Ornament – glass
Snowman with Snow Covered Tractor – ceramic
John Deere Fan Pull – ceramic
Tumbler Glass set - glass

EXHIBIT C (Supplement)
Contact Information for Purposes of Future Notice

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Opt-In Party Name: Deere & Company _____

Contact Person: Jeffrey Gredvig _____

Mailing address: 2000 John Deere Run _____
Cary, NC 27513 _____

Telephone: 919-804-2725 _____

Fax number: 919-804-2695 _____

Email address:

GredvigJeffreyT@JohnDeere.com _____