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14 Russell Brimer

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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF SAN FRANCISCO
18 UNLIMITED JURISDICTION

19
20 RUSSELL BRIMER,
21 Plaintiff,
22 v.
23 THE BOELTER COMPANIES, et al.,
24 Defendants.

Case No. CGC-05-440811
**STIPULATION FOR ENTRY OF
JUDGMENT**

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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 Minimis 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,
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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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where available, UPC code) comprising these consumer units of Covered Products).

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.

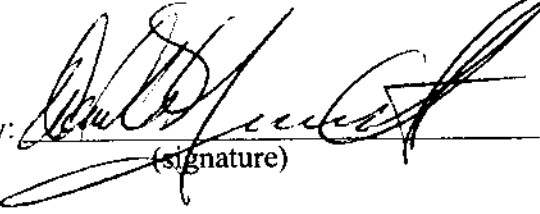
11. The undersigned have read, and the person and/or entity named below knowingly and voluntarily agree to be bound by, all terms and conditions of this Stipulation and the Consent Judgment as previously approved and entered by the San Francisco County Superior Court in this Action.

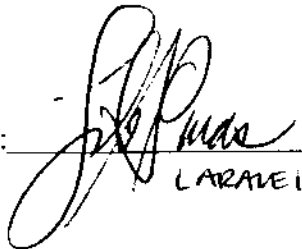
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12. The undersigned have full authority to make the written representations above and to enter into this Stipulation for the person/entity on behalf of which he/she is signing.

IT IS HEREBY STIPULATED AND AGREED TO:

By: 
(signature)

By: 
LARAVEL S. PARAS

On Behalf of Plaintiff Russell Brimer

DAVID A. Newirth
Name (printed/typed)
Vice President
The Newirth Company INC
Title (printed/typed)

On Behalf of:

the Newirth Company, Inc.
(Insert Company Name)

Opt-In Defendant

Dated: November 4, 2005

Dated: 11-22-2005

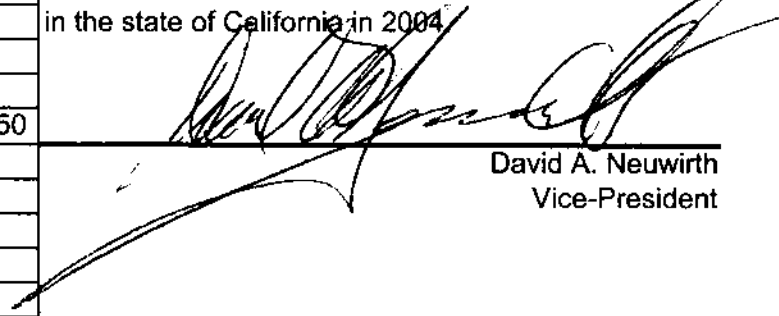
Neuwirth Painted Glass items

Item Number	Description	Barcode
175/405	Carafe	n/a
175/408	Jar	n/a
175/409	Jar	n/a
175/410	Jar	n/a
175/411	Jar	n/a
175/413	Vase	n/a
175/417	Jar	n/a
175/418	Jar	n/a
175/419	Jar	n/a
175/420	Jar	n/a
175/423	Perfume Bottle	n/a
175/424	Perfume Bottle	n/a
175/427	Perfume Bottle	n/a
175/501	Carafe - White Ribbon Night	702547917550
175/503	Perfume Bottle	n/a
175/504	Perfume Bottle	n/a
175/505	Perfume Bottle	n/a
175/517	Carafe	n/a
175/518	Carafe	n/a
175/519	Jar	n/a
175/521	Vase	n/a
175/530	Perfume Bottle	n/a
175/532	Perfume Bottle	n/a
175/551	Carafe Dragonfly Night Set	702547146059
175/552	Perfume Bottle	n/a
175/553	Jar	n/a
175/554	Jar	n/a
175/555	Carafe	n/a
175/568	Perfume Bottle	n/a
175/569	Perfume Bottle	n/a
175/570	Perfume Bottle	n/a
175/571	Jar	n/a
175/572	Carafe	n/a
175/573	Carafe Dogwood Night set	702547917710
175/580	Carafe Green Ivy Night Set	702547917673
175/906	Bottle	n/a
175/907	Bottle	n/a
175/908	Jar	n/a
175/909	Jar	n/a
175/910	Jar	n/a
175/913	Carafe & Glass	n/a
175/914	Perfume Bottle	n/a
175/915	Jar	n/a
175/916	Jar	n/a
175/917	Vase	n/a
175/921	Carafe - New Tulips	702547125399
175/922	Perfume Bottle	n/a
175/923	Carafe & Glass	n/a
175/924	Perfume Bottle	n/a
175/925	Carafe Pink Tulips	702547125412
175/926	Perfume Bottle	n/a

****Note:**

We have provided this list to ensure complete coverage under the Opt-in of our products. Many of these products were not sold in the state of California at all. This product category is not very popular and sales nationwide have been very low. We are discontinuing most of these items when supplies are exhausted.

We attest that less than 500 consumer units were sold in the state of California in 2004.



David A. Neuwirth
Vice-President

