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Attorneys for Plaintiff  
6 CENTER FOR ENVIRONMENTAL HEALTH  
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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ALAMEDA  
11

12 PEOPLE OF THE STATE OF CALIFORNIA, )  
13 ex re. BILL LOCKYER, Attorney General, )

14 Plaintiffs, )

15 v. )

16 BURLINGTON COAT FACTORY )  
WAREHOUSE CORPORATION, *et al.*, )

17 Defendants. )  
18

19 And Related and Consolidated Cases.  
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Lead Case No. RG 04-162075

(Consolidated with Case Nos. RG 04-162037, RG 04-169511, and RG 06-269531)

**STIPULATED CONSENT JUDGMENT  
AS TO HENNES & MAURITZ, LP**

Complaint Filed: May 12, 2006  
Trial Date: None

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2           *Whereas*, on April 24, 2006, Plaintiff Center for Environmental Health (“CEH”)  
3 provided a “Notice of Violation of Proposition 65” to the California Attorney General, the  
4 District Attorneys of every county in California, the City Attorneys of every California city with  
5 a population greater than 750,000, and to Hennes & Mauritz, LP (“H&M”) regarding the  
6 presence of lead in jewelry sold, manufactured and/or distributed by H&M;

7           *Whereas*, on May 12, 2006, CEH filed *Center for Environmental Health v. Nadri,*  
8 *Inc., et al.*, A.C.S.C. case no. RG 06-269531;

9           *Whereas*, on July 12, 2006, the Court consolidated case no. RG 06-269531 with  
10 the three previously filed cases including lead case no. RG 04-162075;

11           *Whereas*, on September 21, 2006, the complaint in case no. RG 06-269531 was  
12 amended to name H&M as a defendant;

13           *Whereas*, on June 15, 2006, upon due notice, the Court entered an Amended  
14 Consent Judgment in three consolidated cases, including lead case *California v. Burlington Coat*  
15 *Factory Warehouse Corp., et al.*, A.C.S.C. case no. RG 04-162075, against a group of different  
16 defendants, a true and correct copy of which is attached hereto as Exhibit 1 (in order to minimize  
17 the size of the Exhibit, the attached Amended Consent Judgment does not include certain  
18 signature pages or Exhibit A (list of initial defendants), Exhibit E (brand names from initial  
19 defendants), Exhibit F (initial defendant notice list), Exhibit G (copies of Notices of Intent to Opt  
20 In) and Exhibit H (Roman Company signature page) (the “Consent Judgment”);

21           *Whereas*, CEH and H&M have agreed to resolve this matter on the same  
22 injunctive terms as those contained in the Amended Consent Judgment;

23           *Now Therefore*, the parties hereto agree as follows:

24           1.       Judgment shall be entered against H&M in this action pursuant to the terms of the  
25 Amended Consent Judgment, except that the following terms shall apply to H&M in lieu of the  
26 specified sections of the Consent Judgment.

27           a.       Section 5 of the Consent Judgment shall be amended in its entirety as  
28 follows:

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- i. Within seven calendar days of entry of this Stipulated Consent Judgment, H&M shall pay the sum of \$45,000 as a settlement payment. The settlement payment shall be paid by check made payable to the Lexington Law Group, LLP Attorney Client Trust Account.
  - ii. The funds paid by H&M shall be distributed as follows:
    - a. The sum of \$14,500 as payment to CEH in lieu of penalty pursuant to Health and Safety Code section 25249.7(b), and California Code of Regulations, title 11, section 3202(b). CEH shall use such funds to continue its work educating and protecting people from exposures to toxic chemicals, including heavy metals.
    - b. The sum of \$1,000 as a civil penalty pursuant to Health & Safety Code §25249.7(b), such money to be apportioned by CEH in accordance with Health & Safety Code §25192.
    - c. The sum of \$29,500 to Lexington Law Group, LLP, as reimbursement of CEH's reasonable attorneys' fees and investigation costs.
  - iii. Any failure by H&M to comply with any of the payment terms herein shall subject H&M to a stipulated late fee in the amount of \$100 for each day after the delivery date the payment is received. The late fees required under this section shall be recoverable, together with reasonable attorneys' fees, in an enforcement proceeding brought to enforce this provision.
- b. The last sentence in Section 3.1 shall be replaced with the following sentence:
- H&M shall provide the requirements of this Consent Judgment to its Suppliers of Covered Products no later than October 31, 2006,

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and shall request each Supplier to use best efforts to provide  
compliant product as soon as commercially practicable.

2. In all other respects, H&M shall be treated as if it were an Initial Settling  
Defendant, as that term is used in the Amended Consent Judgment.

3. The persons for H&M to receive Notices per § 4.2.2.2 and Exhibit F to the  
Amended Consent Judgment, until and unless modified per § 8, shall be:

Michael J. Steel  
Pillsbury Winthrop, LLP  
50 Fremont Street  
P.O. Box 7880  
San Francisco, CA 94120-7780

**IT IS SO STIPULATED.**

CENTER FOR ENVIRONMENTAL HEALTH

By:   
Michael Green, Executive Director

HENNES & MAURITZ, LP

By: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

**JUDGMENT SO RENDERED.**

\_\_\_\_\_, 2006

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT

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**IT IS SO STIPULATED.**

CENTER FOR ENVIRONMENTAL HEALTH

By: \_\_\_\_\_  
Michael Green, Executive Director

HENNES & MAURITZ, LP

By: Susanna Lindberg

Printed Name: SUSANNA LINDBERG

Title: PRESIDENT

**JUDGMENT SO RENDERED.**

\_\_\_\_\_, 2006

\_\_\_\_\_  
JUDGE OF THE SUPERIOR COURT