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6 CENTER FOR ENVIRONMENTAL HEALTH

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8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 COUNTY OF ALAMEDA  
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12 PEOPLE OF THE STATE OF CALIFORNIA, )  
13 ex rel. BILL LOCKYER, Attorney General, )

14 Plaintiffs, )

15 v. )

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

18 Defendants. )

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 BUFFALO EXCHANGE, LTD.**

Complaint Filed: June 23, 2004  
Trial Date: None

1                   *Whereas*, on May 12, 2006, plaintiff Center for Environmental Health (“CEH”)  
2 filed an action entitled *Center For Environmental Health v. Nadri et al.* (Alameda Superior  
3 Court Case No. RG 06-269531), which action was later consolidated with three other actions  
4 including the lead case entitled *People v. Burlington Coat Factory et al.* (Alameda Superior  
5 Court Case No. RG 04-162075);

6                   *Whereas*, on June 23, 2006, CEH served Buffalo Exchange, LTD. (“Buffalo  
7 Exchange”) and the required public enforcement agencies with a Proposition 65 Notice of  
8 Violation;

9                   *Whereas*, on September 21, 2006, CEH filed a First Amended Complaint in the  
10 *Center For Environmental Health v. Nadri* action naming Buffalo Exchange as a defendant.

11                   *Whereas*, on February 21, 2006, upon noticed motion, the Court entered a Consent  
12 Judgment against a group of other defendants in the consolidated actions (the “Master Consent  
13 Judgment”);

14                   *Whereas*, on June 15, 2006, upon noticed motion, the Court amended the Master  
15 Consent Judgment by entering an Amended Consent Judgment in the consolidated actions, a true  
16 and correct copy of which is attached hereto as Exhibit 1 (in order to minimize the size of Exhibit  
17 1, the attached Amended Consent Judgment does not include certain signature pages or Exhibit  
18 A (list of initial defendants), Exhibit E (brand names from initial defendants), Exhibit F (initial  
19 defendant notice list), Exhibit G (copies of Notices of Intent to Opt In) and Exhibit H (Roman  
20 Company signature page) (the “Amended Master Consent Judgment”);

21                   *Whereas*, Buffalo Exchange has demonstrated a history of environmental activism  
22 and awareness, and promotes projects such as the Tokens for Bags program that promote  
23 environmentalism and raise money for worthy environmental causes;

24                   *Whereas*, CEH and Buffalo Exchange have agreed to resolve this matter as to  
25 Buffalo Exchange on the same injunctive terms as those contained in the Amended Master  
26 Consent Judgment;

27                   *Now Therefore*, the parties hereto agree as follows:  
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1           1.       Judgment shall be entered against Buffalo Exchange in this action pursuant to the  
2 terms of the Amended Master Consent Judgment, except that the following terms shall apply to  
3 Buffalo Exchange in lieu of the specified sections of the Amended Master Consent Judgment.

4           A.       Section 5 of the Amended Master Consent Judgment shall be amended in  
5 its entirety as follows:

- 6                   i.       Within seven calendar days of entry of this Stipulated Consent  
7 Judgment, Buffalo Exchange shall pay the sum of \$30,000 as a  
8 settlement payment. The settlement payment shall be paid by  
9 check made payable to the Lexington Law Group, LLP Attorney  
10 Client Trust Account.
- 11                  ii.       The funds paid by Buffalo Exchange shall be distributed as  
12 follows:
- 13                   a.       The sum of \$5,000 as payment to CEH in lieu of penalty  
14 pursuant to Health and Safety Code section 25249.7(b), and  
15 California Code of Regulations, title 11, section 3202(b).  
16 CEH shall use such funds to continue its work educating  
17 and protecting people from exposures to toxic chemicals,  
18 including heavy metals.
- 19                   b.       The sum of \$1,000 as a civil penalty pursuant to Health &  
20 Safety Code §25249.7(b), such money to be apportioned by  
21 CEH in accordance with Health & Safety Code §25192.
- 22                   c.       The sum of \$24,000 to Lexington Law Group, LLP, as  
23 reimbursement of CEH's reasonable attorneys' fees and  
24 investigation costs.

25           B.       The last sentence in Section 3.1 of the Amended Master Consent  
26 Judgment shall be replaced with the following sentence:

27                   Buffalo Exchange shall provide the requirements of this Consent  
28                   Judgment to its Suppliers of Covered Products no later than

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December 31, 2006, and shall request each Supplier to use best efforts to provide compliant product as soon as commercially practicable.

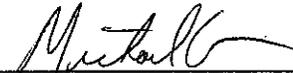
2. In all other respects, Buffalo Exchange shall be treated as if it were an Initial Settling Defendant, as that term is used in the Amended Master Consent Judgment.

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

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**IT IS SO STIPULATED.**

CENTER FOR ENVIRONMENTAL HEALTH

By:   
Michael Green, Executive Director

BUFFALO EXCHANGE, LTD.

By:   
Printed Name: Spence Blouk

Title: Vice President

**JUDGMENT SO RENDERED.**

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

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JUDGE OF THE SUPERIOR COURT