

Corrected Final Arbitration Award: Brimer vs. Wing Hop Fung Ginseng, Inc.

JAMS Reference No. 1220037843

Counsel

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Arbitrator

Sherman W. Smith, Jr.  
JAMS  
707 Wilshire Boulevard, 46<sup>th</sup> Floor  
Los Angeles, California 90017  
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Place of Arbitration: Los Angeles, Ca.

Date of Corrected Final Arbitration Award: February 19, 2008

Introduction and Procedural Statement

Claimant acting under California's "private attorney general" statute prosecuted a claim against Respondent for violating California Proposition 65. Respondent entered into a stipulated settlement of the claim. As a result of the stipulation, Claimant is seeking reasonable attorney's fees and costs it entitled pursuant to Civil Code of Procedure § 1021.5. The parties stipulated to first mediate the attorney fee dispute and if unable to reach an agreement, the issue of reasonable attorney's fees and costs is to be determined by the arbitrator. The parties could not agree on the amount of reasonable attorney's fees and costs that Claimant is entitled. After oral argument the issue was submitted to the arbitrator for decision as to what is the reasonable amount of attorney's fees and costs.

A Final Award was issued to the parties on February 14, 2008; after which a typographical error was found in the first sentence under the AWARD section (\$25,683.46 has now been corrected to \$25,683.50); that error is corrected below.

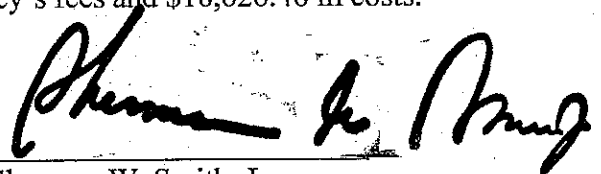
Conclusion

After review of Claimant's billing records, the arbitrator finds that the reasonable amount for attorney's fees is \$25,683.50 and the reasonable amount for investigative costs is \$18,626.46.

AWARD

Claimant is awarded \$25,683.50 as reasonable attorney's fees and \$18,626.46 in costs.  
Total award is \$44,309.96.

Dated: February 19, 2008



Sherman W. Smith, Jr.  
Judge of the Superior Court, (Ret.)  
Arbitrator

**SERVICE LIST**

**Case Name:** Brimer, Russell vs. Wing Hop Fung Ginseng Inc.  
**Reference #:** 1220037843  
**Panelist:** Smith, Jr., Sherman W. ,

**Hear Type:** Mediation  
**Case Type:** Business/Commercial

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**Party Represented:**

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Defendant

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**Party Represented:**

Wing Hop Fung Gin Seng Inc.

**PROOF OF SERVICE BY EMAIL & U.S. MAIL**

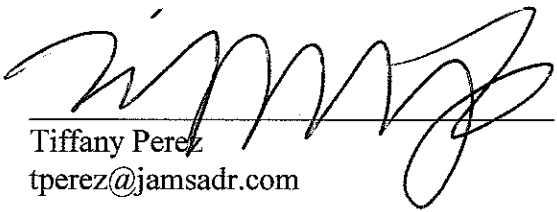
Re: Brimer, Russell vs. Wing Hop Fung Ginseng Inc.  
Reference No. 1220037843

I, Tiffany Perez, not a party to the within action, hereby declare that on February 19, 2008 I served the attached CORRECTED FINAL ARBITRATION AWARD on the parties in the within action by Email and by depositing true copies thereof enclosed in sealed envelopes with postage thereon fully prepaid, in the United States Mail, at Los Angeles, CALIFORNIA, addressed as follows:

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I declare under penalty of perjury the foregoing to be true and correct. Executed at  
Los Angeles, CALIFORNIA on February 19, 2008.

  
\_\_\_\_\_  
Tiffany Perez  
tperez@jamsadr.com