

1 LEXINGTON LAW GROUP, LLP
Eric S. Somers, State Bar No. 139050
2 Mark N. Todzo, State Bar No. 168389
Howard Hirsch, State Bar No. 213209
3 1627 Irving Street
San Francisco, CA 94122
4 Telephone: (415) 759-4111
Facsimile: (415) 759-4112

5 Attorneys for Plaintiff
6 CENTER FOR ENVIRONMENTAL HEALTH

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF ALAMEDA

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13 PEOPLE OF THE STATE OF CALIFORNIA,
ex rel. BILL LOCKYER, Attorney General,

14 Plaintiff,

15 v.

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

18 Defendants.
19

20 And Consolidated Cases.
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) Lead Case No.: RG 04-162075

) **STIPULATED CONSENT JUDGMENT**
) **AS TO U & I IMPORT, INC.**

) Complaint Filed: June 23, 2004
) Trial Date: None

) [Consolidated with Case Nos.: RG 06-
) 269531; RG 04-162037; and RG 04-
) 169511]

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

2 *Whereas*, on June 23, 2004 plaintiffs Attorney General of the State of California
3 on behalf of the People of the State of California (“People”) and the Center for Environmental
4 Health (“CEH”) filed actions nos. RG 04-162075 and RG 04-162037, respectively, and on
5 August 10, 2004 plaintiff As You Sow (“AYS”) filed action no. RG 04-169511, which three
6 actions have been consolidated;

7 *Whereas*, on June 15, 2006, upon due notice, the Court entered an Amended
8 Consent Judgment in the consolidated actions against a group of different defendants, a true and
9 correct copy of which is attached hereto as Exhibit A (in order to minimize the size of the
10 Exhibit, the attached Amended Consent Judgment does not include certain signature pages or
11 Exhibit A (list of initial defendants), Exhibit E (brand names from initial defendants), Exhibit F
12 (initial defendant notice list), Exhibit G (copies of Notices of Intent to Opt In) and Exhibit H
13 (Roman Company signature page) (the “Amended Consent Judgment”);

14 *Whereas*, on May 12, 2006, CEH filed action no. RG 06-269531;

15 *Whereas*, on May 19, 2006, CEH filed a motion to consolidate action no. RG 06-
16 269531 with the three previously filed cases described above, which motion is presently pending;

17 *Whereas*, on July 27, 2006, CEH provided a “Notice of Violation of Proposition
18 65” to the California Attorney General, the District Attorneys of every county in California, the
19 City Attorneys of every California city with a population greater than 750,000, and to U & I
20 Import, Inc. (“U & I Import”) regarding the presence of lead in jewelry sold, manufactured and/or
21 distributed by U & I Import;

22 *Whereas*, CEH and U & I Import have agreed to resolve this matter on the same
23 injunctive terms as those contained in the Amended Consent Judgment;

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

25 1. Judgment shall be entered against U & I Import in this action pursuant to the
26 terms of the Amended Consent Judgment, except that the following terms shall apply to U & I
27 Import in lieu of Section 5 of the Amended Consent Judgment.

1 a. Within seven calendar days of entry of this Stipulated Consent Judgment,
2 U & I Import shall pay the sum of \$32,500 as a settlement payment. The settlement payment
3 shall be paid by check made payable to the Lexington Law Group, LLP Attorney Client Trust
4 Account.

5 b. The funds paid by U & I Import shall be distributed as follows:

6 i. The sum of \$10,500 as payment to CEH in lieu of penalty pursuant
7 to Health and Safety Code section 25249.7(b), and California Code
8 of Regulations, title 11, section 3202(b). CEH shall use such funds
9 to continue its work educating and protecting people from
10 exposures to toxic chemicals, including heavy metals.

11 ii. The sum of \$1,000 as a civil penalty pursuant to Health & Safety
12 Code §25249.7(b), such money to be apportioned by CEH in
13 accordance with Health & Safety Code §25192.

14 iii. The sum of \$21,000 as reimbursement of CEH's reasonable
15 attorneys' fees and investigation costs.

16 c. Any failure by U & I Import to comply with any of the payment terms
17 herein shall subject U & I Import to a stipulated late fee in the amount of \$100 for each day after
18 the delivery date the payment is received. The late fees required under this section shall be
19 recoverable, together with reasonable attorneys' fees, in an enforcement proceeding brought to
20 enforce this provision.

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

23 3. The persons for U & I Import to receive Notices per § 4.2.2.2 and Exhibit F to the
24 Amended Consent Judgment, until and unless modified per § 8, shall be:

25 Henry Jung, Esq.
26 Jung & Associate
27 470 Park Avenue South
28 Suite 4 North
 New York, NY 10016

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IT IS SO STIPULATED.

CENTER FOR ENVIRONMENTAL HEALTH

By: *Michael Green*

Printed Name: MICHAEL GREEN

Title: EXECUTIVE DIRECTOR

U & I IMPORT, INC.

By: *Jung Hee Lee*

Printed Name: JUNG HEE LEE

Title: General Manager

JUDGMENT SO RENDERED.

_____, 2006

JUDGE OF THE SUPERIOR COURT