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6 CENTER FOR ENVIRONMENTAL HEALTH

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IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF ALAMEDA

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

Plaintiffs,

v.

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

Defendants.

And Consolidated Cases.

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 SCHURMAN FINE PAPERS,  
INC.**

Complaint Filed: June 23, 2004  
Trial Date: None

1           **1. Introduction.**

2           **a.**       This Stipulated Consent Judgment is entered into by the Center For  
3 Environmental Health, a California non-profit corporation (“CEH”) and Schurman Fine Papers,  
4 Inc. (“Schurman”), a California corporation, pursuant to a settlement of certain claims set forth in  
5 the First Amended Complaint filed by CEH in the matter entitled *Center for Environmental*  
6 *Health v. Nadri, Inc., et al.*, Alameda County Superior Court Case No. RG 06-269531 (the  
7 “*Nadri* Action”) by CEH against Schurman (together, the “Parties”).

8           **b.**       On May 12, 2006, CEH filed the original Complaint in the *Nadri* Action.

9           **c.**       On July 12, 2006, the Court consolidated the *Nadri* Action with three  
10 previously filed cases that had already been consolidated under lead case *People v. Burlington*  
11 *Coat Factory Warehouse Corp., et al.*, Alameda County Superior Court Case No. RG 04-162075  
12 (the “Lead Case”).

13           **d.**       On September 21, CEH filed its First Amended Complaint in the *Nadri*  
14 Action.

15           **e.**       On October 20, 2006, CEH provided a “Notice of Violation of Proposition  
16 65” to the California Attorney General, the District Attorneys of every county in California, the  
17 City Attorneys of every California city with a population greater than 750,000, and to Schurman  
18 regarding the presence of lead in jewelry manufactured, distributed or sold by Schurman.

19           **f.**       On or about February 16, 2007, CEH filed its Second Amended Complaint  
20 in the *Nadri* Action naming Schurman as a Defendant.

21           **g.**       On June 15, 2006, the Court entered an Amended Consent Judgment in the  
22 three cases originally consolidated under the Lead Case, against a group of different defendants, a  
23 true and correct copy of which is attached hereto as Exhibit 1 (the “Global Consent Judgment”).<sup>1</sup>

24           **h.**       CEH and Schurman desire to resolve this matter on substantially identical  
25 injunctive terms as provided in Sections 2, 3, and 4 of the Global Consent Judgment.

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27           <sup>1</sup>       In order to minimize the size of Exhibit 1, the attached Amended Consent  
28 Judgment does not include certain signature pages or Exhibit A (list of initial defendants),  
Exhibit E (brand names from initial defendants), Exhibit F (initial defendant notice list), Exhibit  
G (copies of Notices of Intent to Opt In) and Exhibit H (Roman Company signature page).

1           **2. Jurisdiction and Venue.** For purposes of this Consent Judgment only, the  
2 Parties stipulate that this Court has jurisdiction over the allegations of violations contained in the  
3 First Amended Complaint and personal jurisdiction over Schurman as to the acts alleged in the  
4 First Amended Complaint, venue is proper in the County of Alameda, and that this Court has  
5 jurisdiction to enter this Consent Judgment as a full and final resolution of all claims which were  
6 or could have been raised in the First Amended Complaint based on the facts alleged therein.

7           **3. Judgment Terms.** Judgment shall be entered against Schurman in this  
8 consolidated action pursuant to the terms of this Consent Judgment which adopts the provisions  
9 set forth in the attached Exhibit 1 as if Schurman was a CEH Defendant and a Settling Defendant  
10 as such terms are defined in Exhibit 1, subject to the following modifications.

11           **a. Section 1.8.** Section 1.8 in Exhibit 1 to this Consent Judgment is  
12 modified as follows:

13                   i. The term "Settling Defendant" means CEH Defendants and any  
14 Person that was a defendant party to the Global Consent Judgment or to a consent judgment that  
15 contained "identical or substantially identical terms as provided in Sections 2, 3, and 4 of the  
16 amended consent judgment," as those terms are used in Health & Safety Code §25214.3(d).

17           **b. Section 2.8.** Section 2.8 in Exhibit 1 to this Consent Judgment is  
18 modified as follows:

19                   i. The term Final Compliance Date means May 1, 2007.

20           **c. Section 3.1.** The last sentence of Section 3.1 in Exhibit 1 to this Consent  
21 Judgment is modified as follows:

22                   i. Each Settling Defendant shall provide the requirements of this  
23 Consent Judgment to its Suppliers of Covered Products no later than February 28, 2007, and  
24 shall request each Supplier to use best efforts to provide compliant product as soon as  
25 commercially practicable.

26           **d. Section 3.2.2.1.** Section 3.2.2.1 in Exhibit 1 to this Consent Judgment sets  
27 forth a date after which metal alloys with less than 6 percent lead by weight shall considered  
28 Class 2 Components. That date is hereby changed from August 31, 2009 to May 1, 2007.

1           **e. Section 3.2.2.3.** Section 3.2.2.3 in Exhibit 1 to this Consent Judgment sets  
2 forth a date after which plastic or rubber containing no more than 0.02 percent (200 ppm) lead by  
3 weight shall be considered a Class 2 Component. That date is hereby changed from August 31,  
4 2009 to May 1, 2007.

5           **f. Section 5.** Section 5 in Exhibit 1 to this Consent Judgment is modified as  
6 follows:

7                   **i.** Within seven calendar days of entry of this Stipulated Consent  
8 Judgment, Schurman shall pay the sum of \$45,000 as a settlement payment. The settlement  
9 payment shall be by check made payable to the Lexington Law Group, LLP Attorney Client Trust  
10 Account. The funds paid by Schurman shall be distributed as follows:

11                               (1) The sum of \$14,500 as payment to CEH in lieu of penalty  
12 pursuant to Health and Safety Code section 25249.7(b), and California Code of Regulations, title  
13 11, section 3202(b). CEH will use such funds to continue its work educating and protecting  
14 people from exposures to toxic chemicals, including heavy metals. In addition, CEH intends to  
15 use a portion of such funds to monitor compliance with the reformulation requirements of this  
16 and other similar Consent Judgments, to purchase and test jewelry, and to prepare and compile  
17 the information and documentation necessary to support a Notice of Violation.

18                               (2) The sum of \$1,000 as a civil penalty pursuant to Health &  
19 Safety Code §25249.7(b), such money to be apportioned by CEH in accordance with Health &  
20 Safety Code §25249.12.

21                               (3) The sum of \$29,500 as reimbursement of CEH's  
22 reasonable attorneys' fees and investigation costs.

23           **g. Section 7.** The references to the "People" and "Business and Professions  
24 Code Section 17200 *et seq.*" in Section 7 of Exhibit 1 to this Consent Judgment are modified  
25 such that they are of no force or effect.

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**h. Notices.** The persons for Schurman to receive Notices pursuant to Sections 4.2.2.2, Section 8 and Exhibit F in Exhibit 1 to this Consent Judgment, until and unless modified pursuant to Section 8, shall be:

Brad Schneider  
Chief Financial Officer  
Schurman Fine Papers, Inc.  
500 Chadbourne Rd.  
Fairfield, CA 94534

**i. References to the People and AYS.** All references to the People, AYS, and AYS Defendants in Exhibit 1 to this Consent Judgment are to have no force or effect.

**4. Finding Under Health & Safety Code § 25214.3(d).** The Court finds that the injunctive terms of this Consent Judgment are “substantially identical terms as provided in Sections 2, 3, and 4 of the amended consent judgment,” as those terms are used in Health & Safety Code § 25214.3(d).

**IT IS SO STIPULATED.**

CENTER FOR ENVIRONMENTAL HEALTH

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

SCHURMAN FINE PAPERS, INC.

By: *Dominique Schurman*

Printed Name: Dominique Schurman

Title: CEO

**JUDGMENT SO RENDERED.**

\_\_\_\_\_, 2007

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