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LOS ANGELES

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Attorneys for Plaintiff,
 Council for Education and
 Research on Toxics ("CERT")

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST

COUNCIL FOR EDUCATION AND)
 RESEARCH ON TOXICS, a California)
 corporation, acting as a private)
 attorney general in the public)
 interest;)

Plaintiff,

vs.

STARBUCKS CORPORATION, a)
 Washington corporation;)
 STARBUCKS HOLDING COMPANY, a)
 Washington corporation; 7-)
 ELEVEN, INC., a Texas)
 corporation; BP AMERICA INC., a)
 Delaware corporation; BP)
 PRODUCTS NORTH AMERICA INC., a)
 Maryland corporation; BP WEST)
 COAST PRODUCTS LLC, a Delaware)
 corporation; GLORIA JEAN'S)
 GOURMET COFFEES CORP., an)
 Illinois corporation; et al.,)

Defendants.

CASE NO. BC435759

Related to Case No. BC461182
 Assigned to the Honorable Elihu
 Berle, Dept. 323

CONSENT JUDGMENT AS TO
 DEFENDANTS CARMEL ROASTERS,
 INC. AND MONTEREY COFFEE
 COMPANY, INC.

CONSENT JUDGMENT AS TO DEFENDANTS CARMEL ROASTERS, INC. AND
 MONTEREY COFFEE COMPANY, INC.

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1. INTRODUCTION

1.1. On April 13, 2010, the Council for Education and Research on Toxics ("CERT") filed a complaint for civil penalties and injunctive relief for violations of Proposition 65 in the Superior Court for the County of Los Angeles. CERT's complaint alleges that the Defendants failed to provide clear and reasonable warnings that ingestion of the Covered Products (as defined in Paragraph 2.1), would result in exposure to acrylamide, a chemical known to the State of California to cause cancer. The complaint further alleges that under the Safe Drinking Water and Toxic Enforcement Act of 1986, Health and Safety Code section 25249.6, also known as "Proposition 65," businesses must provide persons with a "clear and reasonable warning" before exposing individuals to these chemicals, and that the Defendants failed to do so.

1.2. Carmel Roasters, Inc., was named as a defendant in this case and the related action of *CERT v. Brad Barry, et al.*, Case No. BC461182, and voluntarily agreed to be bound by the terms of a consent judgment in this case prior to being named as a defendant. Monterey Coffee Company is a wholly-owned subsidiary of Carmel Roasters, Inc. Carmel Roasters, Inc., and Monterey Coffee Company, are referred to below as "Settling Defendants."

1.3. Settling Defendants are corporations that employs more than 10 persons, or employed 10 or more persons at some time relevant to the allegations of the complaint, and which manufacture, distribute and/or sell Covered Products in the State of California or have done so in the past.

1.4. For purposes of this Consent Judgment only, the parties stipulate that this Court has jurisdiction over the allegations of violations contained in CERT's complaint and personal jurisdiction over Settling Defendant as to the acts alleged in CERT's complaint, that venue is proper in the County of Los Angeles, and that this Court has jurisdiction to enter this Consent Judgment as a full and final resolution of all claims which were raised in the complaint based on the facts alleged therein.

1.5 CERT and Settling Defendants enter into this Consent Judgment as a full and final settlement of all claims that were raised in the complaint (except as specified in Paragraphs 9.1), arising out of the facts or conduct alleged therein. Settling Defendants have expressly waived their statute of limitations defenses with respect to the claims alleged in CERT's complaint. By execution of this Consent Judgment and agreeing to provide the relief and remedies specified herein, Settling

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Defendants do not admit any violations of Proposition 65, or any other law or legal duty. Except as expressly set forth herein, nothing in this Consent Judgment shall prejudice, waive or impair any right, remedy, or defense that CERT and Settling Defendants may have in any other or in future legal proceedings unrelated to these proceedings. However, this paragraph shall not diminish or otherwise affect the obligations, responsibilities, and duties of the parties under this Consent Judgment.

2. DEFINITIONS

2.1 "Covered Products" means all ready-to-drink coffee containing acrylamide, sold in restaurants, coffee houses, and retail speciality stores owned and/or operated by Settling Defendants ("Company Restaurants") or restaurants, coffee houses, and retail speciality stores, owned and operated by third parties pursuant to franchise or license agreements with Settling Defendants ("Franchise Restaurants"). "Covered Products" does not include coffee beans or grounds, flaked or instant coffee, or any other packaged coffee that is not sold as ready-to-drink and that is sold in any establishment in the State of California, including in Settling Defendants' Company Restaurants and Franchise Restaurants. "Covered Products" also does not include any claims that are the subject of *Council for Education and Research on Toxics v. Brad Berry Company, Ltd., et al.*, Los Angeles County Superior Court Case Number BC461182.

2.2 "Effective Date" means the date upon which this Court enters this Consent Judgment.

3. INJUNCTIVE RELIEF; CLEAR AND REASONABLE WARNINGS

3.1. Settling Defendants shall provide warnings in the manner required by this Consent Judgment for all Covered Products.

3.2. Warning message. The warning message provided, under the permitted warning methods, shall be the following:

a.

WARNING

"Chemicals known to the State of California to cause cancer and reproductive toxicity, including acrylamide, are present in coffee, baked goods, and other food or beverages sold here. Acrylamide is not added to our products, but results from cooking, such as when coffee beans are roasted or baked goods are baked. As a result, acrylamide is present in our brewed coffee, including coffee made at home or elsewhere from our beans, ground or instant coffee, baked goods or other foods sold here, in grocery stores or other retail locations. Your personal cancer risk is affected by a wide variety of factors. For more information

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regarding acrylamide see www.fda.gov. For more information about acrylamide and Proposition 65, visit www.oehha.ca.gov/prop65/acrylamide.html."

b. Wherever the warning language in this Consent Judgment uses the phrase "chemical known to the State of California to cause cancer," Settling Defendants, at their option, may use either the phrase "chemical known to cause cancer" or "chemical that causes cancer."

3.3. Warning Method. The warning shall be provided on a warning sign at least 10 inches high by 10 inches wide, with the word "WARNING" centered three-quarters of an inch from the top of the sign in ITC Garamond bold condensed type face all in one-inch capital letters. Three-sixteenths of an inch from the base of the word "warning" shall be a line extending from left to right across the width of the sign one-sixteenth of an inch in thickness. Centered one-half inch below the line shall be the body of the warning message in ITC Garamond bold condensed type face. For the body of the warning message, left and right margins of at least one-half of an inch, and a bottom margin of at least one-half inch shall be observed. Larger signs shall bear substantially the same proportions of type size and spacing to sign dimension as the sign 10 inches high by 10 inches wide.

3.4. Warning Location. Any warning sign must be:

a. located at or on the counter where food and beverages are purchased, on a wall either adjacent and parallel to or clearly visible to (i.e., no more than two feet away from) consumers standing at the counter where food and beverages are purchased; or

b. located or at any other place that is reasonably likely to be seen and read by customers entering the restaurant to order food or beverages;

c. not located at any of the following locations: On an entrance or exit door, on a window, on a restroom door, in a restroom, in a hallway that leads only to restrooms, on a refuse container, or in a location where consumers cannot get within two feet of the sign.

3.5. Implementation of Warning.

3.5.1. Settling Defendants shall provide their own stores and all franchisees with sufficient supply of signs to meet the requirements of this Consent Judgment.

3.5.2. Company Restaurants. Within 60 days of the Effective Date, Settling Defendants shall send a letter, in substantially the form and content set forth in Exhibit "A", to their Company

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Restaurants within the State of California, directing them to post the warning in the manner described above. In addition, Settling Defendants shall include inspection for compliance with these requirements in its existing inspection programs. Settling Defendants currently maintain inspection, reporting and follow up programs that result in inspection of each of their Company Restaurants in California at least every 6 months. Where inspection shows that a Company Restaurant has not complied, Settling Defendants shall take all reasonably available steps to assure compliance within 75 days.

3.5.3. Franchise Restaurants. Within 60 days of entry of the Effective Date, Settling Defendants shall send a letter, in substantially the form and content set forth in Exhibit "B", to their Franchise Restaurants within the State of California, instructing them to post the warning in the manner described above. This letter shall state that the franchisee is released from liability for past violations and it is in compliance with future requirements with respect to sale of the Covered Products only if the franchisee complies with the warning requirements. In addition, Settling Defendants shall include inspection for compliance with these requirements in their existing inspection, reporting and follow-up programs.

3.6. Nothing in this Consent Judgment requires that warnings be given for Covered Products sold outside the State of California.

4. CIVIL PENALTIES

4.1. Calculation of Civil Penalties

4.1.1. A company who violates Proposition 65 shall be liable for civil penalties not to exceed two thousand five hundred dollars (\$2,500) per day *for each violation* in addition to any other penalty established by law pursuant to Health and Safety Code section 25249.7(b)(1).

4.1.2. In assessing the amount of civil penalties for violations of Proposition 65, all of the following factors must be considered pursuant to Health and Safety Code section 25249.7(b)(2):

- a. The nature and extent of the violation.
- b. The number of, and severity of, the violations.
- c. The economic effect of the penalty on the violator.
- d. Whether the violator took good faith measures to comply with this chapter and the time these measures were taken.

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e. The willfulness of the violator's misconduct.

f. The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community as a whole.

g. Any other factor that justice may require.

4.2. Settling Defendants voluntarily agreed to provide warnings for the Covered Products without any litigation, and agreed to comply with Proposition 65 immediately upon receiving a Proposition-65 Notice of Intent to Sue Letter, prior to being named or served as a defendant. Further, based on financial statements provided by Settling Defendants, Settling Defendants are small businesses with limited financial resources, such that they cannot afford civil penalties. As a result, the parties have agreed that Settling Defendants will not have to pay civil penalties in this case. This agreement is based on consideration of all the penalty factors set forth in Health and Safety Code Section 25249.7(b)(2), and on 11 C.C.R. § 3203(a) which provides that a "settlement with little or no penalty may be entirely appropriate."

5. PAYMENTS

5.1. Settling Defendants voluntarily agreed to be bound by the terms of this Consent Judgment prior to the elapse of 60 days from the date of receiving a Proposition 65 Notice informing them of their violations of Proposition 65 and CERT's intent to sue if these violations were not abated. As such, Settling Defendants will not be required to make any payments in this case. Settling Defendants will bear their own costs and attorneys' fees.

6. MODIFICATION OF CONSENT JUDGMENT

6.1. This Consent Judgment may be modified by written agreement of CERT and Settling Defendants, after noticed motion, and upon entry of a modified consent judgment by the court thereon, or upon motion of CERT or Settling Defendants as provided by law and upon entry of a modified consent judgment by the court. Before filing an application with the court for a modification to this Consent Judgment, Settling Defendants may meet and confer with CERT to determine whether CERT will consent to the proposed modification. If a proposed modification is agreed, then Settling Defendants and CERT will present the modification to the court by means of a stipulated modification to the Consent Judgment.

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6.2 If Proposition 65 or its implementing regulations are changed from their terms as they exist on the date of entry of judgment, the parties may seek modifications in the Consent Judgment as follows:

a. If the change establishes that warnings for acrylamide in the Covered Products are not required, Settling Defendants may seek a modification of this Consent Judgment to conform to the judgment to the change in law.

b. If the change establishes that the warnings provided by this Consent Judgment would not comply with the law, either party may seek a modification of the Consent Judgment to conform the judgment to the change in law.

c. If the change would provide a new form or manner of an optional or safe-harbor warning, Settling Defendants may seek a modification to provide a warning in the newly permitted form, but the modification shall not be granted unless the court finds that the new warning would not be materially less informative or likely to be seen, read, and understood than the warnings provided under this Consent Judgment.

6.3 If Settling Defendants correspond in writing to an agency or branch of the United States Government in connection with the application of Proposition 65 to Acrylamide in ready-to-drink coffee, then, so long as such correspondence is not confidential and would be retrievable by CERT under the Freedom of Information Act, Settling Defendants originating such communication shall provide CERT with a copy of such communication as soon as practicable, but not more than 10 days after sending or receiving the correspondence; provided, however, that this section shall not apply to correspondence to or from trade associations or other groups of which Settling Defendants are a member.

7. ENFORCEMENT

7.1. CERT may, by motion or application for an order to show cause before this Court, enforce the terms and conditions contained in this Consent Judgment. In any such proceeding, CERT may seek whatever fines, costs, penalties, or remedies are provided by law for failure to comply with the Consent Judgment and where said violations of this Consent Judgment constitute subsequent violations of Proposition 65 or other laws independent of the Consent Judgment and/or those alleged

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1 in the complaint, CERT is not limited to enforcement of the Consent Judgment, but may seek in
2 another action, whatever fines, costs, penalties, or remedies are provided for by law for failure to
3 comply with Proposition 65 or other laws. In any action brought by CERT alleging subsequent
4 violations of Proposition 65 or other laws, Settling Defendants may assert all available defenses.

5 **8. AUTHORITY TO STIPULATE TO CONSENT JUDGMENT**

6 8.1. Each signatory to this Consent Judgment certifies that he or she is fully authorized by
7 the party he or she represents to stipulate to this Consent Judgment and to enter into and execute the
8 Consent Judgment on behalf of the party represented and legally to bind that party.

9 **9. CLAIMS COVERED**

10 9.1. This Consent Judgment is a full, final, and binding resolution between CERT and
11 Settling Defendants, of any violation of Proposition 65 that has been asserted in the Complaint dated
12 April 13, 2010, up through the Effective Date, for failure to provide clear and reasonable warnings of
13 exposure to acrylamide from the use of the Covered Products, whether based on actions committed by
14 Settling Defendants or by an entity to whom they distribute or sell coffee products, and for any
15 franchisee who sells or has sold Covered Products in the State of California. Compliance with the
16 terms of this Consent Judgment constitutes compliance with Proposition 65 with respect to exposures
17 to acrylamide from Covered Products as set forth in the Complaint dated April 13, 2010.

18 **10. RETENTION OF JURISDICTION**

19 10.1. This Court shall retain jurisdiction of this matter to implement the Consent Judgment.

20 **11. PROVISION OF NOTICE**

21 11.1. When any party is entitled to receive any notice under this Consent Judgment, the
22 notice shall be sent by overnight courier service to the person and address set forth in this Paragraph.
23 Any party may modify the person and address to whom the notice is to be sent by sending each other
24 party notice by certified mail, return receipt requested. Said change shall take effect for any notice
25 mailed at least five days after the date the return receipt is signed by the party receiving the change.

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11.2. Notices shall be sent to the following when required:

For CERT:

Raphael Metzger
Metzger Law Group
401 E. Ocean Boulevard, Suite 800
Long Beach, CA 90802
Telephone: (562) 437-4499
Facsimile: (562) 436-1561

For Settling Defendants:

Elizabeth J. Stevens, Esq.
Parrvano Witten PC
198 Bonifacio Place
Monterey, CA 93940
Telephone: (831) 373-0486
Facsimile: (831) 373-4207

12. COURT APPROVAL

12.1. This Consent Judgment shall be submitted to the Court for entry by noticed motion. If this Consent Judgment is not approved by the Court, it shall be of no force or effect and may not be used by CERT or Settling Defendant for any purpose.

13. ENTIRE AGREEMENT

13.1 This Consent Judgment contains the sole and entire agreement and understanding of the parties with respect to the entire subject matter hereof, and any and all prior discussions, negotiations, commitments and understandings related hereto. No representations, oral or otherwise, express or implied, other than those contained herein have been made by any party hereto. No other agreements not specifically referred to herein, oral or otherwise, shall be deemed to exist or to bind any of the parties.

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14. EXECUTION IN COUNTERPARTS

14.1. The stipulations to this Consent Judgment may be executed in counterparts and by means of facsimile, which taken together shall be deemed to constitute one document.

IT IS SO STIPULATED:

DATED: January 4, 2013

METZGER LAW GROUP
A Professional Law Corporation



RAPHAEL METZGER, ESQ.
Attorneys for Plaintiff
COUNCIL ON EDUCATION AND RESEARCH ON
TOXICS ("CERT")

DATED: January __, 2013

PARRAVANO WITTEN PC

ELIZABETH J. STEVENS, ESQ.
Attorneys for Settling Defendants
CARMEL ROASTERS, INC. and
MONTEREY COFFEE COMPANY, INC.

IT IS SO ORDERED, ADJUDGED, AND DECREED:

DATED:

HON. ELIHU M. BERLE
Judge of the Superior Court

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14. EXECUTION IN COUNTERPARTS

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IT IS SO STIPULATED:

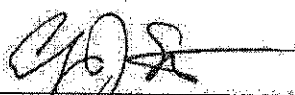
DATED:

METZGER LAW GROUP
A Professional Law Corporation

RAPHAEL METZGER, ESQ.
Attorneys for Plaintiff
COUNCIL ON EDUCATION AND RESEARCH ON
TOXICS ("CERT")

DATED: *January 7, 2012*

PARRAVANO WITTEN PC


ELIZABETH J. STEVENS, ESQ.
Attorneys for Settling Defendants
CARMEL ROASTERS, INC. and
MONTEREY COFFEE COMPANY, INC.

IT IS SO ORDERED, ADJUDGED, AND DECREED:

DATED:

MAY 14 2013

ELIHU M. BERLE
HON. ELIHU M. BERLE
Judge of the Superior Court

EXHIBIT A

ACTION REQUIRED: THIS COMMUNICATION APPLIES ONLY TO RESTAURANTS LOCATED IN CALIFORNIA

Carmel Roasters, Inc. and Monterey Coffee Company, Inc. have entered into a consent judgment with the Council for Education and Research on Toxics regarding the presence of acrylamide in ready-to-drink coffee sold at Carmel Roasters and Monterey Coffee Company restaurants in California.

Under the terms of this consent judgment, all Carmel Roasters and Monterey Coffee Company's restaurants in California are required to post the enclosed warning sign. If you already have a warning sign up in the restaurant, you must immediately replace it with the updated version enclosed.

The warning sign must be located as follows:

- at or on the counter where food and beverages are purchased, OR
- on a wall either adjacent and parallel to the counter or clearly visible to consumers standing at the counter to order food and beverages; OR
- on a wall reasonably likely to be seen and read by customers entering the restaurant to order food and beverages.

The poster may not be located at any of the following locations:

- on an entrance or exit door;
- on a window;
- on a restroom door;
- in a restroom;
- in a hallway that leads only to restrooms; or
- on a refuse container.

Your compliance with this instruction is mandatory, and you must continue to post the enclosed warning sign unless and until you receive written instructions from Carmel Roasters, Inc. or Monterey Coffee Company, Inc. to the contrary. If you need new warning signs or have any questions, such as appropriate sign locations for your specific restaurant, please contact

EXHIBIT B

ACTION REQUIRED: THIS COMMUNICATION APPLIES ONLY TO RESTAURANTS LOCATED IN CALIFORNIA

Carmel Roasters, Inc. and Monterey Coffee Company, Inc. have entered into a consent judgment with the Council for Education and Research on Toxics regarding the presence of acrylamide in ready-to-drink coffee sold at Carmel Roasters and Monterey Coffee Company restaurants in California.

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The poster may not be located at any of the following locations:

- on an entrance or exit door;
- on a window;
- on a restroom door;
- in a restroom;
- in a hallway that leads only to restrooms; or
- on a refuse container.

Your compliance with this instruction is mandatory and will be checked as part of routine evaluations. Additionally, if you are to benefit from the protection in the consent judgment described above, including being released from liability for past violations and in compliance with future requirements, you must continue to post the enclosed warning sign unless and until you receive written instructions from Carmel Roasters, Inc. and Monterey Coffee Company, Inc. to the contrary. If you need new warning signs or have any questions, such as appropriate sign locations for your specific restaurant, please contact _____.

ELECTRONIC PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 401 E. Ocean Blvd., 8th Floor, Long Beach, CA 90802.

On January 7, 2013, I served the foregoing document, described as: **CONSENT JUDGMENT AS TO DEFENDANT CARMEL ROASTERS, INC. AND MONTEREY COFFEE COMPANY, INC.** on the interested parties to this action by submitting an electronic version of the document via FTP upload to LexisNexis/FileAndServe pursuant to the Court's Order.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 7, 2013, at Long Beach, California.

Susan M. Simpson, Declarant

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PRACTICE CONCENTRATED IN TOXIC
TORT & ENVIRONMENTAL LITIGATION
OCCUPATIONAL & ENVIRONMENTAL LUNG
DISEASE, CANCER, AND TOXIC INJURIES

SERVICE LIST

(CERT vs. Starbucks, Case No. BC435759)

-o0o-

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herein as Peet's Coffee and Tea, Inc.);
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(Updated June 25, 2012 jlp)

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SERVICE LIST

(CERT v. Brad Berry, Case No. BC461182)

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Green Mountain Coffee Roasters, Inc., Illy
Caffe North America, Inc., International
Coffee & Tea, LLC, the J.M. Smucker
Company, Kraft Foods Inc., Massimo Zanetti
Beverage USA, Inc., Melitta U.S.A., Inc.,
Nestle USA, Inc., Peet's Coffee & Tea,
Inc., Rowland Coffee Roasters, Inc., Sara
Lee Corporation, Seattle's Best Coffee LLC,
Smucker Foodservice, Inc., Starbucks
Corporation, TC Global, Inc., Vilore Foods
Company, Inc., DD IP Holder LLC, Dunkin'
Brands, Inc., The Folgers Coffee Company,
Godiva Chocolatier, Inc., Newman's Own
Organics - the Second Generation, Inc.,
Starbucks Holding Company; Kraft Foods
Global, Inc.; Apffels Coffee, Inc., Coffee
Bean International, Inc., Dona Mireya,
Inc., dba Jones Coffee Roasters; Equator
Coffee & Teas; Boyer Coffee Company; Caffe
Ibis, Inc.; The Coca-Cola Company;
Community Coffee Company, Inc.; Copper Moon
Coffee, LLC; JBR, Inc., dba Rogers Family
Company; Lavazza Premium Coffees Corp.;
Cascade Coffee, Inc.; Coffee Roasters of
Arizona, Inc.; Gold Medal Products Co.;
Millstone Coffee, Inc.; Mother Parkers Tea
& Coffee, Inc.; Southern Wine and Spirits
of America, Inc.; Central Coast Coffee
Roasting Co., Inc.; Eight O'Clock Coffee
Company; James c. Cannell Coffees, Inc. Db
Jim's Organic Coffee; Pacific Coffee, Inc.
dba Maui Coffee Company; Paradise
Beverages, Inc. dba Hawaii Coffee Company;
Regal Commodities; Steep & Brew, Inc.;
Victor Allen's Coffee, LLC; Napa Valley
Coffee Roasting Company; Kauai Coffee
Company LLC; Peerless Coffee Co., Inc., dba
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Traders, Inc.; Falcon Trading Company,
Inc.; Intelligentsia Coffee & Tea, Inc.;
Mayorga Coffee, LLC)

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1011 Camino del Rio South, Suite 210
San Diego, CA 92108
(Café Calabria Coffee Roasting Company)

(Updated 01/02/13 nsv)

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and am not a party to the within action. My business address is 401 East Ocean Blvd., #800, Long Beach, CA 90802.

On January 7, 2013, I served the foregoing document, described as: **CONSENT JUDGMENT AS TO DEFENDANTS CARMEL ROASTERS, INC. AND MONTEREY COFFEE COMPANY, INC.** as follows:

 X (BY MAIL) I caused copies of such document, enclosed in sealed envelopes, to be deposited in the mail at Long Beach, California with postage thereon fully prepaid to the persons and addresses indicated on the attached list. I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business. I am aware that on motion of any party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after the date of deposit for mailing set forth in this affidavit to:

Office of the Attorney General
1515 Clay Street, 20th Floor
Oakland, CA 94612-0550

 X (BY E-MAIL) I delivered such document by electronic mail to: Laura J. Zuckerman, Deputy Attorney General, 1515 Clay Street, 20th Floor, Oakland, California 94612 at Laura.Zuckerman@doj.ca.gov, and Dennis A. Ragen, Deputy Attorney General, 110 West A Street, Suite 1100, San Diego, California 92186-5266 at Dennis.Ragen@doj.ca.gov. Said document was transmitted by email transmission, which was reported complete and without error.

 X (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

 (FEDERAL) I declare that I am employed in the offices of a member of this court, at whose direction service was made.

Executed on January 7, 2013, at Long Beach, California.

Susan M. Simpson, Declarant