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LAW OFFICES OF  
RAPHAEL METZGER  
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PRACTICE CONCENTRATED IN TOXIC  
TORT & ENVIRONMENTAL LITIGATION  
OCCUPATIONAL & ENVIRONMENTAL LUNG  
DISEASE, CANCER, AND TOXIC INJURIES

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METZGER LAW GROUP  
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ORIGINAL FILED JAN 07 2013

Dept. 323

MAY 14 2013

LOS ANGELES  
SUPERIOR COURT

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 DISTRICT

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

Plaintiff, )

vs. )

BRAD BARRY COMPANY, LTD., a )  
California corporation; BRISTOL )  
FARMS, a California corporation; )  
CARIBOU COFFEE COMPANY, INC., a )  
Minnesota corporation; COSTCO )  
WHOLESALE CORPORATION, a )  
Washington corporation; DD IP )  
HOLDER LLC, a Delaware )  
corporation; DUNKIN' BRANDS, )  
INC., a Delaware corporation; )  
DUNKIN' DONUTS LLC, a Delaware )  
corporation; F. GAVINA & SONS, )  
INC., a California corporation; )  
THE FOLGERS COFFEE COMPANY, a )  
Delaware corporation; et al., )  
Defendants. )

CASE NO. BC461182  
Related to Lead Case No.  
BC435759  
Assigned to the Honorable Elihu  
Berle, Dept. 323

[PROPOSED] ORDER GRANTING  
PLAINTIFF'S MOTION TO APPROVE  
PROPOSITION 65 SETTLEMENT AND  
ENTER CONSENT JUDGMENT AS TO  
SANTA BARBARA COFFEE & TEA,  
INC. D/B/A SANTA BARBARA  
ROASTING COMPANY

DATE: February 26, 2013  
TIME: 11:00 a.m.  
DEPT: 323

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO APPROVE  
PROPOSITION 65 SETTLEMENT AND ENTER CONSENT JUDGMENT AS TO SANTA  
BARBARA COFFEE & TEA D/B/A SANTA BARBARA ROASTING COMPANY

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**ORDER**

This matter is here upon a motion by Plaintiff for an order approving its Proposition 65 settlement and for entry of the proposed Consent Judgment. Raphael Metzger appeared on behalf of the moving party, Council for Education and Research on Toxics. Elizabeth Stevens appeared on behalf of Defendant Santa Barbara Coffee & Tea, Inc. d/b/a Santa Barbara Roasting Company.

Having read the papers submitted by the parties in support of and in opposition to the motion, and having considered the arguments of counsel, the Court finds that the motion is meritorious.

WHEREFORE, the Court grants the motion as follows:

1. Plaintiff's settlement with Santa Barbara Coffee & Tea d/b/a Santa Barbara Roasting Company, satisfies Health and Safety Code § 25249.7(f)(4) and is approved as of this date.
2. The Clerk of the Court is directed to enter, on today's date, the proposed Consent Judgment lodged by Plaintiff in this case on January 7, 2013.
3. It is further ordered as follows: \_\_\_\_\_

IT IS SO ORDERED.

Dated: MAY 14 2013

**ELIHU M. BERLE**  
\_\_\_\_\_  
The Hon. Elihu Berle  
Los Angeles Superior Court Judge

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., 8<sup>th</sup> Floor, Long Beach, CA 90802.

On January 7, 2013, I served the foregoing document, described as: [PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO APPROVE PROPOSITION 65 SETTLEMENT AND [PROPOSED] CONSENT JUDGMENT AS TO SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA BARBARA ROASTING COMPANY 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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SERVICE LIST  
(CERT vs. Starbucks, Case No. BC435759)

-o0o-

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International North America, Inc.)

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Products LLC, Winchell's Franchising, LLC,  
Yum Yum Donut Shops, Inc.)

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Company, Seattle Coffee Company, Peet's  
Operating Company, Inc. (incorrectly sued  
herein as Peet's Coffee and Tea, Inc.);  
International Coffee & Tea, LLC)

(Updated June 25, 2012 jlp)

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OCCUPATIONAL & ENVIRONMENTAL LUNG  
DISEASE, CANCER, AND TOXIC INJURIES

SERVICE LIST

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

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Company, Inc., F. Gavina & Sons, Inc.,  
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. Dba  
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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OCCUPATIONAL & ENVIRONMENTAL LUNG  
DISEASE, CANCER, AND TOXIC INJURIES

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41	Irvine, CA 92612-4414	Zavida Coffee Company, Inc.)
42	(Kerry Inc., dba Kerry Ingredients, Inc.)	

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Jeannette K. Witten, Esq.  
Elizabeth J. Stevens, Esq.  
Parravano Witten PC  
198 Bonifacio Place  
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(Carmel Roasters, Inc.; Kean Coffee, LLC;  
Monterey Coffee Company, Inc.; Santa  
Barbara Coffee & Tea, Inc. dba Santa  
Barbara Roasting Company; Santa Cruz Coffee  
Roasting Company)

Charles F. Gorla, Esq.  
Gorla, Weber & Jarvis  
1011 Camino del Rio South, Suite 210  
San Diego, CA 92108  
(Café Calabria Coffee Roasting Company)

(Updated 01/02/13 nsv)

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: [PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO APPROVE PROPOSITION 65 SETTLEMENT AND [PROPOSED] CONSENT JUDGMENT AS TO SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA BARBARA ROASTING COMPANY 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](mailto: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](mailto: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

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**Dept. 323**

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

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9 FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT

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

14 Plaintiff,

15 vs.

16 BRAD BARRY COMPANY, LTD., a )  
17 California corporation; BRISTOL )  
18 FARMS, a California corporation; )  
19 CARIBOU COFFEE COMPANY, INC., a )  
20 Minnesota corporation; COSTCO )  
21 WHOLESALE CORPORATION, a )  
22 Washington corporation; DD IP )  
23 HOLDER LLC, a Delaware )  
24 corporation; DUNKIN' BRANDS, )  
25 INC., a Delaware corporation; )  
26 DUNKIN' DONUTS LLC, a Delaware )  
27 corporation; F. GAVINA & SONS, )  
28 INC., a California corporation; )  
THE FOLGERS COFFEE COMPANY, a )  
Delaware corporation; et al., )  
Defendants. )

CASE NO. BC461182

Related to Lead Case No.  
BC435759

*Assigned to the Honorable Elihu  
Berle, Dept. 323*

**CONSENT JUDGMENT AS TO  
DEFENDANT SANTA BARBARA COFFEE  
& TEA, INC. D/B/A SANTA BARBARA  
ROASTING COMPANY**

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**1. INTRODUCTION**

1.1. On May 9, 2011, 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. Santa Barbara Coffee & Tea, Inc. d/b/a Santa Barbara Roasting Company (“Settling Defendant”), was not named as a Defendant in Plaintiff’s original complaint. However, on June 21, 2012, CERT served Settling Defendant with “Notice of Proposition 65 Violations” consistent with the present lawsuit and thereafter named Settling Defendant as a defendant in this lawsuit under its true name.

1.3. Settling Defendant is a corporation that employs more than 10 persons, or employed 10 or more persons at some time relevant to the allegations of the complaint, and which manufactures, distributes and/or sells Covered Products in the State of California or has 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 Defendant enter into this Consent Judgment as a full and final settlement of all claims that were raised in the complaint (except as specified in Paragraph 9.1), arising out of the facts or conduct alleged therein. Settling Defendant has expressly waived its statute

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TELECOPIER (562) 436-1561  
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LAW OFFICES OF  
**RAPHAEL METZGER**  
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DISEASE, CANCER, AND TOXIC INJURIES

1 of limitations defenses with respect to the claims alleged in CERT's complaint. By execution of this  
2 Consent Judgment and agreeing to provide the relief and remedies specified herein, Settling Defendant  
3 does not admit any violations of Proposition 65, or any other law or legal duty. Except as expressly  
4 set forth herein, nothing in this Consent Judgment shall prejudice, waive or impair any right, remedy,  
5 or defense that CERT and Settling Defendant may have in any other or in future legal proceedings  
6 unrelated to these proceedings. However, this paragraph shall not diminish or otherwise affect the  
7 obligations, responsibilities, and duties of the parties under this Consent Judgment.

8 **2. DEFINITIONS**

9 2.1 "Covered Products" means all coffee beans or grounds, flaked, instant or freeze-  
10 dried coffee, or any other packaged coffee that is not sold as ready-to-drink and that is sold in any  
11 establishment in the State of California, including in restaurants, coffee houses, and retail speciality  
12 stores owned and/or operated by Settling Defendant ("Company Restaurants") or restaurants, coffee  
13 houses, and retail specialty stores owned and operated by third parties pursuant to franchise or license  
14 agreements with Settling Defendant ("Franchise Restaurants").

15 2.2 "Effective Date" means the date upon which this Court enters this Consent  
16 Judgment.

17 **3. INJUNCTIVE RELIEF; CLEAR AND REASONABLE WARNINGS**

18 3.1. Settling Defendant shall provide warnings in the manner required by this  
19 Consent Judgment for all Covered Products.

20 3.2. Warning Message. The warning message provided, under the permitted warning  
21 methods, shall be the following:

22 a. **WARNING**

23 "Chemicals known to the State of California to cause  
24 cancer and reproductive toxicity, including acrylamide,  
25 are present in our coffee products. Acrylamide is not  
26 added to our products, but results from the roasting of  
27 coffee beans. As a result, acrylamide is present in our  
28 brewed coffee products. Your personal cancer risk is  
affected by a wide variety of factors. For more  
information regarding acrylamide see [www.fda.gov](http://www.fda.gov). For  
more information about acrylamide and Proposition 65,  
visit [www.oehha.ca.gov/prop65/acrylamide.html](http://www.oehha.ca.gov/prop65/acrylamide.html)."

//

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

4                   3.3.     Warning Method. The warning shall be affixed to or printed on the back of the  
5 package of the Covered Product, in typeface equal to the typeface of other product information on the  
6 label so as to render the warning easily read and understood by an ordinary individual under customary  
7 conditions of purchase or use. Such warnings shall accompany the Covered Product sold into  
8 California beginning no later than sixty (60) days after of the Effective Date.

9                   3.4.     Nothing in this Consent Judgment requires that warnings be given for Covered  
10 Products sold outside the State of California.

11                   **4.       CIVIL PENALTIES**

12                   4.1.     Calculation of Civil Penalties

13                   4.1.1.   A company who violates Proposition 65 shall be liable for civil penalties not to  
14 exceed two thousand five hundred dollars (\$2,500) per day *for each violation* in addition to any other  
15 penalty established by law pursuant to Health and Safety Code section 25249.7(b)(1).

16                   4.1.2.   In assessing the amount of civil penalties for violations of Proposition 65, all  
17 of the following factors must be considered pursuant to Health and Safety Code section 25249.7(b)(2):

- 18                   a.       The nature and extent of the violation.
- 19                   b.       The number of, and severity of, the violations.
- 20                   c.       The economic effect of the penalty on the violator.
- 21                   d.       Whether the violator took good faith measures to comply with this  
22 chapter and the time these measures were taken.
- 23                   e.       The willfulness of the violator's misconduct.
- 24                   f.       The deterrent effect that the imposition of the penalty would have on  
25 both the violator and the regulated community as a whole.
- 26                   g.       Any other factor that justice may require.

27                   4.2.     Settling Defendant has agreed to settle this case short of any litigation. Further,  
28 Settling Defendant has limited financial resources and cannot afford civil penalties. As a result, the

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1 parties have agreed that Settling Defendant will not be required to pay civil penalties in this case. This  
2 absence of civil penalties is based on consideration of all the penalty factors set forth in Health and  
3 Safety Code Section 25249.7(b)(2), and on 11 C.C.R. § 3203(a) which provides that “[a] settlement  
4 of little or not penalty may be entirely appropriate.”

5 **5. PAYMENTS**

6 5.1. Settling Defendant shall pay the total amount identified below in settlement of  
7 both this case and the related case, *Council for Education and Research on Toxics v. Starbucks*  
8 *Corporation*, Case No. BC435759. The terms of the payment agreement are as follows:

9 Settling Defendant shall pay the total amount of \$2,500 (“Settlement Proceeds”), within  
10 thirty days of entry of this Consent Judgment. Settlement Proceeds shall be made payable to the  
11 Metzger Law Group Attorney-Client Trust Account, and to no other persons, and delivered to CERT’s  
12 counsel, Metzger Law Group, 401 E. Ocean Blvd., Suite 800, Long Beach, California 90802-4966.

13 The settlement proceeds are to reimburse CERT for its attorneys’ fees and costs incurred  
14 in investigating this matter, negotiating and preparing this Consent Judgment on behalf of itself and  
15 in the public interest, and preparing the motion to approve the Consent Judgment.

16 **6. MODIFICATION OF CONSENT JUDGMENT**

17 6.1. This Consent Judgment may be modified by written agreement of CERT and  
18 Settling Defendant, after noticed motion, and upon entry of a modified consent judgment by the court  
19 thereon, or upon motion of CERT or Settling Defendant as provided by law and upon entry of a  
20 modified consent judgment by the court. Before filing an application with the court for a modification  
21 to this Consent Judgment, Settling Defendant may meet and confer with CERT to determine whether  
22 CERT will consent to the proposed modification. If a proposed modification is agreed, then Settling  
23 Defendant and CERT will present the modification to the court by means of a stipulated modification  
24 to the Consent Judgment.

25 6.2 If Proposition 65 or its implementing regulations are changed from their terms  
26 as they exist on the date of entry of judgment, the parties may seek modifications in the Consent  
27 Judgment as follows:

28 //

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

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

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

12 6.3 If Settling Defendant corresponds in writing to an agency or branch of the United  
13 States Government in connection with the application of Proposition 65 to Acrylamide in the Covered  
14 Products, then, so long as such correspondence is not confidential and would be retrievable by CERT  
15 under the Freedom of Information Act, Settling Defendant originating such communication shall  
16 provide CERT with a copy of such communication as soon as practicable, but not more than 10 days  
17 after sending or receiving the correspondence; provided, however, that this section shall not apply to  
18 correspondence to or from trade associations or other groups of which Settling Defendant is a member.

19 **7. ENFORCEMENT**

20 7.1. CERT may, by motion or application for an order to show cause before this  
21 Court, enforce the terms and conditions contained in this Consent Judgment. In any such proceeding,  
22 CERT may seek whatever fines, costs, penalties, or remedies are provided by law for failure to comply  
23 with the Consent Judgment and where said violations of this Consent Judgment constitute subsequent  
24 violations of Proposition 65 or other laws independent of the Consent Judgment and/or those alleged  
25 in the complaint, CERT is not limited to enforcement of the Consent Judgment, but may seek in  
26 another action, whatever fines, costs, penalties, or remedies are provided for by law for failure to  
27 comply with Proposition 65 or other laws. In any action brought by CERT alleging subsequent  
28 violations of Proposition 65 or other laws, Settling Defendant may assert all available defenses.

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

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

**9. CLAIMS COVERED**

9.1. This Consent Judgment is a full, final, and binding resolution between CERT and Settling Defendant, of any violation of Proposition 65 that has been asserted in the Complaint dated May 9, 2011, up through the Effective Date, for failure to provide clear and reasonable warnings of exposure to acrylamide from the use of the Covered Products, whether based on actions committed by Settling Defendants or by an entity to whom it distributes or sells coffee products, and for any franchisee who sells or has sold Covered Products in the State of California. Compliance with the terms of this Consent Judgment constitutes compliance with Proposition 65 with respect to exposures to acrylamide from Covered Products as set forth in the Complaint dated May 9, 2011.

**10. RETENTION OF JURISDICTION**

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

**11. PROVISION OF NOTICE**

11.1. When any party is entitled to receive any notice under this Consent Judgment, the notice shall be sent by overnight courier service to the person and address set forth in this Paragraph. Any party may modify the person and address to whom the notice is to be sent by sending each other party notice by certified mail, return receipt requested. Said change shall take effect for any notice 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 Defendant:

Elizabeth J. Stevens, Esq.  
Parravano 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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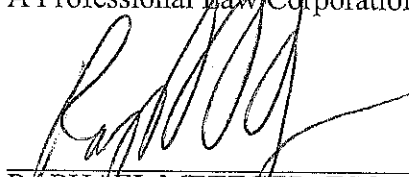
**14. EXECUTION IN COUNTERPARTS**

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 Defendant  
SANTA BARBARA COFFEE & TEA, INC.  
D/B/A SANTA BARBARA ROASTING COMPANY

**IT IS SO ORDERED, ADJUDGED, AND DECREED:**

DATED:

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

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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: 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 Defendant  
SANTA BARBARA COFFEE & TEA, INC.  
D/B/A SANTA BARBARA ROASTING COMPANY

IT IS SO ORDERED, ADJUDGED, AND DECREED:

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

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 SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA BARBARA ROASTING COMPANY 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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SERVICE LIST  
(CERT vs. Starbucks, Case No. BC435759)

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Products North America Inc., BP West Coast  
Products LLC, Winchell's Franchising, LLC,  
Yum Yum Donut Shops, Inc.)

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Products North America Inc., BP West Coast  
Products LLC, Winchell's Franchising, LLC,  
Yum Yum Donut Shops, Inc.)

Michele B. Corash, Esq.  
Robin S. Stafford, Esq.  
Morrison & Foerster  
425 Market Street  
San Francisco, CA 94105-2482  
(Starbucks Corporation, Starbucks Holding  
Company, Seattle Coffee Company, Peet's  
Operating Company, Inc. (incorrectly sued  
herein as Peet's Coffee and Tea, Inc.);  
International Coffee & Tea, LLC)

(Updated June 25, 2012 jlp)

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

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(The Kroger Co., Ralphs Grocery Company,  
Food For Less of Southern California, Food  
4 Less Holdings, Inc., Food For Less  
Merchandising, Inc., Food For Less of  
California, Inc.)

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Tambry L. Bradford, Esq.  
Fulbright & Jaworski  
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Los Angeles, CA 90071  
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Farmers Markets, LLC; Reily Foods Company;  
H.N. Fernandez, Inc.)

Renee D. Wasserman, Esq.  
Lauren B. Kramer, Esq.  
Rogers Joseph O'Donnell  
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Supervalu Inc.)

Carla Christofferson, Esq.  
Margaret A. Moeser, Esq.  
Kate Ides, Esq.  
O'Melveny & Myers  
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Los Angeles, CA 90071-2899  
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Coffee Company)

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Robert H. Bunzel, Esq.  
Kerry L. Duffy, Esq.  
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900 Front St., Suite 300  
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Inc.)

Michele B. Corash, Esq.  
Robert Falk, Esq.  
Robin Stafford, Esq.  
Travis Brandon, Esq.  
Morrison & Foerster  
425 Market Street  
San Francisco, CA 94105-2482  
(Brad Barry Company, Ltd., Caribou Coffee  
Company, Inc., F. Gavina & Sons, Inc.,  
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.; Appfels 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  
Adam's Organic Coffees; Montana Coffee  
Traders, Inc.; Falcon Trading Company,  
Inc.; Intelligentsia Coffee & Tea, Inc.;  
Mayorga Coffee, LLC)

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TELECOPIER (562) 436-1561  
WWW.TOXICTORTS.COM

LAW OFFICES OF  
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TORT & ENVIRONMENTAL LITIGATION  
OCCUPATIONAL & ENVIRONMENTAL LUNG  
DISEASE, CANCER, AND TOXIC INJURIES

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2	Varner & Brandt 3750 University Ave., Suite 610	
3	Riverside, CA 92501 (Stater Bros. Markets)	
4	J.T. Wells Blaxter, Esq. Blaxter Law	Douglas D. Wirth, Esq. Law Offices of Steven C. Sabbadini 823 North Street Woodland, CA 95695 (Puroast Coffee Company, Inc.)
5	One Bush St., Suite 650 San Francisco, CA 94104	
6	(Whole Foods Market California, Inc.; Allegro Coffee Company)	
7	Joshua A. Bloom, Esq. Samir J. Abdelnour, Esq.	Thomas M. Brown, Esq. Brown White & Newhouse LLP 333 South Hope Street, 40 <sup>th</sup> Floor Los Angeles, CA 90071 (Comfort Foods, Inc.)
8	Barg Coffin Lewis & Trapp, LLP 350 California St., 22 <sup>nd</sup> Flr. San Francisco, CA 94104-1435	
9	(BYB Brands, Inc.; Snyder's-Lance, Inc.)	
10	Henry Ben-Zvi, Esq. Ben-Zvi & Associates	Ian K. Boyd, Esq. Matthew A. Stratton, Esq. Harvey Siskind LLP Four Embarcadero Center, 39 <sup>th</sup> Floor San Francisco, CA 94111 (Rockstar, Inc.)
11	3231 Ocean Park Blvd., Suite 212 Santa Monica, CA 90405	
12	(Cameron's Coffee and Distribution Company)	
13	Duane R. Menting, Esq. 705 Magnolia Avenue Larkspur, CA 94939	Tara Sky Woodward, Esq. Womble Carlyle Sandridge & Rice LLP 10050 N. Wolfe Road, Suite 260 Cupertino, CA 95014 (Specially Appearing for S&D Coffee, Inc.)
14	(Big River Coffee Company, Inc.)	
15	Lawrence Y. Wong, Esq. Darryl J. Horowitz, Esq.	Michele B. Corash, Esq. Robin S. Stafford, Esq. Susan L. Landsittel, Esq. Morrison & Foerster 425 Market Street San Francisco, CA 94105-2482 (New England Tea and Coffee Co., Inc.; Zavida Coffee Company, Inc.)
16	Coleman & Horowitz, LLP 1880 Century Park East, Suite 404 Los Angeles, CA 90067	
17	(Luberski, Inc., dba Hidden Villa Ranch)	
18	Trevor J. Allen, Esq. Bryan Cave LLP 3161 Michelson Dr., Suite 1500 Irvine, CA 92612-4414	Jeannette K. Witten, Esq. Elizabeth J. Stevens, Esq. Parravano Witten PC 198 Bonifacio Place Monterey, CA 93940 (Carmel Roasters, Inc.; Kean Coffee, LLC; Monterey Coffee Company, Inc.; Santa Barbara Coffee & Tea, Inc. dba Santa Barbara Roasting Company; Santa Cruz Coffee Roasting Company)
19	(Kerry Inc., dba Kerry Ingredients, Inc.)	
20	Megan I. Lennox, Esq. Bryan Cave LLP Two N. Central Avenue, Suite 2200 Phoenix, AZ 85004	
21	(Co-counsel for Kerry Inc., dba Kerry Ingredients, Inc.)	
22	Melissa A. Jones, Esq. Carissa M. Beecham, Esq.	Charles F. Gorla, Esq. Gorla, Weber & Jarvis
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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)

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 DEFENDANT'S SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA BARBARA ROASTING COMPANY 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](mailto: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](mailto: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

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