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NE (562) 437-4499 REE (877) TOX-TORT PIER (562) 436-1561 WW.TOXICTORTS. COR	1 2 3 4	METZGER LAW GROUP A PROFESSIONAL LAW CORPORATION RAPHAEL METZGER, ESQ., SBN 116020 KATHRYN A. SALDANA, ESQ., SBN 251364 401 E. OCEAN BLVD., SUITE ORIGINAL FILEDJAN 07 2013 LONG BEACH, CA 90802-4966 ORIGINAL FILEDJAN 07 2013 TELEPHONE: (562) 437-4499 TELECOPIER: (562) 436-1561	
EPHO LECO DLL-F W	5	TELECOPIER: (562) 436-1561 MAY 14 2013	
	6 7	Attorneys for Plaintiff, Council for Education and Research on Toxics ("CERT") LOS ANGELES SUPERIOR COURT	
	8	SUPERIOR COURT OF THE STATE OF CALIFORNIA	
	9	FOR THE COUNTY OF LOS ANGELES, CENTRAL DISTRICT	
8 /	10		
ER oration suite 800 802-4966	11	COUNCIL FOR EDUCATION AND) CASE NO. BC461182 RESEARCH ON TOXICS, a California) Related to Lead Case No.	
. of TZGER corporation ard, suite 8 ia 90802-496	12	RESEARCH ON TOXICS, a California) Related to Lead Case No. corporation, acting as a private) BC435759 attorney general in the public) Assigned to the Honorable Elihu	
CES C METZ AW CC LEVAR ORNIA	13	interest;) Berle, Dept. 323 Plaintiff,)	
V OFFI VEL I VAL LI VAL LI VAL LI VAL LI VAL CALIFI	14	vs. (PROPOSED) ORDER GRANTING Vs.) PLAINTIFF'S MOTION TO APPROVE	
LAW APH/A ESSION OCEAN	15	BRAD BARRY COMPANY, LTD., a) ENTER CONSENT JUDGMENT AS TO	
RJ PROFI EAST VG BE	16	California corporation; BRISTOL) SANTA BARBARA COFFEE & TEA, FARMS, a California corporation;) INC. D/B/A SANTA BARBARA	
A 401 L0	17	CARIBOU COFFEE COMPANY, INC., a) ROASTING COMPANY Minnesota corporation; COSTCO)	
	18	WHOLESALE CORPORATION, a) DATE: February 26, 2013 Washington corporation; DD IP) TIME: 11:00 a.m.	
	19	HOLDER LLC, a Delaware) DEPT: 323 corporation; DUNKIN' BRANDS,)	
	20	INC., a Delaware corporation;) DUNKIN' DONUTS LLC, a Delaware)	
n S S	21	corporation; F. GAVINA & SONS,) INC., a California corporation;)	
TOXIC BATION MTAL LUN	22	THE FOLGERS COFFEE COMPANY, a) Delaware corporation; et al.,)	
IN TO ITIGAT IMENTA DXIC IN	23	Defendants.)	
RATED VTAL L VVIRON VND TC	24		
CONCENTRATED IVIRONMENTAL L NAL & ENVIRON CANCER, AND TG	25 25		
ENVIR ENVIR	26		
PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION occupational & Environmental Lung Disease, cancer, and toxic injuries	27 28		
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		[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	Ŧ

		F1WPICe/03ISETTLMNTAPPROVE(2013-01-04 - Proposed Order Santa Barbara.wpd
TELEPHONE (562) 437-4499 Toll-Free (877) Tox-Tort Telecopier (552) 436-1561 WWW.Toxictorts.com	1	ORDER
	2	
	3	This matter is here upon a motion by Plaintiff for an order approving its Proposition 65
	4	settlement and for entry of the proposed Consent Judgment. Raphael Metzger appeared on behalf of
	5	the moving party, Council for Education and Research on Toxics. Elizabeth Stevens appeared on
	6	behalf of Defendant Santa Barbara Coffee & Tea, Inc. d/b/a Santa Barbara Roasting Company.
	7	
	8	Having read the papers submitted by the parties in support of and in opposition to the
	9	motion, and having considered the arguments of counsel, the Court finds that the motion is meritorious.
_0_9	10	
of ГZGER corporation ard, suite 800 ia 90802-4966	11	WHEREFORE, the Court grants the motion as follows:
^r D 4 0 8	12	1. Plaintiff's settlement with Santa Barbara Coffee & Tea d/b/a Santa Barbara
OFFICES OF EL METZG LL LAW CORI BOULEVARD, ALIFORNIA 90	13	Roasting Company, satisfies Health and Safety Code § 25249.7(f)(4) and is approved as of this date.
	14	2. The Clerk of the Court is directed to enter, on today's date, the proposed
RAPHA PESSION ST OCEAN	15	Consent Judgment lodged by Plaintiff in this case on January 7, 2013.
x 문논품	16	3. It is further ordered as follows:
A PR 401 EAS LONG	17	
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	19	
	20	IT IS SO ORDERED.
(D	21	Dated: MAY 14 2013 ELIHU M. BERLE
UTRATED IN TOXIC IENTAL LITIGATION ENVIRONMENTAL LUNG AND TOXIC INJURIES	22	The Hon. Elihu Berle Los Angeles Superior Court Judge
ED IN TOXIC LITIGATION ONMENTAL LUN TOXIC INJURIE	23	
ATED - TAL LI VIRONN ID TOO	24	
CONCEN VIRONN NAL & ANCER	25	
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ACTICE RT & EN CUPATIO EASE, C	27	
A P O O S O S O S O S O S O S O S O S O S	28	
		[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

ELECTRONIC PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)

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A PROFESSIONAL LAW CORPORATION 01 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966

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

RAPHAEL METZGER

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LAW OFFICES

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

[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

F:WPIC. , 03\SETTLMNT\APPROVE\2013-01-04 - Proposed Order Santa Barbara.wpd TELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 1 W W W. TOXICTORTS, COM SERVICE LIST (CERT vs. Starbucks, Case No. BC435759) 2 -000-3 Richard W. Lasater II, Esq. 4 Foley & Lardner 555 S. Flower St., Suite 3500 5 Los Angeles, CA 90071-2411 Jean's Gourmet Coffees (Gloría 6 Corp., Gloria Jean's Gourmet Coffees Franchising Corp., 7 It's а Grind Inc., Praise International North America, Inc.) 8 Trenton H. Norris, Esq. 9 Rachel L. Chanin, Esq. Arnold & Porter 10 Three Embarcadero Center, 7th Floor 401 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966 A PROFESSIONAL LAW CORPORATION San Francisco, CA 94111 11 (7-Eleven, Inc. BP America Inc., ΒP RAPHAEL METZGER Products North America Inc., BP West Coast 12 Products LLC, Winchell's Franchising, LLC, LAW OFFICES OF Yum Yum Donut Shops, Inc.) 13 Gabriel J. Padilla, Esq. 14 Arnold & Porter 15 777 S. Figueroa St., 44th Floor Los Angeles, CA 90017-5844 16 (7-Eleven, Inc. BP America Inc., BF Products North America Inc., BP West Coast 17Products LLC, Winchell's Franchising, LLC, Yum Yum Donut Shops, Inc.) 18 Michele B. Corash, Esq. 19 Robin S. Stafford, Esq. Morrison & Foerster 20425 Market Street San Francisco, CA 94105-2482 21 (Starbucks Corporation, Starbucks Holding PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION OCCUPATIONAL & ENVIRONMENTAL LUNG DISEASE, CANCER, AND TOXIC INJURIES 22 Company, Seattle Coffee Company, Peet's Operating Company, Inc. (incorrectly sued 23 herein as Peet's Coffee and Tea, Inc.); International Coffée & Tea, LLC) 24 25(Updated June 25, 2012 jlp) 2627 283 [PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO APPROVE PROPOSITION 65 SETTLEMENT AND ENTER CONSENT JUDGMENT AS

BARBARA COFFEE & TEA D/B/A SANTA BARBARA ROASTING COMPANY

TO SANTA

SERVICE LIST

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

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RAPHAEL METZGER

PROFESSIONAL

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OFFICES

LAW

BEACH, CALIFORNIA 90802-4966

Lisa A. Cole, Esq. Nixon Peabody 2 Palo Alto Square 3000 El Camino Real, Suite 500 Palo Alto, CA 94306 (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 Californía, Inc.) Jeffrey B. Margulies, Esq. Tambry L. Bradford, Esq. Fulbright & Jaworski 555 S. Flower St., 41st Floor Los Angeles, CA 90071 (Target Corporation, Safeway, Inc. Sprouts Farmers Markets, LLC; Reily Foods Company; H.N. Fernandez, Inc.) Renee D. Wasserman, Esg. Lauren B. Kramer, Esq. Rogers Joseph O'Donnell 311 California Street San Francisco, CA 94104 (Bristol Farms, Costco Wholesale, Inc. and Supervalue Inc.) Carla Christofferson, Esq. Margaret A. Moeser, Esg. Kate Ides, Esq. O'Melveny & Myers 400 S. Hope Street Los Angeles, CA 90071-2899 (Trader Joe's Company; Mountanos Brothers Coffee Company) Michael D. Abraham, Esq. Robert H. Bunzel, Esq. Kerry L. Duffy, Esq. Bartko, Zankel, Tarrant & Miller 900 Front St., Suite 300 San Francisco, CA 94111 (Wal-Mart Stores, Inc. and Sam's West, Inc.)

-000-

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.; Apffels Coffee, Inc., Coffee Bean International, Inc., Dona Mireya, Inc., dba Jones Coffee Roasters; Equator Coffee & Teas; Boyer Coffee Company; Caffe Ibis, The Inc.: 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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[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

ELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 WWW.TOXICTORTS.COM 1 Adam's Organic Coffees; Montana Coffee Traders, Inc.; Falcon Trading Company, Bryan Cave LLP 2 Inc.; Intelligentsia Coffee & Tea, Inc.; Mayorga Coffee, LLC) 3 Brendan W. Brandt, Esq. Ingredients, Inc.) 4 TELEPHONE Andrew Ross Varner & Brandt 5 3750 University Ave., Suite 610 Riverside, CA 92501 6 Stoel Rives LLP (Stater Bros. Markets) 7 J.T. Wells Blaxter, Esq. 8 Blaxter Law One Bush St., Suite 650 9 San Francisco, CA 94104 (Whole Foods Market California, Inc.; 10 Allegro Coffee Company) RAPHAEL METZGER A PROFESSIONAL LAW CORPORATION 401 EAST OCEAN BOULEVARD, SUITE 800 BEACH, CALIFORNIA 90802-4966 11 Joshua A. Bloom, Esq. Samir J. Abdelnour, Esq. 12 Barg Coffin Lewis & Trapp, LLP LAW OFFICES OF 350 California St., 22nd Flr. 13 San Francisco, cA 94104-1435 14 (BYB Brands, Inc.; Snyder's-Lance, Inc.) 15 Henry Ben-Zvi, Esq. Ian K. Boyd, Esq. Ben-Zvi & Associates 16 3231 Ocean Park Blvd., Suite 212 LONG Santa Monica, CA 90405 17 (Cameron's Coffee and Distribution Company) (Rockstar, Inc.) 18 Duane R. Menting, Esq. 705 Magnolia Avenue 19 Larkspur, CA 94939 (Big River Coffee Company, Inc.) 20 21 Lawrence Y. Wong, Esq. Darryl J. Horowitt, Esq. TORT & ENVIRONMENTAL LITIGATION Decupational & Environmental Lung Disease, cancer, and toxic injuries 22 Coleman & Horowitt, LLP CONCENTRATED IN TOXIC 1880 Century Park East, Suite 404 23 Los Angeles, CA 90067 (Luberski, Inc., dba Hidden Villa Ranch) 24 Trevor J. Allen, Esq. 25 Bryan Cave LLP 3161 Michelson Dr., Suite 1500 26 Irvine, CA 92612-4414 PRACTICE (Kerry Inc., dba Kerry Ingredients, Inc.) 27 28

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Megan I. Lennox, Esq. Two N. Central Avenue, Suite 2200 Phoenix, AZ 85004 (Co-counsel for Kerry Inc., dba Kerry

Melissa A. Jones, Esq. Carissa M. Beecham, Esq. 500 Capitol Mall, Suite 1600 Sacramento, CA 95814 (Land O'Lakes, Inc.)

Douglas D. Wirth, Esq. Law Offices of Steven C. Sabbadini 823 North Street Woodland, CA 95695 (Puroast Coffee Company, Inc.)

Thomas M. Brown, Esq. Brown White & Newhouse LLP 333 South Hope Street, 40th Floor Los Angeles, CA 90071 (Comfort Foods, Inc.)

Matthew A. Stratton, Esg. Harvey Siskind LLP Four Embarcadero Center, 39th Floor San Francisco, CA 94111

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.)

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.)

[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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APPROVE

TO SANTA

TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 WWW.TOXICTORTS.COM TELEPHONE (562) 437-4499 1 Jeannette K. Witten, Esq. Elizabeth J. Stevens, Esg. 2 Parravano Witten PC 198 Bonifacio Place 3 Monterey, CA 93940 (Carmel Roasters, Inc.; Kean Coffee, LLC; 4 Monterey Coffee Company, Inc.; Santa Barbara Coffee & Tea, Inc. dba Santa 5 Barbara Roasting Company; Santa Cruz Coffee Roasting Company) 6 7 Charles F. Goria, Esq. Goria, Weber & Jarvis 8 1011 Camino del Rio South, Suite 210 San Diego, CA 92108 9 (Café Calabria Coffee Roasting Company) 10 (Updated 01/02/13 nsv) 401 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966 A PROFESSIONAL LAW CORPORATION 11 RAPHAEL METZGER 12 LAW OFFICES OF 13 14 15 16 17 18 19 20 21 PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION OCCUPATIONAL & ENVIRONMENTAL LUNG CANCER, AND TOXIC INJURIES 22 23 24 25 26 DISEASE, 27 28 6 [PROPOSED] ORDER PLAINTIFF'S GRANTING MOTION TO SETTLEMENT AND ENTER CONSENT JUDGMENT AS PROPOSITION 65 BARBARA COFFEE & TEA D/B/A SANTA BARBARA ROASTING COMPANY

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, 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

ORDER GRANTING PLAINTIFF'S MOTION TO [PROPOSED] 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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PROFESSIONAL LAW CORPORATION EAST OCEAN BOULEVARD, SUITE 800 CALIFORNIA 90802-4966 RAPHAEL METZGER Ŀ. LAW OFFICES BEACH, LONG

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

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TELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 WWW.TOXICTORTS.COM	1 2 3 4 5 6 7	METZGER LAW GROUP A PROFESSIONAL LAW CORPORATION RAPHAEL METZGER, ESQ., SBN 116020 KATHRYN A. SALDANA, ESQ., SBN 253 401 E. OCEAN BLVD., SUITE 800 LONG BEACH, CA 90802-4966 TELEPHONE: (562) 437-4499 TELECOPIER: (562) 436-1561 WEBSITE: www.toxictorts.com Attorneys for Plaintiff, Council for Education and Research on Toxics ("CERT")	
	8	SUPERIOR COURT OF TH	E STATE OF CALIFORNIA
0 99	9 10	FOR THE COUNTY OF LOS A	NGELES, CENTRAL DISTRICT
LAW OFFICES OF LAW OFFICES OF RAPHAEL METZGER LUNG A PROFESSIONAL LAW CORPORATION 401 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966	 11 12 13 14 15 16 17 18 19 20 21 22 	COUNCIL FOR EDUCATION AND) RESEARCH ON TOXICS, a California) corporation, acting as a private) attorney general in the public) interest; 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.,	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
PRACTICE CONCENTRATED IN TOXIC Tort & Environmental Litigation occupational & Environmental Lung Disease, cancer, and toxic injuries	 23 24 25 26 27 28 	Defendants.)	· · · · · · · · · · · · · · · · · · ·
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		CONSENT JUDGMENT AS TO DEFENDANT SANTA BARBARA ROAST	BARBARA COFFEE & TEA, INC. D/B/A SANTA ING 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

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

LAW OFFICES OF RAPHAEL METZGER A PROFESSIONAL LAW CORPORATION 401 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966

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

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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 Defendant does 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 Defendant 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**

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OCCUPATIONAL & ENVIRONMENTAL LUNG DISEASE, CANCER, AND TOXIC INJURIES

FORT & ENVIRONMENTAL

PRACTICE

LITIGATION

CONCENTRATED IN TOXIC

A PROFESSIONAL LAW CORPORATION 401 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966

RAPHAEL METZGER

LAW OFFICES OF

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2.1 "Covered Products" means all coffee beans or grounds, flaked, instant or freezedried 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 restaurants, coffee houses, and retail speciality stores owned and/or operated by Settling Defendant ("Company Restaurants") or restaurants, coffee houses, and retail specialty stores owned and operated by third parties pursuant to franchise or license agreements with Settling Defendant ("Franchise Restaurants").

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 Defendant 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:

WARNING

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

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

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

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

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

4. CIVIL PENALTIES

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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.

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.

Any other factor that justice may require.

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

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

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parties have agreed that Settling Defendant will not be required to pay civil penalties in this case. This absence of civil penalties 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 of little or not penalty may be entirely appropriate."

5. **PAYMENTS**

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

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

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

6. **MODIFICATION OF CONSENT JUDGMENT**

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

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:

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

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

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

If the change establishes that the warnings provided by this Consent b. 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 Defendant 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 Defendant corresponds in writing to an agency or branch of the United States Government in connection with the application of Proposition 65 to Acrylamide in the Covered Products, then, so long as such correspondence is not confidential and would be retrievable by CERT under the Freedom of Information Act, Settling Defendant 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 Defendant is a member.

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

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LAW OFFICES OF

ENFORCEMENT 7.

CERT may, by motion or application for an order to show cause before this 7.1, 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 in the complaint, CERT is not limited to enforcement of the Consent Judgment, but may seek in another action, whatever fines, costs, penalties, or remedies are provided for by law for failure to comply with Proposition 65 or other laws. In any action brought by CERT alleging subsequent violations of Proposition 65 or other laws, Settling Defendant may assert all available defenses.

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

FELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 WWW.TOXICTORTS.COM

RAPHAEL METZGER A PROFESSIONAL LAW CORPORATION 401 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966

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AUTHORITY TO STIPULATE TO CONSENT JUDGMENT

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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

8.

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.

F:\WP\Cases\9703\SETTLmminiSanta Barbara Roasting\Santa Barbara Roasting Co. Consent Judgment.wpd TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-I561 WWW.TOXICTORTS.COM 1 11.2. Notices shall be sent to the following when required: 2 For CERT: 3 Raphael Metzger Metzger Law Group 4 401 E. Ocean Boulevard, Suite 800 Long Beach, CA 90802 5 Telephone: (562) 437-4499 Facsimile: (562) 436-1561 6 For Settling Defendant: 7 Elizabeth J. Stevens, Esq. 8 Parravano Witten PC 198 Bonifacio Place 9 Monterey, CA 93940 (831) 373-0486 Telephone: 10 Facsimile: (831) 373-4207 A PROFESSIONAL LAW CORPORATION OI EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966 11 12. **COURT APPROVAL** 12 This Consent Judgment shall be submitted to the Court for entry by noticed 12.1. motion. If this Consent Judgment is not approved by the Court, it shall be of no force or effect and 13 may not be used by CERT or Settling Defendant for any purpose. 14 15 13. **ENTIRE AGREEMENT** 16 This Consent Judgment contains the sole and entire agreement and 13.1 understanding of the parties with respect to the entire subject matter hereof, and any and all prior 17 discussions, negotiations, commitments and understandings related hereto. No representations, oral 18 19 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 2021 to bind any of the parties. 22 \parallel 23 \parallel 24 11 25 \parallel 26 // 27// 28 // 7

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TELEPHONE (562)

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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IONE (562) 437-4499 FREE (877) TOX-TORT OPIER (562) 436-1561 W.W.TOXICTORTS.COM	1 2	14. EXECUTION IN COUNTERPARTS			
		14.1. The stipulations to this Consent Judgment may be executed in counterparts and			
	3	by means of facsimile, which taken together shall be deemed to constitute one document.			
ELEPHONE (TOLL-FREE TELECOPIER WWW.	4	IT IS SO STIPULATED:			
TELEPHO TOLL-F TELECO W	5	DATED: January 4, 2013 METZGER LAW GROUP A Professional Law/Corporation			
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	. 8	CANUL			
	9	RAPHAEL METZGER, ESQ.			
	10	Attorneys for Plaintiff COUNCIL ON EDUCATION AND RESEARCH ON TOXICS ("CERT")			
10N E 800 4966	11				
of ГZGER corporation ard, suite 80 ia 90802-4966	12	DATED: January_, 2013 PARRAVANO WITTEN PC			
	13				
/ OFFICES C AEL METT VAL LAW CC N BOULEVAI CALIFORNIA	14				
PH/ SSIO	15	ELIZABETH J. STEVENS, ESQ.			
	16	Attorneys for Settling Defendant SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA BARBARA ROASTING COMPANY			
A PR 401 EA: LONG	17	D/B/A SANTA BARBARA ROASTING COMPANY			
	18	IT IS SO ORDERED, ADJUDGED, ANÐ DECREED:			
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	20	DATED:			
	21	HON. ELIHU M. BERLE Judge of the Superior Court			
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TELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 WWW.TOXICTORTS.COM	2	STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)		
	3			
	4	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 th Floor, Long Beach, CA 90802.		
	5			
	6 7	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		
	8	parties to this action by submitting an electronic version of the document via FTP upload to LexisNexis/FileAndServe pursuant to the Court's Order.		
	9	I declare under penalty of perjury under the laws of the		
0	10	State of California that the above is true and correct.		
LAW OFFICES OF APHAEL METZGER ESSIONAL LAW CORPORATION OCEAN BOULEVARD, SUITE 800 CCEAN BOULEVARD, SUITE 800 CACH, CALIFORNIA 90802-4966	11	Executed on January 7, 2013, at Long Beach, California.		
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TICES OF METZ AW COF ULEVARI	13	Susan M. Simpson, Declarant		
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	2	Richard W. Lasater II, Esq.
	4	Foley & Lardner
TELEPHONE TOLL-FRE TELECOPIE WWW	5	555 S. Flower St., Suite 3500 Los Angeles, CA 90071-2411
⊔'⊢ ⊢	6	(Gloria Jean's Gourmet Coffees Corp., Gloria Jean's Gourmet Coffees Franchising
	7	Corp., It's a Grind Inc., Praise
		International North America, Inc.)
	8	Trenton H. Norris, Esq. Rachel L. Chanin, Esq.
	9	Arnold & Porter
-	10	Three Embarcadero Center, 7 th Floor San Francisco, CA 94111
ER oration suite 800 802-4966	11	(7-Eleven, Inc. BP America Inc., BP
F GER RPORATION D, SUITE 8 90802-496		Products North America Inc., BP West Coast Products LLC, Winchell's Franchising, LLC,
oF ZGE CORPC VRD, S A 908	12	Yum Yum Donut Shops, Inc.)
	13	Gabriel J. Padilla, Esq.
OFFICES EL MET AL LAW C BOULEV	14	Arnold & Porter 777 S. Figueroa St., 44 th Floor
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R PROF EAST NG BE	16	Products LLC, Winchell's Franchising, LLC, Yum Yum Donut Shops, Inc.)
A 401 LO	17	
	18	Michele B. Corash, Esq. Robin S. Stafford, Esq.
	19	Morrison & Foerster 425 Market Street
	20	San Francisco, CA 94105-2482
		(Starbucks Corporation, Starbucks Holding Company, Seattle Coffee Company, Peet's
(b	21	Operating Company, Inc. (incorrectly sued
CRES CRESC	22	herein as Peet's Coffee and Tea, Inc.); International Coffee & Tea, LLC)
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CONSENT JUDGMENT AS TO DEFENDANT SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA BARBARA ROASTING COMPANY

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4 . 0 .	~	Andrew Ross	500 Capitol Mall, Suite 1600
ν <u>0</u> 4	2	Varner & Brandt	Sacramento, CA 95814
4 <u>5</u> 8 5		3750 University Ave., Suite 610	(Land O'Lakes, Inc.)
	3	Riverside, CA 92501	(Lana o Lanob, IIIC.)
<u>ت</u> ت ق		(Stater Bros. Markets)	Douglag D. Merth. T.
	4		Douglas D. Wirth, Esq.
P = B ≥		J.T. Wells Blaxter, Esq.	Law Offices of Steven C. Sabbadini
a d a	5	Blaxter Law	823 North Street
븝┝뿌		One Bush St., Suite 650	Woodland, CA 95695
F	6	San Francisco, CA 94104	(Puroast Coffee Company, Inc.)
	•		
	7	(Whole Foods Market California, Inc.;	Thomas M. Brown, Esq.
	'	Allegro Coffee Company)	Brown White & Newhouse LLP
	8		333 South Hope Street, 40th Floor
	0	Joshua A. Bloom, Esq.	Los Angeles, CA 90071
	0	Samir J. Abdelnour, Esq.	(Comfort Foods, Inc.)
	9	Barg Coffin Lewis & Trapp, LLP	,,
	10	350 California St., 22 nd Flr.	Ian K. Boyd, Esq.
0	10	San Francisco, cA 94104-1435	Matthew A. Stratton, Esq.
80 80 90		(BYB Brands, Inc.; Snyder's-Lance, Inc.)	Harvey Siskind LLP
Сµ 4	11		
S UT R		Henry Ben-Zvi, Esq.	Four Embarcadero Center, 39th Floor
LAW OFFICES OF RAPHAEL METZGER PROFESSIONAL LAW CORPORATION EAST OCEAN BOULEVARD, SUITE 800 NG BEACH, CALIFORNIA 90802-4966	12	Ben-Zvi & Associates	San Francisco, CA 94111
		3231 Ocean Park Blvd., Suite 212	(Rockstar, Inc.)
LAW OFFICES OF PHAEL METZC SIONAL LAW COR SEAN BOULEVARD CALIFORNIA 9	13	Santa Monica, CA 90405	
A ME S		(Cameron's Coffee and Distribution Company)	Tara Sky Woodward, Esq.
ᄩᆧᅻᇰᄟ	14	(cameron's correct and Distribution Company)	Womble Carlyle Sandridge & Rice LLP
	11	Duana B. Mantdara B	10050 N. Wolfe Road, Suite 260
₹HÓA.	15	Duane R. Menting, Esq.	Cupertino, CA 95014
	15	705 Magnolia Avenue	(Specially Appearing for S&D Coffee, Inc.)
H H H H	16	Larkspur, CA 94939	
LA RAPH A professic 01 east oce/ Long beach,	10	(Big River Coffee Company, Inc.)	Michele B. Corash, Esq.
A t O	17		Robin S. Stafford, Esq.
A 401 LO	1/	Lawrence Y. Wong, Esq.	Susan L. Landsittel, Esg.
	10	Darryl J. Horowitt, Esq.	Morrison & Foerster
	18	Coleman & Horowitt, LLP	425 Market Street
	10	1880 Century Park East, Suite 404	San Francisco, CA 94105-2482
	19	Los Angeles, CA 90067	(New England Tea and Coffee Co., Inc.;
		(Luberski, Inc., dba Hidden Villa Ranch)	Zavida Coffee Company, Inc.)
	20		marial correction company, inc.)
	.	Trevor J. Allen, Esq.	
	21	Bryan Cave LLP	
<u>o</u> o		3161 Michelson Dr., Suite 1500	
- 12	22	Irvine, CA 92612-4414	
		(Kerry Inc., dba Kerry Ingredients, Inc.)	Jeannette K. Witten, Esq.
TOT TOT	23	(Elizabeth J. Stevens, Esq.
Z F U Z			Parravano Witten PC
	24	Megan I. Lennox, Esq.	198 Bonifacio Place
TAL TAL		Bryan Cave LLP	Monterey, CA 93940
	25		(Carmel Roasters, Inc.; Kean Coffee, LLC;
N N N N N		Two N. Central Avenue, Suite 2200	Monterey Coffee Company, Inc.; Santa
N N N N N N N N N N N N N N N N N N N	26	Phoenix, AZ 85004	Barbara Coffee & Tea, Inc. dba Santa
CO NANA NANA	20	(Co-counsel for Kerry Inc., dba Kerry	Barbara Roasting Company; Santa Cruz Coffee
	~~ II	Ingredients, Inc.)	Roasting Company)
PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION OCCUPATIONAL & ENVIRONMENTAL LUNG DISEASE, CANCER, AND TOXIC INJURIES	27		······································
2 A C 2 A C 3 E L		Melissa A. Jones, Esq.	Charles F. Goria, Esq.
a F o d	28	Carissa M. Beecham, Esq.	Goria, Weber & Jarvis
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CONSENT JUDGMENT AS TO DEFENDANT SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA BARBARA ROASTING COMPANY

		F:WPiCases\9703\SETL,Santa Barbara Roasting\Santa Barbara Roasting Co. Consent Judgment.wpd
TELEPHONE (562) 437-4499 Toll-Free (877) Tox-Tort Telecoper (552) 436-1561 WWW.Toxictorts.com	1	1011 Camino del Rio South, Suite 210
	2	San Diego, CA 92108 (Café Calabria Coffee Roasting Company)
	3	(Updated 01/02/13 nsv)
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LAW OFFICES OF RAPHAEL METZGER A PROFESSIONAL LAW CORPORATION 401 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966	11	
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		CONSENT JUDGMENT AS TO DEFENDANT SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA BARBARA ROASTING COMPANY

BARBARA ROASTING COMPANY NC. D/B/A SANTA -...

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TELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 WW.TOXICTORTS.COM	2	STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)
	3	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
	4	business address is 401 East Ocean Blvd., #800, Long Beach, CA 90802.
	5	On January 7, 2013, I served the foregoing document, described as: CONSENT JUDGMENT AS TO DEFENDANTS SANTA BARBARA COFFEE & TEA, INC.
-	6	D/B/A SANTA BARBARA ROASTING COMPANY as follows:
	7	X (BY MAIL) I caused copies of such document, enclosed in sealed envelopes to be deposited in the mail at Law P a life in
	8	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
	9	collecting and processing correspondence for mailing. It is deposited with U.S. Postal Service on that same day in the ordinary course of business.
	10	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
FICES OF . METZGER Law corporation dulevard, suite 800 ifornia 90802-4966	11	after the date of deposit for mailing set forth in this affidavit to:
	12	Office of the Attorney General 1515 Clay Street, 20th Floor
MET3 AW CC LEVAL	13	Oakland, CA 94612-0550
LAW OFFICES O PHAEL METZ SIONAL LAW CC SEAN BOULEVAF CALIFORNIA	14	X (BY E-MAIL) I delivered such document by electronic mail
LAW APHA ESSION/ OCEAN	15	to: Laura J. Zuckerman, Deputy Attorney General, 1515 Clay Street, 20th Floor, Oakland, California 94612 at <u>Laura.Zuckerman@doj.ca.gov</u> , and Dennis A. Ragen, Deputy Attorney General, 110 West A Street, Suite 1100, San
LAW OFFICES OF RAPHAEL METZG A PROFESSIONAL LAW CORP OI EAST OCEAN BOULEVARD, LONG BEACH, CALIFORNIA 90	16	Diego, California 92186-5266 at Dennis, Ragen@doj.ca.gov. Said document was
401 E LON	17	transmitted by email transmission, which was reported complete and without error.
	18	<u>X</u> (STATE) I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
	19	
	20	(FEDERAL) I declare that I am employed in the offices of a member of this court, at whose direction service was made.
ഗഗ	21	Executed on January 7, 2013, at Long Beach, California.
KIC ION JURIEN	22	
TIGAT TIGAT MENTA XIC IN	23	Susan M. Simpson, Declarant
ATED TAL LI Vironi VD TON	24	
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		CONSENT JUDGMENT AS TO DEFENDANT SANTA BARBARA COFFEE & TEA, INC. D/B/A SANTA
	1	BARBARA ROASTING COMPANY