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JOHN MOORE

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN FRANCISCO

UNLIMITED JURISDICTION

ANTHONY E. HELD, Ph.D., P.E., Plaintiff, v. ALDO U.S., INC., ALDO GROUP, INC, *et al.*, Defendants.	Case Nos. CGC-10-497729 and CGC-10-498981 (Consolidated Herein) **STIPULATION FOR ENTRY OF JUDGMENT**
JOHN MOORE, Plaintiff, v. KATE SPADE, LLC, *et al.*, Defendants.	

1. The following constitutes the knowing and voluntary election and stipulation of the entity named below ("Company" or "Opt-In Settling Defendant") to join as a Settling Defendant under the Consent Judgment previously entered by the Court in the above-captioned actions, *Held v. Aldo U.S., Inc. and Aldo Group, Inc., et al.*, San Francisco Superior Court Case No. CGC-10-497729 and *Moore v. Kate Spade, LLC., et al.*, San Francisco Superior Court Case No. CGC-10-498981, consolidated therein, (the "Action") and to be bound by the terms of that Consent Judgment.

2. The terms of the Consent Judgment apply to the Opt-In Settling Defendant only as to those categories of Fashion Accessories selected on Exhibit A, attached hereto, which are also Covered Products.

3. At any time during the three-year period prior to the filing of this Stipulation ("Relevant Period"), the Company has employed ten or more part-time or full-time persons and has manufactured, imported, distributed, or offered for use or sale in California one or more items in each of the following selected categories of Fashion Accessories as defined in the Consent Judgment (section 2.5) and that are Covered Products as defined in the Consent Judgment (section 2.2) (check all that apply for which no previous Proposition 65 notice has been issued by plaintiff):

- ☐ Wallets and other coin or bill holders
- ☐ Handbags, purses, clutches and totes
- ☒ Belts
- ☐ Footwear
- ☒ Apparel, including gloves and headwear (and excluding sauna suits)
- ☒ Jewelry
- ☐ Key holders, keychains, and key caps
- ☐ Luggage tags and ID cases
- ☒ Bag charms and zipper pulls
- ☐ Eyeglass cases

- ☐ Coverings/cases for mobile electronic devices (e.g., for telephones, cameras, MP3 players, CDs/DVDs, and laptops)
- ☐ Coverings for journal/address books
- ☐ Cosmetic cases/bags
- ☐ Toiletry cases/bags

4. One or more items within each above-selected category of Fashion Accessories contained, during the Relevant Period, Accessible Components as defined in the Consent Judgment (section 2.1) containing DEHP.

5. The Company has not provided compliant Proposition 65 warnings in conjunction with the sale or use of the above-selected Covered Products in California during the Relevant Period.

6. The Opt-In Settling Defendant has not performed a risk or exposure assessment establishing that the above-selected Covered Products it offered for sale in California during the Relevant Period did not require Proposition 65 warnings with respect to DEHP.

7. In conjunction with the execution of this Stipulation, the Company has provided the payments required of it under the Consent Judgment and shall make all future payments that may apply to the Company. The Company shall be bound by the injunctive relief provisions set forth in the Consent Judgment as it relates to the Covered Products.

8. At least 65 days prior to the submission of this Stipulation to the Court for entry, Anthony E. Held, Ph.D., P.E. ("Dr. Held") shall serve a 60-day notice letter alleging certain violations of Proposition 65 with respect to sales of the above-selected Covered Products and, provided it has been mailed to the Company at the address shown in Exhibit B, the Company agrees to be deemed to have accepted service of the 60-day notice letter.

9. The Company hereby stipulates to be deemed to have voluntarily accepted service of the summons and complaint in this Action upon the filing of this Stipulation and agrees to be subject to the jurisdiction of the Court for purposes of the Consent Judgment.

10. Future notices concerning this Stipulation and the Consent Judgment shall be provided to the Company through its designated contact as shown in Exhibit attached hereto.

and to Settling Defendants' designated contacts via email at the email addresses shown on Exhibit B of the Consent Judgment.

11. The undersigned have read, and the person and/or entity named below knowingly and voluntarily agree to be bound by, all terms and conditions of this Stipulation and the Consent Judgment as previously approved and entered by the San Francisco County Superior Court in this Action.

12. The undersigned has full authority to make the written representations above and to enter into this Stipulation for the person/entity on behalf of which he/she is signing.

IT IS HEREBY STIPULATED AND AGREED TO:

By: _____
(signature)

JOEL D. FELDMAN
Name (printed/typed)

PRESIDENT / COO
Title (printed/typed)

On Behalf of:

BYER CALIFORNIA
(Insert Company Name)

Opt-In Settling Defendant

Dated: 12-13-2010

By: _____
On Behalf of Plaintiffs,
Anthony E. Held, Ph.D., P.E. and
John Moore

Dated: 12/15/10

Exhibit A

Name of Settling Defendant (and relevant associated entities under common ownership):

Byer California.

_____.

_____.

_____.

_____.

_____.

Fashion Accessories Categories Applicable to above. Select all categories for which a Proposition 65 notice for DEHP has previously been issued by plaintiffs, as well as the additional categories selected in the Opt-In Stipulation.

- ☐ Wallets and other coin or bill holders
- ☐ Handbags, purses, clutches and totes
- ☒ Belts
- ☐ Footwear
- ☒ Apparel, including gloves and headwear (and excluding sauna suits)
- ☒ Jewelry
- ☐ Key holders, keychains, and key caps
- ☐ Luggage tags and ID cases
- ☒ Bag charms and zipper pulls
- ☐ Eyeglass cases
- ☐ Coverings/cases for mobile electronic devices (e.g., for telephones, cameras, MP3 players, CDs/DVDs, and laptops
- ☐ Coverings for journal/address books
- ☐ Cosmetic cases/bags
- ☐ Toiletry cases/bags

Exhibit B

Person(s) to receive Notices Pursuant to Section 7.1 of the Consent Judgment

Joel D. Feldman	Edward Manburg
Name	Name
Chief Operating Officer	Chief Financial Officer
Title	Title
66 Potrero Avenue	66 Potrero Avenue
Address Line 1	Address Line 1
San Francisco, CA 94103	San Francisco, CA 94103
Address Line 2	Address Line 2
jfeldman@byer.com	emanburg@byer.com
Email Address	Email Address