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TELEPHONE (562) 437-4499 TOLL-FREE (377) TOX-TORT TELECOPIER (562) 433-1561 WWW.TOX)CTORTS.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 2513 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")	364 CONFORMED COPY ORIGINAL F. ED Superior Court of California Superior Court of California MAY 50 2016 Skerring Stater Skerring Stater Stater Skerring Stater Skerring Stater Stater Stater Stater Stater Stater Stater Stater Stater Stater Stater Stater Stater Stater Stater Stater Stater
	8	SUPERIOR COURT OF THE	E STATE OF CALIFORNIA
	9	FOR THE COUNTY OF LOS AND	GELES, CENTRAL CIVIL WEST
LAW OFFICES OF RAPHAEL METZGER A professional law corporation 401 east ocean boulevard, suite 800 long beach, california 90802-4966	10 11 12 13 14 15 16 17 18 19	COUNCIL FOR EDUCATION AND) RESEARCH ON TOXICS, a California) corporation, acting as a private) attorney general in the public) interest; Plaintiff, vs. STARBUCKS CORPORATION, a) Washington corporation; et al., Defendants.	BC461182
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1. INTRODUCTION

1.1.

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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 coffee 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.

On May 9, 2011, the Council for Education and Research on Toxics ("CERT")

Luberski, Inc., dba Hidden Villa Ranch, was not named as a Defendant in 1.2. Plaintiff's original complaint. However, on June 21, 2012, CERT served Luberski, Inc., dba Hidden Villa Ranch, with "Notice of Proposition 65 Violations" consistent with the present lawsuit and thereafter named Luberski, Inc., dba Hidden Villa Ranch, as a defendant in this lawsuit under its true name. Luberski, Inc., dba Hidden Villa Ranch is hereinafter referred to as "Settling Defendant."

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.

1.4. Settling Defendant at one time offered coffee for sale as part of its business. However, Settling Defendant has offered satisfactory proof that during the relevant time period for this lawsuit, it did not manufacture, distribute, or offer coffee for sale in the State of California and that it does not presently manufacture, distribute, or sell coffee as part of its business in any state.

1.5. 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.

1.6. 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),

> CONSENT JUDGMENT AS TO DEFENDANT LUBERSKI, INC., DBA HIDDEN VILLA RANCH

arising out of the facts or conduct alleged therein. Settling Defendant has expressly waived its statute of limitations defenses with respect to the claims alleged in CERT's complaint. By execution of this Consent Judgment and agreeing to be bound by the ultimate judgment with respect to injunctive relief in this case, 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.

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2. DEFINITIONS

2.1"Covered Products" means all coffee beans or grounds, flaked, instant or freezedried coffee, or any other packaged coffee 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 Defendants ("Franchise Restaurants").

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

3. **INJUNCTIVE RELIEF**

3.1. Settling Defendant agrees to be bound by the final judgment rendered in this case with respect to providing warnings for Covered Products.

3.2. Settling Defendant will comply with the final judgment rendered in this case for all Covered Products sold into California beginning no later than ninety (90) days after receipt of notice of entry of the final judgment.

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

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2) 437-4499 77) T0X-T0RT 62) 435-1561 62) 435-1561 (ICT0RTS,COM	1	4. CIVIL PENALTIES		
	2	4.1. Calculation of Civil Penalties		
	3	4.1.1. A company that violates Proposition 65 shall be liable for civil penalties not to		
н (56 1157 (56 1157 (56 1157 (5) 1157 (5)	4	exceed two thousand five hundred dollars (\$2,500) per day for each violation in addition to any other		
EPHON DLL-FR LECOP WV	5	penalty established by law pursuant to Health and Safety Code section 25249.7(b)(1).		
1 1 1 2 2 2 2 2 2 1 1 1 1 1 1 1 1 1 1 1	6	4.1.2. In assessing the amount of civil penalties for violations of Proposition 65, all		
	7	of the following factors must be considered pursuant to Health and Safety Code section 25249.7(b)(2):		
	8	a. The nature and extent of the violation.		
	9	b. The number of, and severity of, the violations.		
	10	c. The economic effect of the penalty on the violator.		
R ration uite 800 02-4966	11	d. Whether the violator took good faith measures to comply with this		
Ш°«З	12	chapter and the time these measures were taken.		
	13	e. The willfulness of the violator's misconduct.		
v offices o Ael Metz val law co n boulevar california	14	f. The deterrent effect that the imposition of the penalty would have on		
	15	both the violator and the regulated community as a whole.		
C 문 드 품	16	g. Any other factor that justice may require.		
A PR 101 EAS LONG	17	4.2. Settling Defendant has offered satisfactory proof that at all times relevant to this		
4	18	lawsuit, it did not manufacture, distribute, or offer for sale coffee in the State of California and that it		
-	19	does not presently manufacture, distribute, or sell coffee as part of its business in any state. Further,		
	20	Settling Defendant has agreed that to the extent it ever offers Covered Products for sale in the State of		
	21	California in the future, it will be bound by the final judgment rendered in this case with respect to		
N LUNG DRIES	22	providing warnings for Covered Products. As a result, the parties have agreed that Settling Defendant		
TOXIC GATIO NTAL C INJU	23	will not have to pay civil penalties in this case. This agreement is based on consideration of all the		
ED IN LLILL TOXINE TOXI	24	penalty factors set forth in Health and Safety Code Section 25249.7(b)(2), and on 11 C.C.R. § 3203(a)		
NTRAT MENTA Envii 8, And	25	which provides that a "settlement with little or no penalty may be entirely appropriate."		
PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION OCCUPATIONAL & ENVIRONMENTAL LUNG DISEASE, CANCER, AND TOXIC INJURIES	26	//		
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		3 CONSENT JUDGMENT AS TO DEFENDANT LUBERSKI, INC., DBA HIDDEN VILLA RANCH		

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ATTORNEYS' FEES AND COSTS 5.

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In light of Settling Defendant's agreement to be bound by the final judgment in 5.1. this case with respect to providing warnings for Covered Products and its satisfactory offer of proof that it did not sell coffee in California during the time period relevant to this lawsuit, the parties have agreed to mutually waive all attorneys' fees and costs incurred in this case.

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MODIFICATION OF CONSENT JUDGMENT 6.

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.

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

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.

If the change would provide a new form or manner of an optional or c. 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 the final judgment in this case.

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If Settling Defendant corresponds in writing to an agency or branch of the United 6.3. 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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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.

AUTHORITY TO STIPULATE TO CONSENT JUDGMENT 8.

Each signatory to this Consent Judgment certifies that he or she is fully 8.1. 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.

CLAIMS COVERED 9.

This Consent Judgment is a full, final, and binding resolution between CERT 9.1. and Settling Defendant, of any violation of Proposition 65 that has been asserted in the Complaint dated May 9, 2011, up through the entry of final judgment in this case, 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 Defendant 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.

> CONSENT JUDGMENT AS TO DEFENDANT LUBERSKI, INC., DBA HIDDEN VILLA RANCH

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

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TORT & ENVIRONMENTAL LITIGATION occupational & Environmental Lung disease, cancer, and toxic injuries CONCENTRATED IN TOXIC PRACTICE

volSETTLMNT/AGREEMNT/2016-01-27 • Consent Judgment - Luberski.wpd F1WP\Case Compliance with the terms of this Consent Judgment constitutes compliance with Proposition 65 with TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-156) WWW.TOXICTORTS.COM 1 respect to exposures to acrylamide from Covered Products as set forth in the Complaint dated May 9, 2 40 2011. 3 (562) **RETENTION OF JURISDICTION** 10. 4 TELEPHONE This Court shall retain jurisdiction of this matter to implement the Consent 10.1. 5 6 Judgment. PROVISION OF NOTICE 11. 7 When any party is entitled to receive any notice under this Consent Judgment, 11.1. 8 the notice shall be sent by overnight courier service to the person and address set forth in this 9 Paragraph. Any party may modify the person and address to whom the notice is to be sent by sending 10 RAPHAEL METZGER PROFESSIONAL LAW CORPORATION EAST OCEAN BOULEVARD, SUITE 800 each other party notice by certified mail, return receipt requested. Said change shall take effect for any BEACH, CALIFORNIA 90802-4966 11 notice mailed at least five days after the date the return receipt is signed by the party receiving the 12 13 change. 11.2. Notices shall be sent to the following when required: 14 15 For CERT: Raphael Metzger 16 401 EAST LONG Metzger Law Group 401 E. Ocean Boulevard, Suite 800 17 Long Beach, CA 90802 (562) 437-4499 Telephone: 18 Facsimile: (562) 436-1561 19 For Settling Defendant: 20 Laurence Y. Wong, Esq. Coleman & Horowitt, LLP 21 1880 Century Park East, Suite 404 PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION OCCUPATIONAL & ENVIRONMENTAL LUNG DISEASE, CANCER, AND TOXIC INJURIES Los Angeles, CA 90067 22 (310) 286-0233 Telephone: Facsimile: (310) 203 - 387023 COURT APPROVAL 12. 24 This Consent Judgment shall be submitted to the Court for entry by noticed 12.1. 25 motion. If this Consent Judgment is not approved by the Court, it shall be of no force or effect and 26 may not be used by CERT or Settling Defendant for any purpose. 27 28 11 6 JUDGMENT AS TO DEFENDANT LUBERSKI, INC., CONSENT DBA HIDDEN VILLA RANCH

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2) 437-4499 77} Tox-Tort 822] 436-1561 XICTORTS.COM	1	13. ENTIRE AGREEMENT		
	2	13.1 This Consent Judgment contains the sole and entire agreement and		
	3	understanding of the parties with respect to the entire subject matter hereof, and any and all prior		
IONE (56 -FREE (6 :OPIER (1 WWW.TO	4	discussions, negotiations, commitments and understandings related hereto. No representations, oral		
LEPHOJ OLL-FI CLL-FI CLL-FI CLECOL	5	or otherwise, express or implied, other than those contained herein have been made by any party hereto.		
1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	6	No other agreements not specifically referred to herein, oral or otherwise, shall be deemed to exist or		
	7	to bind any of the parties.		
	8	14. EXECUTION IN COUNTERPARTS		
	9	14.1. The stipulations to this Consent Judgment may be executed in counterparts and		
0	10	by means of facsimile, which taken together shall be deemed to constitute one document.		
ER oration suite 800 802-4966	11	IT IS SO STIPULATED.		
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	13	DATED: February, 2016 METZGER LAW GROUP A Professional Law Corporation		
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LA RAPH A PROFESSIC M EAST OCE/ LONG BEACH,	16	RAPHAEL METZGER, ESQ.		
401 EJ	17	Attorneys for Plaintiff COUNCIL ON EDUCATION AND		
	18	RESEARCH ON TOXICS ("CERT")		
	19	DATED: February, 2016 COLEMAN & HOROWITT, LLP		
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C LUNG C LUNG C LUNG	22	LAURENCE Y. WONG, ESQ.		
ITRATED IN TOXIC IENTAL LITIGATION ENVIRONMENTAL LUNG AND TOXIC INJURIES	23	Attorneys for Settling Defendant LUBERSKI, INC., DBA HIDDEN VILLA RANCH		
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E CONCEN Environd Tional A , cancer,	25	IT IS SO ORDERED, ADJUDGED, AND DECREED:		
	26	ELIHU M. BERLE		
	27	DATED: Mary 5, 2010 HON. ELIHUM. BERLE		
PRACTIC TORT A OCCUPA DISEASE	28	Judge of the Superior Court		
		7 CONSENT JUDGMENT AS TO DEFENDANT LUBERSKI, INC.,		
		DBA HIDDEN VILLA RANCH		

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4 +	2	STATE OF CALIFORNIA, COUNTY OF LOS ANGELES)
TELEPHONE (SE2) 1437-4444 TOLL-FREE (873) 1437-1687 TELECOPIER (562) 436-1561 WWW.TOXICTORTS.COM	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 business address is 401 E. Ocean Blvd., 8 th Floor, Long Beach, CA 90802.
TELEPAN TOLL-TR TELECOP W W	5 6 7	On February 23, 2016, I served the foregoing document, described as: [PROPOSED] CONSENT JUDGMENT AS TO DEFENDANT, LUBERSKI, INC., DBA HIDDEN VILLA RANCH on the interested parties to this action by submitting an electronic version of the document via FTP upload to LexisNexis/FileAndServe - File & ServeXpress pursuant to the Court's Order.
	8	I declare under penalty of perjury under the laws of the State of California that the above is true and correct.
	9	Executed on February 23, 2016, at Long Beach, California.
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3/SETTLMNT/AGREEMNT/2016-01-27 - Consent Judgment - Luberskl.wpd F:\WP\Cas SERVICE LIST ELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 WWW.TOXICTORTS.COM 1 (CERT v. Brad Berry, Case No. BC435759) 2 -000-3 Morrison & Foerster Gregory P. O'Hara, Esq. 425 Market Street 4 Rhys W. Cheung, Esq. San Francisco, CA 94105-2482 Nixon Peabody (Brad Barry Company, Ltd., Caribou Coffee 5 2 Palo Alto Square Company, Inc., F. Gavina & Sons, Inc., Green 3000 El Camino Real, Suite 500 Mountain Coffee Roasters, Inc., Illy Caffe 6 Palo Alto, CA 94306 North America, Inc., International Coffee & (The Kroger Co., Ralphs Grocery Company) Tea, Llc, the J.M. Smucker Company, Kraft 7 Foods Inc., Massimo Zanetti Beverage USA, Jeffrey B. Margulies, Esq. Inc., Melitta U.S.A., Inc., Nestle USA, 8 Fulbright & Jaworski Inc., Peet's Coffee & Tea, Inc., Rowland 555 S. Flower St., 41st Floor Coffee Roasters, Inc., Sara Lee Corporation, 9 Los Angeles, CA 90071 Coffee Llc, Smucker (Target Corporation, Safeway, Inc. Sprouts Seattle's Best Foodservice, Inc., Starbucks Corporation, TC Farmers Markets, LLC; Reily Foods Company; 10 RAPHAEL METZGER A professional law corporation of east ocean boulevard, suite 800 long beach, california 90802-4986 Global, Inc., Vilore Foods Company, Inc., DD H.N. Fernandez, Inc.) IP Holder L1c, The Folgers Coffee Company, 11 Godiva Chocolatier, Inc., Starbucks Holding Renee D. Wasserman, Esq. Company; Kraft Foods Global, Inc.; Apffels 12 Alecia E. Cotton, Esq. Coffee, Inc., Coffee Bean International, Rogers Joseph O'Donnell Inc., Dona Mireya, Inc., dba Jones Coffee 13 311 California Street Roasters; Equator Coffee & Teas; Boyer San Francisco, CA 94104 Coffee Company; Caffe Ibis, Inc.; The Coca-(Bristol Farms, Costco Wholesale, Inc.) 14 Cola Company; Community Coffee Company, Inc.; Copper Moon Coffee, LLC; JBR, Inc., Jeffrey B. Marguilies, Esq. 15 dba Rogers Family Company; Lavazza Premium Jade Jurdi, Esq. Coffees Corp.; Cascade Coffee, Inc.; Coffee 16 Norton Rose Fulbright US LLP Roasters of Arizona, Inc.; Gold Medal 555 So. Flower St., 41st Flf. 401 J Products Co.; Millstone Coffee, Inc.; Mother 17 Los Angeles, CA 90071 Parkers Tea & Coffee, Inc.; Southern Wine (Albertson's LLC) and Spirits of America, Inc.; Central Coast 18 Coffee Roasting Co., Inc.; James c. Cannell Daniel J. Faria, Esq. Coffees, Inc. Dba Jim's Organic Coffee; 19 Kate Ides, Esq. Paradise Beverages, Inc. dba Hawaii Coffee O'Melveny & Myers Company; Regal Commodities; Steep & Brew, 20400 S. Hope Street Inc.; Victor Allen's Coffee, LLC; Napa Los Angeles, CA 90071-2899 Valley Coffee Roasting Company; Kauai Coffee 21 (Trader Joe's Company; Mountanos Brothers Company LLC; Peerless Coffee Co., Inc., dba Coffee Company) PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION OCCUPATIONAL & ENVIRONMENTAL LUNG DISEASE, CANCER, AND TOXIC INJURIES Adam's Organic Coffees; Montana Coffee 22Traders, Inc.; Falcon Trading Company, Inc.; Michael D. Abraham, Esq. Intelligentsia Coffee & Tea, Inc.; Mayorga 23 Robert H. Bunzel, Esq. Coffee, LLC; Hometown Coffee Co.; New Kerry L. Duffy, Esq. England Tea and Coffee Co., Inc.; Zavida 24 Bartko, Zankel, Bunzel,& Miller Coffee Company, Inc.; Quartermaine Coffee 900 Front St., Suite 300 Roasters; S & D Coffee, Inc.; Verve Pacific 25 San Francisco, CA 94111 Avenue Café, LLC; Eight O'Clock Coffee (Wal-Mart Stores, Inc. and Sam's West, 26 Company) Inc.) Michele B. Corash, Esq. 27 Robert Falk, Esq. Robin Stafford, Esq. 28 Travis Brandon, Esq. 10

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LAW OFFICES OF

CONSENT JUDGMENT AS TO DEFENDANT LUBERSKI, INC., DBA HIDDEN VILLA RANCH

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TELEPHONE (562) 437-4499 Toll-Free (877) 70X-10RT Telecopter (562) 436-1561 WWW.TOXicTorts.Com	1	Brendan W. Brandt, Esq.	Lawrence E. Skidmore, Esq.
		Andrew Ross	Kathleen C. Lyon, Esq.
	2	Varner & Brandt	Erin J. Tognetti, Esq.
		3750 University Ave., Suite 610	Aronowitz Skidmore Lyon
	3	Riverside, CA 92501	200 Auburn Folsom Road, Suite 305 Auburn, CA 95603
		(Stater Bros. Markets)	(L. Paul Phillips dba Safari Morning Coffee)
8 18 18 18 2 16 18 18 2 16 18 18	4	J.T. Wells Blaxter, Esq.	(1). I am I
H - H - H - H - H - H - H - H - H - H -	5	Brian R. Blackman, Esq.	Gary M. Roberts, Esq.
12 12 12 12		Erin W. Keefe, Esq.	Melanie A. Tory, Esq.
F	6	Blaxter Blackman LLP	SNR Denton US LLP
		One Bush St., Suite 650	601 S. Figueroa Street, Suite 2500
	7	San Francisco, CA 94104	Los Angeles, CA 90017 (Churchill Coffee Company, LLC)
	0	(Whole Foods Market California, Inc.;	Settlement pending
	8	Allegro Coffee Company)	
	9	Lawrence Y. Wong, Esq.	Updated 02/12/16 nsv
		Darryl J. Horowitt, Esq.	
<u>`</u>	10	Coleman & Horowitt, LLP	
z s s		1880 Century Park Edst, Suite 404	
	11	Los Angeles, CA 90067 (Luberski, Inc., dba Hidden Villa Ranch)	
- GER RPORATION D, SUITE 80 90802-4965	12	(Luberski, Inc., dba hidden vilta kanen/	
OF TZG DRP ARD, ARD,	1 4-4	Meqan Irwin, Esq.	
SHOW	13	Bryan Cave LLP	
S [\$ \$] §		3161 Michelson Dr., Suite 1500	
V OFFICES O AEL METZ NAL LAW CD N BOULEVAR CALIFORNIA	14	Irvine, CA 92612-4414	
	15	(Kerry Inc., dba Kerry Ingredients, Inc.)	
LA RAPH OFESSIO ST OCEA	1.5	Megan E. Irwin, Esq.	
R OFI	16	Bryan Cave LLP	
A PR 01 EAS LONG		Two N. Central Avenue, Suite 2200	
401 LC	17	Phoenix, AZ 85004	
	18	(Co-counsel for Kerry Inc., dba Kerry Ingredients, Inc.)	
	10	ingreatence, inc./	
	19	Ian K. Boyd, Esq.	
		Matthew A. Stratton, Esq.	
	20	Harvey Siskind LLP	
	21	Four Embarcadero Center, 39th Floor San Francisco, CA 94111	
**	41	(Rockstar, Inc.)	
ED IN TOXIC LITIGATION ONMENTAL LUNG TOXIC INJURIES	22		
		Tara Sky Woodward, Esq.	
TOXIC GATION NTAL I	23	Bradley Arant Boult Cummings LLP	
ATED IN TOXIC TAL LITIGATION Vironmental L Nd toxic injur	.	1615 L Street, N.W., Suite 1350	
	24	Washington, DC 20036 (Specially Appearing for S&D Coffee, Inc.)	
A H H H H H H H H H H H H H H H H H H H	25	(specially appearing for sar correct, inc.)	
N N N N N N N N N N N N N N N N N N N	22	Charles F. Goria, Esq.	
PRAGTICE CONCENTRATEL Tort & Environmental Occupational & Enviro Disease, Cancer, And	26	Goria, Weber & Jarvis	
		1011 Camino del Rio South, Suite 210	
	27	San Diego, CA 92108	
RAC CRT SEL	28	(Café Calabria Coffee Roasting Company)	
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		CONSENT JUDGMENT AS TO I	DEFENDANT LUBERSKI, INC.,

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DBA HIDDEN VILLA RANCH

.1 _o/SETTLMNT/AGREEMNT/2016-01-27 - Consent Judgment - Luberski.wpd F:WP\Case PROOF OF SERVICE 1 TELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 W.W.,TOXICTORTS.COM STATE OF CALIFORNIA, COUNTY OF LOS ANGELES) 2 I am employed in the County of Los Angeles, State of California. 3 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. 4 On February 23, 2016, I served the foregoing document, described 5 [PROPOSED] CONSENT JUDGMENT AS TO DEFENDANT, LUBERSKI, INC., DBA as: HIDDEN VILLA RANCH as follows: 6 I caused copies of such document, enclosed in 7 X (BY MAIL) sealed envelopes, to be deposited in the mail at Long Beach, California with postage thereon fully prepaid to: 8 Office of the Attorney General 9 Comfort Foods, Inc. 1515 Clay Street, 20th Floor 25 Commerce Way, Suite 5 Oakland, CA 94612-0550 North Andover, MA 01845-1002 10 RAPHAEL METZGER A PROFESSIONAL LAW CORPORATION 401 EAST OCEAN BOULEVARD, SUITE 800 LONG BEACH, CALIFORNIA 90802-4966 (Comfort Foods, Inc.) 11 I am "readily familiar" with the firm's practice of collecting and processing correspondence for mailing. It is deposited with U.S. Postal 12 Service on that same day in the ordinary course of business. I am aware LAW OFFICES OF that on motion of any party served, service is presumed invalid if the 13 postal cancellation date or postage meter date is more than one day after the date of deposit for mailing set forth in this affidavit. 14 (BY E-MAIL) I delivered such document by electronic mail 15 at Attorney General, Zuckerman, Deputy Laura J. to: Laura.Zuckerman@doj.ca.gov; Harrison Pollak, Deputy Attorney General, at 16 and Susan S. Fiering, Supervising Deputy Harrison.Pollak@doj.ca.gov; at Susan.Fiering@doj.ca.gov. Said document was 17 Attorney General, transmitted by email transmission, which was reported complete and without 18 error. I declare under penalty of perjury under the laws of the State 19 of California that the above is true and correct. 20Executed on February 23, 2016, at Long Beach, California. 21 PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION OCCUPATIONAL & ENVIRONMENTAL LUNG DISEASE, CANCER, AND TOXIC INJURIES 22 Nina S. Vidal, Declarant 23 24 25 26 27 28 12 CONSENT JUDGMENT AS TO DEFENDANT LUBERSKI, INC., DBA HIDDEN VILLA RANCH

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TELEPHONE (562) 437-4499 Toll-Free (977) 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., SEN 116020 KATHRYN A. SALDANA, ESQ., SEN 2513 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") SUPERIOR COURT OF THE	
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	9	FOR THE COUNTY OF LOS ANGELES, CENTRAL CIVIL WEST	
LAW OFFICES OF RAPHAEL METZGER A professional law corporation 401 East ocean boulevard, suite 800 Long beach, california 90802-4966	 10 11 12 13 14 15 16 17 18 19 	COUNCIL FOR EDUCATION AND) RESEARCH ON TOXICS, a California) corporation, acting as a private) attorney general in the public) interest; Plaintiff, VS. STARBUCKS CORPORATION, a) Washington corporation; et al., Defendants.	CASE NO. BC435759 Consolidated with Case No. BC461182 Assigned to the Honorable Elihu Berle, Dept. 323 [PROPOSED] ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION OF PLAINTIFF'S PRIMA FACIE CASE AGAINST STIPULATING RETAILER DEFENDANTS DATE: April 18, 2016 TIME: 3:00 p.m. DEPT: 323
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ORDER

Plaintiff's Motion for Summary Adjudication of Plaintiff's Prima Facie Case Against the Stipulating Retailer Defendants ("Motion") came on regularly for hearing before the Court on April 18, 2016, at 3:00 p.m. The Court, having read and considered the briefing and evidence in support of an in opposition to Plaintiff's Motion, and having heard the argument of counsel with respect thereto, finds the Motion to be meritorious.

Therefore, the Court GRANTS Plaintiff's Motion as follows:

Plaintiff has established its prima facie case against the Stipulating Retailer 1. Defendants, Costco Wholesale Corporation, Bristol Farms, Target Corporation, Safeway Inc., Sprouts Farmers Markets LLC, H.N. Fernandez, Inc., Albertsons LLC, Wal-Mart Stores, Inc., Sams West, Inc., Stater Bros. Markets, Trader Joe's Company, Whole Foods Market, California, Inc., Allegro Coffee Company, BP West Coast Products LLC, 7-Eleven Inc., Ralphs Grocery Company, and The Kroger Co., pursuant to Health and Safety Code § 25249.6; no further proof thereof shall be required at trial of this action; and the final judgment in this action shall, in addition to any matters determined at trial, be based upon this issue as so established by such summary adjudication;

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



ELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 WWW.TOXICTORT5.COM TELEPHONE

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

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46 (562) 466 (877 466 (877 9168 (56	4	business address is 401 E. Occur Dermit			
ELEPHONE TOLL-FRE TELECOPIE WWV	5	On February 16, 2016, I served the foregoing document, described as: [PROPOSED] ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION OF PLAINTIFF'S PRIMA FACIE CASE AGAINST STIPULATING RETAILER DEFENDANTS on the interested parties to this action by submitting an electronic version of the document via FTP upload to LexisNexis/FileAndServe - File & ServeXpress the document via FTP upload to LexisNexis/FileAndServe - File & ServeXpress			
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	8	pursuant to the Court's Order. I declare under penalty of perjury under the laws of the State			
	9	of California that the above is true and correct?			
	10	Executed on February 16, 2016, at Long Beach, California.			
ER oration suite 800 802-4966	11				
	12	Nina S. Vidal, Declarant			
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SERVICE LIST (CERT v. Brad Berry, Case No. BC435759)

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TELEPHONE (562) 437-4499 TOLL-FREE (877) TOX-TORT TELECOPIER (562) 436-1561 W.WW.TOXICTORTS.COM

A PROFESSIONAL LAW CORPORATION OI 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

LAW OFFICES OF RAPHAEL METZGER

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3 Travis Brandon, Esq. Gregory P. O'Hara, Esq. Morrison & Foerster Rhys W. Cheung, Esq. 4 425 Market Street Nixon Peabody San Francisco, CA 94105-2482 (Brad Barry Company, Ltd., Caribou Coffee 2 Palo Alto Square 5 Company, Inc., F. Gavina & Sons, Inc., Green 3000 El Camino Real, Suite 500 Mountain Coffee Roasters, Inc., Illy Caffe Palo Alto, CA 94306 6 (The Kroger Co., Ralphs Grocery Company) North America, Inc., International Coffee & Tea, Llc, the J.M. Smucker Company, Kraft 7 Foods Inc., Massimo Zanetti Beverage USA, Jeffrey B. Margulies, Esq. Inc., Melitta U.S.A., Inc., Nestle USA, Fulbright & Jaworski 8 555 S. Flower St., 41st Floor Inc., Peet's Coffee & Tea, Inc., Rowland Coffee Roasters, Inc., Sara Lee Corporation, Los Angeles, CA 90071 9 (Target Corporation, Safeway, Inc. Sprouts Smucker Best Coffee Llc, Seattle's Farmers Markets, LLC; Reily Foods Company; Foodservice, Inc., Starbucks Corporation, TC 10 Global, Inc., Vilore Foods Company, Inc., DD H.N. Fernandez, Inc.) IP Holder Llc, The Folgers Coffee Company, 11 Godiva Chocolatier, Inc., Starbucks Holding Renee D. Wasserman, Esq. Alecia E. Cotton, Esq. Company; Kraft Foods Global, Inc.; Apffels 12 Coffee, Inc., Coffee Bean International, Rogers Joseph O'Donnell Inc., Dona Mireya, Inc., dba Jones Coffee 311 California Street 13 Roasters; Equator Coffee & Teas; Boyer San Francisco, CA 94104 (Bristol Farms, Costco Wholesale, Inc.) Coffee Company; Caffe Ibis, Inc.; The Coca-14 Cola Company; Community Coffee Company, Jeffrey B. Marguilies, Esq. Inc.; Copper Moon Coffee, LLC; JBR, Inc., 15 dba Rogers Family Company; Lavazza Fremium Jade Jurdi, Esq. Norton Rose Fulbright US LLP Coffees Corp.; Cascade Coffee, Inc.; Coffee 16 555 So. Flower St., 41st Flf. Roasters of Arizona, Inc.; Gold Medal Los Angeles, CA 90071 Products Co.; Millstone Coffee, Inc.; Mother 17 Parkers Tea & Coffee, Inc.; Southern Wine (Albertson's LLC) and Spirits of America, Inc.; Central Coast 18 Carla Christofferson, Esq. Coffee Roasting Co., Inc.; James c. Cannell Margaret A. Moeser, Esq. Coffees, Inc. Dba Jim's Organic Coffee; 19 Paradise Beverages, Inc. dba Hawaii Coffee Kate Ides, Esq. Company; Regal Commodities; Steep & Brew, 20 O'Melveny & Myers Inc.; Victor Allen's Coffee, LLC; Napa 400 S. Hope Street Los Angeles, CA 90071-2899 Valley Coffee Roasting Company; Kauai Coffee 21 (Trader Joe's Company; Mountanos Brothers Company LLC; Peerless Coffee Co., Inc., dba Adam's Organic Coffees; Montana Coffee Coffee Company) 22 Traders, Inc.; Falcon Trading Company, Inc.; Michael D. Abraham, Esq. Intelligentsia Coffee & Tea, Inc.; Mayorga 23 Robert H. Bunzel, Esq. Coffee, LLC; Hometown Coffee Co.; New Kerry L. Duffy, Esq. England Tea and Coffee Co., Inc.; Zavida 24 Bartko, Zankel, Tarrant & Miller Coffee Company, Inc.; Quartermaine Coffee 900 Front St., Suite 300 Roasters; S & D Coffee, Inc.; Verve Pacific 25 San Francisco, CA 94111 (Wal-Mart Stores, Inc. and Sam's West, Avenue Café, LLC) 26 Inc.) Philip A. Leider, Esq. Michele B. Corash, Esq. 27Rebecca B. Cross, Esq. Robert Falk, Esg. Braunhagey & Borden LLP Robin Stafford, Esq. 28 4

> [PROPOSED] ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION OF PLAINTIFF'S PRIMA FACIE CASE AGAINST STIPULATING RETAILER DEFENDANTS

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Tara Sky Woodward, Esq. 220 Sansome St., 2nd Floor Bradley Arant Boult Cummings LLP 1 San Francisco, Ca 94104 1615 L Street, N.W., Suite 1350 (Eight O'Clock Coffee Company) 2 Washington, DC 20036 (Specially Appearing for S&D Coffee, Inc.) Brendan W. Brandt, Esq. 3 Andrew Ross Charles F. Goria, Esq. Varner & Brandt 4 Goria, Weber & Jarvis 3750 University Ave., Suite 610 1011 Camino del Rio South, Suite 210 Riverside, CA 92501 5 San Diego, CA 92108 (Stater Bros. Markets) (Café Calabria Coffee Roasting Company) 6 J.T. Wells Blaxter, Esq. Lawrence E. Skidmore, Esq. Brian R. Blackman, Esq. 7 Kathleen C. Lyon, Esq. Erin W. Keefe, Esq. Erin J. Tognetti, Esq. Blaxter | Blackman LLP 8 Aronowitz Skidmore Lyon One Bush St., Suite 650 200 Auburn Folsom Road, Suite 305 San Francisco, CA 94104 9 Auburn, CA 95603 (Whole Foods Market California, Inc.; (L. Paul Phillips dba Safari Morning Coffee) Allegro Coffee Company) 10 Gary M. Roberts, Esq. Lawrence Y. Wong, Esq. 11 Melanie A. Tory, Esq. Darryl J. Horowitt, Esq. SNR Denton US LLP Coleman & Horowitt, LLP 601 S. Figueroa Street, Suite 2500 12 1880 Century Park East, Suite 404 Los Angeles, CA 90017 Los Angeles, CA 90067 13 (Churchill Coffee Company, LLC) (Luberski, Inc., dba Hidden Villa Ranch) Settlement pending 14 Megan Irwin, Esq. Bryan Cave LLP 15 3161 Michelson Dr., Suite 1500 Irvine, CA 92612-4414 16 (Kerry Inc., dba Kerry Ingredients, Inc.) LONG < 17 401 Megan E. Irwin, Esq. 18 Bryan Cave LLP Two N. Central Avenue, Suite 2200 Phoenix, AZ 85004 19 (Co-counsel for Kerry Inc., dba Kerry Ingredients, Inc.) 20 Ian K. Boyd, Esq. 21 Matthew A. Stratton, Esq. PRACTICE CONCENTRATED IN TOXIC TORT & ENVIRONMENTAL LITIGATION OCCUPATIONAL & ENVIRONMENTAL LUNG DISEASE, CANCER, AND TOXIC INJURIES DISEASE, CANCER, AND TOXIC INJURIES Harvey Siskind LLP 22 Four Embarcadero Center, 39th Floor San Francisco, CA 94111 23 (Rockstar, Inc.) 24 25 26 27 28 5

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[PROPOSED] ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION OF PLAINTIFF'S PRIMA FACIE CASE AGAINST STIPULATING RETAILER DEFENDANTS

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

LAW OFFICES OF RAPHAEL METZGER , professional Law corporation east ocean boulevard, suite 800 ing beach, california 90802-4956

PROOF OF SERVICE 1 STATE OF CALIFORNIA, COUNTY OF LOS ANGELES) 2 I am employed in the County of Los Angeles, State of California. 3 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. 4 On February 16, 2016, I served the foregoing document, described 5 ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION OF [PROPOSED] as: PLAINTIFF'S PRIMA FACIE CASE AGAINST STIPULATING RETAILER DEFENDANTS on the 6 parties to this action as follows: 7 I caused copies of such document, enclosed in X (BY MAIL) sealed envelopes, to be deposited in the mail at Long Beach, California 8 with postage thereon fully prepaid to: 9 Comfort Foods, Inc. 25 Commerce Way, Suite 5 10 North Andover, MA 01845-1002 (Comfort Foods, Inc.) 11 I am "readily familiar" with the firm's practice of collecting and 12 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 13 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 14 the date of deposit for mailing set forth in this affidavit. 15 (BY FACSIMILE) I served the foregoing document by faxing true copies thereof from facsimile number (562) 436-1561, to the facsimile 16 numbers indicated on the attached list. Said document was transmitted by facsimile transmission, which was reported complete and without error. 17 (BY OVERNIGHT MAIL) I caused such document to be delivered 18 to the firms indicated on the attached list by Express Mail or by another express service carrier, by placing the document in an envelope designated 19 by the carrier and addressed as indicated on the attached list, with the delivery fees provided for, and depositing same in a box or facility 20 regularly maintained by that carrier or by delivering same to an authorized courier or driver authorized by the carrier to receive documents. 21 I declare under penalty of perjury under the laws of the State 22 of California that the above is true and correct. 23 Executed on February 16, 2016, at Long Beach, California. 24 25 Nina S. Vidal, Declarant 26 2728 6

TELEPHONE (562) 437-4499 TOLL-FREE (877) T0X-T0RT TELECOPIER (562) 436-1561 WWW,T0X1C10RTS.C0M

RAPHAEL METZGER a professional law corporation oi 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

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[PROPOSED] ORDER GRANTING MOTION FOR SUMMARY ADJUDICATION OF PLAINTIFF'S PRIMA FACIE CASE AGAINST STIPULATING RETAILER DEFENDANTS