

1 STEPHEN URE, ESQ.
2 LAW OFFICES OF STEPHEN URE, PC
3 1518 Sixth Avenue
4 San Diego, CA 92101
5 Telephone: 619-235-5400

6 Attorneys for Plaintiff, Evelyn Wimberley

7

8

9

10

SUPERIOR COURT OF THE STATE OF CALIFORNIA

11

COUNTY OF SAN DIEGO

12

EVELYN WIMBERLEY,

Case No.

13

Plaintiff,

UNLIMITED JURISDICTION

14

v.

**FIRST AMENDMENT TO
STIPULATION RE ENTRY OF
CONSENT JUDGMENT AS TO
HAMPTON PRODUCTS
INTERNATIONAL
CORPORATION AND TO ACE
HARDWARE CORPORATION**

15

HAMPTON PRODUCTS INTERNATIONAL
CORPORATION;
ACE HARDWARE CORPORATION
DOES 1-25

16

17

Defendants.

Complaint Filed: _____, 2013

18

19

20

The Parties, as defined in the Stipulation Re: Entry of Consent Judgment, hereby agree that the sections 1.2 Allegations and Representations and 1.4 Notices of Violation/Complaint are amended as set forth below. All other provisions of the Stipulation Re: Entry of Consent Judgment remain in full force and effect, and are incorporated by reference as if set forth herein.

21

22

23

1.2 Allegations and Representations

24

25

26

27

28

Wimberley alleges that Defendants have offered for sale in the State of California and have sold in California brass locks, hardware and accessories containing lead, and that such sales have not been accompanied by Proposition 65 warnings. Lead is listed under Proposition 65 as a chemical known to the State of California to cause cancer and birth defects or other reproductive

1 harm. Wimberley has identified the “Ace Surface Bolt” UPC 082901145080 (hereafter “Brass
2 Door and Window Decorative Hardware” or “Category A”), “Flush Ring Pull” UPC
3 082901144892 and “Broad Hinge” UPC 082901144441 (hereafter “Exterior Decorative Brass
4 Hardware” or “Category B”), “Handrail Bracket” UPC 082901145424 (hereafter “Interior
5 Decorative Brass Hardware” or “Category C”), and “Hinge Pin Ball Tip Kit” UPC 082901146476
6 (hereafter “Brass Threaded Wire Products” or “Category D”) as specific examples of the
7 categories of brass products that are the subject of her allegations.

8 For purposes of this Consent Judgment only, Hampton represents that the above-listed
9 products are manufactured for and distributed to Ace and others by Hampton and Defendants had
10 no reason to believe that the items contained lead until receiving Wimberley’s 60-Day Notice on
11 or about December 28, 2012.

12 **1.4 Notices of Violation/Complaint**

13 b. On or before July 15, 2013, Wimberley shall serve Ace, Hampton, and various
14 public enforcement agencies with a document entitled “Supplemental 60-Day Notice of
15 Violation” pursuant to Health & Safety Code § 25249.7(d) (the “Supplemental Notice”),
16 clarifying the scope of Category A (as being more broad than was described in the original
17 Notice) and further alleging that Defendants were in violation of Proposition 65 for failing to
18 warn consumers and customers that the Covered Products in Categories B, C and D exposed users
19 in California to lead.

20
21
22 **APPROVED AS TO FORM:**

23 Dated: June 12, 2013
24 July

O’MELVENY & MYERS LLP

By: 

Robert S. Nicksin

Attorneys for Defendant

HAMPTON PRODUCTS

INTERNATIONAL CORPORATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June _____, 2013

LAW OFFICES OF STEPHEN URE, PC

By: _____

Stephen Ure, Esq.
Attorneys for Plaintiff
EVELYN WIMBERLEY

Dated: June _____, 2013

WEINTRAUB, TOBIN, CHEDIAK,
COLEMAN, GRODIN LAW
CORPORATION

By: _____

Lee N. Smith
Attorneys for Defendant
ACE HARDWARE CORPORATION

IT IS HEREBY SO STIPULATED:

AGREED TO:

Date: _____

By: _____
EVELYN WIMBERLEY

AGREED TO:

Date: July 11, 2013

By: [Signature]
On Behalf of:
HAMPTON PRODUCTS
INTERNATIONAL CORPORATION

AGREED TO:

Date: _____

By: _____
On Behalf of:
ACE HARDWARE CORPORATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Dated: June _____, 2013

LAW OFFICES OF STEPHEN URE, PC

By: _____
Stephen Ure, Esq.
Attorneys for Plaintiff
EVELYN WIMBERLEY

Dated: ~~June~~ ^{July 12} _____, 2013

WEINTRAUB, TOBIN, CHEDIAK,
COLEMAN, GRODIN LAW
CORPORATION

By: _____
Lee N. Smith
Attorneys for Defendant
ACE HARDWARE CORPORATION

IT IS HEREBY SO STIPULATED:

AGREED TO:

AGREED TO:

Date: _____

Date: _____

By: _____
EVELYN WIMBERLEY

By: _____
On Behalf of:
HAMPTON PRODUCTS
INTERNATIONAL CORPORATION

AGREED TO:

Date: ⁷⁻¹²⁻¹³ _____

By: _____
On Behalf of:
ACE HARDWARE CORPORATION

APPROVED AS TO FORM:

Dated: June _____, 2013

O'MELVENY & MYERS LLP

By: _____
Robert S. Nicklin
Attorneys for Defendant
HAMPTON PRODUCTS
INTERNATIONAL CORPORATION

Dated: June ^{5th} 12, 2013

LAW OFFICES OF STEPHEN URE, PC

By: _____
Stephen Ure, Esq.
Attorneys for Plaintiff
EVELYN WIMBERLEY

Dated: June _____, 2013

WEINTRAUB, TOBIN, CHEDIAK,
COLEMAN, GRODIN LAW CORPORATION

By: _____
Lee N. Smith
Attorneys for Defendant
ACE HARDWARE CORPORATION

IT IS HEREBY SO STIPULATED:

AGREED TO:

Date: 7/3/13
By: _____
EVELYN WIMBERLEY

AGREED TO:

Date: _____
By: _____
On Behalf of:
HAMPTON PRODUCTS
INTERNATIONAL CORPORATION

AGREED TO:

Date: _____
By: _____
On Behalf of:
ACE HARDWARE CORPORATION