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KAMALA D. HARRIS
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Attorney General's Office
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Superior Court of California
County of Los Angeles

AUG 07 2014

Sherri R. Carter, Executive Officer/Clerk
By Geoffrey Charles, Deputy

Attorneys for Plaintiffs People of the State of California, ex rel. Kamala D. Harris, Attorney General, and People of the State of California, ex rel. Miriam B. Ingenito, Acting Director, Department of Toxic Substances Control

SUPERIOR COURT OF THE STATE OF CALIFORNIA

LOS ANGELES SUPERIOR COURT

PEOPLE OF THE STATE OF CALIFORNIA, ex rel. KAMALA D. HARRIS, ATTORNEY GENERAL; and PEOPLE OF THE STATE OF CALIFORNIA, ex rel. DEBBIE RAPHAEL, DIRECTOR, DEPARTMENT OF TOXIC SUBSTANCES CONTROL,

Plaintiffs,

v.

JOIA TRADING, INC., et al.,

Defendants

Case No. BC488508

Amended
[MODIFIED PROPOSED] DEFAULT JUDGMENT AS TO DEFENDANT LUXY ACCESSORY, INC.

Date: August 7, 2014
Time: 8:30 a.m.
Dept: 24
Judge: Hon. Robert L. Hess

Trial Date: None
Action Filed: July 17, 2012

1 Pursuant to California Code of Civil Procedure sections 580 and 585, California Rules of
2 Court, rule 3.1800, and Los Angeles Superior Court Local Rules, rules 3.200 and 3.201, the Court
3 hereby enters final judgment in favor of Plaintiffs, the People of the State of California, by and
4 through Kamala D. Harris, Attorney General ("Attorney General"), and by and through Miriam
5 B. Ingenito, Acting Director, Department of Toxic Substances Control (collectively, "the
6 People"), against Defendant Luxy Accessory, Inc. ("Luxy") as follows:

7 1. Luxy is ordered to pay civil penalties in the total amount of \$145,000, as follows:

8 a. Luxy shall pay \$52,500 in civil penalties for violations of California's Metal-
9 Containing Jewelry Law, pursuant to Health and Safety Code section 25214.3(b)(1);

10 b. Luxy shall pay \$20,000 in civil penalties for violations of Business and
11 Professions Code sections 17500 and 17508, pursuant to Business and Professions Code
12 sections 17500, 17536(a); and

13 c. Luxy shall pay \$72,500 in civil penalties for violations of the Unfair
14 Competition Law, pursuant to Business and Professions Code section 17206, subd. (a).

15 2. Luxy is ordered to pay \$99 in costs to the Office of the Attorney General, pursuant to
16 Code of Civil Procedure sections 415.30, subdivision (d), and 1033.5, subdivision (a)(4)(B).

17 3. Luxy and all of its agents must comply with all statutes and regulations applicable to the
18 manufacture, distribution, or sale of jewelry in California.

19
20 IT IS SO ORDERED.

21
22 Dated: ^{8.7} July 8, 2014



Robert L. Hess

JUDGE OF THE SUPERIOR COURT

23
24 OK2011950020
90421843.doc

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: *People, et al. v. JOIA Trading, Inc., et al.*
No.: **BC488508**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550.

On July 29, 2014, I served the attached [**MODIFIED PROPOSED**] **DEFAULT JUDGMENT AS TO DEFENDANT LUXY ACCESSORY, INC.** by placing a true copy thereof in an enclosed sealed envelope with the **GOLDEN STATE OVERNIGHT COURIER** at the Office of the Attorney General, 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550, addressed as follows:

Luxy Accessory, Inc.
Hyan Sook Kim, Chief Executive Officer
208 East 6th Street, Suite 2C-17
Los Angeles, CA 910013

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on July 29, 2014, at Oakland, California.

Larry Jefferson
Declarant



Signature

Copy

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Superior Court of California
County of Los Angeles

NOV 25 2014

Sherri R. Carter, Executive Officer/Clerk
By Geoffrey Charles, Deputy

1 KAMALA D. HARRIS
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3 1515 Clay Street, 20th Floor
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E-mail: Harrison.Pollak@doj.ca.gov

6 *Attorneys for Plaintiffs People of the State of*
7 *California, ex rel. Kamala D. Harris,*
Attorney General, and People of the State of
8 *California, ex rel. Miriam B. Ingenito, Acting*
Director, Department of Toxic Substances Control

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 LOS ANGELES SUPERIOR COURT

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12
13
14 **PEOPLE OF THE STATE OF**
CALIFORNIA, ex rel. KAMALA D.
15 **HARRIS, ATTORNEY GENERAL; and**
PEOPLE OF THE STATE OF
16 **CALIFORNIA, ex rel. DEBBIE RAPHAEL,**
DIRECTOR, DEPARTMENT OF TOXIC
17 **SUBSTANCES CONTROL,**

18 Plaintiffs,

19 v.

20 **JOIA TRADING, INC., et al.,**

21 Defendants.

Case No. BC488508

**STIPULATION AND [PROPOSED]
CONSENT JUDGMENT AS TO JOANNE
KIM, dba COSTAR GROUP, INC. and
ACCESSORY AVENUE**

22
23 **I. INTRODUCTION**

24 1. This stipulation and proposed consent judgment ("Consent Judgment") is between
25 Plaintiffs, the People of the State of California ("People"), by and through Kamala D. Harris,
26 Attorney General ("Attorney General"), and by and through Miriam B. Ingenito, Acting Director,
27 Department of Toxic Substances Control ("Department"), and Defendant Joanne Kim, dba Costar
28

1 12. The term "Metal Content Claims" shall refer to claims on or in advertising materials,
2 websites, packaging, signs, displays, receipts, or invoices about the metal content in Jewelry or
3 about compliance with standards for metal in Jewelry, including but not limited to, claims about
4 lead, cadmium, and nickel.

5 13. The term "Noncompliant Jewelry" shall refer to Jewelry that cannot be manufactured,
6 shipped, sold, offered for sale, or offered for promotional purposes in California under the
7 Jewelry Law.

8 14. The term "XRF Analysis" shall refer to the use of X-ray Fluorescence Spectrometry
9 to analyze Jewelry and Jewelry components for the presence of lead and other materials.

10 III. INJUNCTIVE RELIEF

11 15. Defendant shall not manufacture, ship, sell, offer for sale or for promotional purposes
12 in California Jewelry that does not comply with the Jewelry Law and other applicable federal or
13 state lead standards.

14 16. Defendant shall dispose of Noncompliant Jewelry in its possession in accordance
15 with federal, state, and local laws and regulations.

16 17. Defendant shall provide a copy of the Jewelry Law fact sheet attached hereto as
17 Exhibit B, or the same information in a substantially similar written format, to every person or
18 entity from which Defendant obtains Jewelry for retail sale or promotional purposes in California,
19 prior to obtaining the Jewelry and at least every six months thereafter while Defendant continues
20 to obtain Jewelry from the person or entity. Defendant shall provide the fact sheet or equivalent
21 information in English and, to the extent practicable, in the recipient's language.

22 18. Defendant shall prepare the certifications required in Health and Safety Code section
23 25214.3.1, subdivision (b), based only upon Analytical Testing or XRF Analysis results that are
24 (i) less than 90 days old at the time the Defendant receives the shipment of Jewelry from its
25 supplier, or (ii) conducted by Defendant or by a certified laboratory in the United States after
26 Defendant received the shipment from its supplier.

27 19. Defendant shall not make Metal Content Claims for any style of Jewelry unless
28 Defendant has Analytical Testing or XRF Analysis results that (i) comply with the requirements

1 early payment. The first payment is due at the time Defendant makes the election. The entire
2 unpaid balance plus interest shall become due within 10 days after the Attorney General sends
3 written notice of a default, unless such default is cured within that period. Elections and
4 payments under this Section shall be sent to:

5 Deputy Attorney General Harrison Pollak
6 Office of the Attorney General
7 1515 Clay St., 20th Floor
8 Post Office Box 70550
9 Oakland, CA 94612

10 23. Payments under this Consent Judgment by Defendant shall be made by certified
11 check, payable to "Office of the California Attorney General." Each check shall bear on its face,
12 "Jewelry Recoveries Fund, OK2011950020," and be sent to:

13 Deputy Attorney General Harrison Pollak
14 Office of the Attorney General
15 1515 Clay St., 20th Floor
16 Post Office Box 70550
17 Oakland, CA 94612

18 24. The Attorney General shall collect the payments and, at least once every six months,
19 the Attorney General shall distribute the payments for use as follows:

20 a. 75% of funds paid as a civil penalty pursuant to the Jewelry Law shall be
21 deposited in the Toxic Substances Control Account, and the remaining 25% of such funds
22 shall be paid to the Attorney General to be used as provided in Section 25. (Health & Saf.
23 Code, §§ 25192, subd. (a)(2), 25214.3, subd. (c).)

24 b. 50% of funds paid as a civil penalty pursuant to Business and Professions Code
25 sections 25206, 27500, and 27536, shall be placed in the Unfair Competition Law Fund
26 within the General Fund in the State Treasury, to be used by the Attorney General to
27 support investigations and prosecutions of California's consumer protection laws. (Bus.
28 & Prof. Code, § 17206, subd. (d).) The remaining 50% of such funds shall be paid to the
treasurer of Los Angeles County. (*Id.*, §§ 17206, subd. (c), 17536, subd. (c).)

1 extensions provided for therein, shall not apply to nor extend any deadline referred to in this
2 Section or in the payment provisions of this Consent Judgment.

3
4 **V. ADDITIONAL PROVISIONS**

5 27. Claims Covered. This Consent Judgment is a full, final, and binding resolution
6 between the People, on the one hand, and Defendant and its successors and assigns (“Defendant
7 Releasees”), on the other hand, of any violations of the Jewelry Law and Business & Professions
8 Code sections 17200, 17500, and 17508 that were asserted in the Complaint against the
9 Defendant based on the manufacturing, shipping, selling, offering for sale or for promotional
10 purposes, Covered Products prior to the Effective Date.

11 28. Enforcement. In an action to enforce this Consent Judgment, the People may seek
12 whatever fines, costs, attorneys’ fees, penalties or remedies are provided by law for failure to
13 comply with this Consent Judgment. Where said failure to comply constitutes a violation of law
14 independent of this Consent Judgment and/or the allegations in the Complaint concerning
15 Covered Products, the People are not limited to enforcement of this Consent Judgment, but may
16 seek in another action, subject to satisfaction of any procedural requirements, including notice
17 requirements, whatever fines, costs, attorneys’ fees, penalties or remedies are provided by law. In
18 any such other action, however, the requirements of this Consent Judgment shall not limit or
19 impair any defense, arising at law or in equity, that Defendant may assert; except that Defendant
20 shall not contest its obligation to comply with the terms of this Consent Judgment as set forth
21 herein in any proceeding to enforce this Consent Judgment.

22 29. Modification. This Consent Judgment may be modified from time to time by written
23 stipulation of the Parties and the Court’s entry of such stipulation. The Consent Judgment may
24 also be modified upon entry of an order of this Court in accordance with law. Grounds for
25 considering modification shall include any that are permitted by law, including that any part of
26 this Consent Judgment is or has become preempted by federal law or regulation. Before filing an
27 application with the Court for a modification to the Consent Judgment, the Parties shall meet and
28 confer to determine whether they can agree on the proposed modification. If a proposed

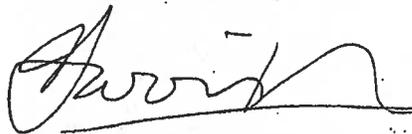
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IT IS SO STIPULATED.

Dated: ^{Nov.} ~~October~~ 4, 2014

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California



HARRISON M. POLLAK
JASON A. MALINSKY
Deputy Attorneys General
For People of the State of California, ex rel.
Kamala D. Harris, Attorney General

Dated: ^{Nov.} ~~October~~ 3, 2014

MIRIAM B. INGENITO
Acting Director, Department of Toxic
Substances Control

PAUL KEWIN
Division Chief, Enforcement and
Emergency Response Division
For People of the State of California, ex rel.
Miriam B. Ingenito, Acting Director,
Department of Toxic Substances Control

Dated: October 22, 2014

Respectfully Submitted,

**JOANNE KIM, DBA COSTAR GROUP, INC. AND
ACCESSORY AVENUE**

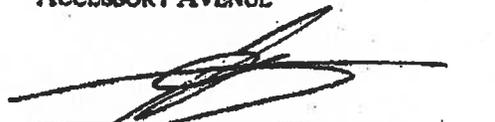

(Signature)

EXHIBIT A

Joanne Kim, dba Costar Group, Inc. and Accessory Avenue

Covered Jewelry:

DESCRIPTION	UPC	Children's Jewelry (y/n)
Silver star pendant necklace, black plastic rope	CQN4027	N
Star pendant necklace with leather rope	SHN6529	N
Glass cross pendant necklace	ACK6327	N
Plastic green pendant necklace	ACS10395	N
Blue cross pendant necklace	CN6078	N
Sliver heart pendant necklace	No UPC	N
Rectangle pendant necklace	JMN5611	N
Headband with peace sign	AH0018P	Y



Fact Sheet, February 2012

California's Metal-Containing Jewelry Law

The Department of Toxic Substances Control (DTSC) is responsible for enforcing California's law to protect children and adults from exposure to lead and cadmium in jewelry.¹ The law restricts the amount of lead in jewelry by identifying what materials may be used and setting lead concentration thresholds that may not be exceeded. The law also restricts the amount of cadmium allowed in children's jewelry. This fact sheet has been developed to help consumers and people in the jewelry industry understand the law and its requirements.

Background

Jewelry, including inexpensive children's jewelry, can contain dangerously high levels of lead and cadmium. Lead is a toxic metal that can cause serious health effects, ranging from behavioral problems and learning disabilities to organ failure, and even death. Chronic cadmium ingestion can lead to kidney damage, bone loss problems, vomiting, diarrhea and even death at high enough doses. Children six years old and under are most at risk because their bodies are growing quickly. Jewelry that contains toxic metals poses a particular concern because children are prone to placing jewelry in their mouths, which can result in dangerous amounts of toxic metals getting into their bloodstreams. Recalls of lead and cadmium contaminated jewelry sold in places such as discount stores, gift shops and vending machines have increased people's awareness of the health hazards associated with toxic metals in jewelry. The tragic death of a four year-old child in Minnesota after he swallowed a jewelry charm containing lead underlined the importance of taking immediate action to ensure the public is protected from this danger.

Because of concerns about the risks they pose, California enacted laws that restrict the lead and cadmium content in jewelry. These laws together comprise California's Metal-Containing Jewelry law.² This law prohibits persons from manufacturing, shipping, selling, or offering for sale jewelry for retail sale, or for promotional purposes, in California unless the lead and cadmium restrictions are met.

¹ Please note that all children's products, including jewelry, are subject to the lead restrictions in the federal Consumer Product Safety Improvement Act (CPSIA), which defines "children" as 12 years old and younger. For more information about the Federal lead requirements for children's products please visit the following website: [Consumer Product Safety Improvement Act of 2008 \(CPSIA\) Information](http://www.cpsc.gov/ABOUT/Cpsia/summaries/101brief.html). For a summary of the CPSIA requirements pertaining to lead in children's products, including lead in paint, go to <http://www.cpsc.gov/ABOUT/Cpsia/summaries/101brief.html>.

² [Health and Safety Code sections 25214.1-25214.4.2](#)



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Children's Jewelry must be made from one or more of the following:

- (1) A nonmetallic material that is a Class 1 material and that does not otherwise violate the requirements of paragraph (4).
- (2) A nonmetallic material that is a Class 2 material.
- (3) A metallic material that is either a Class 1 material or contains less than 0.06 percent (600 parts per million) lead by weight.
- (4) Glass or crystal decorative components that weigh in total no more than one gram, excluding any glass or crystal decorative component that contains less than 0.02 percent (200 parts per million) lead by weight and has no intentionally added lead.
- (5) Printing ink or ceramic glaze that contains less than 0.06 percent (600 parts per million) lead by weight.
- (6) Class 3 material that contains less than 0.02 percent (200 parts per million) lead by weight.

In addition to the limitations listed above, no component or material used in children's jewelry may exceed 300 parts-per-million (ppm) cadmium by weight.

Body-Piercing Jewelry (the component of jewelry that is placed in a new piercing on a mucous membrane) must be made from one or more of the following:

- (1) Surgical implant stainless steel.
- (2) Surgical implant grade of titanium.
- (3) Niobium (Nb).
- (4) Solid 14 karat or higher white or yellow nickel-free gold.
- (5) Solid platinum.
- (6) A dense low-porosity plastic, including, but not limited to, Tygon or Polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.

All Other Jewelry – must be made from Class 1, Class 2, or Class 3 materials, or a combination thereof.

Certification

A manufacturer or supplier of jewelry subject to this law must provide certification that the jewelry is in compliance with the law's lead and cadmium restrictions. The manufacturer or supplier must either provide this certification to the person who sells this jewelry, or display the certification prominently on the shipping container or jewelry packaging. Additionally, the manufacturer or supplier of jewelry subject to this law must, upon request from DTSC and within 28 days, provide to DTSC technical documentation or other information showing that the jewelry is in compliance with the law.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

For more information:

Please visit our Web sites at:

Lead in Jewelry
and
Cadmium in Children's Jewelry

email us at:

leadinjewelry@dtsc.ca.gov

or call us at:

(916) 322-3670

You may also contact the Regulatory Assistance Officers at

800-728-6942 (800-72-TOXIC)

or RAO@dtsc.ca.gov.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Materials Required for Jewelry, by Type of Jewelry

Jewelry Type	Materials Required -- <i>Jewelry Must Be Made Entirely From One or More of the Materials Listed for Each Jewelry Type</i>
Children's jewelry <i>(Made for, marketed for use by, or marketed for children ages 6 and younger.)</i>	<ul style="list-style-type: none"> • A nonmetallic class 1 material* • A nonmetallic class 2 material* • A metallic material that is either a class 1 material* or contains <0.06% (600 ppm) lead by weight. • Glass or crystal decorative components that weigh in total no more than 1 gram, excluding any glass or crystal decorative component that contains <0.02% (200 ppm) lead by weight and has not intentionally added lead. • Printing ink or ceramic glaze that contains <0.06% (600 ppm) lead by weight. • Class 3 material* that contains <0.02% (200 ppm) lead by weight.
Body Piercing Jewelry <i>(Any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane)</i>	<ul style="list-style-type: none"> • Surgical implant stainless steel • Surgical implant grade of titanium • Niobium (Nb) • Solid 14 karat or higher white or yellow nickel free gold • Solid platinum • Dense low-porosity plastic, including, but not limited to, Tygon or Polytetrafluoroethylene (PTFE), if the plastic contains no intentionally added lead.
All other jewelry	<ul style="list-style-type: none"> • Class 1 material* • Class 2 material* • Class 3 material*

*See classes of materials on previous page.

Note: No material may exceed 0.03% (300 ppm) cadmium by weight.

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E-mail: Harrison.Pollak@doj.ca.gov

ORIGINAL FILED

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LOS ANGELES
SUPERIOR COURT

6 *Attorneys for Plaintiffs People of the State of*
7 *California, ex rel. Kamala D. Harris,*
8 *Attorney General, and People of the State of*
9 *California, ex rel. Miriam B. Ingenito, Acting*
10 *Director, Department of Toxic Substances Control*

Attorney General's Office
Copy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

LOS ANGELES SUPERIOR COURT

13 PEOPLE OF THE STATE OF
14 CALIFORNIA, ex rel. KAMALA D.
HARRIS, ATTORNEY GENERAL; and
15 PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. MIRIAM B.
16 INGENITO, ACTING DIRECTOR,
DEPARTMENT OF TOXIC
SUBSTANCES CONTROL,

Plaintiffs,

v.

19 OBEDEDOM, INC. dba SUN'S TRADING
20 CO., et al.

Defendants.

Case No.

STIPULATION AND ~~[PROPOSED]~~
CONSENT JUDGMENT AS TO
OBEDEDOM, INC. dba SUN'S TRADING
CO.

23 I. INTRODUCTION

24 1. This stipulation and proposed consent judgment ("Consent Judgment") is between
25 Plaintiffs, the People of the State of California ("People"), by and through Kamala D. Harris,
26 Attorney General ("Attorney General"), and by and through Miriam B. Ingenito, Acting Director,
27
28

1 Deputy Attorney General Harrison Pollak
2 Office of the Attorney General
3 1515 Clay St., 20th Floor
4 Post Office Box 70550
5 Oakland, CA 94612

6 23. The Attorney General shall collect the payments and, at least once every six months,
7 the Attorney General shall distribute the payments for use as follows:

8 a. 75% of funds paid as a civil penalty pursuant to the Jewelry Law shall be
9 deposited in the Toxic Substances Control Account, and the remaining 25% of such funds
10 shall be paid to the Attorney General to be used as provided in Section 24. (Health & Saf.
11 Code, §§ 25192, subd. (a)(2), 25214.3, subd. (c).)

12 b. 50% of funds paid as a civil penalty pursuant to Business and Professions Code
13 sections 25206, 27500, and 27536, shall be placed in the Unfair Competition Law Fund
14 within the General Fund in the State Treasury, to be used by the Attorney General to
15 support investigations and prosecutions of California's consumer protection laws. (Bus.
16 & Prof. Code, § 17206, subd. (d).) The remaining 50% of such funds shall be paid to the
17 treasurer of Los Angeles County. (*Id.*, §§ 17206, subd. (c), 17536, subd. (c).)

18 c. Funds paid as partial reimbursement of attorneys' fees and costs incurred by the
19 Attorney General on her own behalf or on behalf of the Department Funds shall be paid to
20 the Attorney General to be used as provided in Section 24.

21 d. Funds paid as partial reimbursement of the Department's investigation costs
22 shall be paid to the Department.

23 24. Funds paid to the Attorney General pursuant to Subsections 23.a and 23.c shall be
24 used by the Environment Section of the Public Rights Division of the Attorney General's Office,
25 until all funds are exhausted, for any of the following purposes: (1) Implementation of the
26 Attorney General's authority to protect the environment and natural resources of the State
27 pursuant to Government Code section 12600 et seq. and as Chief Law Officer of the State of
28 California pursuant to Article V, section 13 of the California Constitution; (2) enforcement of
laws related to environmental protection, including, but not limited to, Chapters 6.5 and 6.95,

1 independent of this Consent Judgment and/or the allegations in the Complaint concerning
2 Covered Products, the People are not limited to enforcement of this Consent Judgment, but may
3 seek in another action, subject to satisfaction of any procedural requirements, including notice
4 requirements, whatever fines, costs, attorneys' fees, penalties or remedies are provided by law. In
5 any such other action, however, the requirements of this Consent Judgment shall not limit or
6 impair any defense, arising at law or in equity, that Defendant may assert; except that Defendant
7 shall not contest its obligation to comply with the terms of this Consent Judgment as set forth
8 herein in any proceeding to enforce this Consent Judgment.

9 28. Modification. This Consent Judgment may be modified from time to time by written
10 stipulation of the Parties and the Court's entry of such stipulation. The Consent Judgment may
11 also be modified upon entry of an order of this Court in accordance with law. Grounds for
12 considering modification shall include any that are permitted by law, including that any part of
13 this Consent Judgment is or has become preempted by federal law or regulation. Before filing an
14 application with the Court for a modification to the Consent Judgment, the Parties shall meet and
15 confer to determine whether they can agree on the proposed modification. If a proposed
16 modification is agreed upon, then the parties will present the modification to the Court by means
17 of a stipulated modification to the Consent Judgment as set forth in the first sentence of this
18 paragraph.

19 29. Execution in Counterparts. This Consent Judgment may be executed in counterparts,
20 which taken together shall be deemed to constitute one and the same document.

21 30. Entry of Consent Judgment. This Consent Judgment shall be binding and effective on
22 the Effective Date, and the clerk is ordered to enter this Consent Judgment forthwith.

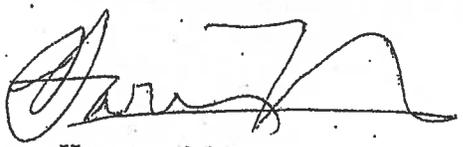
23 31. Approval of Consent Judgment. Within 20 days after all Parties have executed this
24 Consent Judgment, the People shall file the Complaint and a Motion to Approve Consent
25 Judgment with the Court, and take other reasonably necessary steps to obtain Court approval of
26 the Consent Judgment.

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IT IS SO STIPULATED.

Dated: August 25, 2014

KAMALA D. HARRIS
Attorney General of California



HARRISON M. POLLAK
Deputy Attorney General
*For People of the State of California, ex rel.
Kamala D. Harris, Attorney General*

Dated: August _____, 2014

MIRIAM B. INGENITO
Acting Director, Department of Toxic
Substances Control

See below 

PAUL KEWIN
Division Chief, Enforcement and Emergency
Response Division
*For People of the State of California, ex rel.
Debbie Raphael, Director, Department of Toxic
Substances Control*

Dated: August 18, 2014

OBEDEDOM, INC. DBA SUN'S TRADING CO.



(Signature)

PAUL S. KEWIN
(Print name)

DIVISION CHIEF, EERD
(Print title)

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IT IS SO STIPULATED.

Dated: August _____, 2014

KAMALA D. HARRIS
Attorney General of California

HARRISON M. POLLAK
Deputy Attorney General
*For People of the State of California, ex rel.
Kamala D. Harris, Attorney General*

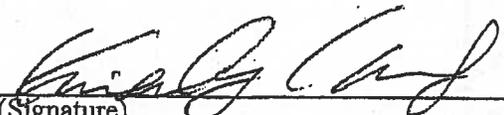
Dated: August _____, 2014

MIRIAM B. INGENITO
Acting Director, Department of Toxic
Substances Control

PAUL KEWIN
Division Chief, Enforcement and Emergency
Response Division
*For People of the State of California, ex rel.
Debbie Raphael, Director, Department of Toxic
Substances Control*

Dated: August 15, 2014

OBEDDOM, INC. DBA SUN'S TRADING CO.


(Signature)

KIMBERLY. CHANG
(Print name)

8-14-14
(Print title)

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EXHIBIT A

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KAMALA D. HARRIS
Attorney General of California
HARRISON M. POLLAK (SBN 200879)
Deputy Attorney General
1515 Clay Street, 20th Floor
P.O. Box 70550
Oakland, CA 94612-0550
Telephone: (510) 622-2183
Fax: (510) 622-2270
E-mail: Harrison.Pollak@doj.ca.gov

*Attorneys for Plaintiffs People of the State of
California, ex rel. Kamala D. Harris,
Attorney General, and People of the State of
California, ex rel. Miriam B. Ingenito, Acting
Director, Department of Toxic Substances Control*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
LOS ANGELES SUPERIOR COURT

**PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. KAMALA D.
HARRIS, ATTORNEY GENERAL; and
PEOPLE OF THE STATE OF
CALIFORNIA, ex rel. MIRIAM B.
INGENITO, ACTING DIRECTOR,
DEPARTMENT OF TOXIC
SUBSTANCES CONTROL,**

Plaintiffs,

v.

OUTSHINE, INC., et al.

Defendants.

Case No. BC 555789

**STIPULATION AND [PROPOSED]
CONSENT JUDGMENT AS TO
OUTSHINE, INC.**

CONFORMED COPY
ORIGINAL FILED
Superior Court of California
County of Los Angeles

NOV 24 2014

Sherri R. C. ... va Officer/Clerk

By Susana C. Ontiveros, Deputy

RECEIVED

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BY FAX

1 b. \$2,810.00 as a civil penalty for violations of the Business and Professions Code
2 pursuant to sections 17206, 17500 and 17536.

3 c. \$3,805 as partial reimbursement of attorneys' fees and costs incurred by the
4 Attorney General on her own behalf or on behalf of the Department.

5 d. \$6,300 as partial reimbursement of the Department's investigation costs.

6 22. Payments under this Consent Judgment by Defendant shall be made by certified
7 check, payable to "Office of the California Attorney General." Each check shall bear on its face,
8 "Jewelry Recoveries Fund, OK2013510057," and be sent to:

9 Deputy Attorney General Harrison Pollak
10 Office of the Attorney General
11 1515 Clay St., 20th Floor
12 Post Office Box 70550
13 Oakland, CA 94612

14 23. The Attorney General shall collect the payments and, at least once every six months,
15 the Attorney General shall distribute the payments for use as follows:

16 a. 75% of funds paid as a civil penalty pursuant to the Jewelry Law shall be
17 deposited in the Toxic Substances Control Account, and the remaining 25% of such funds
18 shall be paid to the Attorney General to be used as provided in Section 24. (Health & Saf.
19 Code, §§ 25192, subd. (a)(2), 25214.3, subd. (c).)

20 b. 50% of funds paid as a civil penalty pursuant to Business and Professions Code
21 sections 25206, 27500, and 27536, shall be placed in the Unfair Competition Law Fund
22 within the General Fund in the State Treasury, to be used by the Attorney General to
23 support investigations and prosecutions of California's consumer protection laws. (Bus.
24 & Prof. Code, § 17206, subd. (d).) The remaining 50% of such funds shall be paid to the
25 treasurer of Los Angeles County. (*Id.*, §§ 17206, subd. (c), 17536, subd. (c).)

26 c. Funds paid as partial reimbursement of attorneys' fees and costs incurred by the
27 Attorney General on her own behalf or on behalf of the Department Funds shall be paid to
28 the Attorney General to be used as provided in Section 24.

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V. ADDITIONAL PROVISIONS

26. Claims Covered. This Consent Judgment is a full, final, and binding resolution between the People, on the one hand, and Defendant and its successors and assigns ("Defendant Releasees"), on the other hand, of any violations of the Jewelry Law and Business & Professions Code sections 17200, 17500, and 17508 that were asserted in the Complaint against the Defendant based on the manufacturing, shipping, selling, offering for sale or for promotional purposes, Covered Products prior to the Effective Date.

27. Enforcement. In an action to enforce this Consent Judgment, the People may seek whatever fines, costs, attorneys' fees, penalties or remedies are provided by law for failure to comply with this Consent Judgment. Where said failure to comply constitutes a violation of law independent of this Consent Judgment and/or the allegations in the Complaint concerning Covered Products, the People are not limited to enforcement of this Consent Judgment, but may seek in another action, subject to satisfaction of any procedural requirements, including notice requirements, whatever fines, costs, attorneys' fees, penalties or remedies are provided by law. In any such other action, however, the requirements of this Consent Judgment shall not limit or impair any defense, arising at law or in equity, that Defendant may assert; except that Defendant shall not contest its obligation to comply with the terms of this Consent Judgment as set forth herein in any proceeding to enforce this Consent Judgment.

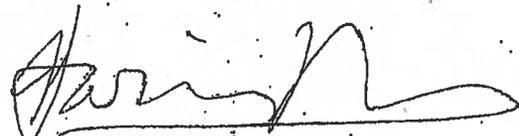
28. Modification. This Consent Judgment may be modified from time to time by written stipulation of the Parties and the Court's entry of such stipulation. The Consent Judgment may also be modified upon entry of an order of this Court in accordance with law. Grounds for considering modification shall include any that are permitted by law, including that any part of this Consent Judgment is or has become preempted by federal law or regulation. Before filing an application with the Court for a modification to the Consent Judgment, the Parties shall meet and confer to determine whether they can agree on the proposed modification. If a proposed modification is agreed upon, then the parties will present the modification to the Court by means

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IT IS SO STIPULATED.

Dated: August 25, 2014

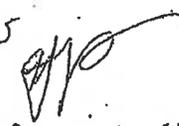
KAMALA D. HARRIS
Attorney General of California



HARRISON M. POLLAK
Deputy Attorney General
*For People of the State of California, ex rel.
Kamala D. Harris, Attorney General*

Dated: August _____, 2014

MIRIAM B. INGENITO
Acting Director, Department of Toxic
Substances Control

see below 

PAUL KEWIN
Division Chief, Enforcement and Emergency
Response Division
*For People of the State of California, ex rel.
Debbie Raphael, Director, Department of Toxic
Substances Control*

Dated: August 18, 2014

OUTSHINE, INC.



(Signature)
PAUL S. KEWIN

(Print name)
DIVISION CHIEF, EERD

(Print title)

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ORDER

Good cause appearing, **IT IS SO ORDERED.**

Dated: NOV 24 2014, 2014

HOLLY E. KENDIG
LOS ANGELES SUPERIOR COURT JUDGE

OK2013510057
90421185.doc

EXHIBIT A

Company: Outshine, Inc.

Covered Jewelry:

DESCRIPTION	UPC	children's jewelry (Y/N)
Plastic heart shaped hair clip	N/A	Y
Multi-colored plastic flower hair clips	N/A	Y
Plastic pokadot bow hair clip	N/A	N
Plastic bunny hair clips	N/A	Y
Plastic flower hair clips	N/A	Y
Plastic frog hair clip	N/A	Y
Plastic bow hair clips	N/A	Y
Wavy shaped plastic headband	N/A	N
Red plastic pony tail holder	N/A	N
"ABC" plastic hair clips	N/A	Y
Silver peace heart necklace	N/A	N
Ballerina with pink rhinestone skirt pendent necklace	N/A	N
Red bow tie pendent necklace	N/A	N
Plastic Butterfly hair clip	N/A	N

EXHIBIT B

California Department of Toxic Substances Control

Fact Sheet:

California's Metal-Containing Jewelry Law

February 2012

Translations of the fact sheet are available at:

<http://www.dtsc.ca.gov/LeadInJewelry.cfm>

As of October 2012, translations are available in:

Chinese (Traditional)

Chinese (Simple)

Korean

Vietnamese

Spanish

Armenian

Tagalong



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Applicability

This law applies to those who manufacture, ship, sell, or offer for sale jewelry for retail sale, or offer jewelry for promotional purposes, in California. Businesses of all sizes are subject to the law, including but not limited to: large retail "box" stores; online stores and Web sites; discount stores; bead shops; craft stores; gift shops; souvenir stores; businesses that sell children's jewelry in vending machines; tattoo shops; body piercing shops; people who make and sell their own jewelry; video arcades; and mail order companies. All jewelry is subject to the lead restrictions set forth in the law. All children's jewelry is subject to the cadmium restriction set forth in the law.

Definitions

"Jewelry" means: (1) Any of the following ornaments worn by a person: anklet; arm cuff; bracelet; brooch; chain; crown; cuff link; tie clip; hair accessory; earring; necklace; pin; ring; body piercing jewelry; jewelry placed in the mouth for display or ornament; (2) any bead, chain, link, pendant or other component of an ornament specified in (1) above; (3) a charm, bead, chain, link or pendant attached to shoes or clothes, that can be removed; or (4) a watch in which a timepiece is a component of an ornament specified in (1) above, excluding the timepiece itself if the timepiece can be removed from the ornament.

- "Children's Jewelry" means jewelry made for, marketed for use by, or marketed to children ages six and younger.

- "Body Piercing Jewelry" means any part of jewelry that is manufactured or sold for placement in a new piercing or a mucous membrane, but does not include any part of that jewelry not placed within a new piercing or a mucous membrane.

Note: for the purposes of this law, the parts of body piercing jewelry not placed within a new piercing or a mucous membrane are considered to meet the more general definition of "jewelry" and are regulated as such.

Requirements

The Metal-Containing Jewelry Law regulates the levels of lead and cadmium in jewelry in California by specifying both materials that can be used and restrictions on lead and cadmium in the materials and the jewelry. Please refer to the attached table of materials for an explanation of Class 1, 2, and 3 materials. Specific requirements for children's jewelry, body-piercing jewelry, and adult jewelry are described below.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Inspections

Under California's Lead-Containing-Jewelry Law, DTSC has the authority to enter and inspect a factory, warehouse, or other establishment where jewelry is manufactured, packed, held or sold, or a vehicle used to transport, hold, or sell jewelry. DTSC is also authorized to obtain a sample, in exchange for a receipt for the item, and to review all relevant records.

Penalties

A person who violates the law may be subject to civil penalties up to \$2,500 per day per violation. A manufacturer or supplier who knowingly and intentionally manufactures, ships, sells, offers for sale, or offers for promotion jewelry in violation of the law, may be fined between \$5,000 and \$100,000, or imprisoned up to a year, or both. A manufacturer or supplier who knowingly and with intent to deceive falsifies any document or certificate required by the law can be fined up to \$50,000, or imprisoned up to a year, or both.

Test Methods for Determining Compliance

- The Metal-Containing Jewelry law requires the use of EPA Methods 3050B, 3051A, or 3052 [found in EPA Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846 (Third Edition, as currently updated)] to determine compliance. The manufacturer or supplier must use the most appropriate test method for total digestion of the sample.
- The law also specifies additional sample preparation and testing procedures for certain materials. See California Health and Safety Code sections 25214.4 and 25214.4.1.

A list of certified environmental laboratories is provided on the California Department of Public Health website.

Caution:

This fact sheet does not replace or supersede statutes or regulations. All jewelry manufacturers, distributors, suppliers, and retailers must follow the hazardous waste control statutes and any implementing regulations applicable to their activities.



DEPARTMENT OF TOXIC SUBSTANCES CONTROL

Our mission is to provide the highest level of safety, and to protect public health and the environment from toxic harm.

Jewelry Material Classes*

Class 1 Materials:

- Stainless or surgical steel; karat gold; sterling silver; platinum, palladium, iridium, ruthenium, rhodium, or osmium;
- Natural or cultured pearls;
- Glass, ceramic, or crystal decorative components, including cat's eye, cubic zirconia, cubic zirconium (CZ), rhinestones, and cloisonné;
- Gemstones cut and polished for ornamental purposes (excluding aragonite, bayldonite, boleite, cerussite, crocoite, ekanite, linarite, mimetite, phosgenite, samarskite, vanadinite, and wulfenite);
- Elastic, fabric, ribbon, rope, or string (unless it contains intentionally added lead and is listed as a class 2 material);
- All natural decorative material, including amber, bone, coral, feathers, fur, horn, leather, shell, wood, that is in its natural state and is not treated in a way that adds lead; and
- Adhesive.

Class 2 Materials:

- Electroplated metal:
 - On and before August 30, 2009, a metal alloy <10% lead by weight electroplated with suitable under and finish coats;
 - After August 31, 2009, a metal alloy <6% lead by weight electroplated with suitable under and finish coats;
- Unplated metal <1.5% lead not otherwise listed as a class 1 material;
- Plastic or rubber, including acrylic, polystyrene, plastic beads and stones, and polyvinyl chloride (PVC):
 - On and before August 30, 2009, <0.06% (600 ppm) lead by weight;
 - After August 31, 2009, <0.02% (200 ppm) lead by weight; and
- A dye or surface coating containing <0.06% (600 ppm) lead by weight.

Class 3 Materials: Any portion of jewelry that meets both of the following criteria:

- Not a class 1 or class 2 material
- Contains <0.06% (600 ppm) lead by weight

Note that Class 2 and Class 3 materials carry lead restrictions.

*Pursuant to Health and Safety Code sub-sections (e), (f), and (g) of section 25214.1.

DECLARATION OF SERVICE BY OVERNIGHT COURIER

Case Name: **People v. Outshine, Inc., et al.**

No.: **BC 555789**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter; my business address is: 1515 Clay Street, 20th Floor, Oakland, CA 94612-0550.

On November 6, 2014, I served the attached **STIPULATION AND [PROPOSED] CONSENT JUDGMENT AS TO OUTSHINE, INC.** by placing a true copy thereof enclosed in a sealed envelope with the **Golden State Overnight Courier Service**, addressed as follows:

**Seon Yi Yoo
Katie Yoo
Outshine, Inc.
1125 South Main Street
Los Angeles, CA 90015**

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on November 6, 2014, at Oakland, California.

Larry Jefferson
Declarant



Signature