



DMS NOTICE
QC – 11 - 09

December 19, 2011

Discard: Retain

TO WEIGHTS AND MEASURES OFFICIALS

SUBJECT: Plastics Settlements (HBL Imports Corporation; Orion Plastics Corporation; Republic Bag, Inc.; Super Plastic Sales, Inc.; Union Packaging, Inc.; Wardley Industrial Incorporated; Yuzhong Packaging, Inc.)

Attached are Final Judgments and Permanent Injunctions issued by the District Attorney's Offices of Fresno, Los Angeles, and Riverside Counties against various manufacturers of polyethylene sheeting and bags for being in violation of California Business and Professions Codes 12024 for selling short measure products and Codes 12602, 12603 violations of Fair Packaging and Labeling Laws. Additional cases are still pending.

We appreciate the work done on behalf of the people, by the District Attorney's Offices and the State and county investigators that went around testing these products and continue these types of investigations. The following table summarizes the results to date of these investigations.

| Name | Cost Recovery | Civil Penalties | Cy Pres | Total Settlement |
|---------------------------------|---------------|-----------------|--------------|------------------|
| HBL Imports Corporation | \$ 4,211.51 | \$ 49,648.94 | - | \$ 53,860.45 |
| Orion Plastics Corporation | \$ 4,792.70 | \$ 47,219.53 | | \$ 52,012.23 |
| Republic Bag, Inc. | \$ 17,000.00 | \$222,000.00 | \$10,000.00* | \$266,000.00 |
| Super Plastic Sales, Inc. | \$ 6,231.00 | \$ 1,000.00 | - | \$ 7,231.00 |
| Union Packaging, Inc. | \$ 10,291.00 | \$ 5,984.00 | - | \$ 16,275.00 |
| Wardley Industrial Incorporated | \$ 6,500.00 | \$ 9,000.00 | - | \$ 15,500.00 |
| Yuzhong Packing, Inc. | \$ 4,956.00 | \$ 15,044.00 | - | \$ 20,000.00 |

* \$7,500 of the cy pres went to the CACASA Trust fund and \$2,500 went to the Consumer Protection Prosecution Trust Fund.



The lead counties for each of these cases should already have reported these penalties in the County Monthly Report (CMR) and all participating counties should have separately recorded their individual investigative cost reimbursements in the appropriate columns in the report.

Sincerely,

A handwritten signature in blue ink that reads "Kristin Macey". The signature is written in a cursive style with a large initial 'K' and 'M'.

Kristin J. Macey
Director

Cc: Edmund Williams, Director, CDFA County Liaison Office

1 ELIZABETH A. EGAN
DISTRICT ATTORNEY, COUNTY OF FRESNO
2 MICHAEL BRUMMEL, SBN 236116
DEPUTY DISTRICT ATTORNEY
3 929 L Street
Fresno, California 93721
4 Telephone: (559) 488-3156

FILED

MAR 23 2010

FRESNO SUPERIOR COURT

By _____ DEPT. 97C-DEPUTY

5 ATTORNEYS FOR PLAINTIFF

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF FRESNO

8 THE PEOPLE OF THE STATE OF)
9 CALIFORNIA,)

Civil Case No: 10CECG00642
D.A. Case No.: 07-B-44044

AMS

10 Plaintiff,

11 v.

12 HBL IMPORTS CORPORATION, a California)
13 Corporation, and DOES 1 through 10,)

FINAL JUDGMENT AND
PERMANENT INJUNCTION

14 Defendant(s).)
15)
16)

17 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, appears through its attorneys,
18 Elizabeth A. Egan, District Attorney of Fresno County, by Michael C. Brummel, Deputy
19 District Attorney; and Defendant HBL IMPORTS CORPORATION, a California Corporation,
20 ("HBL") appears through its attorneys, Geragos & Geragos, by Mark J. Geragos.

21 Plaintiff and Defendant, having stipulated to the entry of this Final Judgment and
22 Permanent Injunction Pursuant to Stipulation ("Final Judgment") prior to the taking of any
23 proof, and without trial or adjudication of any issue of fact or law;

24 NOW, THEREFORE, THE COURT ORDERS THAT:

25 1. This action is brought under California law, and this Court has jurisdiction of the
26 subject matter and the parties;

27 2. To the extent permitted by law, this Final Judgment is applicable to HBL, a
28 California corporation, its officers, directors, representatives, successors, assignees, and all

1 persons, partnerships, corporations, and other entities acting under, by, and through, on behalf
2 of, or in concert with HBL, with actual or constructive notice or knowledge of this Final
3 Judgment. This Final Judgment is also applicable to any and all subsidiaries of HBL and their
4 respective officers, directors, representatives, successors, assignees, and all persons,
5 partnerships, corporations, and other entities acting under, by, and through, on behalf of, or in
6 concert with HBL, with actual or constructive notice or knowledge of this Final Judgment. All
7 of these defendants, persons and entities shall hereinafter be referred to collectively as "HBL".
8 The injunctive provisions of this judgment are issued pursuant to Business and Professions Code
9 section 17203.

10 3. Pursuant to Business and professions Code section 17203, HBL is permanently
11 enjoined and restrained from doing, directly or indirectly, any of the following:

12 A. Failing to abide by each and every provision of Business and Professions
13 Code section 17500, as currently drafted or as amended in the future, relating to making
14 untrue, misleading or deceptive statements.

15 B. Failing to abide by each and every provision of Business and Professions
16 Code section 12024, as currently drafted or as amended in the future, relating to selling
17 of any commodity in less quantity than what is represented.

18 C. Failing to abide by each and every provision of Business and Professions
19 Code section 12603, as currently drafted or as amended in the future, relating to the
20 distribution of packaged commodities that are not in conformity with the Fair Packaging
21 and Labeling Act.

22 D. Failing to abide by each and every provision of Business and Professions
23 Code section 12603(b), as currently drafted or as amended in the future, relating to the
24 statement of the net quantity of contents of packaged commodities.

25 E. Failing to abide by each and every provision of Business and Professions
26 Code section 12605, as currently drafted or as amended in the future, relating to the
27 distribution of any packaged commodity employing qualifying words in conjunction
28 with a separate statement of net quantity.

1 F. Failing to abide by each and every provision of Business and
2 Professions Code section 12602, as currently drafted or as amended in the future,
3 relating to the distribution of any packaged or labeled commodity containing a label that
4 does not conform to the provisions of the Fair Packaging and Labeling Act.

5 G. Failing to abide by each and every provision of Business and Professions
6 Code section 12611, as currently drafted or as amended in the future, relating to the
7 packing, shipping, or selling of any commodity in a container not in conformity to the
8 Fair Packaging and Labeling Act.

9 H. Failing to abide by each and every provision of Business and Professions
10 Code section 12603(a), as currently drafted or as amended in the future, relating to the
11 identity of the commodity and the name and place of business of the manufacturer,
12 packer, or distributor for all packaged commodities.

13 I. Failing to abide by each and every provision of section 6.7.1 of the
14 National Institute of Standards and Technology's Handbook 130, Uniform Laws and
15 Regulations, as adopted under the California Code of Regulations, title 4, section 4510,
16 as currently drafted or as amended in the future, relating to the symbols and
17 abbreviations to be employed in the quantity statement on a packaged commodity.

18 J. Failing to abide by each and every provision of Business and
19 Professions Code section 17500, as currently drafted or as amended in the future,
20 relating to untrue, misleading and deceptive statements about the net quantity of the
21 contents of products.

22 4. Injunction Violation. Failure to comply with the injunctive provisions of this
23 Final Judgment and Permanent Injunction will result in further civil penalties pursuant to
24 Business and professions Code section 17207.

25 5. Jurisdiction and Judicially-Supervised Settlement. Notwithstanding anything
26 stated herein, the Superior Court of the State of California, County of Fresno, shall retain
27 jurisdiction to enforce, interpret and adjudicate any breach of this Agreement. This settlement
28 is a judicially-supervised settlement entered into pursuant to the provisions of Code of Civil
Procedure section 664.6. Pursuant to Code of Civil Procedure section 664.6, the Court is

5 Stipulation for Judgment.

6 7. Filing Fees. Defendants shall bear all filing fees associated with the Stipulation
7 for Entry of Judgment and the Final Judgment and Permanent Injunction. All other costs not
8 specified are the responsibility of the parties.

9 8. Ex Parte Appearance. The filing of this stipulation and proposed Stipulated
10 Judgment may be made by the *ex parte* appearance of Plaintiff without formal notice to
11 Defendants. Plaintiff shall use reasonable efforts to notify Defendants, through their counsel, at
12 least one day before its *ex parte* appearance to request the entry of this Stipulation and the
13 Stipulated Judgment, and shall provide Defendants, through their counsel, with a file-endorsed
14 copy of this Stipulation and the Stipulated Judgment promptly after they are filed.

15 9. Monetary Relief. HBL shall pay the People as and for investigative costs the
16 sum of \$ 4,211.51 by three certified checks made payable as follows:

17 A. \$ 690.21 shall be made payable to the California Division of
18 Measurement Standards.

19 B. \$ 1,960.85 shall be made payable to the Fresno County Department of
20 Weights and Measures.

21 C. \$ 1,560.45 shall be made payable to the Los Angeles County Department
22 of Weights and Measures.

23 10. Civil Penalties. HBL is hereby ordered, pursuant to Business and Professions
24 Code sections 17206 and 17536, to pay at the time of the filing of this judgment, a civil penalty
25 of \$49,648.94 by one certified check made payable to the "Fresno County District Attorney" as
26 civil penalties.

27 11. Method of Payment. Payment shall be made by cashiers check and delivered to
28 Michael C. Brummel, Fresno County District Attorney's Office Consumer and Environmental
Protection Division, 929 L Street, Fresno, CA 93721. Payment shall be made on or before the

26
27
28

1 ELIZABETH A. EGAN
2 DISTRICT ATTORNEY, COUNTY OF FRESNO
3 EDWARD T. BROWNE, SBN 167638
4 DEPUTY DISTRICT ATTORNEY
5 929 L. Street
6 Fresno, California 93721
7 Telephone: (559) 600-3156

FILED
JUN 27 2011
FRESNO COUNTY SUPERIOR COURT
By _____ DEPT. 402

6 ATTORNEYS FOR PLAINTIFF

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF FRESNO

9 THE PEOPLE OF THE STATE OF
10 CALIFORNIA,

11 Plaintiff,

12 v.

13 ORION PLASTICS CORPORATION, (A
14 California Corporation) (located at 700 Carob
15 Street, Compton, California 90220),
16 And DOES 1 through 50,

17 Defendant(s).

) Civil Case No.:
) D.A. Case No.: 07-45788

11CE CG 02095

) **STIPULATED FINAL JUDGMENT**

18 THE PEOPLE OF THE STATE OF CALIFORNIA, appearing through its attorneys,
19 ELIZABETH A. EGAN, District Attorney of Fresno County, California, by and through,
20 EDWARD T. BROWNE, Deputy District Attorney, and Defendants ORION PLASTICS
21 CORPORATION (A California Corporation) by and through, PHILLIP W. BARTENETTI,
22 attorney at law,

23 All parties having stipulated and consented to this Final Judgment without the taking of
24 any evidence regarding any issue of law or fact; and,

25 The Court having considered the pleadings, the Stipulation of the parties, and good
26 cause appearing:

27 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

28 JURISDICTION

COPY

1 Agriculture Division of Measurement Standards, as costs the sum of four thousand three
2 hundred ninety-seven dollars and seventy cents (\$4,397.70) as agreed costs of investigation
3 shall be made payable to *State of California, Department of Agriculture, Department of Food*
4 *& Agriculture Division of Measurement Standards.*

5 c. To Superior Court as costs the sum of three hundred and ninety-five dollars
6 (\$395.00) as filing fees shall be made payable to the *Superior Court of California, County of*
7 *Fresno.*

8 **Payment Method**

9 5. All checks required under the terms of this Final Judgment shall be delivered to
10 Fresno County District Attorney's Office, 929 L Street, Fresno, California 93721.

11 6. The payments on this judgment shall be made according to the following payment
12 schedule:

- 13 a) \$10,000.00 payable on or before the close of business on June 15, 2011.
- 14 b) \$3,819.29 payable on or before the close of business on July 15, 2011.
- 15 c) \$3,819.29 payable on or before the close of business on August 15, 2011.
- 16 d) \$3,819.29 payable on or before the close of business on September 15, 2011.
- 17 e) \$3,819.29 payable on or before the close of business on October 15, 2011.
- 18 f) \$3,819.29 payable on or before the close of business on November 15, 2011.
- 19 g) \$3,819.29 payable on or before the close of business on December 15, 2011.
- 20 h) \$3,819.29 payable on or before the close of business on January 15, 2012.
- 21 i) \$3,819.29 payable on or before the close of business on February 15, 2012.
- 22 j) \$3,819.29 payable on or before the close of business on March 15, 2012.
- 23 k) \$3,819.29 payable on or before the close of business on April 15, 2012.
- 24 l) \$3,819.29 payable on or before the close of business on May 15, 2012.

25 **Post Judgment Interest**

26 7. No interest shall accrue on the judgment amount if Defendants make all payments
27 on time. In the event that any payment is not made on time, interest shall accrue on the entire
28 judgment amount from the date that the judgment was entered and shall continue until the

1 Judgment is wholly satisfied.

2 8. The Defendants shall be in default in the event that they fail to pay a monthly
3 installment as described in paragraph #5, 30 days after the date that the installment becomes
4 due and owing. Upon default, the entire principal sum then unpaid shall become immediately
5 due and owing and the entire principal unpaid sum shall commence to accrue statutory interest.

6 9. All checks required under the terms of this Final Judgment shall be delivered to
7 Fresno County District Attorney's Office, and 929 L Street, Fresno, California 93721.

8 10. The monetary portion of the Judgment as set forth in paragraphs #4 and #5 shall
9 not be dischargeable in any bankruptcy proceeding.

10 11. Each party shall bear all other costs of suit incurred in this case.

11 12. All forms of notice of service required to be made upon any Defendant for the
12 purpose of enforcement of the terms of this Judgment shall be deemed to have been made when
13 such service has been made by United States mail as follows:

14 PHILLIP W. BARTENETTI, Attorney at Law, 800 Wilshire Boulevard, 12th
15 Floor, Los Angeles, California 90017.

16 12. Jurisdiction is retained for the purpose of enabling any party to this Judgment to
17 apply to the Court at any time for such further orders or directions as may be necessary or
18 appropriate for the carrying out of this Judgment, for the modification or termination of any of
19 the injunctive provisions herein, for the enforcement of compliance herewith and for
20 punishment of violations hereof.

21 13. This Judgment shall take effect immediately upon entry thereof.

22 DATED: 6/27/11

JEFFREY Y. HAMILTON JR.

JUDGE OF THE SUPERIOR COURT

24
25
26
27
28

SEP 28 2010

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
29
30

ROD PACHECO
District Attorney, County of Riverside
Elise Farrell
Deputy District Attorney
SBN 100929
3960 Orange Street
Riverside, CA 92501
(951) 955-5400

AAA
FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
OCT 07 2010
Retard
OCT 12 2010

Attorneys for Plaintiff, The People of the State of California

SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES

| | | |
|--|---|---|
| THE PEOPLE OF THE STATE OF CALIFORNIA, |) | Case No. RIC 10019234 |
| Plaintiff, |) | |
| vs. |) | STIPULATION FOR ENTRY OF FINAL JUDGMENT |
| REPUBLIC BAG, Inc. , a California corporation; |) | |
| Defendant. |) | |

IT IS HEREBY STIPULATED between the Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, by and through Rod Pacheco, District Attorney for the County of Riverside, State of California, and Elise J. Farrell, Deputy District Attorney, and Defendant REPUBLIC BAG, INC.; appearing by and through counsel Michael J. Steponovich, Jr. of Steponovich and Associates, A Professional Law Corporation, that the proposed Final Judgment Pursuant to Stipulation (hereinafter referred to as the "Final Judgment"), a copy of which is attached hereto as Exhibit "1" and by this reference made a part hereof, may be entered in the above-entitled matter.

The parties further stipulate the Final Judgment is premised on the following:

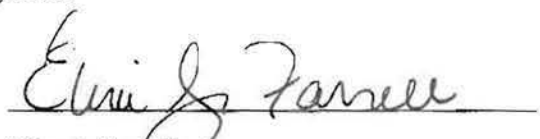
1. The Final Judgment does not constitute any evidence against or admission by the Defendant regarding any issue of fact or law alleged in the Complaint on file herein.
2. The parties acknowledge that the Final Judgment may be used as evidence in future actions against the parties based upon any violations of the terms of the Final Judgment.

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
29
30

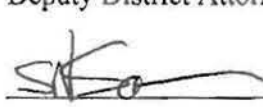
3. Plaintiff, the People of the State of California, agrees to release and discharge Defendant, its officers, directors, representatives, successors and assignees from any civil claims, suits, demands, or complaints, pertaining to or arising from the alleged unlawful acts and practices described in the Complaint filed contemporaneously with the Final Judgment, which acts occurred prior to the date of entry of the Final Judgment.

4. Defendant has actual notice of the Final Judgment.

Dated: 9/28/10


Elise J. Farrell
Deputy District Attorney

Dated: 9/24/10

 9/24/10
Stephen N. Shroeder
President of Republic Bag, Inc.

Dated: 9/24/10

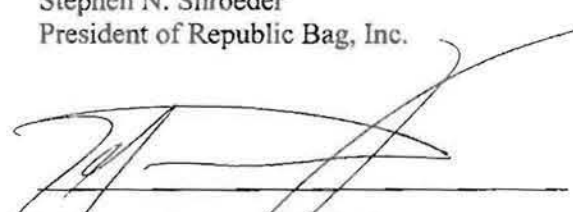

Michael J. Steponovich, Jr. Esq.
For Defendant Republic Bag, Inc.

EXHIBIT 1

1 ROD PACHECO
2 District Attorney, County of Riverside
3 Elise J. Farrell
4 Deputy District Attorney , SBN 100929
5 3960 Orange Street
6 Riverside, CA 92501
7 (951) 955-6183
8 Attorneys for Plaintiff,
9 The People of the State of California

10 SUPERIOR COURT OF CALIFORNIA, COUNTY OF RIVERSIDE

11 THE PEOPLE OF THE STATE OF CALIFORNIA,) Case No.:
12 Plaintiff,) FINAL JUDGMENT PURSUANT TO
13 vs.) STIPULATION
14)
15 REPUBLIC BAG, Inc. , a California corporation;)
16 Defendant.)
17)
18)
19)

20
21 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, having filed its
22 Complaint herein; and REPUBLIC BAG, Inc. , a California corporation; having acknowledged
23 receipt thereof; and Plaintiff appearing through its attorneys Rod Pacheco, District Attorney of
24 Riverside County, by Elise J. Farrell, Deputy District Attorney, and Defendant REPUBLIC BAG,
25 Inc.; appearing by and through counsel Michael J. Steponovich, Jr. of Steponovich and Associates,
26 A Professional Law Corporation, and;

27 IT APPEARING TO THE COURT that the parties hereto have stipulated to the entry of this
28

1 Final Judgment, the court having considered the matter and good cause appearing therefore; and
2 Plaintiff and Defendant having stipulated and consented to the entry of this Judgment prior to the
3 taking of any proof, and without trial or adjudication of any fact or law herein, and without this
4 Judgment constituting any admission by Defendant regarding any issue of fact or law alleged in
5 said Complaint; and

6 The Court having considered the pleadings:

7 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff have
8 judgment against the Defendant as follows:

9
10 **JURISDICTION**

11 1. This action is brought under California law and this Court has jurisdiction of
12 the subject matter hereof and the parties hereto.

13 **APPLICABILITY**

14 2. The provisions of this Judgment, including the injunction contained herein, are
15 applicable to Defendant Republic Bag, Inc.; and to its owners, officers, directors, employees,
16 agents, and representatives, acting within the actual and ostensible scope of their employment, and
17 to all assigns or successors of the Defendant, and to all persons, partnerships, corporations, and
18 other entities acting by, through, or on behalf of the Defendant, and to all persons acting in concert
19 or participation with the Defendant, who have actual or constructive knowledge of this Judgment.

20
21 **INJUNCTION**

22 3. Pursuant to Business and Professions Code sections 17203 and 17535,
23 Defendant, and all persons, corporations and entities set forth in paragraph 2 above, are hereby
24 permanently enjoined and restrained from engaging, directly or indirectly, in any of the following
25 acts or practices:

26 a. Selling any commodity in less quantity than represented, in violation of
27 Business and Professions Code section 12024;

28 b. Distributing or causing to be distributed any packaged or labeled commodity

1 when such commodity is contained in a package, or if there is a label affixed to a such commodity,
2 which does not conform to Business and Professions Code sections 12601 et seq., commonly
3 known as the Fair Packaging and Labeling Act, in violation of Business and Professions Code
4 section 12602;

5 c. Distributing or causing to be distributed a packaged commodity that does not
6 bear a label specifying the identity of the commodity and the name and place of business of the
7 manufacturer, packer or distributor; the net quantity of the contents (in terms of weight or mass,
8 measure, numerical count, or time) is separately and accurately stated in a uniform location on the
9 principal display panel of that label as set forth in and required by Business and Professions Code
10 section 12603;

11 d. Packaging, shipping, or selling a commodity with a label that does not
12 conform to Business and Professions Code section 12603, in violation of Business and Professions
13 Code section 12611;

14 e. Failing to accurately declare the quantity of contents for polyethylene
15 products as required by California Code of Regulations section 4512.1.

16 **MONETARY RELIEF**

17 4. Defendant is ordered to pay the sum of \$222,000 (two hundred twenty two
18 thousand dollars to the District Attorney for the County of Riverside as civil penalties pursuant to
19 Business and Professions Code sections 17206 and 17536. Said sum shall be paid by cashier's
20 check or money order upon entry of this Final Judgment, delivered to the attention of Elise J.
21 Farrell, Deputy District Attorney, Office of the District Attorney, 3960 Orange Street, Riverside,
22 CA 92501.

23 5. Defendant is further ordered to pay \$17,000 (seventeen thousand dollars) in
24 investigative costs as follows:

25 a. Riverside County District Attorney's Office.....\$3388.00
26 State of California Division of Measurement Standards
27 ("CDFA-cashier, REIMB.050").....\$8245.00
28 Fresno County Department of Weights and Measures.....\$748.00

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

Los Angeles County Department of Weights and Measures..\$2369.00
Riverside County Department of Weights and Measures.....\$2250.00

b. Said sums shall be paid by cashier's check or money order upon entry of this Final Judgment, delivered to the attention of Elise J. Farrell, Deputy District Attorney, Office of the District Attorney, 3960 Orange Street, Riverside, CA 92501.

6. Recognizing the infeasibility of identifying injured consumers who suffered actual loss, the impracticality of providing direct restitution to said consumers, and the disproportionate cost of making restitution to individual consumers, which would far exceed the benefit consumers would gain, the parties agree that Defendant shall pay, pursuant to Business and Professions Code sections 17203 and 17535, *cy pres* restitution in the sum of \$10,000 (ten thousand dollars). Of the \$10,000 *cy pres* restitution amount, \$2500 (twenty five hundred dollars) shall be paid to the Consumer Protection Prosecution Trust Fund established in the case of People v. ITT Consumer Financial Corporation (Alameda Superior Court No. 656038-0). Of the \$10,000 *cy pres* restitution amount, \$7500 (seventy five hundred dollars) shall be paid to the California Agricultural Commissioners and Sealers Association Trust Fund. The payments required under this paragraph shall be made upon entry of this Judgment by cashier's check payable to the "Consumer Protection Prosecution Trust Fund" and the "California Agricultural Commissioners and Sealers Association Trust Fund" and sent to the Riverside County District Attorney's Office, attn: Elise J. Farrell, 3960 Orange Street, Riverside, CA, 92501.

QUALITY CONTROL

7. Within 90 days after entry of this Final Judgment, and for so long as Defendant is engaged in the packaging or selling or distributing in or from the State of California any polyethylene product, Defendant shall develop, implement, and maintain a compliance program designed to ensure that the product packaged and/or sold by Defendant anywhere from or within the State of California, complies with the requirements of Business and Professions Code section 12024

1 and the regulations adopted pursuant to that section. This compliance program shall implement
2 adequate controls and procedures reasonably designed to achieve compliance with Business and
3 Professions Code sections 12024, 12600 et seq., 17200, and 17500. Such controls and procedures
4 shall include reasonable check-weight protocols (to achieve accuracy in packaging and labeling)
5 and other reasonable quality-control protocols (to receive and address packaging and labeling
6 concerns from customers and employees).

7 8 COMPLIANCE

9 8. For so long as Defendant is engaged in the packaging or selling or
10 distributing in or from the State of California of any packaged polyethylene product, Defendant
11 shall maintain written records and reports evidencing compliance with the procedures specified in
12 paragraph seven, above, for a period of four years, and shall make them available upon demand to
13 any inspector from the California Department of Food and Agriculture, Division of Measurement
14 Standards, or any Agricultural Standards Officer or Investigator from the office of any County
15 Agriculture Commissioner/Sealer, or within 48 hours of the written demand of any District
16 Attorney's Office or City Attorney's Office in the State of California.

17 9. Within 30 days of the date of the filing of this Final Judgment, Defendant
18 shall provide a copy of the injunctive portions of this Final Judgment to its officers and employees
19 who have responsibility for developing and implementing policies and quality control with respect
20 to the subject matter of this Final Judgment. This shall be a continuing obligation for any new
21 officers and/or employees appointed or hired after entry of this Final Judgment. Each person to
22 whom a copy of this Judgment is provided must sign and date a document acknowledging receipt of
23 these provisions. The signed receipt must be maintained by Defendant for a period of three years
24 from termination with the company.

25 10. Defendant shall permit duly authorized representatives of the Plaintiff, at
26 reasonable times and places, and without interference of any kind, to interview agents, employees,
27 or representatives of Defendant regarding any matter contained in this Final Judgment. Nothing in
28 this paragraph shall be deemed or interpreted to limit the State of California Division of

1 Measurement Standards or county Weights and Measures from exercising their statutory and
2 administrative powers.

3 11. This Final Judgment shall take effect upon entry thereof.

4 **RETENTION OF JURISDICTION**

5 12. Jurisdiction is retained by this Court for the purpose of enabling any party to
6 this Final Judgment to apply to this Court at any time for such further orders and directions as may
7 be necessary and appropriate for the construction or carrying out of this Final Judgment, for the
8 enforcement of compliance herewith, or for the punishment of violations thereof.
9

10 Dated:

11
12 _____
13 Judge of the Superior Court
14 County of Riverside
15
16
17
18
19
20
21
22
23
24
25
26
27
28

64

1 STEVE COOLEY, District Attorney
County of Los Angeles
2 STANLEY P. WILLIAMS, State Bar No. 106658
LESLIE A. HANKE, State Bar No. 122237
3 Deputy District Attorneys
4 201 North Figueroa Street, Suite 1200
Los Angeles, California 90012
5 Telephone (213) 580-3255

FILED
LOS ANGELES SUPERIOR COURT
JAN 26 2011
John A. Clark, Executive Officer/Clerk
By C. Prescott, Deputy

RECEIVED
DEC 16 2010
FILING WINDOW

6 Attorneys for Plaintiff
7

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF LOS ANGELES

10 THE PEOPLE OF THE STATE OF CALIFORNIA,) CASE NO. **BC 451456**
11)
12 Plaintiff,) FINAL JUDGMENT
13 v.) PURSUANT TO
14) STIPULATION
15 EUN SIL SONG, Individually and as Chief Financial)
16 Officer and Secretary of Super Plastic Sales, Inc., a)
California corporation,)
Defendant.)

17
18 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, having filed its
19 Complaint herein; and Defendant EUN SIL SONG having acknowledged receipt thereof; and
20 Plaintiff appearing through its attorneys Steve Cooley, District Attorney of Los
21 Angeles County, by Stanley P. Williams and Leslie A. Hanke, Deputy District Attorneys, and
22 Defendant Eun Sil Song appearing in propria persona; and

23 IT APPEARING TO THE COURT that the parties hereto have stipulated to the
24 entry of this Final Judgment, the court having considered the matter and good cause appearing
25 therefore; and

26 Plaintiff and Defendant having stipulated and consented to the entry of this
27 Judgment prior to the taking of any proof, and without trial or adjudication of any fact or law
28

1 herein, and without this Judgment constituting any admission by Defendant regarding any issue
2 of fact or law alleged in said Complaint; and

3 The Court having considered the pleadings:

4 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff have
5 judgment against the Defendant as follows:

6
7 **JURISDICTION**

8 1. This action is brought under California law and this Court has jurisdiction of
9 the subject matter hereof and the parties hereto.

10
11 **DISCLAIMER OF ADMISSIONS**

12 2. Plaintiff and Defendant have stipulated and consented to the entry of this
13 Judgment prior to the taking of any proof, and without trial or adjudication of any issue or fact or
14 law herein. This Judgment shall not constitute any admissions by Defendant regarding any issue
15 of fact or law alleged in the Complaint in this action, and shall not constitute an admission of any
16 violation of any law relating to the importation, manufacture, packaging, sale or distribution of
17 plastic products.

18
19 **APPLICABILITY**

20 3. The provisions of this Judgment, including the injunction contained herein,
21 are applicable to Defendant Eun Sil Song and to all owners, officers, directors, employees,
22 agents, and representatives of Defendant acting within the actual and ostensible scope of their
23 employment, and to all assigns or successors of the Defendant, and to all persons, partnerships,
24 corporations, and other entities acting by, through, or on behalf of the Defendant, and to all
25 persons acting in concert or participation with the Defendant, who have actual or constructive
26 knowledge of this Judgment.

27 //

28 //

1 INJUNCTION

2 4. Pursuant to Business and Professions Code sections 17203 and 17535,
3 Defendant, and all persons, corporations and entities set forth in paragraph 3 above, are hereby
4 permanently enjoined and restrained from engaging, directly or indirectly, in any of the
5 following acts or practices:

6 a) Selling any commodity in less quantity than represented, in violation of
7 Business and Professions Code section 12024;

8 b) Distributing or causing to be distributed any commodity, if the
9 commodity is contained in a package, or if there is affixed to a such commodity a label, which
10 does not conform to Business and Professions Code sections 12601 *et seq.*, commonly known as
11 the Fair Packaging and Labeling Act, in violation of Business and Professions Code section
12 12602;

13 c) Distributing or causing to be distributed a packaged commodity that
14 does not bear a label specifying the identity of the commodity and the name and place of
15 business of the manufacturer, packer or distributor; and the net quantity of the contents (in terms
16 of weight or mass, measure, numerical count, or time) which is separately and accurately stated
17 in a uniform location on the principal display panel of that label as set forth in, and required by,
18 Business and Professions Code section 12603;

19 d) Failing to accurately declare the quantity of contents for polyethylene
20 products as required by Title 4 California Code of Regulations section 4512.1.

21 MONETARY RELIEF

22 5. Defendant is ordered to pay the sum of \$7231 in monetary relief. Of that
23 amount \$3876 represents investigative costs incurred by the California Division of Measurement
24 Standards, \$1940 represents costs incurred by the County of Los Angeles Bureau of Weights and
25 Measures, and \$415 represents fees payable to the Los Angeles County Superior Court. The
26 balance of \$1000 represents civil penalties pursuant to Business and Professions Code sections
27
28

1 17206 and 17536. The sums set forth in this paragraph shall be paid upon the following terms
2 and conditions:

3 a) At the time of filing of this Final Judgment, Defendant shall provide to
4 the District Attorney's Office certified or cashier's checks made payable as follows:

5 1. \$415 made payable to the Los Angeles County Superior Court;

6 2. \$3876 made payable to the California Division of Measurement
7 Standards as reimbursement of costs of investigation;

8 3. \$1940 made payable to the Los Angeles County Bureau of Weights
9 and Measures as reimbursement of costs of investigation; and

10 4. \$1000 made payable to the District Attorney's Office as civil
11 penalties pursuant to Business and Professions Code sections 17206 and 17536.

12 b) All payments made pursuant to this paragraph shall be made by
13 certified or cashier's checks mailed or delivered to the attention of Leslie Hanke, Deputy District
14 Attorney, Office of the District Attorney, Consumer Protection Division, 201 North Figueroa
15 Street, Suite 1200, Los Angeles, California 90012.

16
17 **COMPLIANCE**

18 6. Defendant shall deliver a copy of this Final Judgment to all officers, directors,
19 managers, agents, employees, successors and representatives of the Defendant, including all
20 companies and businesses with which Defendant is associated, within ten (10) days of the entry
21 of this Judgment.

22 7. Defendant shall permit duly authorized representatives of the Plaintiff, at
23 reasonable times and places, and without interference of any kind, to interview agents, servants,
24 employees, or representatives of Defendant, or any of them, regarding any matter contained in
25 this Final Judgment. Nothing in this paragraph shall be deemed or interpreted to limit the State
26 of California Division of Measurement Standards or the County of Los Angeles Bureau of
27 Weights and Measures from exercising their statutory and administrative powers.

28

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


8. Service upon Eun Sil Song shall constitute sufficient and complete notice of the terms of this Final Judgment and Injunction.

9. This Final Judgment shall take effect upon entry thereof.

RETENTION OF JURISDICTION

10. Jurisdiction is retained by this Court for the purpose of enabling any party to this Final Judgment to apply to this Court at any time for such further orders and directions as may be necessary and appropriate for the construction or carrying out of this Final Judgment, for the enforcement of compliance herewith, or for the punishment of violations thereof.

Dated: 1/26/11, at Los Angeles, California



Judge of the Superior Court
County of Los Angeles **KENNETH B. FREEMAN**

ORIGINAL FILED

JUN 14 2010

LOS ANGELES
SUPERIOR COURT

REC'D
MAY 25 2010
FILING WING

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)
 12)
 13 Plaintiff,)
 14 v.)
 15 UNION PACKAGING, INC., a California Corporation,)
 16 Defendant.)

CASE NO. BC 438380
 FINAL JUDGMENT
 PURSUANT TO
 STIPULATION

17 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, having filed its
18 Complaint herein; and Defendant UNION PACKAGING, INC. having acknowledged receipt
19 thereof; and

20 Plaintiff appearing through its attorneys Steve Cooley, District Attorney of Los
21 Angeles County, by Stanley P. Williams and Leslie A. Hanke, Deputy District Attorneys, and
22 Defendant Union Packaging, Inc. appearing by and through counsel Myers, Widders, Gibson,
23 Jones & Schneider, L.L.P. by Nancy D. Hartzler, Esq.; and

24 IT APPEARING TO THE COURT that the parties hereto have stipulated to the
25 entry of this Final Judgment, the court having considered the matter and good cause appearing
26 therefore; and

27 //
28

1 Plaintiff and Defendant having stipulated and consented to the entry of this
2 Judgment prior to the taking of any proof, and without trial or adjudication of any fact or law
3 herein, and without this Judgment constituting any admission by defendants regarding any issue
4 of fact or law alleged in said Complaint; and

5 The Court having considered the pleadings:

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff have
7 judgment against the Defendant as follows:

8
9 **JURISDICTION**

10 1. This action is brought under California law and this Court has jurisdiction of
11 the subject matter hereof and the parties hereto.

12
13 **DISCLAIMER OF ADMISSIONS**

14 2. Plaintiff and Defendant have stipulated and consented to the entry of this
15 Judgment prior to the taking of any proof, and without trial or adjudication of any issue or fact or
16 law herein. This Judgment shall not constitute any admissions by Defendant regarding any issue
17 of fact or law alleged in the Complaint in this action, and shall not constitute an admission of any
18 violation of any law relating to the importation, manufacture, packaging, sale or distribution of
19 plastic products.

20
21 **APPLICABILITY**

22 3. The provisions of this Judgment, including the injunction contained herein,
23 are applicable to Defendant Union Packaging, Inc. and to its owners, officers, directors,
24 employees, agents, and representatives, acting within the actual and ostensible scope of their
25 employment, and to all assigns or successors of the Defendant, and to all persons, partnerships,
26 corporations, and other entities acting by, through, or on behalf of the Defendant, and to all
27 persons acting in concert or participation with the defendant, who have actual or constructive
28 knowledge of this Judgment.

1 **INJUNCTION**

2 4. Pursuant to Business and Professions Code sections 17203 and 17535,
3 Defendant, and all persons, corporations and entities set forth in paragraph 3 above, are hereby
4 permanently enjoined and restrained from engaging, directly or indirectly, in any of the
5 following acts or practices:

6 a. Selling any commodity in less quantity than represented, in
7 violation of Business and Professions Code section 12024;

8 b. Distributing or causing to be distributed any packaged or labeled
9 commodity when such commodity is contained in a package, or if there is a label affixed to a
10 such commodity, which does not conform to Business and Professions Code sections 12601 *et*
11 *seq.*, commonly known as the Fair Packaging and Labeling Act, in violation of Business and
12 Professions Code section 12602;

13 c. Distributing or causing to be distributed a packaged commodity
14 that does not bear a label specifying the identity of the commodity and the name and place of
15 business of the manufacturer, packer or distributor; the net quantity of the contents (in terms of
16 weight or mass, measure, numerical count, or time) is separately and accurately stated in a
17 uniform location on the principal display panel of that label as set forth in and required by
18 Business and Professions Code section 12603;

19 d. Failing to accurately declare the quantity of contents for
20 polyethylene products as required by Title 4 California Code of Regulations section 4512.1.

21
22 **MONETARY RELIEF**

23 4. Defendant is ordered to pay the sum of \$16,275 to the District Attorney
24 for the County of Los Angeles. Of that amount, \$5984 represents civil penalties pursuant to
25 Business and Professions Code sections 17206 and 17536, and \$355 represents fees payable to
26 the Los Angeles County Superior Court. The balance of \$9936 represents legal and investigative
27 costs including \$2000 incurred by the District Attorney's Office of Los Angeles County, \$1601
28 in investigation costs incurred by the State of California, Division of Measurement Standards,

1 and \$6335 in investigation costs incurred by the County of Los Angeles, Department of Weights
2 and Measures. All monies shall be paid to the Los Angeles County District Attorney's Office for
3 distribution. The sums set forth in this paragraph shall be paid upon the following terms and
4 conditions:

5 a. At the time of filing of this Final Judgment, Defendant shall
6 provide to the District Attorney's Office a certified or cashier's check made payable as follows:
7 \$7984 made payable to the Los Angeles County District Attorney's Office for civil penalties and
8 legal costs and civil penalties; \$1601 made payable to the State of California Division of
9 Measurement Standards for investigation costs; and \$6,335 made payable to Los Angeles County
10 Department of Weights and Measures representing investigation costs incurred. Additionally,
11 Defendant shall provide a check made payable to the Los Angeles County Superior Court in the
12 amount of \$355.

13 d. All payments made pursuant to this paragraph shall be made by
14 certified or cashier's check and mailed or delivered to the attention of Leslie Hanke, Deputy
15 District Attorney, Office of the District Attorney, Consumer Protection Division, 201 North
16 Figueroa Street, Suite 1200, Los Angeles, California 90012.

17 e. In the event of default by the Defendant on any of the payments
18 described herein, the full balance shall become due and payable and shall incur interest at the
19 legal rate from the date of such default. Plaintiff shall be entitled to reasonable fees and costs
20 incurred in collecting any payments due and owing subsequent to such default.

21 22 COMPLIANCE

23 5. Defendant shall deliver a copy of this Final Judgment to all officers,
24 directors, managers, agents, employees and representatives of the Defendant, including all
25 companies and businesses with which they are associated, within ten (10) days of the entry of
26 this Judgment.

27 6. Defendant shall permit duly authorized representatives of the Plaintiff, at
28 reasonable times and places, and without interference of any kind, to interview agents, servants,

1 employees, or representatives of Defendant, or any of them, regarding any matter contained in
2 this Final Judgment. Nothing in this paragraph shall be deemed or interpreted to limit the State
3 of California Division of Measurement Standards or the County of Los Angeles Department of
4 Weights and Measures from exercising their statutory and administrative powers.

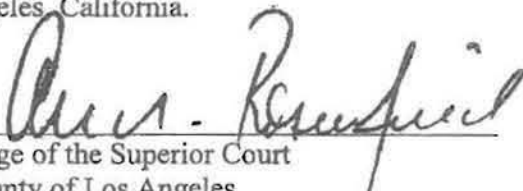
5 7. Service upon Benjamin Song shall constitute sufficient and complete
6 notice of the terms of this Final Judgment and Injunction.

7 8. This Final Judgment shall take effect upon entry thereof.

8
9 **RETENTION OF JURISDICTION**

10 9. Jurisdiction is retained by this Court for the purpose of enabling any party
11 to this Final Judgment to apply to this Court at any time for such further orders and directions as
12 may be necessary and appropriate for the construction or carrying out of this Final Judgment, for
13 the enforcement of compliance herewith, or for the punishment of violations thereof.

14
15
16 Dated: JUN 14 2010, at Los Angeles, California.

17
18 
19 Judge of the Superior Court
20 County of Los Angeles

1 STEVE COOLEY, District Attorney
County of Los Angeles
2 STANLEY P. WILLIAMS, State Bar No. 106658
3 LESLIE A. HANKE, State Bar No. 122237
Deputy District Attorneys
4 201 North Figueroa Street, Suite 1200
Los Angeles, California 90012
5 Telephone (213) 580-3255

CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court

MAY 25 2010

6 Attorneys for Plaintiff

John A. Starke, Executive Officer/Clerk
By: *[Signature]* Deputy
ROTHY SWAIN

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10 THE PEOPLE OF THE STATE OF CALIFORNIA,) CASE NO. BC438380
11)
12 Plaintiff,)
13 v.) COMPLAINT FOR
14 UNION PACKAGING, INC., a California) INJUNCTION,
Corporation,) CIVIL PENALTIES
15) AND OTHER
16 Defendant.) RELIEF

17 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through Steve
18 Cooley, District Attorney for the County of Los Angeles, State of California, acting on
19 information and belief, allege:

21 JURISDICTION AND VENUE

22 1. Steve Cooley, District Attorney for the County of Los Angeles, State of
23 California, by Stanley P. Williams and Leslie A. Hanke, Deputy District Attorneys, acting to
24 protect the general public from untrue or misleading representations, unfair, deceptive, untrue or
25 misleading advertising, and unlawful, unfair or fraudulent business practices, brings this suit in
26 the public interest in the name of the PEOPLE OF THE STATE OF CALIFORNIA. Plaintiff, by
27 this action and pursuant to Business and Professions Code sections 17203, 17206, 17535, and
28 17536, seeks to enjoin Defendant from engaging in the unfair, fraudulent and unlawful business

1 defines unfair competition to include any unlawful, unfair or fraudulent business act or practice
2 and unfair, deceptive, untrue or misleading advertising. Defendant's acts and practices of unfair
3 competition include, but are not limited to, the following:

4 a. Defendant has violated Section 17500 of the Business and
5 Professions Code as more particularly described in paragraph 7 of this Complaint, which is re-
6 alleged and incorporated herein by this reference as though set forth fully herein.

7 b. Defendant had distributed packaged polyethylene products without
8 labels that indicate the count, dimension, thickness, weight and capacity of the products, in
9 violation of Title 4 California Code of Regulations section 4512.1;

10 c. Defendant has distributed packaged commodities with non-
11 conforming labels, in violation of California Code of Regulations section and 4512.3 and
12 Business and Professions Code section 12611;

13 d. Defendant has sold polyethylene products in less quantity than
14 represented on the on the packaging, in violation of Business and Professions Code section
15 12024;

16 e. Defendant has sold packaged commodities without a net
17 quantity statement, in violation of Business and Professions Code section 12607;

18 f. Defendant has sold packaged products without indicating the
19 identity of the commodity, the net contents of the contents of the commodity (weight or mass,
20 measure, numerical count) on the principle display panel, and without indicating the name and
21 place of business of the manufacturer, packer or distributor, in violation of Business and
22 Professions Code section 12603.

23 11. Defendant's acts of unfair competition as described in paragraphs 9 and 10
24 above constitute patters and practices central to the operation of Defendant's business. Unless
25 enjoined by order of this Court, defendant is likely to continue to engage in such acts of unfair
26 competition.

27 //

28 //

1 PRAYER FOR RELIEF

2 WHEREFORE, plaintiff prays for judgment as follows:

3 1. Defendant, its successors, assigns, agents, representatives, employees and
4 all persons who act in concert with it be permanently enjoined from making any untrue or
5 misleading statements in violation of Business and Professions Code section 17500 including,
6 but not limited to, the untrue or misleading statements alleged in the First Cause of Action.

7 2. Defendant, its successors, assigns, agents, representatives, employees and
8 all persons who act in concert with them be permanently enjoined from engaging in unfair
9 competition as defined in Business and Professions Code section 17200 including, but not
10 limited to, the acts or practices alleged in the Second Cause of Action.

11 3. Pursuant to Business and Professions Code section 17536, the court assess
12 a civil penalty of two thousand five hundred dollars (\$2500) against Defendant for each violation
13 of Business and Professions Code section 17500 alleged in the First Cause of Action.

14 4. Pursuant to Business and Professions Code section 17206, the court assess
15 a civil penalty of two thousand five hundred dollars (\$2500) against Defendant for each violation
16 of Business and Professions Code section 17200 alleged in the Second Cause of Action.

17 5. Plaintiff recovers its costs of suit, including costs of investigation.

18 6. Plaintiff have such other and further relief as the nature of the case may
19 require and the court deems appropriate to fully and successfully dissipate the effects of the
20 untrue and misleading statements and unlawful and unfair business acts complained of herein.

21
22 DATED: 5/20/2010

23 STEVE COOLEY
24 District Attorney
25 STANELY P. WILLIAMS
26 Head Deputy District Attorney
27 LESLIE A. HANKE
28 Deputy District Attorney

By: Leslie A. Hanke
LESLIE A. HANKE
Deputy District Attorney

1 ELIZABETH A. EGAN
2 DISTRICT ATTORNEY, COUNTY OF FRESNO
3 EDWARD T. BROWNE, SBN 167638
4 DEPUTY DISTRICT ATTORNEY
5 929 L. Street
6 Fresno, California 93721
7 Telephone: (559) 488-3156

FILED
APR 02 2010
FRESNO SUPERIOR COURT
By _____ DEPT. 97B - DEPUTY

6 ATTORNEYS FOR PLAINTIFF

7 SUPERIOR COURT OF THE STATE OF CALIFORNIA
8 COUNTY OF FRESNO

9 THE PEOPLE OF THE STATE OF)
10 CALIFORNIA,)

11 Plaintiff,)

12 v.)

13 WARDLEY INDUSTRIAL)
14 INCORPORATED, (A California Corporation))
15 (located at 907 Stokes Avenue, Stockton,)
16 California 95215),)
17 JACKY WONG, Individually, and as)
18 President of WARDLEY INDUSTRIAL)
19 INCORPORATED,)
and DOES 1 through 50,)

18 Defendant(s).)

Civil Case No.:
D.A. Case No.: 2007 B 49829

10 CE CG 01147

STIPULATED FINAL JUDGMENT

20 THE PEOPLE OF THE STATE OF CALIFORNIA, appearing through its attorneys,
21 ELIZABETH A. EGAN, District Attorney of Fresno County, California, by and through,
22 EDWARD T. BROWNE, Deputy District Attorney, and Defendants, JACKY WONG,
23 individually and WARDLEY INDUSTRIAL INCORPORATED (A California Corporation) by
24 and through, DAVID A. RISHWAIN, attorney at law,

25 All parties having stipulated and consented to this Final Judgment without the taking of
26 any evidence regarding any issue of law or fact; and,

27 The Court having considered the pleadings, the Stipulation of the parties, and good
28 cause appearing:

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

2 1. This Court has jurisdiction of the parties to this Judgment and of the subject
3 matter in this action, and that the injunctive provisions of this Judgment are issued pursuant to
4 Business and Professions Code section 17203.

5 2. Pursuant to Business and Professions Code section 17203 defendants and their
6 agents, representatives, employees, other businesses in which defendants either separately or in
7 conjunction with other defendants have an ownership interest which exceeds twenty-five
8 percent (25%), defendants' officers, directors, managers, agents, servants, representatives,
9 employees, independent contractors, consultants, franchisees, and all other persons acting in
10 concert or in participation with defendants or any of them who have actual or constructive
11 notice of this judgment are hereby enjoined and restrained from directly or indirectly violating
12 Business and Professions Code section 12001 et seq. by selling plastic trash can liners and
13 other plastic products in less quantities than as represented on labeling of these products.

14 3. Failure to comply with the injunctive provisions of this Final Judgment will
15 result in further civil penalties pursuant to Business and Professions Code section 17207.

16 4. Defendant shall pay the sum of FIFTEEN THOUSAND FIVE HUNDRED
17 DOLLARS (\$15,500.00) to the Fresno County District Attorney Consumer Protection Unit as
18 agreed civil penalties and miscellaneous costs pursuant to Business and Professions Code
19 section 17206. The civil penalties shall be paid to the Fresno County District Attorney's Office
20 Consumer and Environmental Protection Unit for the continued enforcement of consumer and
21 environmental laws. Said payment shall be made by certified check or money order payable to
22 *Fresno County District Attorney* and shall be distributed by the Fresno County District
23 Attorney as follows:

24 a) To the County of Fresno, District Attorney, the sum of NINE
25 THOUSAND DOLLARS (\$9,000.00) as agreed civil penalties;

26 b) To the State of California, Department of Agriculture, Department of
27 Food & Agriculture Division of Measurement Standards the sum of THREE
28

1 THOUSAND FIVE HUNDRED FIFTY-ONE DOLLARS and SEVENTY-THREE
2 CENTS (\$3,551.73) as agreed costs of investigation;

3 c) To Fresno County, Department of Agriculture, the sum of TWO
4 THOUSAND FOUR HUNDRED FORTY-EIGHT DOLLARS AND TWENTY-
5 SEVEN CENTS (\$2,448.27) as agreed costs of investigation.

6 d) To the County of San Joaquin, Department of Agriculture, the sum of
7 FIVE HUNDRED DOLLARS (\$500.00) as agreed costs of investigation.

8 5. Payment is due upon entry of this judgment and shall be delivered Fresno
9 County District Attorney's Office, 929 L. Street, Fresno, California 93721.

10 6. The civil penalties and miscellaneous costs of the Judgment as set forth in
11 paragraph 5 shall not be dischargeable in any bankruptcy proceeding.

12 7. Each party shall bear all other costs of suit incurred in this case.

13 8. All forms of notice of service required to be made upon any Defendant for the
14 purpose of enforcement of the terms of this Judgment shall be deemed to have been made when
15 such service has been made via certified United States mail return receipt as follows to:

16 JACKY WONG, 907 Stokes Avenue, Stockton, California 95215, and
17 with a copy to DAVID A. RISHWAIN, Attorney at Law, 2800 West March
18 Lane, Suite #220, Stockton, California 95219.

19 9. Jurisdiction is retained for the purpose of enabling any party to this Judgment to
20 apply to the Court at any time for such further orders or directions as may be necessary or
21 appropriate for the carrying out of this Judgment, for the modification or termination of any of
22 the injunctive provisions herein, for the enforcement of compliance herewith and for
23 punishment of violations hereof.

24 10. All DOE Defendants are dismissed with prejudice.

25 11. This Judgment shall take effect immediately upon entry thereof.

26 DATED: 4-2-10 DONALD S. BLACK
27 JUDGE OF THE SUPERIOR COURT

28

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

ELIZABETH A. EGAN
DISTRICT ATTORNEY, COUNTY OF FRESNO
EDWARD T. BROWNE, SBN 167638
DEPUTY DISTRICT ATTORNEY
929 L. Street
Fresno, California 93721
Telephone: (559) 488-3156

FILED
APR 01 2010
FRESNO COUNTY SUPERIOR COURT
By _____
TLC - DEPUTY

ATTORNEYS FOR PLAINTIFF

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF FRESNO

10 CE CG 011 47

THE PEOPLE OF THE STATE OF CALIFORNIA,

Civil Case No:
D.A. Case No.: 2007 B 49829

Plaintiff,

STIPULATION FOR ENTRY OF FINAL JUDGMENT

v.

WARDLEY INDUSTRIAL
INCORPORATED, (A California
Corporation) (located at 905 Stokes Avenue,
Stockton, California 95215),
JACKEY WONG, Individually and as
President of WARDLEY INDUSTRIAL
INCORPORATED, and
DOES 1 through 50,

Defendant(s).

THE PEOPLE OF THE STATE OF CALIFORNIA, appearing through its attorneys,
ELIZABETH A. EGAN, District Attorney of Fresno County, California, by and through,
EDWARD T. BROWNE, Deputy District Attorney, and Defendant, JACKEY WONG,
individually and on behalf of WARDLEY INDUSTRIAL INCORPORATED (A California
Corporation) by and through, DAVID A. RISHWAIN, attorney at law, do hereby stipulate as
follows:

1. The Complaint on file herein sets forth facts giving rise to a controversy
between Plaintiff and Defendants.

1 2. Defendant WARDLEY INDUSTRIAL INCORPORATED hereby represents
2 and warrants that its has caused this Stipulation to be executed by its duly authorized officer,
3 JACKEY WONG, who has been duly authorized by appropriate corporate action to bind the
4 Corporation to all of the terms and conditions of this Stipulation and of the Final Judgment
5 entered pursuant thereto.

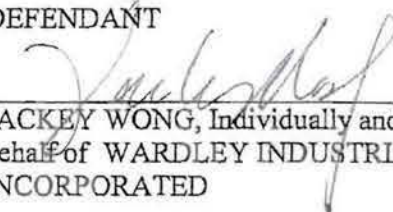
6 3. That JACKEY WONG, individually and as President of WARDLEY
7 INDUSTRIAL INCORPORATED, is entering into this Stipulation for Entry of Final Judgment
8 merely for the purpose of compromise and settlement and to avoid litigation.

9 4. That the Court has in persona jurisdiction of Defendants, JACKEY WONG, and
10 WARDLEY INDUSTRIAL INCORPORATED (A California Corporation) and subject matter
11 jurisdiction over the instant action.


12 5. That the Final Judgment, a copy of which is attached hereto as EXHIBIT "A"
13 and made a part hereof, be entered forthwith and without the presentation of any evidence and
14 without trial or adjudication of any issue of law or fact herein.

15
16 DATED: 3-26-10

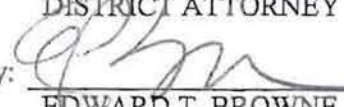
DEFENDANT

17 By: 
18 JACKEY WONG, Individually and on
19 behalf of WARDLEY INDUSTRIAL
20 INCORPORATED

21 DATED: 3/26/10

22 By: 
23 DAVID A. RISHWAIN,
24 Attorney for the Defendants

25 DATED: 3/30/2010

26 By: 
27 ELIZABETH A. EGAN
28 DISTRICT ATTORNEY
EDWARD T. BROWNE
Deputy District Attorney

1 ELIZABETH A. EGAN
2 DISTRICT ATTORNEY, COUNTY OF FRESNO
3 EDWARD T. BROWNE, SBN 167638
4 DEPUTY DISTRICT ATTORNEY
5 929 L. Street
6 Fresno, California 93721
7 Telephone: (559) 488-3156

8 ATTORNEYS FOR PLAINTIFF

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF FRESNO

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 v.

15 WARDLEY INDUSTRIAL
16 INCORPORATED, (A California Corporation)
17 (located at 907 Stokes Avenue, Stockton,
18 California 95215),
19 JACKY WONG, Individually, and as
20 President of WARDLEY INDUSTRIAL
21 INCORPORATED,
22 and DOES 1 through 50,

23 Defendant(s).

) Civil Case No.:
) D.A. Case No.: 2007 B 49829

) **STIPULATED FINAL JUDGMENT**

24 THE PEOPLE OF THE STATE OF CALIFORNIA, appearing through its attorneys,
25 ELIZABETH A. EGAN, District Attorney of Fresno County, California, by and through,
26 EDWARD T. BROWNE, Deputy District Attorney, and Defendants, JACKY WONG,
27 individually and WARDLEY INDUSTRIAL INCORPORATED (A California Corporation) by
28 and through, DAVID A. RISHWAIN, attorney at law,

All parties having stipulated and consented to this Final Judgment without the taking of
any evidence regarding any issue of law or fact; and,

The Court having considered the pleadings, the Stipulation of the parties, and good
cause appearing:

1 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

2 1. This Court has jurisdiction of the parties to this Judgment and of the subject
3 matter in this action, and that the injunctive provisions of this Judgment are issued pursuant to
4 Business and Professions Code section 17203.

5 2. Pursuant to Business and Professions Code section 17203 defendants and their
6 agents, representatives, employees, other businesses in which defendants either separately or in
7 conjunction with other defendants have an ownership interest which exceeds twenty-five
8 percent (25%), defendants' officers, directors, managers, agents, servants, representatives,
9 employees, independent contractors, consultants, franchisees, and all other persons acting in
10 concert or in participation with defendants or any of them who have actual or constructive
11 notice of this judgment are hereby enjoined and restrained from directly or indirectly violating
12 Business and Professions Code section 12001 et seq. by selling plastic trash can liners and
13 other plastic products in less quantities than as represented on labeling of these products.

14 3. Failure to comply with the injunctive provisions of this Final Judgment will
15 result in further civil penalties pursuant to Business and Professions Code section 17207.

16 4. Defendant shall pay the sum of FIFTEEN THOUSAND FIVE HUNDRED
17 DOLLARS (\$15,500.00) to the Fresno County District Attorney Consumer Protection Unit as
18 agreed civil penalties and miscellaneous costs pursuant to Business and Professions Code
19 section 17206. The civil penalties shall be paid to the Fresno County District Attorney's Office
20 Consumer and Environmental Protection Unit for the continued enforcement of consumer and
21 environmental laws. Said payment shall be made by certified check or money order payable to
22 *Fresno County District Attorney* and shall be distributed by the Fresno County District
23 Attorney as follows:

24 a) To the County of Fresno, District Attorney, the sum of NINE
25 THOUSAND DOLLARS (\$9,000.00) as agreed civil penalties;

26 b) To the State of California, Department of Agriculture, Department of
27 Food & Agriculture Division of Measurement Standards the sum of THREE
28

1 THOUSAND FIVE HUNDRED FIFTY-ONE DOLLARS and SEVENTY-THREE
2 CENTS (\$3,551.73) as agreed costs of investigation;

3 c) To Fresno County, Department of Agriculture, the sum of TWO
4 THOUSAND FOUR HUNDRED FORTY-EIGHT DOLLARS AND TWENTY-
5 SEVEN CENTS (\$2,448.27) as agreed costs of investigation.

6 d) To the County of San Joaquin, Department of Agriculture, the sum of
7 FIVE HUNDRED DOLLARS (\$500.00) as agreed costs of investigation.

8 5. Payment is due upon entry of this judgment and shall be delivered Fresno
9 County District Attorney's Office, 929 L. Street, Fresno, California 93721.

10 6. The civil penalties and miscellaneous costs of the Judgment as set forth in
11 paragraph 5 shall not be dischargeable in any bankruptcy proceeding.

12 7. Each party shall bear all other costs of suit incurred in this case.

13 8. All forms of notice of service required to be made upon any Defendant for the
14 purpose of enforcement of the terms of this Judgment shall be deemed to have been made when
15 such service has been made via certified United States mail return receipt as follows to:

16 JACKY WONG, 907 Stokes Avenue, Stockton, California 95215, and
17 with a copy to DAVID A. RISHWAIN, Attorney at Law, 2800 West March
18 Lane, Suite #220, Stockton, California 95219.

19 9. Jurisdiction is retained for the purpose of enabling any party to this Judgment to
20 apply to the Court at any time for such further orders or directions as may be necessary or
21 appropriate for the carrying out of this Judgment, for the modification or termination of any of
22 the injunctive provisions herein, for the enforcement of compliance herewith and for
23 punishment of violations hereof.

24 10. All DOE Defendants are dismissed with prejudice.

25 11. This Judgment shall take effect immediately upon entry thereof.

26 DATED: _____
27 _____ JUDGE OF THE SUPERIOR COURT
28

1 ELIZABETH A. EGAN
2 DISTRICT ATTORNEY, COUNTY OF FRESNO
3 BY: EDWARD T. BROWNE, SBN 167638
4 DEPUTY DISTRICT ATTORNEY
5 929 L. Street
6 Fresno, California 93721
7 Telephone: (559) 488-3156

8 ATTORNEYS FOR PLAINTIFF

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF FRESNO

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 v.

15 WARDLEY INDUSTRIAL
16 INCORPORATED (a California Corporation)
17 (located at 905 Stokes Avenue, Stockton,
18 California 95215),
19 JACKY WONG, Individually, and as
20 President of WARDLEY INDUSTRIAL
21 INCORPORATED,
22 and DOES 1 through 50,

23 Defendant(s).

Civil Case No.:
D.A. Case No.: 2007 B 49829

**COMPLAINT FOR INJUNCTION, CIVIL
PENALTIES, AND OTHER RELIEF.
(Bus. & Prof. Code §§ 12601 et seq. and
17200 et seq.)**

24 THE PEOPLE OF THE STATE OF CALIFORNIA, by and through ELIZABETH A.
25 EGAN, District Attorney of Fresno County, California, allege as follows:

26 1. ELIZABETH A. EGAN, District Attorney of Fresno County, California, acting
27 to protect the public from fraud, deception, and misleading advertisements, unlawful, unfair
28 and fraudulent business practices, brings this action in the name of the People of the State of
California.

2. The District Attorney's authority to bring this action derives from common law
and from statute including, but not limited to, Business and Professions Code §§ 17204, 17206,
17535 and 17536.

FILED
APR 01 2010
FRESNO COUNTY SUPERIOR COURT
By _____
TLC-DEPUTY

10 CE CG 011 4 7

JURISDICTION AND VENUE

1
2 3. At all times herein mentioned, Defendants transacted business in the County of
3 Fresno, and elsewhere throughout the State of California. The actions of Defendants, as
4 hereinafter alleged, are in violation of the laws and public policy of the State of California and
5 are inimical to the rights and interests of the general public as consumers and competitors of
6 Defendants. Unless enjoined and restrained by an order of this court, the defendants will
7 continue to retain the means to engage in the unlawful actions, practices, and courses of
8 conduct set forth below.

9 4. Plaintiff is informed and believes, and thereupon alleges that Defendants, DOES
10 1 through 25 are corporations or other business entities whose forms are unknown to Plaintiff at
11 this time, and are doing business in Fresno County and elsewhere within the State of California.

12 5. Plaintiff is informed and believes, and thereupon alleges that Defendants DOES
13 26 through 50 are officers and/or directors and/or managers and/or partners or joint venturers
14 with Defendants WARDLEY INDUSTRIAL INCORPORATED.

15 6. Plaintiff is informed and believes that WARDLEY INDUSTRIAL
16 INCORPORATED located at 905 Stokes Avenue, Stockton, California, 95215, is a California
17 corporation registered to do business in the State of California with the California Secretary of
18 State as corporation number C1826157 since October 26, 1992.

19 7. Plaintiff is informed and believes that WARDLEY INDUSTRIAL
20 INCORPORATED has designated MARGARET WONG as its Agent for Service of Process
21 with the California Secretary of State.

22 8. Plaintiff is informed and believes that WARDLEY INDUSTRIAL
23 INCORPORATED is owned and operated by JACKEY WONG. Furthermore, Plaintiff is
24 informed and believes that JACKEY WONG is the President for WARDLEY INDUSTRIAL
25 INCORPORATED. Plaintiff is further informed and believes that JACKEY WONG has
26 authority to act on behalf of WARDLEY INDUSTRIAL INCORPORATED.
27
28

1 a) On or about the date of July 23, 2007, the Defendants violated Business
2 and Professions Code § 12024 by selling or offering for sale plastic trash can liners
3 labeled “33 in. x 40 in. x 1.5 mil, 250/cs” in a quantity that was 5.82% less than as
4 represented that had been sold to SAN JOAQUIN SUPPLY, 2825 S. Elm, Fresno,
5 California.

6 b) On or about the date of July 23, 2007, the Defendants violated Business
7 and Professions Code § 12024 by selling or offering for sale plastic trash can liners
8 labeled “42 in. x 47 in. x 1.7 mil x 100/cs” in a quantity that was 4.91% less than as
9 represented that had been sold to SAN JOAQUIN SUPPLY, 2825 S. Elm, Fresno,
10 California.

11 c) On or about the date of July 23, 2007, the Defendants violated Business
12 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
13 were labeled “40 in. x 46 in. x 1.5 mil x 250/cs” in a quantity that was 4.36% less than
14 as represented that had been sold to SAN JOAQUIN SUPPLY, 2825 S. Elm, Fresno,
15 California.

16 d) On or about the date of July 23, 2007, the Defendants violated Business
17 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
18 were labeled “33 in. x 39 in. x 1.5 mil x 250/cs” in a quantity that was 4.06% less than
19 as represented that had been sold to SAN JOAQUIN SUPPLY, 2825 S. Elm, Fresno,
20 California.

21 e) On or about the date of July 23, 2007, the Defendants violated Business
22 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
23 were labeled “20 in. x 21 in. x .45 mil x 100/cs” in a quantity that was 9.66% less than
24 as represented that had been sold to SAN JOAQUIN SUPPLY, 2825 S. Elm, Fresno,
25 California.

26 f) On or about the date of July 23, 2007, the Defendants violated Business
27 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
28 were labeled “12 in. x 24 in. x 4 mil x 500/cs” in a quantity that was 7.49% less than

1 as represented that had been sold to SAN JOAQUIN SUPPLY, 2825 S. Elm, Fresno,
2 California.

3 g) On or about the date of August 17, 2007, the Defendants violated
4 Business and Professions Code § 12024 by selling or offering for sale plastic trash can
5 liners that were labeled “24 x 33 x 8 mic x 1000/csam 16.9 lb.” in a quantity that was
6 8.79% less than as represented that had been sold to ENVIRO CLEAN SANITATION
7 SUPPLY, 1808 East McKinley, Fresno, California.

8 h) On or about the date of August 17, 2007, the Defendants violated
9 Business and Professions Code § 12024 by selling or offering for sale plastic trash can
10 liners that were labeled “40 x 48 x 10 mic x 250/cs, 12.6 lb.” in a quantity that was
11 2.6% less than as represented that had been sold to ENVIRO CLEAN SANITATION
12 SUPPLY, 1808 East McKinley, Fresno, California.

13 i) On or about the date of August 17, 2007, the Defendants violated
14 Business and Professions Code § 12024 by selling or offering for sale plastic trash can
15 liners that were labeled “33 x 40 x 16 mic x 250/cs, 13.86 lb.” in a quantity that was
16 1.13% less than as represented that had been sold to ENVIRO CLEAN SANITATION
17 SUPPLY, 1808 East McKinley, Fresno, California.

18 j) On or about the date of August 17, 2007, the Defendants violated
19 Business and Professions Code § 12024 by selling or offering for sale plastic trash can
20 liners that were labeled “38 x 60 x 17 mic x 200/cs, 20.35 lb.” in a quantity that was
21 1.7% less than as represented that had been sold to ENVIRO CLEAN SANITATION
22 SUPPLY, 1808 East McKinley, Fresno, California.

23 k) On or about the date of August 17, 2007, the Defendants violated
24 Business and Professions Code § 12024 by selling or offering for sale plastic trash can
25 liners that were labeled “40 x 48 x 16 mic x 250/cs, 20.16 lb.” in a quantity that was
26 2.34% less than as represented that had been sold to ENVIRO CLEAN SANITATION
27 SUPPLY, 1808 East McKinley, Fresno, California.

28

1 l) On or about the date of August 17, 2007, the Defendants violated
2 Business and Professions Code § 12024 by selling or offering for sale plastic trash can
3 liners that were labeled “30 x 37 x 16 mic x 500/cs, 23.31 lb.” in a quantity that was
4 3.62 % less than as represented that had been sold to ENVIRO CLEAN SANITATION
5 SUPPLY, 1808 East McKinley, Fresno, California.

6 m) On or about the date of August 17, 2007, the Defendants violated
7 Business and Professions Code § 12024 by selling or offering for sale plastic trash can
8 liners that were labeled “24 x 24 x 6 mic x 1000/cs, 8.8 lb” in a quantity that was 5.2%
9 less than as represented that had been sold to ENVIRO CLEAN SANITATION
10 SUPPLY, 1808 East McKinley, Fresno, California.

11 n) On or about the date of April 3, 2008, the Defendants violated Business
12 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
13 were labeled “36 in. x 58 in. x 1.8 mil x 100/cs, 25.06 lbs” in a quantity that was 1.99%
14 less than as represented at WARDLEY INDUSTRIAL INCORPORATED, 907 Stokes
15 Avenue, Stockton California.

16 o) On or about the date of April 3, 2008, the Defendants violated Business
17 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
18 were labeled “23 x 17 x 46 x 2.0 mil x 100/cs, 24.5 lbs.” in a quantity that was 7.49%
19 less than as represented at WARDLEY INDUSTRIAL INCORPORATED, 907 Stokes
20 Avenue, Stockton California.

21 p) On or about the date of April 3, 2008, the Defendants violated Business
22 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
23 were labeled “40 x 46 and the thickness of 1.2 mil in a quantity that was 0.93% less
24 than as represented at WARDLEY INDUSTRIAL INCORPORATED, 907 Stokes
25 Avenue, Stockton California.

26 q) On or about the date of April 3, 2008, the Defendants violated Business
27 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
28 were labeled “36 x 58, 6 mil, 50/rl” in a quantity that was 7.09% less than as

1 represented at WARDLEY INDUSTRIAL INCORPORATED, 907 Stokes Avenue,
2 Stockton California.

3 r) On or about the date of April 3, 2008, the Defendants violated Business
4 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
5 were labeled “of 42 x 20 x 60 inches and the thickness of 2 mil in a quantity that was
6 5.74 % less than as represented at WARDLEY INDUSTRIAL INCORPORATED, 907
7 Stokes Avenue, Stockton California,.

8 s) On or about the date of April 3, 2008, the Defendants violated Business
9 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
10 were labeled “ 23 x 17 x 46, 1.25 mil, 19.1 lbs., 125/cs” in a quantity that was 4.48 %
11 less than as represented at WARDLEY INDUSTRIAL INCORPORATED, 907 Stokes
12 Avenue, Stockton California.

13 t) On or about the date of April 3, 2008, the Defendants violated Business
14 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
15 were labeled “ 22 x 14 x 58 ,1.5 mil, 19.4 lbs., 100/cs” in a quantity that was 3.5 % less
16 than as represented at WARDLEY INDUSTRIAL INCORPORATED, 907 Stokes
17 Avenue, Stockton California.

18 u) On or about the date of April 3, 2008, the Defendants violated Business
19 and Professions Code § 12024 by selling or offering for sale plastic trash can liners that
20 were labeled “of 40 x 48 x 22 mic, 17.2 lbs., 150/cs” in a quantity that was 3.64 % less
21 than as represented at WARDLEY INDUSTRIAL INCORPORATED, 907 Stokes
22 Avenue, Stockton California.

23 v) On or about the date of August 17, 2007, Defendants violated California,
24 Code of Regulations § 4512.1 by selling or offering for sale plastic trash can liners by
25 the following:

- 26 i. The boxes of plastic trash can liners did not list the unit
27 measure of the products;

28

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

5. That, pursuant to the Third Cause of Action, this Court imposes a permanent injunction which will restrain the defendants from engaging in the herein-above described unlawful conduct.

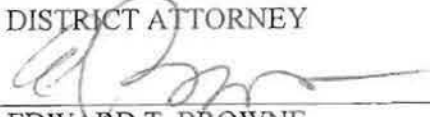
6. That Defendants be ordered to pay Plaintiff's cost of investigation.

7. That Defendants be ordered to pay Plaintiff's cost of suit.

8. That Plaintiff receives such other and further relief as the nature of this case may require and as the Court deems appropriate.

ELIZABETH A. EGAN
DISTRICT ATTORNEY

DATED: 3/30/2010

By: 
EDWARD T. BROWNE
Deputy District Attorney

NOTICE: This Complaint is deemed verified pursuant to section 446 of the California Code of Civil Procedure.

1 STEVE COOLEY, District Attorney
County of Los Angeles
2 STANLEY P. WILLIAMS, State Bar No. 106658
3 LESLIE A. HANKE, State Bar No. 122237
Deputy District Attorneys
4 201 North Figueroa Street, Suite 1200
Los Angeles, California 90012
5 Telephone (213) 580-3255
6 Attorneys for Plaintiff

**CONFORMED COPY
OF ORIGINAL FILED
Los Angeles Superior Court**

SEP 10 2010

John A. Clarke (Executive Officer/Clerk)
By P. SWEET Deputy

7
8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10
11 THE PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 v.)

14 YUZHONG PACKING, INC., a California Corporation,)
and LEI CAO, Individually and as Vice President of)
15 Yuzhong Packing, Inc.,)
16 Defendants.)

CASE NO. BC 445023

FINAL JUDGMENT
PURSUANT TO
STIPULATION

17
18 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, having filed its
19 Complaint herein; and Defendants YUZHONG PACKING, INC. and LEI CAO having
20 acknowledged receipt thereof; and

21 Plaintiff appearing through its attorneys Steve Cooley, District Attorney of Los
22 Angeles County, by Stanley P. Williams and Leslie A. Hanke, Deputy District Attorneys, and
23 Defendants Yuzhong Packing, Inc. and Lei Cao appearing by and through counsel Jason J. Lee,
24 Esq. of Jason J. Lee & Associates; and

25 IT APPEARING TO THE COURT that the parties hereto have stipulated to the
26 entry of this Final Judgment, the court having considered the matter and good cause appearing
27 therefore; and

28 //

FINAL JUDGMENT

1 Plaintiff and Defendants having stipulated and consented to the entry of this
2 Judgment prior to the taking of any proof, and without trial or adjudication of any fact or law
3 herein, and without this Judgment constituting any admission by Defendants regarding any issue
4 of fact or law alleged in said Complaint; and

5 The Court having considered the pleadings:

6 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff have
7 judgment against the Defendants as follows:

8
9 **JURISDICTION**

10 1. This action is brought under California law and this Court has jurisdiction of
11 the subject matter hereof and the parties hereto.

12
13 **DISCLAIMER OF ADMISSIONS**

14 2. Plaintiff and Defendants have stipulated and consented to the entry of this
15 Judgment prior to the taking of any proof, and without trial or adjudication of any issue or fact or
16 law herein. This Judgment shall not constitute any admissions by Defendants regarding any
17 issue of fact or law alleged in the Complaint in this action, and shall not constitute an admission
18 of any violation of any law relating to the importation, manufacture, packaging, sale or
19 distribution of plastic products.

20
21 **APPLICABILITY**

22 3. The provisions of this Judgment, including the injunction contained herein,
23 are applicable to Defendants Yuzhong Packing, Inc. and Lei Cao and to their owners, officers,
24 directors, employees, agents, and representatives, acting within the actual and ostensible scope of
25 their employment, and to all assigns or successors of the Defendants, and to all persons,
26 partnerships, corporations, and other entities acting by, through, or on behalf of the Defendants,
27 and to all persons acting in concert or participation with the Defendants, who have actual or
28 constructive knowledge of this Judgment.

1 INJUNCTION

2 4. Pursuant to Business and Professions Code sections 17203 and 17535,
3 Defendants, and all persons, corporations and entities set forth in paragraph 3 above, are hereby
4 permanently enjoined and restrained from engaging, directly or indirectly, in any of the
5 following acts or practices:

6 a. Selling any commodity in less quantity than represented, in
7 violation of Business and Professions Code section 12024;

8 b. Distributing or causing to be distributed any commodity, if the
9 commodity is contained in a package, or if there is affixed to a such commodity a label, which
10 does not conform to Business and Professions Code sections 12601 *et seq.*, commonly known as
11 the Fair Packaging and Labeling Act, in violation of Business and Professions Code section
12 12602;

13 c. Distributing or causing to be distributed a packaged commodity
14 that does not bear a label specifying the identity of the commodity and the name and place of
15 business of the manufacturer, packer or distributor; and the net quantity of the contents (in terms
16 of weight or mass, measure, numerical count, or time) which is separately and accurately stated
17 in a uniform location on the principal display panel of that label as set forth in, and required by,
18 Business and Professions Code section 12603;

19 d. Failing to accurately declare the quantity of contents for
20 polyethylene products as required by Title 4 California Code of Regulations section 4512.1.

21 MONETARY RELIEF

22 4. Defendants are jointly and severally ordered to pay the sum of \$20,000 to
23 the District Attorney for the County of Los Angeles. Of that amount, \$15,044 represents civil
24 penalties pursuant to Business and Professions Code sections 17206 and 17536 and \$710
25 represents fees payable to the Los Angeles County Superior Court. The balance of \$4246
26 represents legal and investigative costs including \$1500 incurred by the District Attorney's
27 Office of Los Angeles County, \$1200 in investigation costs incurred by the State of California,
28

1 Division of Measurement Standards, and \$1546 in investigation costs incurred by the County of
2 Los Angeles, Department of Weights and Measures. All monies shall be paid to the Los Angeles
3 County District Attorney's Office for distribution. The sums set forth in this paragraph shall be
4 paid upon the following terms and conditions:

5 a. At the time of filing of this Final Judgment, Defendants shall
6 provide to the District Attorney's Office two certified or cashier's check made payable as
7 follows: \$710 made payable to the Los Angeles County Superior Court and a check in the
8 amount of \$1290 made payable to the District Attorney's Office as an installment payment
9 towards civil penalties and legal and investigative costs.

10 b. The balance due in the amount of \$18,000 shall be paid in monthly
11 installment payments of \$500 each beginning on September 1, 2010, and thereafter to be paid on
12 the first day of each month until the total balance is paid in full. All payments made pursuant to
13 this paragraph shall be made by certified or cashier's check a mailed or delivered to the attention
14 of Leslie Hanke, Deputy District Attorney, Office of the District Attorney, Consumer Protection
15 Division, 201 North Figueroa Street, Suite 1200, Los Angeles, California 90012.

16 e. In the event of default by the Defendants on any of the payments
17 described herein, the full balance shall become due and payable and shall incur interest at the
18 legal rate from the date of such default. Plaintiff shall be entitled to reasonable fees and costs
19 incurred in collecting any payments due and owing subsequent to such default.

20
21 **COMPLIANCE**

22 5. Defendants shall deliver a copy of this Final Judgment to all officers,
23 directors, managers, agents, employees and representatives of the Defendants, including all
24 companies and businesses with which they are associated, within ten (10) days of the entry of
25 this Judgment.

26 6. Defendants shall permit duly authorized representatives of the Plaintiff, at
27 reasonable times and places, and without interference of any kind, to interview agents, servants,
28 employees, or representatives of Defendant, or any of them, regarding any matter contained in

