

DEC 29 2010

FILED
ORANGE COUNTY SUPERIOR COURT

JAN 3 - 2011

ALAN CARLSON, EXECUTIVE OFFICER/CLERK

BY: L. Silva, DEPUTY

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10 *Attorney for the Plaintiff*
11 *The People of the State of California*

12 *(Additional counsel on following pages)*

13 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**
14 **FOR THE COUNTY OF ORANGE, CENTRAL JUSTICE CENTER**

15 THE PEOPLE OF THE STATE OF CALIFORNIA,)
16)
17 Plaintiff,)

18 vs.)

19 VISTA PAINT CORPORATION,)
20)
21 Defendant.)

Case No.:
Assigned for All Purposes to:

30-2010

00436630

STIPULATION FOR ENTRY OF
FINAL JUDGMENT AND
PERMANENT INJUNCTION

JUDGE TAM NOMOTO SCHUMANN

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IT IS HEREBY STIPULATED between the parties herein, the Plaintiff, the People of the State of California, having filed the Complaint herein, and appearing through its attorneys: Tony Rackauckas, District Attorney of the County of Orange, and William G. Fallon, Deputy District Attorney; Rod Pacheco, District Attorney for the County of Riverside, and Dale C. Hoy, Deputy District Attorney; Michael A. Ramos, District Attorney for the County of San

1 Bernardino, and Daniel I. Silverman, Deputy District Attorney; Bonnie M. Dumanis, District
2 Attorney for the County of San Diego, and Karen I. Doty, Deputy District Attorney and James
3 Waters, Deputy District Attorney; Bradford R. Fenocchio, District Attorney for the County of
4 Placer, and Carl Mayhew, Deputy District Attorney, and Matthew C. Maclear, Deputy District
5 Attorney; Birgit A. Fladager, District Attorney for the County of Stanislaus, Matthew C.
6 Maclear, Deputy District Attorney (hereafter referred to as the "People"); and the Defendant,
7 VISTA PAINT CORPORATION (hereafter referred to as "Vista Paint"), a California
8 Corporation, appearing with and through its attorney Rachelle Singer, General Counsel to Vista
9 Paint Corporation, that they desire to resolve this action and all issues raised by the Complaint
10 without litigation. Accordingly, plaintiff and defendant have further stipulated that the
11 Injunction and Final Judgment Pursuant to Stipulation (hereinafter referred to as "Final
12 Judgment") may be entered without taking any evidence, without any admission or denial of
13 liability or fault by defendant, and without the trial or adjudication of any issue of law or fact.
14 The Parties will be deemed to have waived their right of appeal upon entry of the Order in the
15 form provided, and to have approved the Final Judgment as to form and content. The Parties
16 have agreed to settle the above-captioned matter without litigation, as set forth below.

17 1. The Parties stipulate and agree that the Superior Court of California, County of
18 Orange, has subject matter jurisdiction over the matters alleged in this action and personal
19 jurisdiction over the parties to this Final Judgment.

20 2. Venue is proper in this county.

21 3. Defendant waives the right to appeal, to attempt to set aside or vacate or
22 otherwise attack, directly or collaterally, the Judgment upon its entry pursuant to this
23 Stipulation.

24 4. The parties have stipulated and consented to the entry of the Judgment without
25 the taking of proof and without trial or adjudication of any fact or law herein, without the
26 Judgment constituting evidence of or an admission or denial by Defendant as to any issue of
27 law or fact alleged in the Complaint, and without Defendant admitting any liability herein.

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1 5. Without waiving any attorney-client privilege as to the nature of any and all
2 communications, Defendant acknowledges that it has been represented by legal counsel
3 throughout the negotiations which preceded the execution of this Stipulation, and that it has
4 executed this Stipulation with the consent and on the advice of such counsel.

5 6. Defendant agrees to be bound by the provisions of the Judgment as though then
6 and there ordered by the Court, that the signature on this Stipulation of its President constitutes
7 notice to Defendant and to its current officers of the Court's issuance and entry of the
8 Judgment and the contents thereof. Defendant agrees to accept service of this Judgment
9 through its attorney via email and U.S. Mail, and Defendant waives any further notice or
10 service of this Judgment.

11 7. The parties have stipulated that the Judgment is a full and final settlement of all
12 known claims that were raised in the Complaint, arising out of the facts or conduct specifically
13 alleged therein. By stipulating to the Judgment and agreeing to comply with its terms,
14 Defendant does not admit nor deny any facts or conclusions of law. Nothing in this Stipulation
15 or the Judgment shall be construed in this or in any other proceeding as an admission or a
16 denial by Defendant of any fact, conclusion of law, issue of law, or violation of law, nor shall
17 compliance with the Judgment constitute or be construed as an admission by any of the parties
18 of any fact, conclusion of law, issue of law, or violation of law.

19 8. The parties also stipulate that the Judgment fully and completely contains all of
20 the agreements between the parties, that there are not other agreements and that the Judgment
21 supersedes any and all prior written or oral agreements and negotiations between the parties.

22 9. Eddie R. Fischer is President of Vista Paint Corporation (Defendant) and, as
23 such, he has been authorized by Defendant to sign this Stipulation for Entry of Final Judgment
24 and Permanent Injunction on behalf of Defendant.

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1 10. This Stipulation may be executed in counterpart, and a facsimile signature shall
2 be deemed to be, and shall have the same force and effect as, an original signature.

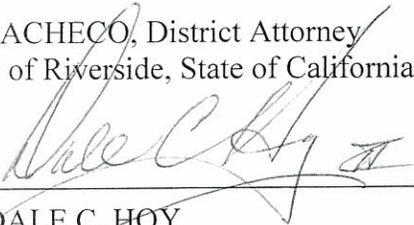
3
4 TONY RACKAUCKAS, District Attorney
5 County of Orange, State of California

6
7 DATE: 12/28/10

8 By: 
9 WILLIAM G. FALLON
10 Deputy District Attorney

11 ROD PACHECO, District Attorney
12 County of Riverside, State of California

13 DATE: 12/22/10

14 By: 
15 DALE C. HOY
16 Deputy District Attorney

17 MICHAEL A. RAMOS, District Attorney
18 County of San Bernardino, State of California

19
20 DATE: _____

21 By: _____
22 DANIEL I. SILVERMAN
23 Deputy District Attorney

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10. This Stipulation may be executed in counterpart, and a facsimile signature shall be deemed to be, and shall have the same force and effect as, an original signature.

TONY RACKAUCKAS, District Attorney
County of Orange, State of California

DATE: _____

By: _____

WILLIAM G. FALLON
Deputy District Attorney

ROD PACHECO, District Attorney
County of Riverside, State of California

DATE: _____

By: _____

DALE C. HOY
Deputy District Attorney

MICHAEL A. RAMOS, District Attorney
County of San Bernardino, State of California

DATE: 12/23/2010

By: 

DANIEL I. SILVERMAN
Deputy District Attorney

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BONNIE M. DUMANIS, District Attorney
County of San Diego, State of California

DATE: December 22, 2010

By: Karen I. Doty
KAREN I. DOTY
Deputy District Attorney

BRADFORD F. FENOCCHIO, District Attorney
County of Placer, State of California

DATE: _____

By: _____
MATTHEW C. MACLEAR
Deputy District Attorney

BIRGIT A. FLADAGER, District Attorney
County of Stanislaus, State of California

DATE: _____

By: _____
MATTHEW C. MACLEAR
Deputy District Attorney

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BONNIE M. DUMANIS, District Attorney
County of San Diego, State of California

DATE: _____

By: _____

KAREN I. DOTY
Deputy District Attorney

BRADFORD F. FENOCCHIO, District Attorney
County of Placer, State of California

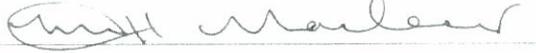
DATE: 12/29/10

By: 

MATTHEW C. MACLEAR
Deputy District Attorney

BIRGIT A. FLADAGER, District Attorney
County of Stanislaus, State of California

DATE: 12/29/10

By: 

MATTHEW C. MACLEAR
Deputy District Attorney

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On Behalf of Vista Paint:

VISTA PAINT CORPORATION

DATE: 12-28-10

By: 
EDDIE R. FISCHER
PRESIDENT OF VISTA PAINT
President

Approved as to form and substance

DATE: 12/28/10

By: 
RACHELLE SINGER
ATTORNEY FOR VISTA PAINT
General Counsel to
Vista Paint Corporation

IT IS SO ORDERED

JAN 3 - 2011



TAM NOMOTO SCHUMANN