

APPENDIX D

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10 *[Plaintiff's Counsel Continued on Attached]*

MARTHA MCLAUGHLIN

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA

12 COUNTY OF VENTURA

13 **PEOPLE OF THE STATE OF**  
14 **CALIFORNIA,**

Plaintiff,

15 v.

16 **CVS PHARMACY, INC.,**

17 Defendant.

Case No. 56-2012-00415450-CU-MC-VTA

STIPULATION FOR ENTRY OF FINAL  
JUDGMENT AND PERMANENT  
INJUNCTION

Action Filed:

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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1  
2 WHEREAS, this Stipulation for Entry of Final Judgment and Permanent Injunction ("Final  
3 Judgment") is entered into by Plaintiff, the People of the State of California ("People") and  
4 Defendant CVS Pharmacy, Inc. ("Defendant") by their respective attorneys. The People and  
5 Defendant shall be referred to collectively as "Parties." The Parties have stipulated and consented  
6 to the entry of this Final Judgment prior to trial. The Parties have agreed to settle the above  
7 captioned matter without further litigation, as set forth below.

8 AND WHEREAS, the Court finds that the settlement between the Parties is fair and in the  
9 public interest;

10 NOW THEREFORE, upon the consent of the Parties, it is hereby ORDERED,  
11 ADJUDGED, AND DECREED:

12 **FINAL JUDGMENT AND PERMANENT INJUNCTION ON CONSENT**

13 **1. JURISDICTION**

14 The Parties stipulate and agree that the Superior Court of California, County of Ventura,  
15 has subject matter jurisdiction over the matters alleged in this action and personal jurisdiction  
16 over the Parties to this Final Judgment.

17 **2. SETTLEMENT OF DISPUTED CLAIMS.**

18 This Final Judgment is not an admission or a denial by Defendant regarding any issue of  
19 law or fact in the above-captioned matter or any violation of any law. The Parties enter into this  
20 Final Judgment pursuant to a compromise and settlement of disputed claims, as set forth in the  
21 Complaint filed in this action (the "Complaint"), for the purpose of furthering the public interest.  
22 The People believe that the resolution embodied in this Final Judgment is fair and reasonable and  
23 fulfills the People's enforcement objectives; and that except as provided in this Final Judgment,  
24 no further action is warranted concerning the allegations contained in the Complaint. Defendant  
25 agrees that this Final Judgment is a fair and reasonable resolution of the matters alleged in the  
26 Complaint.

27 All Parties have stipulated and consented to the entry of this Final Judgment prior to the  
28 taking of any proof, and without trial or adjudication of any fact or law herein. The Parties also  
waive their right to appeal.

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2 **3. DEFINITIONS**

3 Except where otherwise expressly defined in this Final Judgment, all terms shall be  
4 interpreted consistent with Chapters 6.5 and 6.95 of Division 20 of the Health and Safety Code;  
5 Health and Safety Code sections 117600, et seq.; and the regulations promulgated under these  
6 chapters and sections.

7 "California Facilities" means the CVS/pharmacy® retail pharmacy stores and CVS® retail  
8 stores, specialty pharmacies and specialty retail pharmacies, distribution centers, medical walk-in  
9 clinics, and tractor trailers used to transport products and materials to and from such facilities,  
10 located in the State of California that, as of April 9, 2012, are owned, operated, licensed, or leased  
11 by Defendant (in its own capacity and/or through affiliates identified in **Exhibit A-1**), including  
12 certain retail pharmacy stores, retail stores, specialty pharmacies and specialty retail pharmacies,  
13 distribution centers, and medical walk-in clinics, that had previously been owned and operated by  
14 third parties not named in this action (and who are collectively identified in **Exhibit A-2**), that  
15 were thereafter converted to CVS/pharmacy® retail pharmacy stores and CVS® retail stores,  
16 specialty pharmacies and specialty retail pharmacies, distribution centers, medical walk-in clinics  
17 owned, operated, licensed and/or leased by Defendant, either directly or indirectly. A list of the  
18 locations of the California Facilities is provided in **Exhibit B-1**, attached. The specific list of the  
19 locations of the California Facilities attached as **Exhibit B-1** shall not be to the exclusion of other  
20 locations that may have been inadvertently omitted from the list, where the Parties agree in  
21 writing that an omitted location should be included. As to any locations that have been omitted,  
22 Defendant shall provide the following to the People within thirty (30) days after the omission  
23 comes to the attention of Defendant: (a) written notice of such additional locations; and (b) to the  
24 best of Defendant's knowledge and belief, copies of any notices of violation and/or governmental  
25 inspection reports applicable to such locations that have been received by that location since April  
26 30, 2005. If, after the People have had sufficient time in which to review the alleged reason for  
27 the omission, and after Defendant has established to the satisfaction of the People that the  
28 omission was inadvertent, the Parties shall agree in writing that the additional location be  
included in the Final Judgment.

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2 "Certified Unified Program Agency" or "CUPA" is an agency certified by the California  
3 Environmental Protection Agency pursuant to the requirements of Chapter 6.11 of the Health and  
4 Safety Code and California Code of Regulations, Title 27, to implement certain State  
5 environmental programs within the local agency's jurisdiction.

6 "Participating Agency" means an agency that has been designated by the CUPA to  
7 administer one or more state environmental programs on behalf of the CUPA.

8 "CVS Facilities" means the California Facilities, and each of them, and any additional  
9 CVS/pharmacy® retail pharmacy stores and CVS® retail stores, specialty pharmacies and  
10 specialty retail pharmacies, distribution centers, medical walk-in clinics, and tractor trailers used  
11 to transport products and materials to and from such facilities, in the State of California, that  
12 Defendant may in the future directly or indirectly open, operate, license, or lease in California  
13 that are not listed on Exhibit B-1.

14 "Former CVS Facilities" means those CVS/pharmacy® retail pharmacy stores and CVS®  
15 retail stores, specialty pharmacies and specialty pharmacy stores, distribution centers, and  
16 medical walk-in clinics that were previously located within the State of California at any time  
17 relevant, but which, as of April 6, 2012 are no longer owned, operated, licensed, or leased by  
18 Defendant (in its own capacity and/or through affiliates identified in **Exhibit A-1**), including  
19 certain retail pharmacy stores, retail stores, specialty pharmacies and specialty retail pharmacies,  
20 distribution centers, and medical walk-in clinics, that had previously been owned and operated by  
21 third parties not named in this action (and who are collectively identified in **Exhibit A-2**), that  
22 were thereafter converted to CVS/pharmacy® retail pharmacy stores and CVS® retail stores,  
23 specialty pharmacies and specialty retail pharmacies, distribution centers, medical walk-in clinics  
24 owned, operated, licensed and/or leased by Defendant, either directly or indirectly. A list of the  
25 locations of the Former CVS Facilities is provided in **Exhibit B-2**, attached. The specific list of  
26 the locations of the Former CVS Facilities attached as **Exhibit B-2** shall not be to the exclusion of  
27 other locations that may have been inadvertently omitted from the list, where the Parties agree in  
28 writing that an omitted location should be included.

1  
2 **4. INJUNCTIVE RELIEF**

3 Pursuant to the provisions of Health and Safety Code sections 25181, 25516, 25516.2, and  
4 Business and Professions Code section 17203, and subject to Paragraph 24 below, Defendant is  
5 permanently enjoined to comply with Chapters 6.5 and 6.95 of Division 20 of the Health and  
6 Safety Code; Health & Safety Code sections 117600, *et seq.*; and the regulations promulgated  
7 under these chapters, at CVS Facilities. Failure to comply with this injunction or any of the  
8 specific additional injunctive provisions that follow, may subject Defendant to sanctions,  
9 including, but not limited to, contempt and/or additional penalties. Paragraph 15, below, applies  
10 to any application or motion for failure to comply with the injunctive provisions of this Final  
11 Judgment.

12 **4.1 Specific Injunctive Provisions:**

13 Defendant shall comply with each of the following provisions at and from the CVS  
14 Facilities:

15 4.1.a. Defendant shall not dispose, or cause the disposal of, any hazardous waste at a point  
16 not authorized or permitted by the Department of Toxic Substances Control ("DTSC"), in  
17 violation of Health & Safety Code section 25189, including, without limitation, to any trash  
18 compactor, dumpster, drain, sink, or toilet at any of the CVS Facilities, or onto the surface or  
19 subsurface of the ground at any unauthorized location, or at a landfill or transfer station not  
20 authorized to receive hazardous waste.

21 4.1.b. Defendant shall determine, at each CVS Facility, whether each item returned by a  
22 customer to that facility is a waste and if so, is a "hazardous waste" as required by California  
23 Code of Regulations, title 22, section 66262.11.

24 4.1.c. Defendant shall determine, at each CVS Facility, whether each waste generated at  
25 that facility as a result of a spill, container breakage or other means rendering the product not  
26 usable for its intended purpose, is a "hazardous waste" as required by California Code of  
27 Regulations, title 22, section 66262.11.  
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2 4.1.d. Defendant shall manage every hazardous waste so identified pursuant to paragraphs  
3 4.1.a., 4.1.b. and 4.1.c in accordance with the requirements of Chapter 6.5 of the Health and  
4 Safety Code and its implementing regulations in the California Code of Regulations, title 22.

5 4.1.e. Defendant shall not transport, transfer custody of, or cause to be transported, any  
6 hazardous waste unless the transporter is properly licensed and registered to do so, as required by  
7 Health & Safety Code section 25163. This prohibition includes, without limitation, the  
8 transportation of any hazardous waste by a person that is not properly licensed and registered to  
9 transport hazardous waste on a tractor and/or trailer owned or operated by Defendant.

10 4.1.f. Defendant shall not transport, or cause to be transported, any hazardous waste to an  
11 unauthorized location, in violation of Health & Safety Code section 25189.5.

12 4.1.g. Defendant shall not transport, or cause to be transported, any item that would be  
13 considered hazardous in California pursuant to chapter 11 of Title 22, Division 4.5 of the  
14 California Code of Regulations, as part of its "reverse logistics" process to centralize the  
15 management of returned items at distribution centers owned by Defendant, unless pursuant to a  
16 contractual agreement expressly providing for the return of the item to the manufacturer or the  
17 manufacturer's designated agent, and unless the item is in sufficiently good condition that it may  
18 be donated, resold, reused, or recycled in a manner that does not constitute discard, pursuant to  
19 California Code of Regulations, Title 22, section 66261.2.

20 4.1.h. Defendant shall lawfully and timely dispose of all accumulated hazardous waste  
21 from each CVS Facility at least one time during every ninety (90) day period; and shall timely  
22 cause to be prepared and filed with the DTSC a hazardous waste manifest for all hazardous waste  
23 that is transported, or submitted for transportation, for offsite handling, treatment, storage,  
24 disposal, or any combination thereof, as provided by Health & Safety Code section 25160(b)(3)  
25 and California Code of Regulations, Title 22, section 66262.23; and shall timely notify the DTSC  
26 by filing an exception report concerning the treatment, storage, or disposal facility's failure to  
27 return any executed manifest.

28 4.1.i. Defendant shall contact the transporter and/or the owner or operator of the  
designated facility which was to receive any hazardous waste to determine the status of the

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2 hazardous waste in the event of non-receipt of a copy of the manifest with the handwritten  
3 signature of the owner or operator of the designated facility within thirty-five (35) days of the  
4 date the waste was accepted by the initial transporter, as provided by Title 22 of the California  
5 Code of Regulations section 66262.42.

6 4.1.j. Defendant shall not treat, store, dispose of, transport, or offer for transportation,  
7 any hazardous waste without having received and used a proper identification number from the  
8 U.S. Environmental Protection Agency or DTSC, for the originating facility, as provided by Title  
9 22 of the California Code of Regulations section 66262.12, subdivision (a).

10 4.1.k. Defendant shall maintain a program for the lawful storage, handling and  
11 accumulation of hazardous waste, and for the lawful segregation of hazardous-waste items that  
12 are in leaking containers, as provided by Health & Safety Code section 25123.3 and California  
13 Code of Regulations, Title 22, sections 66262.34, 66265.173 and 66265.177.

14 4.1.l. Defendant shall maintain properly designated and designed hazardous waste storage  
15 areas, which include the segregation of hazardous wastes, and shall conduct weekly inspections of  
16 hazardous waste storage areas, at each CVS Facility, as required by California Code of  
17 Regulations, Title 22, sections 66262.34 and 66265.174.

18 4.1.m. Defendant shall comply with all employee training obligations required by  
19 California Code of Regulations, Title 22, section 66265.16, pertaining to the handling of  
20 hazardous waste, including, but not limited to, the requirement to maintain for a period of three  
21 (3) years, all training documentation for each employee involved in hazardous waste handling at  
22 any CVS Facility. In addition, Defendant shall establish and maintain an employee training plan  
23 designed to enhance employee awareness of any regulatory or statutory changes in environmental  
24 compliance requirements, including, but not limited to, changes in Chapters 6.5 and 6.95 of  
25 Division 20 of the Health & Safety Code, and of any corresponding changes in Defendant's  
26 environmental compliance program(s).

27 4.1.n. Defendant shall have in place at all times a hazardous waste contingency plan and  
28 emergency procedures for each CVS Facility, as required by California Code of Regulations,  
Title 22, sections 66265.51 through 66265.56.

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2 4.1.o. Defendant shall, at each CVS Facility, continuously implement, maintain, and  
3 submit to the respective administering agency (as defined in Health and Safety Code sections  
4 25501 and 25502), a complete hazardous materials business plan, as required by Health and  
5 Safety Code sections 25504 and 25505 and California Code of Regulations, Title 19, section  
6 2729, as applicable. Each hazardous materials business plan shall include procedures for  
7 emergency response to a release or threatened release of hazardous materials, as required by  
8 Health and Safety Code section 25503.5. Such plan shall also include an employee training  
9 program that meets the requirements of Health and Safety Code section 25504, subdivisions (a)  
10 and (c), and California Code of Regulations, Title 19, section 2732.

11 4.1.p. Defendant shall immediately report any release or threatened release of a reportable  
12 quantity of any hazardous material from any CVS Facility into the environment, as required by  
13 Health and Safety Code sections 25507 and 25501.

14 4.1.q. Defendant shall properly manage, mark, and store universal waste, as provided by  
15 Title 22 of the California Code of Regulations sections 66273.13 - 66273.16 (repealer filed 2-4-  
16 2009) and sections 66273.33 - 66273.36.

17 4.1.r. Defendant shall keep a record with the information required by section 66273.39,  
18 subdivisions (a)(1) - (3), of each shipment of universal waste received at any CVS Facility, as  
19 provided by Title 22 of the California Code of Regulations section 66273.39.

20 4.1.s. Defendant shall comply with the California Medical Waste Management Act, Health  
21 and Safety Code sections 117600, *et seq.*

22 4.1.t. Defendant shall not knowingly cause to be deposited, without the permission of the  
23 owner, any hazardous substance upon the land of another, in violation of Penal Code section  
24 374.8, subdivision (b).

25 **4.2 Reverse Distribution of Pharmaceuticals:**

26 4.2.a. By June 1, 2012, Defendant shall initiate work with appropriate stakeholders from  
27 business and government, including the U.S. Environmental Protection Agency, the U.S. Food  
28 and Drug Administration, and the California DTSC, to encourage, support, and advocate for  
federal regulatory reform regarding the proper management of nondispensable pharmaceuticals,

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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2 including over-the-counter medications, through “reverse distribution.” Such work shall include  
3 coordination and communication with national retail trade associations. Progress on such work  
4 shall be included in the status reports required by Paragraph 23 below.

5 4.2.b. During the term of this Final Judgment, the People shall only pursue a violation of  
6 this Final Judgment or applicable law regarding the reverse distribution of such nondispensable  
7 pharmaceuticals if Defendant has failed to demonstrate reasonable diligence in performing work  
8 on the federal regulatory reform described in subparagraph 4.2.a above, and provided further,  
9 nothing herein shall prevent the People from pursuing appropriate enforcement of this Final  
10 Judgment or applicable law regarding the reverse distribution of nondispensable pharmaceuticals  
11 after providing Defendant with ninety (90) days advance written notice as provided by Paragraph  
12 8 of their intent to do so, so as to allow the Parties an opportunity to attempt to resolve any such  
13 dispute by means of good faith informal negotiations.

14 **5. CIVIL PENALTIES, SUPPLEMENTAL ENVIRONMENTAL PROJECTS,**  
15 **COSTS, AND HAZARDOUS WASTE MINIMIZATION**

16 Defendant shall, within twenty-one (21) business days after entry of this Final Judgment,  
17 pay civil penalties, fund the supplemental environmental projects provided for in this Final  
18 Judgment, and pay costs, in the total amount of THIRTEEN MILLION, SEVEN HUNDRED  
19 AND FIFTY THOUSAND DOLLARS (\$13,750,000.00). Said payment may be made by wire  
20 transfer and shall be made as set forth in paragraphs 5.1, 5.2, 5.4, and 5.5 below. On entry of this  
21 Final Judgment, Defendant shall deliver all required payments to the District Attorney’s Office  
22 for the County of Ventura, attention: Mitchell F. Disney, Senior Deputy District Attorney, for  
23 distribution pursuant to the terms of this Final Judgment.

24 **5.1 Civil Penalties**

25 Defendant shall pay ELEVEN MILLION DOLLARS (\$11,000,000.00) as civil penalties  
26 pursuant to Health and Safety Code sections 25189 and 25514, and Business and Professions  
27 Code section 17206, to the prosecuting agencies/regulatory agencies identified in, and in  
28 accordance with the terms of, **Exhibits C-1 and C-2**, attached.

1  
2 **5.2 Supplemental Environmental Projects**

3 Defendant shall pay TWO MILLION DOLLARS (\$2,000,000.00) for supplemental  
4 environmental projects identified in, and in accordance with the terms of, **Exhibit D**, attached.

5 **5.3 Hazardous Waste Minimization**

6 As remedial measures to minimize hazardous waste generation in California, and not in  
7 mitigation of any penalties sought by the People, Defendant stipulates and agrees that within six  
8 (6) months after entry of the Final Judgment, all California photo processing operations will use  
9 digital/dry photo processing. Further, within six (6) months after entry of the Final Judgment,  
10 Defendant will dedicate, at a minimum, two (2) full-time employees trained in and designated as  
11 responsible for environmental, health, and safety compliance assurance within the State of  
12 California. Defendant shall also continue the use of new software developed for its radio  
13 frequency units to enhance Defendant's management of damaged items at store level.

14 **5.4 Reimbursement of Costs of Investigation and Enforcement**

15 Defendant shall pay SEVEN HUNDRED AND FIFTY THOUSAND DOLLARS  
16 (\$750,000.00), for reimbursement of attorney's fees, costs of investigation, and other costs of  
17 enforcement, to the entities identified in, and in accordance with the terms of, **Exhibits E-1 and**  
18 **E-2**, attached.

19 **5.5 Copy of Payments to Plaintiff's Representatives**

20 Defendant shall, at the time of payment, send an electronic confirmation of any payment  
21 made by wire transfer to the People's representative identified in paragraph 8.

22 **6. ENFORCEMENT OF FINAL JUDGMENT AND PENALTIES**

23 The People may move this Court for additional relief for any violation of any provision of  
24 this Final Judgment, including but not limited to contempt, additional injunctive provisions, or  
25 additional penalties consistent with the provisions of this Final Judgment. Nothing in this Final  
26 Judgment shall limit any rights of the People to seek any other relief or remedies provided by law,  
27 or the rights of Defendant to defend against any request of the People for such other relief or  
28 remedies.

1  
2 **7. MATTERS COVERED BY THIS FINAL JUDGMENT**

3 7.1 This Final Judgment is a final and binding resolution and settlement of all claims,  
4 violations or causes of action expressly alleged by the People in the Complaint or claims that  
5 could have been asserted within the scope of the allegations set forth in the Complaint ("Covered  
6 Matters"), against Defendant and its subsidiaries, affiliates and corporate parents, and each of  
7 their affiliates and parents, California Facilities and Former CVS Facilities, successors, heirs,  
8 assigns, managed medical groups, and their respective officers, directors, partners, employees,  
9 agents, representatives, property owners, and facility operators ("Entities Covered by Final  
10 Judgment"). The People further covenant not to sue the Entities Covered by Final Judgment for  
11 any Covered Matter. Any claim, violation, or cause of action that is not a Covered Matter is a  
12 "Reserved Claim." Reserved Claims include, without limitation, any violation that occurs after  
13 the Court's entry of this Final Judgment. Nothing herein shall be interpreted to restrict any claims  
14 that the People may assert against any independent contractors or subcontractors of the California  
15 Facilities or the Former CVS Facilities for violations of applicable laws by such parties. The  
16 People reserve the right to pursue any Reserved Claim, and Defendant reserves its defenses  
17 against any Reserved Claim.

18 7.2 Any claims or causes of action against Defendant for performance of cleanup,  
19 corrective action, or response action for any actual past or future release, spill, or disposal of any  
20 hazardous waste, hazardous substance, hazardous material, universal waste, sharps waste,  
21 pharmaceutical waste, photo waste with silver, or any other material, substance or waste, that is  
22 caused or contributed to by the Defendant at or from its California Facilities, and any claims or  
23 causes of action for performance of cleanup, corrective action, or response action relating to  
24 Defendant's disposal of same that are discovered by the People after execution of this Agreement  
25 are Reserved Claims.

26 7.3 In any subsequent action that may be brought by the People based on any Reserved  
27 Claim, Defendant agrees that it will not assert that failing to pursue the Reserved Claims as part  
28 of this action constitutes claim-splitting. This Paragraph does not affect any statute of limitations,  
if any, which may be applicable to any Reserved Claim or claims otherwise excluded from this

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2 Final Judgment and does not prohibit Defendant from asserting any statute of limitations or other  
3 legal or equitable defenses that may be applicable to any Reserved Claims.

4 7.4 In the event litigation is filed by an entity that is not a party to this action against  
5 Defendant or any affiliates arising out of or related to a Covered Matter, Defendant may, within  
6 thirty (30) days following service of such litigation, notify the People of such litigation. Upon  
7 such timely notice, the People will undertake a good faith effort to determine whether the  
8 subsequent litigation is barred by the terms of this Final Judgment and the principle of *res*  
9 *judicata*. If the People determine that the subsequent litigation is barred by the terms of this Final  
10 Judgment and the principle of *res judicata*, the People may appear in person or in writing in such  
11 subsequent litigation to explain the People's view of the effect of this Final Judgment on such  
12 litigation and the People will not oppose Defendant in arguing that the subsequent litigation is  
13 barred by the principle of *res judicata*. No language in this paragraph will preclude Defendant  
14 from asserting in any subsequent litigation any and all applicable legal and equitable defenses  
15 regarding compliance with any provision in this Final Judgment or the laws or regulations cited in  
16 this Final Judgment or cited in the Complaint, including, but not limited to, *res judicata*.

17 7.5 The provisions of paragraph 7.1 are effective on the date of entry of the Final  
18 Judgment. The continuing effect of paragraph 7.1 is expressly conditioned on Defendant's full  
19 payment of the amounts due under this Final Judgment and compliance with its injunctive terms.

20 7.6 Paragraph 7.1 does not limit the ability of the People to enforce the terms of this Final  
21 Judgment.

22 7.7 Defendant covenants not to pursue any civil or administrative claims against the People  
23 or against any agency of the State of California, any county in the State of California or any  
24 CUPA, Participating Agency or local agency (collectively "Agencies"), or against any of their  
25 officers, employees, representatives, agents or attorneys, arising out of or related to any Covered  
26 Matter; provided, however, that if any Agencies initiate claims against Defendant, Defendant  
27 reserves any and all rights, claims, demands and defenses against such Agencies.

28 7.8 Any event that is beyond the control of Defendant and that prevents it from timely  
performing any obligation under Paragraph 4 of this Final Judgment, despite its best efforts to

1  
2 fulfill that obligation, is a "force majeure" event. The requirement that Defendant exercise its  
3 "best efforts to fulfill the obligation" includes the requirement that Defendant use its best efforts  
4 to anticipate any potential force majeure event and use best efforts to address the effects of any  
5 potential force majeure event: (1) as it is occurring, and (2) following the force majeure event,  
6 such that the delay is minimized to the greatest extent possible. "Force majeure" does not include  
7 financial inability to fund or complete the obligation.

8 **8. NOTICE**

9 All submissions and notices required by this Final Judgment shall be sent to:

10 For the People:

11 Mitchell F. Disney  
12 Senior Deputy District Attorney  
13 Office of the District Attorney  
14 Special Prosecutions Division  
15 5720 Ralston Street, No. 300  
16 Ventura, CA 93003

17 With a copy to:

18 David J. Irely  
19 Supervising Deputy District Attorney  
20 Office of the District Attorney San Joaquin County  
21 222 E. Weber Ave., Room 202  
22 Stockton, CA 95202

23 For Defendant:

24 Vice President and Corporate Secretary  
25 CVS Pharmacy, Inc.  
26 One CVS Drive  
27 Woonsocket, RI 02895

28 With copy to:

Director of Environmental Management  
CVS Pharmacy, Inc.  
One CVS Drive  
Woonsocket, RI 02895

1  
2 Any Party may change its notice name and address by informing the other party in writing,  
3 but no change is effective until it is received. All notices and other communications required or  
4 permitted under this Final Judgment that are properly addressed as provided in this paragraph are  
5 effective upon delivery if delivered personally or by overnight mail, or are effective five (5) days  
6 following deposit in the United States mail, postage prepaid, if delivered by mail, or the day that  
7 electronic mail is sent if sent before 5 p.m. to the electronic mail addresses of the designated  
8 recipients for notice concurrent with sending the notice by overnight mail.

9 **9. EFFECT OF FINAL JUDGMENT**

10 Except as expressly provided in this Final Judgment, nothing in this Final Judgment is  
11 intended nor shall it be construed to preclude the People, or any state, county, or local agency,  
12 department, board or entity, or any CUPA, from exercising its authority under any law, statute or  
13 regulation. Except as expressly provided in this Final Judgment, Defendant retains all of its  
14 defenses to the exercise of the aforementioned authority.

15 **10. LIABILITY OF THE PEOPLE**

16 The People shall not be liable for any injury or damage to any person or property resulting  
17 from any act or omission by Defendant, or any of its directors, officers, employees, agents,  
18 representatives or contractors, in carrying out activities pursuant to this Final Judgment, nor shall  
19 the People be held as a party to or guarantor of any contract entered into by Defendant, its  
20 directors, officers, employees, agents, representatives or contractors, in carrying out the  
21 requirements of this Final Judgment.

22 **11. NO WAIVER OF RIGHT TO ENFORCE**

23 The failure of the People to enforce any provision of this Final Judgment shall neither be  
24 deemed a waiver of such provision nor in any way affect the validity of this Final Judgment. The  
25 failure of the People to enforce any such provision shall not preclude them from later enforcing  
26 the same or any other provision of this Final Judgment, subject to Paragraph 24. Except as  
27 expressly provided in this Final Judgment, Defendant retains all defenses allowed by law to any  
28 such later enforcement. No oral advice, guidance, suggestions or comments by employees or

1  
2 officials of any Party regarding matters covered in this Final Judgment shall be construed to  
3 relieve any Party of its obligations under this Final Judgment.

4 **12. FUTURE REGULATORY CHANGES**

5 Nothing in this Final Judgment shall excuse Defendant from meeting any more stringent  
6 requirement that may be imposed by applicable law or by any change in the applicable law. To  
7 the extent any future statutory or regulatory change makes Defendant's obligations less stringent  
8 than those provided for in this Final Judgment, it may apply to this Court on noticed motion for  
9 modification of those obligations contained herein.

10 **13. APPLICATION OF FINAL JUDGMENT**

11 This Final Judgment shall apply to and be binding upon the People and upon Defendant and  
12 its officers, managers, employees, agents, successors and assigns.

13 **14. AUTHORITY TO ENTER FINAL JUDGMENT**

14 Each signatory to this Final Judgment certifies that he or she is fully authorized by the party  
15 he or she represents to enter into this Final Judgment, to execute it on behalf of the party  
16 represented, and to legally bind that party.

17 **15. CONTINUING JURISDICTION**

18 The Court shall retain continuing jurisdiction to enforce the terms of this Final Judgment  
19 and to address any other matters arising out of or regarding this Final Judgment. The Parties shall  
20 meet and confer at least ten (10) days prior to the filing of any application or motion relating to  
21 this Final Judgment, and shall negotiate in good faith in an effort to resolve any dispute without  
22 judicial intervention; provided, however, that the ten (10) day period referenced above shall be  
23 shortened to five (5) days regarding any alleged violation of paragraph 4.1.a of this Final  
24 Judgment. If the Parties are unable to resolve their dispute after meet-and-confer discussions, any  
25 Party may move this Court seeking a resolution of that dispute by the Court.

26 **16. ABILITY TO INSPECT AND COPY RECORDS AND DOCUMENTS**

27 On reasonable notice, Defendant shall permit any duly authorized representative of the  
28 People to inspect and copy records and documents as they deem reasonably necessary to  
determine compliance with the terms of this Final Judgment. Nothing in this paragraph is

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2 intended to require access to or production of any documents that are protected from production  
3 or disclosure by the attorney-client privilege, attorney work product doctrine, any other applicable  
4 privilege, defense, exemption, or immunity afforded to Defendant under applicable law, nor does  
5 it waive any of the objections or defenses to which Defendant would be entitled in responding to  
6 requests for documents made by subpoena or other formal legal process or discovery. This  
7 obligation shall not require Defendant to alter its normal document-retention policies (including  
8 but not limited to policies regarding backup tapes for electronic documents); provided, however,  
9 that Defendant's policies must comply with Health and Safety Code Chapters 6.5 and 6.95;  
10 Health and Safety Code sections 117600, et seq.; and their implementing regulations. The Parties  
11 agree that Defendant may not be deemed in violation of this Paragraph for failure to maintain  
12 such records unless Defendant fails to exercise reasonable diligence in administering this record  
13 retention requirement. Nothing in this paragraph is intended to limit the authority of any  
14 governmental agency to inspect Defendant or its records and documents under applicable law.

15 **17. PAYMENT OF LITIGATION EXPENSES AND FEES**

16 Defendant shall make no request of the People to pay its attorneys fees, expert witness fees  
17 and costs and all other costs of litigation and investigation incurred to date.

18 **18. INTERPRETATION**

19 This Final Judgment was drafted equally by all Parties. The Parties agree that the rule of  
20 construction holding that ambiguity is construed against the drafting party shall not apply to the  
21 interpretation of this Final Judgment.

22 **19. COUNTERPART SIGNATURES**

23 This Final Judgment may be executed by the Parties in counterpart.

24 **20. ENTRY AFTER NOTICED MOTION**

25 The Parties seek approval of this Final Judgment on noticed motion and have requested that  
26 the Court make a determination that the Final Judgment is fair and in the public interest.  
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1  
2 **21. INTEGRATION**

3 This Final Judgment constitutes the entire agreement between the Parties and may not be  
4 amended or supplemented except as provided for herein. No oral representations have been made  
5 or relied upon other than as expressly set forth herein.

6 **22. MODIFICATION OF FINAL JUDGMENT**

7 This Final Judgment may be modified only on noticed motion by one of the Parties with  
8 approval of the court, or upon written consent by all of the Parties and the approval of the court.

9 **23. STATUS REPORTS**

10 Beginning six (6) months after entry of this Final Judgment, for as long as this Final  
11 Judgment remains in effect, Defendant shall submit an annual status report to the People's  
12 representative listed in Section 8 above. The status report shall: briefly summarize the actions  
13 that Defendant has taken at the corporate level related to California and the CVS Facilities during  
14 the previous year in order to comply with its obligations under this Final Judgment; disclose and  
15 provide copies of any notices of violation that Defendant has received pertaining to  
16 environmental matters in the State of California, and disclose any corrective measures taken as a  
17 result; and set forth any penalties Defendant has paid to any governmental agency for alleged  
18 noncompliance with any environmental statute or regulation arising from business operations in  
19 California. Each status report shall be signed by an Officer of Defendant under penalty of perjury  
20 that to the best of his or her knowledge based on information and belief and after reasonable  
21 investigation the information contained therein is true and correct. Provided, further, that  
22 beginning one year after entry of this Final Judgment, and continuing for as long as this Final  
23 Judgment remains in effect, Defendant shall, at the People's request, on an annual basis, meet to  
24 describe to the People's representatives the status of Defendant's reverse logistics program and  
25 compliance with Paragraph 4, 4.1, and 4.2 of this Judgment.

26 **24. TERMINATION OF FINAL JUDGMENT**

27 At any time after this Final Judgment has been in effect for five (5) years, and Defendant  
28 has paid any and all amounts due under the Final Judgment, any party may provide notice to the  
Court (which shall be served on all parties) that the injunctive provisions of this Final Judgment

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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2 should expire and have no further force and effect ("Notice of Termination"). The injunctive  
3 provisions of this Final Judgment will be of no further force or effect sixty (60) days thereafter,  
4 unless the People file a motion contesting the expiration of any injunctive provisions within forty  
5 (40) days of receipt of the Notice of Termination. In the event that such motion is filed, none of  
6 the injunctive provisions of the Final Judgment contested in the People's motion will terminate  
7 pending the Court's ruling on the motion. The People reserve the right to contest termination  
8 exclusively on the grounds that Defendant has not substantially complied in all material respects  
9 with the injunctive provisions of the Final Judgment or has not been reasonably diligent in  
10 pursuing the actions described in Paragraph 4.2(a), and to offer any evidence relevant to such  
11 motion. Defendant reserves its rights to respond to any ground raised in the People's motion and  
12 to offer any evidence relevant to such motion. The injunctive provisions in the Final Judgment  
13 will expire and be of no further force or effect unless the Court (upon consideration of the Parties'  
14 pleadings and arguments, if any) determines that the expiration of the provision at issue would  
15 not be in the interest of justice, because Defendant has not substantially complied in material  
16 respects with such provision or has not been reasonably diligent in pursuing the actions described  
17 in Paragraph 4.2(a). The termination of the injunctive provisions of the Final Judgment shall  
18 have no effect on Defendant's obligation to comply with the requirements imposed by statute,  
19 regulation, ordinance, or law.

20 **IT IS SO STIPULATED.**

21  
22 FOR THE PEOPLE:

23 GREGORY D. TOTTEN, District Attorney  
24 County of Ventura, State of California

25  
26 DATED: 4/11/12


27 By:   
28 MITCHELL F. DISNEY  
Senior Deputy District Attorney  
Attorneys for Plaintiff

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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CARMEN A. TRUTANICH, City Attorney  
City of Los Angeles, State of California

DATED: 4/9/12 By:   
DONALD KASS  
Assistant City Attorney  
Attorneys for Plaintiff

STEVE COOLEY, District Attorney  
County of Los Angeles, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
DANIEL J. WRIGHT  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
KAREN I. DOTY  
Deputy District Attorney  
Attorneys for Plaintiff

JAMES P. WILLETT, District Attorney  
County of San Joaquin, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
DAVID J. IREY  
Supervising Deputy District Attorney  
Attorneys for Plaintiff

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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CARMEN A. TRUTANICH, City Attorney  
City of Los Angeles, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DONALD KASS  
Assistant City Attorney  
Attorneys for Plaintiff

STEVE COOLEY, District Attorney  
County of Los Angeles, State of California

DATED: 4-9-12

By: *Daniel J. Wright*  
DANIEL J. WRIGHT  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
KAREN I. DOTY  
Deputy District Attorney  
Attorneys for Plaintiff

JAMES P. WILLETT, District Attorney  
County of San Joaquin, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DAVID J. IREY  
Supervising Deputy District Attorney  
Attorneys for Plaintiff

18

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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2		CARMEN A. TRUTANICH, City Attorney
3		City of Los Angeles, State of California
4	DATED: _____	By: _____
5		DONALD KASS
6		Assistant City Attorney
7		Attorneys for Plaintiff
8		STEVE COOLEY, District Attorney
9		County of Los Angeles, State of California
10	DATED: _____	By: _____
11		DANIEL J. WRIGHT
12		Deputy District Attorney
13		Attorneys for Plaintiff
14		BONNIE M. DUMANIS, District Attorney
15		County of San Diego, State of California
16	DATED: <u>April 9, 2012</u>	By: <u>Karen I. Doty</u>
17		KAREN I. DOTY
18		Deputy District Attorney
19		Attorneys for Plaintiff
20		JAMES P. WILLETT, District Attorney
21		County of San Joaquin, State of California
22	DATED: _____	By: _____
23		DAVID J. IREY
24		Supervising Deputy District Attorney
25		Attorneys for Plaintiff
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CARMEN A. TRUTANICH, City Attorney  
City of Los Angeles, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DONALD KASS  
Assistant City Attorney  
Attorneys for Plaintiff

STEVE COOLEY, District Attorney  
County of Los Angeles, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DANIEL J. WRIGHT  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
KAREN I. DOTY  
Deputy District Attorney  
Attorneys for Plaintiff

JAMES P. WILLETT, District Attorney  
County of San Joaquin, State of California

DATED: 4/9/12

By: \_\_\_\_\_  
DAVID J. IREY  
Supervising Deputy District Attorney  
Attorneys for Plaintiff

18

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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1  
2 ADDITIONAL COUNSEL FOR PLAINTIFF:  
3

4 NANCY E. O'MALLEY, District Attorney  
County of Alameda, State of California

5  
6 DATED: 4-9-12

7 By:   
8 KENNETH A. MIFSUD  
Senior Deputy District Attorney  
Attorneys for Plaintiff

9  
10 TODD D. RIEBE, District Attorney  
County of Amador, State of California

11  
12 DATED: \_\_\_\_\_

13 By: \_\_\_\_\_ David J. Irey for  
14 TODD D. RIEBE  
District Attorney  
Attorneys for Plaintiff

15  
16 MICHAEL L. RAMSEY, District Attorney  
County of Butte, State of California

17  
18 DATED: \_\_\_\_\_

19 By: \_\_\_\_\_ David J. Irey for  
MICHAEL L. RAMSEY  
District Attorney  
Attorneys for Plaintiff

20  
21 BARBARA M. YOOK, District Attorney  
County of Calaveras, State of California

22  
23 DATED: \_\_\_\_\_

24 By: \_\_\_\_\_ David J. Irey for  
BARBARA M. YOOK  
District Attorney  
Attorneys for Plaintiff



1  
2 ADDITIONAL COUNSEL FOR PLAINTIFF:  
3

4 NANCY E. O'MALLEY, District Attorney  
5 County of Alameda, State of California

6 DATED: \_\_\_\_\_

7 By: \_\_\_\_\_  
8 KENNETH A. MIFSUD  
9 Senior Deputy District Attorney  
10 Attorneys for Plaintiff

11 TODD D. RIEBE, District Attorney  
12 County of Amador, State of California

13 DATED: 4/9/12

14 By: \_\_\_\_\_ David J. Irey for  
15 TODD D. RIEBE  
16 District Attorney  
17 Attorneys for Plaintiff

18 MICHAEL L. RAMSEY, District Attorney  
19 County of Butte, State of California

20 DATED: 4/9/12

21 By: \_\_\_\_\_ David J. Irey for  
22 MICHAEL L. RAMSEY  
23 District Attorney  
24 Attorneys for Plaintiff

25 BARBARA M. YOOK, District Attorney  
26 County of Calaveras, State of California

27 DATED: 4/9/12

28 By: \_\_\_\_\_ David J. Irey for  
BARBARA M. YOOK  
District Attorney  
Attorneys for Plaintiff

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MARK A. PETERSON, District Attorney  
County of Contra Costa, State of California

DATED: April 19, 2012 By: Stacey Grassini  
STACEY GRASSINI  
Deputy District Attorney  
Attorneys for Plaintiff

VERN PIERSON, District Attorney  
County of El Dorado, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_ David J. Irey for  
VERN PIERSON  
District Attorney  
Attorneys for Plaintiff

ELIZABETH A. EGAN, District Attorney  
County of Fresno, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
MICHAEL BRUMMEL  
Deputy District Attorney  
Attorneys for Plaintiff

ROBERT MALONEY, District Attorney  
County of Glenn, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_ David J. Irey for  
ROBERT MALONEY  
District Attorney  
Attorneys for Plaintiff

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MARK A. PETERSON, District Attorney  
County of Contra Costa, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
STACEY GRASSINI  
Deputy District Attorney  
Attorneys for Plaintiff

VERN PIERSON, District Attorney  
County of El Dorado, State of California

DATED: 4/9/12

By: \_\_\_\_\_ David J. Irey for  
VERN PIERSON  
District Attorney  
Attorneys for Plaintiff

ELIZABETH A. EGAN, District Attorney  
County of Fresno, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
MICHAEL BRUMMEL  
Deputy District Attorney  
Attorneys for Plaintiff

ROBERT MALONEY, District Attorney  
County of Glenn, State of California

DATED: 4/9/12

By: \_\_\_\_\_ David J. Irey for  
ROBERT MALONEY  
District Attorney  
Attorneys for Plaintiff

20

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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MARK A. PETERSON, District Attorney  
County of Contra Costa, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
STACEY GRASSINI  
Deputy District Attorney  
Attorneys for Plaintiff


VERN PIERSON, District Attorney  
County of El Dorado, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
VERN PIERSON  
District Attorney  
Attorneys for Plaintiff

ELIZABETH A. EGAN, District Attorney  
County of Fresno, State of California

DATED: APRIL 9, 2012

By:   
MICHAEL BRUMMEL  
Deputy District Attorney  
Attorneys for Plaintiff

ROBERT MALONEY, District Attorney  
County of Glenn, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
ROBERT MALONEY  
District Attorney  
Attorneys for Plaintiff

20

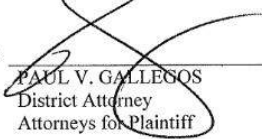
STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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PAUL V. GALLEGOS, District Attorney  
County of Humboldt, State of California

DATED: 4/9/12

By:  David J. Irey for  
PAUL V. GALLEGOS  
District Attorney  
Attorneys for Plaintiff


LISA S. GREEN, District Attorney  
County of Kern, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
JOHN T. MITCHELL  
Deputy District Attorney  
Attorneys for Plaintiff

GREG STRICKLAND, District Attorney  
County of Kings, State of California

DATED: 4/9/12

By:  David J. Irey for  
GREG STRICKLAND  
District Attorney  
Attorneys for Plaintiff

DON A. ANDERSON, District Attorney  
County of Lake, State of California

DATED: 4/9/12

By:  David J. Irey for  
DON A. ANDERSON  
District Attorney  
Attorneys for Plaintiff

21

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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PAUL V.G ALLEGOS, District Attorney  
County of Humboldt, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_ David J. Irey for  
PAUL V.G ALLEGOS  
District Attorney  
Attorneys for Plaintiff

LISA S. GREEN, District Attorney  
County of Kern, State of California

DATED: 4-10-12 By: \_\_\_\_\_  
JOHN T. MITCHELL  
Deputy District Attorney  
Attorneys for Plaintiff

GREG STRICKLAND, District Attorney  
County of Kings, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_ David J. Irey for  
GREG STRICKLAND  
District Attorney  
Attorneys for Plaintiff

DON A. ANDERSON, District Attorney  
County of Lake, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_ David J. Irey for  
DON A. ANDERSON  
District Attorney  
Attorneys for Plaintiff

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MICHAEL R. KEITZ, District Attorney  
County of Madera, State of California

DATED: 4/9/12

By:  David J. Irey for

MICHAEL R. KEITZ  
District Attorney  
Attorneys for Plaintiff

EDWARD S. BERBERIAN, JR., District  
Attorney  
County of Marin, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_

ANDRES H. PEREZ  
Deputy District Attorney  
Attorneys for Plaintiff

C. DAVID EYSTER, District Attorney  
County of Mendocino, State of California

DATED: 4/9/12

By:  David J. Irey for

C. DAVID EYSTER  
District Attorney  
Attorneys for Plaintiff

LARRY D. MORSE, District Attorney  
County of Merced, State of California

DATED: 4/9/12

By:  David J. Irey for

LARRY D. MORSE  
District Attorney  
Attorneys for Plaintiff

22

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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MICHAEL R. KEITZ, District Attorney  
County of Madera, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_ David J. Irey for  
MICHAEL R. KEITZ  
District Attorney  
Attorneys for Plaintiff

EDWARD S. BERBERIAN, JR., District  
Attorney  
County of Marin, State of California

DATED: 4/9/2012 By: Andres H Perez  
ANDRES H. PEREZ  
Deputy District Attorney  
Attorneys for Plaintiff

C. DAVID EYSTER, District Attorney  
County of Mendocino, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_ David J. Irey for  
C. DAVID EYSTER  
District Attorney  
Attorneys for Plaintiff

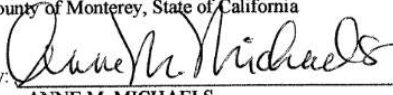
LARRY D. MORSE, District Attorney  
County of Merced, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_ David J. Irey for  
LARRY D. MORSE  
District Attorney  
Attorneys for Plaintiff



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DEAN D. FLIPPO, District Attorney  
County of Monterey, State of California

DATED: April 10, 2012 By:   
ANNE M. MICHAELS  
Managing Deputy District Attorney  
Attorneys for Plaintiff

GARY LIEBERSTEIN, District Attorney  
County of Napa, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
CATHERINE C. BORSETTO  
Deputy District Attorney  
Attorneys for Plaintiff

CLIFFORD NEWELL, District Attorney  
County of Nevada, State of California

DATED: \_\_\_\_\_ By: David J. Irey for  
CLIFFORD NEWELL  
District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
WILLIAM G. FALLON  
Deputy District Attorney  
Attorneys for Plaintiff

23

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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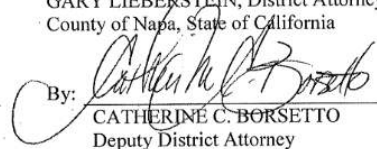
DEAN D. FLIPPO, District Attorney  
County of Monterey, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
ANNE M. MICHAELS  
Managing Deputy District Attorney  
Attorneys for Plaintiff

GARY LIEBERSTEIN, District Attorney  
County of Napa, State of California

DATED: April 9, 2012

By:   
CATHERINE C. BORSETTO  
Deputy District Attorney  
Attorneys for Plaintiff

CLIFFORD NEWELL, District Attorney  
County of Nevada, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Frey for  
CLIFFORD NEWELL  
District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
WILLIAM G. FALLON  
Deputy District Attorney  
Attorneys for Plaintiff

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DEAN D. FLIPPO, District Attorney  
County of Monterey, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
ANNE M. MICHAELS  
Managing Deputy District Attorney  
Attorneys for Plaintiff

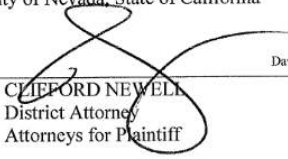
GARY LIEBERSTEIN, District Attorney  
County of Napa, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
CATHERINE C. BORSETTO  
Deputy District Attorney  
Attorneys for Plaintiff

CLIFFORD NEWELL, District Attorney  
County of Nevada, State of California

DATED: 4/9/12

By: \_\_\_\_\_  
  
CLIFFORD NEWELL  
District Attorney  
Attorneys for Plaintiff

David J. Irey for

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
WILLIAM G. FALLON  
Deputy District Attorney  
Attorneys for Plaintiff

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DEAN D. FLIPPO, District Attorney  
County of Monterey, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
ANNE M. MICHAELS  
Managing Deputy District Attorney  
Attorneys for Plaintiff

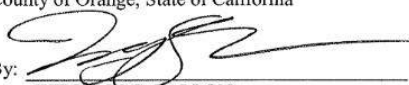
GARY LIEBERSTEIN, District Attorney  
County of Napa, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
CATHERINE C. BORSETTO  
Deputy District Attorney  
Attorneys for Plaintiff

CLIFFORD NEWELL, District Attorney  
County of Nevada, State of California

DATED: \_\_\_\_\_ By: \_\_\_\_\_  
CLIFFORD NEWELL  
District Attorney  
Attorneys for Plaintiff

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

DATED: 4/9/12 By:   
WILLIAM G. FALLON  
Deputy District Attorney  
Attorneys for Plaintiff

23


STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

022112

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R. SCOTT OWENS, District Attorney  
County of Placer, State of California

DATED: 4/9/12

By:  David J. Irey for  
R. SCOTT OWENS  
District Attorney  
Attorneys for Plaintiff

PAUL ZELLERBACH, District Attorney  
County of Riverside, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DALE C. HOY II  
Deputy District Attorney  
Attorneys for Plaintiff

JAN SCULLY, District Attorney  
County of Sacramento, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DOUGLAS WHALEY  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DANIEL SILVERMAN  
Deputy District Attorney  
Attorneys for Plaintiff

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R. SCOTT OWENS, District Attorney  
County of Placer, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
R. SCOTT OWENS  
District Attorney  
Attorneys for Plaintiff

PAUL ZELLERBACH, District Attorney  
County of Riverside, State of California

DATED: 4/9/2012

By:   
DALE C. HOYT  
Deputy District Attorney  
Attorneys for Plaintiff

JAN SCULLY, District Attorney  
County of Sacramento, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DOUGLAS WHALEY  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DANIEL SILVERMAN  
Deputy District Attorney  
Attorneys for Plaintiff

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R. SCOTT OWENS, District Attorney  
County of Placer, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for

R. SCOTT OWENS  
District Attorney  
Attorneys for Plaintiff

PAUL ZELLERBACH, District Attorney  
County of Riverside, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_

DALE C. HOY II  
Deputy District Attorney  
Attorneys for Plaintiff

JAN SCULLY, District Attorney  
County of Sacramento, State of California

DATED: 4/9/12

By:  \_\_\_\_\_

DOUGLAS WHALEY  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_

DANIEL SILVERMAN  
Deputy District Attorney  
Attorneys for Plaintiff

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R. SCOTT OWENS, District Attorney  
County of Placer, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
R. SCOTT OWENS  
District Attorney  
Attorneys for Plaintiff

PAUL ZELLERBACH, District Attorney  
County of Riverside, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DALE C. HOY II  
Deputy District Attorney  
Attorneys for Plaintiff

JAN SCULLY, District Attorney  
County of Sacramento, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DOUGLAS WHALEY  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: 4/9/12

By:   
DANIEL SILVERMAN  
Deputy District Attorney  
Attorneys for Plaintiff

24

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

| 022112



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JAN GOLDSMITH, City Attorney  
City of San Diego, State of California

DATED: 4.9.12

By:   
MICHAEL R. HUDSON  
Deputy City Attorney  
Attorneys for Plaintiff

GEORGE GASCÓN, District Attorney  
County of San Francisco, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
MAXWELL S. PELTZ  
Assistant District Attorney  
Attorneys for Plaintiff

GERALD T. SHEA, District Attorney  
County of San Luis Obispo, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
STEVEN D. VON DOHLEN  
Deputy District Attorney  
Attorneys for Plaintiff

STEPHEN M. WAGSTAFFE, District Attorney  
County of San Mateo, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
JOHN E. WILSON  
Deputy District Attorney In Charge  
Attorneys for Plaintiff

25

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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JAN GOLDSMITH, City Attorney  
City of San Diego, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
MICHAEL R. HUDSON  
Deputy City Attorney  
Attorneys for Plaintiff

GEORGE GASCÓN, District Attorney  
County of San Francisco, State of California

DATED: 4/9/12

By:   
MAXWELL S. PELTZ  
Assistant District Attorney  
Attorneys for Plaintiff

GERALD T. SHEA, District Attorney  
County of San Luis Obispo, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
STEVEN D. VON DOHLEN  
Deputy District Attorney  
Attorneys for Plaintiff

STEPHEN M. WAGSTAFFE, District Attorney  
County of San Mateo, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
JOHN E. WILSON  
Deputy District Attorney In Charge  
Attorneys for Plaintiff

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JAN GOLDSMITH, City Attorney  
City of San Diego, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
MICHAEL R. HUDSON  
Deputy City Attorney  
Attorneys for Plaintiff

GEORGE GASCÓN, District Attorney  
County of San Francisco, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
MAXWELL S. PELTZ  
Assistant District Attorney  
Attorneys for Plaintiff

GERALD T. SHEA, District Attorney  
County of San Luis Obispo, State of California

DATED: 4/9/12

By: \_\_\_\_\_  
David J. Irey for  
STEVEN D. VON DOHLEN  
Deputy District Attorney  
Attorneys for Plaintiff

STEPHEN M. WAGSTAFFE, District Attorney  
County of San Mateo, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
JOHN E. WILSON  
Deputy District Attorney In Charge  
Attorneys for Plaintiff

25

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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JAN GOLDSMITH, City Attorney  
City of San Diego, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
MICHAEL R. HUDSON  
Deputy City Attorney  
Attorneys for Plaintiff

GEORGE GASCÓN, District Attorney  
County of San Francisco, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
MAXWELL S. PELTZ  
Assistant District Attorney  
Attorneys for Plaintiff


GERALD T. SHEA, District Attorney  
County of San Luis Obispo, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
STEVEN D. VON DOHLEN  
Deputy District Attorney  
Attorneys for Plaintiff

STEPHEN M. WAGSTAFFE, District Attorney  
County of San Mateo, State of California

DATED: 4-9-12

By:   
JOHN E. WILSON  
Deputy District Attorney In Charge  
Attorneys for Plaintiff

25

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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JEFFREY F. ROSEN, District Attorney  
County of Santa Clara, State of California

DATED: 9/9/12

By: [Signature] David J. Irey for  
TINA NUNES OBER  
Deputy District Attorney  
Attorneys for Plaintiff

BOB LEE, District Attorney  
County of Santa Cruz, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
WILLIAM ATKINSON  
Supervising Assistant District Attorney  
Attorneys for Plaintiff

STEPHEN CARLTON, District Attorney  
County of Shasta, State of California

DATED: 9/9/12

By: [Signature] David J. Irey for  
STEPHEN CARLTON  
District Attorney  
Attorneys for Plaintiff

DONALD A. DU BAIN, District Attorney  
County of Solano, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
CRISELDA B. GONZALEZ  
Senior Deputy District Attorney  
Attorneys for Plaintiff

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JEFFREY F. ROSEN, District Attorney  
County of Santa Clara, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
TINA NUNES OBER  
Deputy District Attorney  
Attorneys for Plaintiff

BOB LEE, District Attorney  
County of Santa Cruz, State of California

DATED: 4.9.12

By:   
WILLIAM ATKINSON  
Supervising Assistant District Attorney  
Attorneys for Plaintiff

STEPHEN CARLTON, District Attorney  
County of Shasta, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
STEPHEN CARLTON  
District Attorney  
Attorneys for Plaintiff

DONALD A. DU BAIN, District Attorney  
County of Solano, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
CRISELDA B. GONZALEZ  
Senior Deputy District Attorney  
Attorneys for Plaintiff

26

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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JEFFREY F. ROSEN, District Attorney  
County of Santa Clara, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
TINA NUNES OBER  
Deputy District Attorney  
Attorneys for Plaintiff

BOB LEE, District Attorney  
County of Santa Cruz, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
WILLIAM ATKINSON  
Supervising Assistant District Attorney  
Attorneys for Plaintiff

STEPHEN CARLTON, District Attorney  
County of Shasta, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
STEPHEN CARLTON  
District Attorney  
Attorneys for Plaintiff

DONALD A. DU BAIN, District Attorney  
County of Solano, State of California

DATED: April 9, 2012

By: Catil B. Gonzales  
CRISELDA B. GONZALEZ  
Senior Deputy District Attorney  
Attorneys for Plaintiff

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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JILL R. RAVITCH, District Attorney  
County of Sonoma, State of California

DATED: 4/17/12

By:   
MATTHEW T. CHEEVER  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
BIRGIT A. FLADAGER  
District Attorney  
Attorneys for Plaintiff

CARL V. ADAMS, District Attorney  
County of Sutter, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
CARL V. ADAMS  
District Attorney  
Attorneys for Plaintiff

GREGG COHEN, District Attorney  
County of Tehama, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
GREGG COHEN  
District Attorney  
Attorneys for Plaintiff



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JILL R. RAVITCH, District Attorney  
County of Sonoma, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
MATTHEW T. CHEEVER  
Deputy District Attorney  
Attorneys for Plaintiff

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

DATED: 4/9/12

By: \_\_\_\_\_ David J. Irey for  
BIRGIT A. FLADAGER  
District Attorney  
Attorneys for Plaintiff

CARL V. ADAMS, District Attorney  
County of Sutter, State of California

DATED: 4/9/12

By: \_\_\_\_\_ David J. Irey for  
CARL V. ADAMS  
District Attorney  
Attorneys for Plaintiff

GREGG COHEN, District Attorney  
County of Tehama, State of California

DATED: 4/9/12

By: \_\_\_\_\_ David J. Irey for  
GREGG COHEN  
District Attorney  
Attorneys for Plaintiff

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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MICHAEL HARPER, District Attorney  
County of Trinity, State of California

DATED: 4/9/12

By:  David J. Irey for  
MICHAEL HARPER  
District Attorney  
Attorneys for Plaintiff

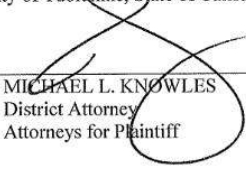
PHILLIP CLINE, District Attorney  
County of Tulare, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
RODNEY M. BLACO  
Deputy District Attorney  
Attorneys for Plaintiff

MICHAEL L. KNOWLES, District Attorney  
County of Tuolumne, State of California

DATED: 4/9/12

By:  David J. Irey for  
MICHAEL L. KNOWLES  
District Attorney  
Attorneys for Plaintiff

JEFF W. REISIG, District Attorney  
County of Yolo, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
LARRY BARLLY  
Supervising Deputy District Attorney  
Attorneys for Plaintiff

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MICHAEL HARPER, District Attorney  
County of Trinity, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for

MICHAEL HARPER  
District Attorney  
Attorneys for Plaintiff

PHILLIP CLINE, District Attorney  
County of Tulare, State of California

DATED: 4/9/12

By:  \_\_\_\_\_

RODNEY M. BLACO  
Deputy District Attorney  
Attorneys for Plaintiff

MICHAEL L. KNOWLES, District Attorney  
County of Tuolumne, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for

MICHAEL L. KNOWLES  
District Attorney  
Attorneys for Plaintiff

JEFF W. REISIG, District Attorney  
County of Yolo, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_

LARRY BARLLY  
Supervising Deputy District Attorney  
Attorneys for Plaintiff

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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MICHAEL HARPER, District Attorney  
County of Trinity, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
MICHAEL HARPER  
District Attorney  
Attorneys for Plaintiff

PHILLIP CLINE, District Attorney  
County of Tulare, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_  
RODNEY M. BLACO  
Deputy District Attorney  
Attorneys for Plaintiff

MICHAEL L. KNOWLES, District Attorney  
County of Tuolumne, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for  
MICHAEL L. KNOWLES  
District Attorney  
Attorneys for Plaintiff

JEFF W. REISIG, District Attorney  
County of Yolo, State of California

DATED: April 9, 2012

By: Larry Barry  
LARRY BARRY  
Supervising Deputy District Attorney  
Attorneys for Plaintiff

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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PATRICK McGRATH, District Attorney  
County of Yuba, State of California

DATED: 4/10/12

By: 

David J. Irey for

PATRICK McGRATH  
District Attorney  
Attorneys for Plaintiff

FOR DEFENDANT:

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Carole A. DeNale  
Senior Vice President and Treasurer  
CVS Pharmacy, Inc.

REVIEWED AS TO FORM AND  
CONTENT:

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Stephen J. O'Neil  
Sheppard Mullin Richter & Hampton, LLP

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

By: \_\_\_\_\_

Judge of the Superior Court

29

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

022112

PATRICK McGRATH, District Attorney  
County of Yuba, State of California

DATED: \_\_\_\_\_

By: \_\_\_\_\_ David J. Irey for

PATRICK McGRATH  
District Attorney  
Attorneys for Plaintiff

FOR DEFENDANT:

DATED: April 10, 2012

By: \_\_\_\_\_

Carol A. DeNale  
Senior Vice President and Treasurer  
CVS Pharmacy, Inc.

REVIEWED AS TO FORM AND  
CONTENT:

DATED: April 11, 2012

By: \_\_\_\_\_

Stephen J. O'Neil  
Sheppard Mullin Richter & Hampton, LLP

This is a Final Judgment. The clerk is ordered to enter judgment.  
The clerk is directed to give notice to Ventura County District Attorney  
Gregory D. Totten of the entry of judgment and  
his office is directed to serve notice on all other parties  
**IT IS SO ORDERED.** *Lone*

DATED: APR 16 2012

By: \_\_\_\_\_

Barbara A. Lone  
Judge of the Superior Court

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STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

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