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9 Attorneys for Plaintiff

10 *(For additional Plaintiff's counsel, see Attachment 1*
11 *to Stipulation for Entry of Final Judgment)*

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 IN AND FOR THE COUNTY OF ALAMEDA

14 PEOPLE OF THE STATE OF CALIFORNIA,

15 Plaintiff,

16 vs.

17 MY PILLOW, INC., a Minnesota Corporation;
18 DOES 1-10,

19 Defendant.

20 Case No.: RG19037519

21 STIPULATED FINAL JUDGMENT
22 AGAINST DEFENDANT MY PILLOW, INC.

23 Plaintiff, the People of the State of California, appears through its attorneys: Nancy E. O'Malley,
24 District Attorney of Alameda County, by Matthew L. Beltramo, Assistant District Attorney; Lori Frugoli,
25 District Attorney of Marin County, by Andres H. Perez, Deputy District Attorney; Jeannine Pacioni,
26 District Attorney of Monterey County, by Amy Anderson, Deputy District Attorney; Allison Haley,
27 District Attorney of Napa County, by Patrick Collins, Deputy District Attorney; Todd Spitzer, District
28 Attorney of Orange County, by Tracy E. Hughes, Senior Deputy District Attorney; Jeffrey F. Rosen,
District Attorney of Santa Clara County, by Jennifer Deng, Deputy District Attorney; Jeffrey Rosell,
District Attorney of Santa Cruz County, by Douglas Allen, Assistant District Attorney; Stephanie Bridgett,
District Attorney of Shasta County, by Anand "Lucky" Jesrani, Senior Deputy District Attorney; Krishna
Abrams, District Attorney of Solano County, by Diane M. Newman, Deputy District Attorney; and Jill R.
Ravitch, District Attorney of Sonoma County, by Matthew T. Cheever, Deputy District Attorney.

ENDORSED
FILED
ALAMEDA COUNTY

OCT 23 2019

CLERK OF THE SUPERIOR COURT

By Alanna Dayman
Deputy

1 Defendant, My Pillow, Inc., (hereinafter "Defendant" or "My Pillow") is a Minnesota corporation
2 with a registered address of 343 East 82nd Street #102, Chaska, MN 55318. It appears through its attorneys,
3 Beshada and Farnese, LLP, by Peter Farnese, Esquire.

4 The People and Defendant (hereinafter the "Parties") enter into this "Stipulated Final Judgment
5 Against Defendant My Pillow, Inc." (hereinafter the "Stipulated Final Judgment") pursuant to a settlement
6 of certain disputed claims alleged in the Complaint.

7 Nothing in this Stipulated Final Judgment shall be construed as an admission or denial by Defendant
8 of any fact, issue of law or violations of law.

9 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:**

10 1. A prior judgment having been entered against Defendant in this Court on or about October
11 31, 2016, in Docket #HG16836619 (hereinafter the "2016 Final Judgment"), each and every one of the
12 terms of the 2016 Final Judgment remain in full force and effect and shall remain binding on Defendant to
13 the same extent and in the same manner as set forth therein.

14 2. In addition to the provisions set forth in the 2016 Judgment, pursuant to California Business
15 & Professions Code sections 17203, 17204 and 17535, Defendant shall be and is hereby permanently
16 enjoined and restrained from making or disseminating, or assisting others in making or disseminating,
17 directly or indirectly, expressly or by implication, any claim or advertisement, including any claim or
18 advertisement made through the use of a product name, endorsement, depiction, illustration, labeling or
19 label, consumer testimonial, expert endorsement or other product endorsement, that

20 A. refers to or mentions a 2018 study entitled "**Physicians Identify A Commercially-Available**
21 **Pillow That Objectively Improves Sleep Parameters.** A double-blind randomized controlled
22 trial of a consumer-marketed pillow, using pre and post Sleep EEG monitoring"; or

23 B. refers to or mentions any other scientific study, unless the claim or advertisement in question
24 has first been shown to and pre-approved by a licensed attorney familiar with the terms of the
25 2016 Judgment and this Stipulated Final Judgment. As used herein, "scientific study" shall be
26 construed broadly to mean any testing, experimentation, survey, meta-analysis, or other
27 document which relies or purports to rely on a scientific proof or methodology, whether or not
28

1 Defendant paid for or commissioned said study. Nothing in this subparagraph shall relieve
2 Defendant from the obligation to comply with the terms of the 2016 Final Judgment, this
3 Judgment and all other California laws or regulations applicable to their business practices. Pre-
4 approval by an attorney shall not operate as a safe harbor with regard thereto.

5 3. Pursuant to Business and Professions Code sections 17203, 17206, 17535 and 17536,
6 Defendant shall pay civil penalties in the total amount of one hundred thousand dollars (\$100,000.00).
7 Civil penalties shall be paid in the form of cashier's check, money order or trust fund check and shall made
8 payable to the "Treasurer of Alameda County f/b/o District Attorney's Office," said amount to be
9 distributed in equal amounts between the District Attorney's offices representing the People in this action,
10 in accordance with Business and Professions Code section 17206 and Government Code Section 26506.
11 The cashier's check or money order shall be delivered via hand delivery or overnight mail to Assistant
12 District Attorney Matthew Beltramo no later than there (3) business days after the date this judgment is
13 entered.

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15 **OTHER PROVISIONS**

16 4. Jurisdiction is retained for the purposes of enabling any party to apply to the Court at any
17 time for such order or directions as may be necessary or appropriate for the construction of or carrying out
18 of this Judgment, for the modification or termination of any of the injunctive provisions thereof, for the
19 enforcement of compliance therewith, or for the punishment of violations thereunder.

20 5. The Parties waive the right to appeal this Final Judgment both as to form and content.

21 6. This Final Judgment shall take effect immediately upon entry hereof. No notice of entry of
22 judgment is required to be served upon either party.

23 DATED: 10/23/2019

24 By:

JO-LYNNE Q. LEE

25 _____
The Honorable Jo-Lynne Q. Lee
26 Judge of the Superior Court
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