

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF LOS ANGELES**

DATE: 11/02/01

DEPT. 32

HONORABLE William F. Highberger JUDGE

P. Boyd

DEPUTY CLERK

HONORABLE JUDGE PRO TEM

ELECTRONIC RECORDING MONITOR

P. Barreras Deputy Sheriff

NONE

Reporter

1:00 pm

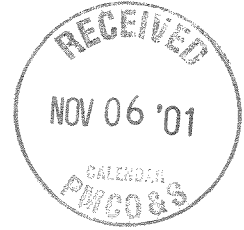
BC247097

Plaintiff  
Counsel

N/A

CONSUMER CAUSE INC  
VS  
ARKOPHARMA LABORATORIES INC ET

Defendant  
Counsel



**NATURE OF PROCEEDINGS:**

COURT REVIEW;

In chambers re proposed Consent Judgment in Consumer Cause v. Arkopharma Laboratories BC247097

The Court is in receipt of the proposed Consent Judgment signed by counsel for plaintiff and defendant Bioforce AG in July 2001. In view of the Court's subsequent ruling on the core legal question presented in this case on the demurrer of various other defendants in this case and its finding that Proposition 65 does not cover the dietary supplement products referenced in the complaint herein, the Court is not presently disposed to exercise its discretion to make this settlement contract a judicial decree. See generally, B. Witkin, California Procedure (4th ed.) "Proceedings Without Trial" § 92, quoting California State Auto. Assn. Inter-Ins. Bureau v. Superior Court (1960) 50 Cal. 3d 658, 683: "Although a court may not add to or make a new stipulation without mutual consent of the parties . . . , it may reject a stipulation that is contrary to public policy . . . , or one that incorporates an erroneous rule of law . . . . [T]he court cannot surrender its duty to see that the judgment to be entered is a just one, nor is the court to act as a mere puppet in the matter."

<p align="center"><b>MINUTES ENTERED</b> 11/02/01 <b>COUNTY CLERK</b></p>
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CONSUMER CAUSE INC

N/A

VS

Defendant

ARKOPHARMA LABORATORIES INC ET

Counsel

**NATURE OF PROCEEDINGS:**

For the above reasons, the proposed Consent Judgment is returned to counsel for defendant Bioforce AG unsigned. If counsel wish to submit a brief or to appear in person to show cause why the Court must enter the proposed Consent Judgment or why in the Court's discretion it should do so notwithstanding the recent ruling, either party to this proposed Consent Judgment may do so by contacting the clerk to set an appropriate schedule.

Counsel for Bioforce AG to give notice.

A copy of this minute order is sent via U.S. Mail addressed as follows:

Jeffrey Margulies  
 ATTORNEY AT LAW  
 6080 Center Drive, Suite 800  
 Los Angeles, Ca 90045-1574

<p align="center"><b>MINUTES ENTERED</b>                  11/02/01                  COUNTY CLERK</p>
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