



CALIFORNIA DEPARTMENT OF  
FOOD & AGRICULTURE

Karen Ross, Secretary

May 7, 2018

DMS NOTICE  
QC – 18 – 01  
DISCARD: RETAIN

**TO:** WEIGHTS AND MEASURES OFFICIALS

**SUBJECT:** Settlement – TRM Manufacturing, Inc., United Polymers, Inc., and DOES I-X

Enclosed is a copy of the Stipulation for Entry of Final Judgment and Permanent Injunction issued against TRM Manufacturing, Inc., United Polymers, Inc., and DOES I-X. The Riverside County District Attorney filed the case on November 29, 2017, in conjunction with the District Attorneys for Los Angeles County and the County of Santa Cruz, for selling product that was less quantity than represented and improperly labeled [California Business and Professions Code §§ 12024, 12602, 12603, and 12611 and California Code of Regulations § 4512.1].

The California Department of Food and Agriculture (Department), Division of Measurement Standards (DMS), worked with weights and measures investigators from Riverside and Los Angeles counties on this case. The total settlement was for \$223,576.29. Civil penalties amounted to \$165,000 and agency costs were \$58,576.29.

The Department sincerely appreciates the work performed by the District Attorneys' offices along with the state and county investigators that documented and caused to be prosecuted these violations. If you have any questions, please contact Katherine de Contreras, Supervising Special Investigator, DMS Enforcement Branch at (916) 229-3047 or [katherine.decontreras@cdfa.ca.gov](mailto:katherine.decontreras@cdfa.ca.gov).

Sincerely,

Kristin Macey  
Director

Enclosure

cc: Office of County/State Liaison, CDFA



*Coyu*

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF RIVERSIDE

**JMN**  
DEC - 5 2017

NOV 29 2017 *pt*

P. Tantlinger

1 JEFFREY S. ROSELL  
District Attorney, County of Santa Cruz  
2 Edward T. Browne, SBN 167638  
Assistant District Attorney  
3 701 Ocean Street, Room #200  
Santa Cruz, CA 95060  
4 (831) 454-2400

5 And additional counsel listed on "Attachment A"  
6 Attorneys for Plaintiff,

7  
8 **SUPERIOR COURT OF CALIFORNIA**  
**COUNTY OF RIVERSIDE**

9  
10 THE PEOPLE OF THE STATE OF CALIFORNIA,  
11 Plaintiff,  
12 vs.  
13 TRM MANUFACTURING, INC., a California  
corporation;  
14 UNITED POLYMERS, INC., a California  
corporation; et al.;  
15 and DOES I-X,  
16 Defendants.

} Case No.: RIC 1612048  
} STIPULATION FOR ENTRY OF FINAL  
} JUDGMENT AND PERMANENT  
} INJUNCTION

17  
18  
19  
20 Plaintiff, the People of the State of California, by and through its attorneys, having filed its  
21 Complaint herein; and Plaintiff appearing by and through its attorneys, Jeffrey S. Rosell, District  
22 Attorney for the County of Santa Cruz, by Assistant District Attorney Edward T. Browne; Jackie  
23 Lacey, District Attorney of Los Angeles County, by Deputies District Attorney Leonard Torrealba  
24 and Duke T. Chau; and Michael A. Hestrin, District Attorney of Riverside County, by Deputy  
25 District Attorney Elise J. Farrell; and Defendants TRM Manufacturing, Inc.; and United Polymers,  
26 Inc.; (collectively "Corporate Defendants") appearing by and through counsel Kevin Erwin of  
27 Lewis Brisbois Bisgaard & Smith LLP, stipulate and agree as follows:  
28



JACKIE LACEY, District Attorney  
County of Los Angeles, State of California

1  
2  
3 DATED: \_\_\_\_\_

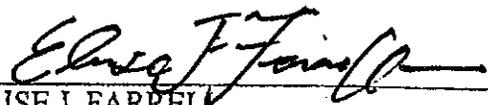
By: \_\_\_\_\_  
LEONARD TORREALBA  
Deputy District Attorney

4  
5  
6  
7 DATED: \_\_\_\_\_

By: \_\_\_\_\_  
DUKE T. CHAU  
Deputy District Attorney

8  
9  
10  
11 MICHAEL A. HESTRIN, District Attorney  
County of Riverside, State of California

12  
13 DATED: 11/20/17

By:   
ELISE J. FARRELL  
Senior Deputy District Attorney  
Attorneys for Plaintiff

14  
15  
16 FOR THE DEFENDANTS:

17 LEWIS BRISBOIS BISGAARD & SMITH LLP

18  
19 DATED: 11/20/17

By:   
KEVIN ERWIN  
Attorney for Defendants

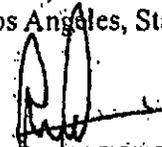
20  
21  
22  
23 DATED: 11-20-2017

By: Ted R. Moore  
Ted R. Moore:  
President of TRM Manufacturing, Inc. and  
United Polymers, Inc.

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

JACKIE LACEY, District Attorney  
County of Los Angeles, State of California

DATED: 11/21/17

By:   
LEONARD TORREALBA  
Deputy District Attorney

DATED: 11/21/17

By:   
DUKE T. CHAU  
Deputy District Attorney

MICHAEL A. HESTRIN, District Attorney  
County of Riverside, State of California

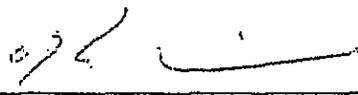
DATED: \_\_\_\_\_

By: \_\_\_\_\_  
ELISE J. FARRELL  
Senior Deputy District Attorney  
Attorneys for Plaintiff

**FOR THE DEFENDANTS:**

LEWIS BRISBOIS BISGAARD & SMITH LLP

DATED: 11/20/17

By:   
KEVIN ERWIN  
Attorney for Defendants

DATED: 11-20-2017

By: Ted R. Moore  
Ted R. Moore:  
President of TRM Manufacturing, Inc. and  
United Polymers, Inc.

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

DATED: 11-20-2017

By: *Ted Moore II*  
Ted Moore II: Vice-President of TRM  
Manufacturing, Inc.

1 Attachment A

2 MICHAEL A. HESTRIN  
3 District Attorney, County of Riverside  
4 ELISE J. FARRELL, SBN 281979  
5 Deputy District Attorney  
6 3960 Orange Street  
7 Riverside, CA 92501  
8 Tel: (951) 955-5400

9 JACKIE LACEY  
10 District Attorney, County of Los Angeles  
11 Leonard Torrealba, SBN 125256  
12 Deputy District Attorney  
13 Duke T. Chau, SBN 174498  
14 Deputy District Attorney  
15 211 West Temple Street, 10th Floor,  
16 Los Angeles, CA 90012  
17 Phone: (213) 257-2450  
18 Fax: (213) 213-633-0996  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

# Exhibit A

1 JEFFREY S. ROSELL  
District Attorney, County of Santa Cruz  
2 Edward T. Browne, SBN 167638  
Assistant District Attorney  
3 701 Ocean Street, Room #200  
Santa Cruz, CA 95060  
4 (831) 454-2400

5 And additional counsel listed on "Attachment A"

6 Attorneys for Plaintiff,  
7

8 **SUPERIOR COURT OF CALIFORNIA**  
9 **COUNTY OF RIVERSIDE**

10 THE PEOPLE OF THE STATE OF CALIFORNIA, )

11 Plaintiff, )

12 v. )

13 TRM MANUFACTURING, INC., a California  
corporation;  
14 UNITED POLYMERS, INC., a California  
corporation; et al.  
15 and DOES I-X,

16 Defendants.  
17  
18  
19  
20

Case No.: RIC 1612048

**STIPULATED FINAL JUDGMENT  
AND PERMANENT INJUNCTION**

21 Plaintiff, the PEOPLE OF THE STATE OF CALIFORNIA, having filed its Complaint  
22 herein; and Plaintiff appearing by and through its attorneys, Jeffrey S. Rosell, District Attorney for  
23 the County of Santa Cruz, by Assistant District Attorney Edward T. Browne; Jackie Lacey, District  
24 Attorney of Los Angeles County, by Deputies District Attorney Leonard Torrealba and Duke T.  
25 Chau; and Michael A. Hestrin, District Attorney of Riverside County, by Deputy District Attorney  
26 Elise S. Farrell; and Defendants TRM MANUFACTURING, INC. and UNITED POLYMERS,  
27

28 4852-9808-3925.1

STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

1 INC.; (collectively "Corporate Defendants") appearing by and through counsel Kevin Erwin of  
2 Lewis Brisbois Bisgaard & Smith LLP.

3 IT APPEARING TO THE COURT that the parties hereto having stipulated and consented  
4 to the entry of this Stipulated Final Judgment and Permanent Injunction (hereinafter "Judgment")  
5 prior to the taking of any proof, and without trial or adjudication of any fact or law herein, and  
6 without this Judgment constituting any admission by Defendants, or any of them, regarding any  
7 issue of fact or law alleged in said Complaint;

8 The Court having considered the pleadings:

9 IT IS HEREBY ORDERED, ADJUDGED AND DECREED that Plaintiff have judgment  
10 against the Corporate Defendants as follows:

11 **JURISDICTION**

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

14 **APPLICABILITY**

15 2. The provisions of this Judgment, including the injunction contained herein, are  
16 applicable to Corporate Defendants TRM MANUFACTURING, INC. and UNITED POLYMERS,  
17 INC.; their owners, officers, directors, employees, agents, and representatives, acting within the  
18 actual and ostensible scope of their employment; their assignors or successors; all persons,  
19 partnerships, corporations, and other entities acting by, through, or on behalf of the Corporate  
20 Defendants; and to all persons acting in concert or participation with the Corporate Defendants,  
21 who have actual or constructive knowledge of this Judgment.

22 **INJUNCTION**

23 3. Pursuant to Business and Professions Code sections 17203 and 17535, Corporate  
24 Defendants, and other persons and entities set forth in paragraph 2 above (hereinafter "Enjoined  
25 Persons"), are hereby permanently enjoined and restrained from engaging, directly or indirectly, in  
26 any of the following acts or practices:

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

3 b. Distributing or causing to be distributed any packaged or labeled commodity  
4 which does not conform to Chapter 6 of Division 5 of the Business and Professions Code, sections  
5 12601 et seq., commonly known as the Fair Packaging and Labeling Act, in violation of Business  
6 and Professions Code section 12602;

7 c. Distributing or causing to be distributed a packaged or labeled commodity  
8 that does not conform to Business and Professions Code section 12603, in violation of Business and  
9 Professions Code section 12611;

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

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

15 **MONETARY RELIEF**

16 4 **Investigative Costs:** Upon entry of this Judgment, Corporate Defendants shall pay  
17 by separate checks to the below entities costs of investigation in the amount of \$58,576.29 payable  
18 at filing as follows:

19 California Division of Measurement Standards:	\$ 23,698.58
20 County of Riverside County Agriculture Division	
21 of Weights and Measures:	\$ 15,816.48
22 County of Los Angeles,	
23 Agricultural Commissioner Department of Weights and Measures:	\$ 2,363.00
24 County of Los Angeles, District Attorney:	\$ 1,334.00
25 The Consumer Protection Prosecution Trust Fund:	\$ 15,364.23
26 Total:	\$ 58,576.29

27 All checks shall be delivered to Assistant District Attorney Edward T. Browne, Santa Cruz County

28 4852-9808-39251

1 District Attorney's Office, 701 Ocean Street, Room #200, Santa Cruz, CA 95060.

2 5. **Civil Penalties:** As provided by, and pursuant to Business and Professions Code  
3 sections 17206 and 17536, upon entry of this Judgment, Corporate Defendants shall pay to Plaintiff  
4 as civil penalties, the sum of \$165,000.00 divided by equal checks made payable to the following  
5 entities: District Attorney, County of Riverside; District Attorney, County of Santa Cruz; and  
6 District Attorney, County of Los Angeles. All checks shall be delivered to Assistant District  
7 Attorney Edward T. Browne, Santa Cruz County District Attorney's Office, 701 Ocean Street,  
8 Room #200, Santa Cruz, CA 95060.

9 6. All parties shall bear their own attorney fees and costs including but not limited to  
10 any and all costs incurred during discovery and Motions for Summary Judgment in this matter.

11 **RETENTION OF JURISDICTION**

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

16 8. Nothing in this Judgment shall be construed as relieving Corporate Defendants and  
17 Enjoined Persons of their obligation to comply, or prohibit them from complying, with all  
18 applicable state and federal laws, regulations or rules; nor shall any of the provisions of this  
19 Judgment be deemed to be permission to engage in any acts or practices prohibited by such law,  
20 regulation or rule.

21 9. The injunctive provisions of this Judgment are in addition to all other obligations  
22 and duties imposed by law.

23 10. The parties waive the right to appeal this Judgment both as to form and content.

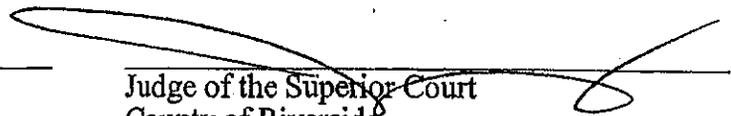
24 11. The Clerk shall enter this Judgment, consisting of five (5) pages forthwith.

25 12. All DOE Defendants and Defendant TED MOORE II, are to, and will be, dismissed,  
26 *with prejudice*, from this action upon entry of the Judgment.

1           13.     All compliance provisions in the Riverside Superior court Case, *People v. TRM et*  
2 *al.*, case number RIC 1308673 which have not been sunsetted or terminated at the time of entry of  
3 the current order shall remain in full force and effect.

4           14.     This Judgment shall take effect upon entry thereof.

5 DATED: 11/27/17

  
\_\_\_\_\_  
Judge of the Superior Court  
County of Riverside

8                                 John W Vineyard

Attachment A

- 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

MICHAEL A. HESTRIN  
District Attorney, County of Riverside  
ELISE J. FARREL, SBN 100929  
Senior Deputy District Attorney  
3960 Orange Street  
Riverside, CA 92501  
Tel: (951) 955-5400

JACKIE LACEY  
District Attorney, County of Los Angeles  
Leonard Torrealba, SBN 125256  
Deputy District Attorney  
Duke T. Chau, SBN 174498  
Deputy District Attorney  
211 West Temple Street, 10th Floor,  
Los Angeles, CA 90012  
Phone: (213) 257-2450  
Fax: (213) 213-633-0996