

VERMONT SUPERIOR COURT

ORDER
2014 DEC 30 P 3:41
DW

STATE OF VERMONT
SUPERIOR COURT
WASHINGTON UNIT

DW
2014 DEC 30 P 1:54
proposed

STATE OF VERMONT,)
Plaintiff)
)
v.)
)
DOLLAR TREE STORES, INC.,)
Defendant)

CIVIL DIVISION
Docket No. 420-7-14 Wncv

STIPULATION AND CONSENT ORDER

WHEREAS, as evidenced by their signatures below, Plaintiff State of Vermont (“the State”), through its Attorney General, and Defendant Dollar Tree Stores, Inc. (“Dollar Tree”) have agreed to the entry of this Stipulation and Consent Order;

WHEREAS the parties have waived any requirement that the Court make findings of fact or conclusions of law;

WHEREAS all parties have consulted with legal counsel in connection with this Stipulation and Consent Order;

WHEREAS the State filed a Consumer Protection Complaint in this matter setting out certain allegations, and Dollar Tree filed an Answer in which it expressly denied the allegations but did not deny this Court’s jurisdiction over it;

WHEREAS all parties agree that the terms of this Stipulation and Consent Order are just; and

WHEREAS the Court approves the terms of the parties’ agreement and adopts them as its own determination of their respective rights and obligations;

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

IT IS HEREBY ORDERED, ADJUDGED AND DECREED as follows:

1. For the purpose of this Stipulation and Consent Order, the following terms are defined:

a. "Assurance of Discontinuance" means the Assurance of Discontinuance filed with this Court on February 8, 2010, under the Vermont Consumer Protection Act, 9 V.S.A. § 2459, and entitled *In re Dollar Tree Stores, Inc.*

b. "Children's product" means a consumer product designed or intended primarily for children 12 years of age or younger.

c. "Contain[s]" or "containing" lead or cadmium means containing, or having a surface coating containing, the stated amount by weight of lead, cadmium, or lead or cadmium compound in any component part of a product.

d. "Jewelry" means any item, regardless of how it is described in its labeling, marketing or advertising, and regardless of the age of the intended users, that is a necklace, bracelet, ring, earring, brooch, ornamental pin, or anklet principally designed and intended as an ornament to be worn on the human body, regardless of the material from which it is made (*e.g.*, plastic, ceramic, glass, etc.), *provided that* "jewelry" does not include the following: (i) any item that must be assembled or reconfigured by the consumer before it is worn (*e.g.*, without limitation, a set of plastic interlocking stars that, when assembled, form a bracelet); (ii) any item that is or contains food, candy or cosmetic (such as lip gloss); and (iii) lanyards and glow sticks.

e. "Offer or sell in or into the State of Vermont" means to distribute, offer or sell to a business or consumer in the State of Vermont through any medium, including, but not limited to, in a store or over the Internet.

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2. In the course of doing business in or into the State of Vermont, Dollar Tree shall comply with all applicable federal and Vermont statutes and regulations relating to product safety, including, but not limited to, laws limiting the amount of lead and/or cadmium permitted in children's and other consumer products.

3. In keeping with the preceding paragraph, Dollar Tree shall comply with the federal Consumer Product Safety Improvement Act of 2008, Public Law 110-314, the Vermont Lead in Consumer Products Act, 9 V.S.A. chapter 63, subchapter 1C, and any regulations enacted thereunder.

4. Notwithstanding the preceding two paragraphs, and unless and until the requirements of federal and/or Vermont law are more stringent than the following requirements (in which case Dollar Tree shall comply with such more stringent federal and/or Vermont requirements), Dollar Tree shall not offer or sell in or into the State of Vermont at any of its Dollar Tree branded store locations:

a. Any jewelry, as defined above, *provided that* the inadvertent offer or sale in Vermont of a *de minimis* quantity of jewelry shall not violate this Stipulation and Consent Order as long as said jewelry complies with all governmental and ASTM standards for the presence of a toxic substance;

b. Any children's product, where any component of the product contains more than one hundred (100) parts per million of lead or three hundred (300) parts per million of cadmium; or

c. Any children's product, where any component of the product has paint or another surface coating containing more than ninety (90) parts per million of lead or seventy-five (75) parts per million of cadmium.

5. Within ten (10) days of the entry of this Stipulation and Consent Order, Dollar Tree, shall pay to the State of Vermont, in care of the Vermont Attorney General's Office, the sum of \$42,500.00 (forty-two thousand five hundred dollars).

6. If the Attorney General decides to pursue enforcement of this Stipulation and Consent Order because he believes that Dollar Tree has failed to comply with paragraph 4, above, the Attorney General shall, unless he or she has evidence that Dollar Tree has offered for sale or has sold jewelry that violates an existing governmental or ASTM standard for the presence of a toxic substance in such a product, notify Dollar Tree in writing of said noncompliance, and Dollar Tree shall thereafter have 30 (thirty) business days from receipt of the written notice to provide a written response to the Attorney General before the Attorney General initiates any enforcement action.

7. This Stipulation and Consent Order shall be binding on Dollar Tree and its successors and assigns.

8. The terms of this Stipulation and Consent Order replace the terms of the Assurance of Discontinuance, which Assurance of Discontinuance shall no longer have any independent force or effect.

9. This action is dismissed with prejudice, except that the Court retains jurisdiction over any action to enforce compliance with its terms.

Dated 12/2/17

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
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STATE OF VERMONT

WILLIAM H. SORRELL
ATTORNEY GENERAL

by: 
Elliot Burg
Special Assistant Attorney General

Dated 12/17/2014

DOLLAR TREE STORES, INC.

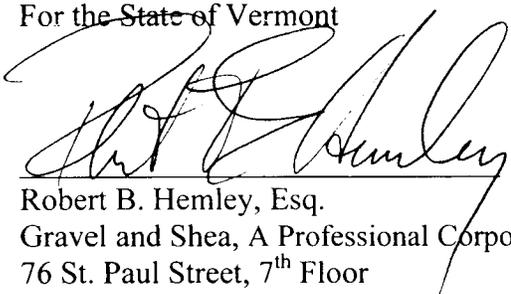
by: 
Authorized Agent

Robert H. Rudman
Name of Authorized Agent

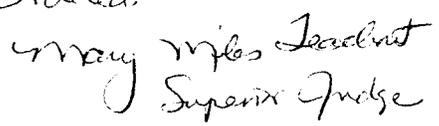
CMO
Title of Authorized Agent

APPROVED AS TO FORM:


Elliot Burg
Special Assistant Attorney General
Vermont Attorney General's Office
109 State Street
Montpelier, VT 05609
(802) 828-2153
For the State of Vermont


Robert B. Hemley, Esq.
Gravel and Shea, A Professional Corporation
76 St. Paul Street, 7th Floor
P. O. Box 369
Burlington, VT 05402-0369
(802) 658-0220
For Dollar Tree Stores, Inc.

Office of the
ATTORNEY
GENERAL
109 State Street
Montpelier, VT
05609

So Ordered.

Superior Judge
December 30, 2014