

STATE OF VERMONT

SUPERIOR COURT  
Washington Unit

*DW*  
CIVIL DIVISION  
Docket No. 4988-11

STATE OF VERMONT, )  
)  
Plaintiff, )  
)  
v. )  
)  
REEBOK-CCM HOCKEY U.S., INC., )  
f/k/a MASKA U.S., INC. )  
and REEBOK-CCM HOCKEY, INC., )  
)  
Defendants. )

*Stip.*

FILED

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VT SUPERIOR COURT  
WASHINGTON UNIT  
CIVIL DIVISION

**STIPULATION FOR THE ENTRY OF CONSENT ORDER  
AND 2011 CONSENT ORDER**

Plaintiff, the State of Vermont, through the Office of the Attorney General on behalf of the Agency of Natural Resources ("ANR" or "State"), and Defendants, Reebok-CCM Hockey U.S., Inc. (formerly known as Maska U.S., Inc.) and Reebok-CCM Hockey, Inc. ("Defendants"), through the undersigned counsel, stipulate and agree as follows:

WHEREAS, the Attorney General pursuant to 3 V.S.A. Chapter 7 has the general supervision of matters and actions in favor of the State and may settle such matters as the interests of the State require; and

WHEREAS, the State alleges in the Pleadings by Agreement filed in this action ("Pleadings by Agreement") that Defendants committed a violation of a Consent Decree signed by this Court as a judicial order of the Court on June 20, 1996 ("1996 Consent Decree"); and

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109 State Street  
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WHEREAS, Defendants have admitted in the Pleadings by Agreement that they are subject to the terms of the 1996 Consent Decree and violated those terms; and

WHEREAS, pursuant to paragraph 68 of the 1996 Consent Decree, Defendants shall pay, at a minimum, a stipulated penalty of \$1,000.00 per day for each day Defendants fail to meet a deadline set by the 1996 Consent Decree; and

WHEREAS, the State considered the nature and circumstances of the violation of the 1996 Consent Decree, including the length of time the violation existed, in arriving at a proposed stipulated penalty; and

WHEREAS, the Attorney General believes that this settlement is in the State's interest as it upholds the 1996 Consent Decree and the statutory program of 10 V.S.A. Chapter 159 under which the violations occurred; and

WHEREAS, the State and Defendants agree that this settlement will avoid prolonged and complicated litigation between them, and that avoiding such litigation constitutes good and valuable consideration for both parties;

NOW, THEREFORE, the State and Defendants hereby stipulate and agree as follows:

1. The consent order that follows immediately below ("the 2011 Consent Order") may be entered by the Court;
2. The 2011 Consent Order has been negotiated by the State and Defendants in good faith;
3. The State and Defendants hereby waive all rights to contest or

appeal the 2011 Consent Order and they shall not challenge, in this or any other proceeding, the validity of any of the terms of the 2011 Consent Order or this Court's jurisdiction to enter or enforce the 2011 Consent Order; and

4. The 2011 Consent Order sets forth the complete agreement of the parties, and it may be altered, amended, or otherwise modified only by subsequent written agreements signed by the parties' legal representatives and incorporated in an order issued by the Court.

5. Nothing in the 2011 Consent Order shall be construed as having (i) modified or changed the 1996 Consent Decree in any respect other than clarifying that Defendants are bound by its terms or (ii) relieved, modified, or in any manner affected Defendants' obligation to comply with the 1996 Consent Decree, which obligation Defendants hereby expressly acknowledge.

STATE OF VERMONT

WILLIAM H. SORRELL  
ATTORNEY GENERAL

Dated: 7/27/11

By:   
Gavin J. Boyles  
Assistant Attorney General  
Attorney General's Office  
109 State Street  
Montpelier, VT 05609-1001

REEBOK-CCM HOCKEY U.S., INC.  
and REEBOK-CCM HOCKEY, INC.,

Dated: 8/2/11

By:   
Samuel Hoar, Jr., Esq.  
Dinse, Knapp, & McAndrew  
209 Battery St  
Burlington, VT 05401

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