

## Trish Gerken

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**From:** Gillian Anderson <webmaster@doj.ca.gov>  
**Sent:** Wednesday, October 07, 2015 7:52 AM  
**To:** PIUWebform  
**Subject:** [WEB FORM] GENERAL COMMENT OR QUESTION

Below is the result of the feedback form.  
It was submitted by

===== DOJ USE ONLY =====  
NEW\_TYPE:  
===== DOJ USE ONLY =====

TYPE: PL  
First Name: Gillian  
Middle Initial:  
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Comment Or Question Message: I was pleased to read your proposal for reforming the broken Prop 65 system and curbing the frivolous lawsuits brought as a result of Prop 65 violations. Unfortunately, your plan doesn't do enough to fix the grievous problems that Prop 65, as currently written, has been generating.

You propose to cap "payments in lieu of penalties," when we really need to eliminate these payments altogether. You propose attorneys and plaintiffs be required to better define and report how they spend certain kinds of settlement payments, but there really ought to be judicial scrutiny of ALL settlements. And you suggest raising the bar for determining when a settlement confers the "significant" public benefit that is a prerequisite for obtaining attorney fees. But only a more drastic decrease in the money that goes to lawyers would eliminate incentives to file frivolous lawsuits. The only way to stop frivolous lawsuits is to take away the incentive which for lawyers is money and profits.

In other words, your proposals do not go far enough to reduce the financial incentives for predatory trial lawyers and "bounty hunters." At the same time, California's Office of Environmental Health Hazard Assessment (OEHHA) has proposed several reforms to Prop 65 which may actually INCREASE the number of frivolous lawsuits, making it even harder to do business in California and further impeding the law's ability to protect consumers. This in no way helps the state of California.

If you want to fix the current system and achieve the law's initial intent, you must dramatically and decisively address the financial incentives that keep Prop 65 just a way to line the pockets of the wealthy, with no benefit whatsoever to California's citizens.

Affirm Information Accurate: Yes

Email:

Confirm Email:

Referrer:

[End of comment or complaint information]