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Dept. 307

**LOS ANGELES
SUPERIOR COURT**

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF LOS ANGELES

CENTRAL DISTRICT-CENTR-AL CIVIL WEST COURTHOUSE

CONSUMER ADVOCACY GROUP, INC.,

Plaintiff,

v.

ATLANTIC RICHFIELD CO., et al.,

Defendants.

Case No. BC240465

Case No. BC240465

[PRtPO~D] ORDER APPROVING

SETTLEMENT AGREEMENT AND JUDGMENT BETWEEN CONSUMER ADVOCACY GROUP, INC. AND CHEVRON U.S.A., INC.

Department:

307

Judge:

Hon. Wendell Mortimer, Jr.

Date:

October 28, 2005

Time:

9:00 a.m.

Complaint filed: August 17, 1999

(Matter stayed from August 2001 to April 2004)

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[MWa0W8ttD1 ORDER APPROVING SETTLEMENT AGREEMENT AND JUDGMENT BETWEEN
CONSUMER ADVOCACY GROUP, INC. AND CHEVRON U.S.A., INC,

D

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1 factors set forth in Proposition 65, the California Attorney General's Settlement
2 Guidelines, and the costs, risks, and uncertainties of continued litigation;

3 That the projects that Chevron would undertake as part of the settlement in the CBE

4 Action would reduce actual and threatened discharges or releases of Proposition 65 listed
5 Chemicals from Chevron's facilities in California; and

6 That the San Francisco Superior Court would retain jurisdiction to assure appropriate
7 implementation of the settlement agreement in the CBE Action.

8
9 2. This Court adopts the findings and judgment of the San Francisco Superior Court

10 in the CBE Action as applicable to all sites in controversy in this action.

11
12 3. CAG's Motion for Judicial Approval of Settlement with Chevron U.S.A., Inc. is
13 granted **ir** entirety pursuant to Health and Safety Code section 25249.7, subdivision (f)(4).

14 a. CAG has followed all procedural rules in seeking approval of the underlying
15 settlement;

16 b. The Settlement Agreement properly requires no specific warnings because the
17 adequacy of warnings was not at issue in the litigation;

18 c. The award of \$80,000 in attorneys' fees and costs to CAG and its counsel of
19 record in this action as set forth in the Settlement Agreement is appropriate

20 and reasonable under California law given the total fees and costs incurred by
21 CAG and its counsel of record in prosecuting this action since 1999;

22 d. The settlement in the CBE Action provides for certain conduct by the
23 defendant in lieu of civil penalties, in the form of identified projects, for the

24 locations put into controversy against Chevron in this action. These projects
25

26 are reasonable in light of the criteria set forth in California Code of

27
28 [*MOP@SET~] ORDER APPROVING SETTLEMENT AGREEMENT AND JUDGMENT BETWEEN
CONSUMER ADVOCACY GROUP, INC. AND CHEVRON U.S.A., INC.

Regulations, title 11, section '203, subdivision (c), and for the reasons stated

2 in paragraphs I and 2, above.

3
4 4. CAG adequately represented the public interest in entering into the Settlement

5 Agreement.

6 5. The Settlement is in the public interest consistent with Health and Safety Code
7 section 25249.7, subdivision (d).

8

JUDGMENT

9

The Court finds that CAG and Chevron have stipulated to the entry of this Judgment. 10 11 The Court, having considered the matter, the pleadings, and good cause appearing therefore, IT

-12 IS HEREBY ORDERED, ADJUDGED, AND DECREED as follows:

- 13 1. The Settlement Agreement, an executed copy of which is attached as Exhibit A, is
14 approved as the Judgment of this Court resolving this action between CAG and Chevron.
15
16 2. The Court Clerk is ordered to enter this Judgment as the Judgment of the Court as to
17 defendant Chevron U.S.A., Inc.
18 3. Chevron U.S.A., Inc. is dismissed with prejudice from this action.
19 4. Except as otherwise set forth in the Settlement Agreement, all parties shall bear their own
20 attorneys' fees ad experts' fees and costs.

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23 Dated:

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OCT 28 2005

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HON. WENDELL MORTIMER, JR.
Judge of the Superior Court

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[PTMT"9rD] ORDER APPROVING SETTLEMENT AGREEMENT AND JUDGMENT BETWEEN
CONSUMER ADVOCACY GROUP, INC. AND CHEVRON U.S.A., INC.

WENDELL R. MORTIMER, JR
