

1 Reuben Yeroushalmi (SBN 193981)  
2 Daniel D. Cho (SBN 105409)  
3 Ben Yeroushalmi (SBN 232540)  
4 Yeroushalmi & Associates  
5 3700 Wilshire Blvd., Suite 480  
6 Los Angeles, CA 90010  
7 Telephone: 213-382-3183  
8 Facsimile: 213-382-3430  
9 Email: lawfirm@yeroushalmi.com  
10 Attorneys for Plaintiff,  
11 Consumer Advocacy Group, Inc.

**FILED**  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF LOS ANGELES

JAN 29 2009

John A. Clarke - Executive Officer/Clerk  
By KATHERINE BERENSON

9 SUPERIOR COURT, STATE OF CALIFORNIA  
10 COUNTY OF LOS ANGELES

12 Coordination Proceeding  
13 Special Title (Rule (1550(b))

14 **SECONDHAND SMOKE CASES**

15 This Document Relates to the following cases:

16 *Consumer Advocacy Group, Inc. v. Destination*  
17 *Hotels & Resorts, et al.*; Former Los Angeles  
18 County Superior Court  
19 Case No. BC234630; and

20 *Consumer Advocacy Group, Inc. v. Hilton*  
21 *Corporation, et al.*; Former Los Angeles  
22 County Superior Court Case No. BC276355.

JUDICIAL COUNCIL COORDINATION  
PROCEEDING NO. 4182

~~PROPOSED~~ **JUDGMENT AND ORDER  
APPROVING STIPULATED CONSENT  
JUDGMENT BETWEEN CONSUMER  
ADVOCACY GROUP, INC. AND  
PACIFICA HOSTS, INC.**

Date Proceeding Coordinated: June 18, 2001  
Trial Date: None set  
Hearing: January 9, 2009  
Time: 9:00 p.m.  
Place: Department 307  
Judge: Hon. William Highberger

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BY: 

23 On January 9, 2009, at 9:00 p.m., the Honorable William Highberger, in Department 307  
24 of this Court, heard the Motion to Approve Settlement between Consumer Advocacy Group, Inc.  
25 ("Plaintiff") and, Pacifica Hosts, Inc. ("Defendant"). Appearances are in the record. The Court,  
26 having considered the documents filed in connection with this matter and the arguments of  
27 counsel, has arrived at the following conclusions and SO ORDERS:  
28

~~PROPOSED~~ **JUDGMENT AND ORDER APPROVING SETTLEMENT BETWEEN CONSUMER  
ADVOCACY GROUP, INC. AND PACIFICA HOSTS, INC.**

**ORIGINAL**

1 A. Plaintiff and Defendant executed a [Proposed] Stipulated Consent Judgment  
2 (“Settlement”), which they have submitted to this Court for approval pursuant to Proposition 65  
3 (Health & Saf. Code, §§ 25249.5, et seq.).

4 B. This Court has considered the Settlement and determined that it represents a fair,  
5 reasonable, and adequate settlement between Plaintiff and Defendant.

6 1. The Settlement provides that Defendant will:

- 7
- 8 • Provide Proposition 65 warnings; and
  - 9 • Pay Plaintiff \$50,000 for its attorney fees.

10 2. The court grants the Motion to Approve the settlement between Plaintiff and  
11 Defendant in its entirety pursuant to Health and Safety Code section 25249.7, subdivision (f)(4)  
12 after making the following findings.

13 a. Plaintiff followed all procedural rules in seeking approval of the Settlement;

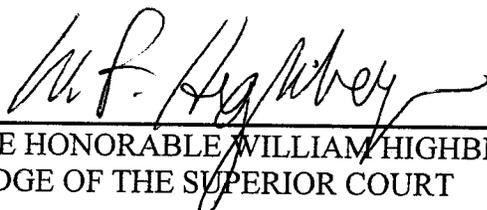
14 b. The Settlement requires “clear and reasonable” Proposition 65 compliant  
15 warnings for extant exposures to Proposition 65-listed chemicals;

16 c. The award of \$50,000 in attorney fees and costs as set forth in the Settlement is  
17 appropriate and reasonable under California law given the total fees and costs incurred by  
18 Plaintiff and its counsel of record in prosecuting this action as to Defendant;

19 d. The terms of the Settlement are in the public interest consistent with Health and  
20 Safety Code section 25249.7, subdivision (d); and

21 e. Plaintiff served the public interest in entering into the Settlement.

22  
23 Dated: 1/29/09

24   
25 THE HONORABLE WILLIAM HIGHBERGER  
26 JUDGE OF THE SUPERIOR COURT