

ENDORSED
FILED
San Francisco County Superior Court

DEC 20 2005

GORDON PARK-LI, Clerk
BY: CARMEN LI
Deputy Clerk

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**SUPERIOR COURT OF THE STATE OF CALIFORNIA
FOR THE CITY AND COUNTY OF SAN FRANCISCO
UNLIMITED CIVIL JURISDICTION**

MICHAEL DIPIRRO,)
)
Plaintiff,)
)
v.)
)
J.C. PENNEY COMPANY, INC.; and DOES)
1 through 150;)
)
Defendants.)

No. 407150
(Consolidated with No. 407458)

JUDGMENT

MICHAEL DIPIRRO,)
)
Plaintiff,)
)
v.)
)
MACY'S; and DOES 1 through 150;)
)
Defendants.)

Department: 503
Honorable A. James Robertson, II

Action Filed: April 25, 2002
Trial Date: July 21, 2003

JUDGMENT

1 This consolidated trial came on regularly for trial on July 21, 2003, in Department 503 of
2 the San Francisco Superior Court, Honorable A. James Robertson, II presiding. Plaintiff
3 Michael DiPirro appeared by counsel Gregory M. Sheffer of the The Sheffer Law Firm and
4 Clifford A. Chanler of the Chanler Law Group. Defendants J.C. Penney Company, Inc. and
5 Macy's appeared by counsel Jeffrey B. Margulies of Fulbright & Jaworski L.L.P., Christine
6 Brandt of Macy's and Mary L. Harokopus of J.C. Penney Company, Inc.

7 On motion of defendants, and over objection of plaintiff, the case was tried to the Court
8 without a jury. The evidence was divided into two phases and witnesses were sworn and
9 testified in each phase. The first phase focused on liability and lasted until a Statement of
10 Decision (Liability Phase) was entered on February 9, 2005, which Statement of Decision is
11 attached hereto, and fully incorporated herein by this reference, as Exhibit A. The second phase
12 focused on penalties and other relief and was concluded by entry of a Statement of Decision
13 (Remedies Phase) on November 22, 2005, which Statement of Decision is attached hereto, and
14 fully incorporated herein by this reference, as Exhibit B.

15 It appearing by reason of said Statement of Decision (Liability Phase) that plaintiff
16 Michael DiPirro shall take and have nothing from defendant Macy's. It further appearing by
17 reason of said Statements of Decision (Liability and Remedies Phases) that plaintiff Michael
18 DiPirro is entitled to judgment against defendant J.C. Penney Company, Inc.

19 NOW THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED that said
20 plaintiff, Michael DiPirro, shall have and recover from defendant J.C. Penney Company, Inc. the
21 sum of \$347,650.00 with interest thereon, which at this time is ten percent (10%) per annum,
22 from the date of this judgment (75% of which shall be forwarded to the California Office of
23 Environmental Health Hazard Assessment).

24 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that defendant J.C. Penney
25 Company, Inc. shall be subject to the permanent injunction set forth on pages 67-71 of the
26 November 22, 2005, Statement of Decision (Remedies Phase).

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IT IS FURTHER ORDERED, ADJUDGED AND DECREED that said plaintiff, Michael DiPirro, shall have and recover nothing from defendant Macy's.

Dated: December 20, 2005

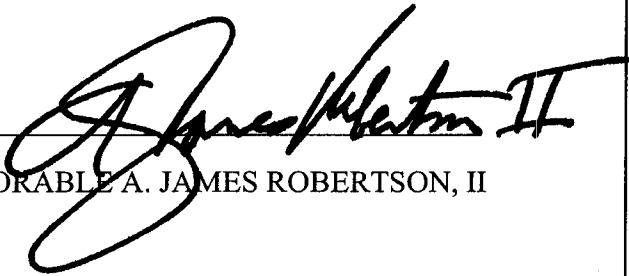

HONORABLE A. JAMES ROBERTSON, II

EXHIBIT "A"

ORIGINAL

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San Francisco County Superior Court

FEB - 9 2005

GOBDON PARK-LI, Clerk
BY: [Signature]
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO, UNLIMITED CIVIL JURISDICTION

MICHAEL DIPIRRO,
Plaintiff,

v.

J.C. PENNEY COMPANY, INC.; AND
DOES 1 through 150, inclusive
Defendants.

Case No. 407150
(Consolidated with Case No. 407458)

Honorable A. James Robertson

TRIAL DEPT: 503

an
**[PROPOSED] STATEMENT OF
DECISION** *Liability Phase*
(California Rule Of Court 232) *only*
ask

MICHAEL DIPIRRO,
Plaintiff,

v.

MACY'S; AND DOES 1 through 150,
Defendants.

EXHIBIT "B"

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NOV 22 2005

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SUPERIOR COURT OF CALIFORNIA

CITY AND COUNTY OF SAN FRANCISCO

DEPARTMENT NUMBER 503

MICHAEL DIPIRRO,

Plaintiff,

v.

J.C. PENNEY COMPANY, INC. et al.,

Defendant.

CASE NO. 407150 (Consolidated with Case
No. 407458)

STATEMENT OF DECISION

(REMEDIES PHASE)