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Los Angeles Superior Court

JAN 24 2008

John A. Clarke, Executive Officer/Clerk
By: S. Temblador Deputy

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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA

13 COUNTY OF LOS ANGELES

| | |
|---------------------------|-------------------------------------|
| 14 CONSUMER ADVOCACY) | CASE NO. BC364149 |
| 15 GROUP, INC., et al.,) | |
| 16) | |
| 17 Plaintiff,) | <u>[PROPOSED]</u> ORDER APPROVING |
| 18) | SETTLEMENT BETWEEN CONSUMER |
| 19) | ADVOCACY GROUP, INC. AND |
| 20) | C-WEST ROOFING COMPANY, INC. |
| 21) | |
| 22) | |
| 23) | Judge: Ernest M. Hiroshige |
| 24) | Place: Dept. 54 |
| 25) | Date: January 24, 2008 |
| 26) | Time: 8:30 a.m. |
| 27) | |
| 28) | Action Filed: December 29, 2006 |
| | Discovery-Cutoff: December 16, 2007 |
| | Trial date: January 16, 2008 |

21 On January 24, 2008, at 8:30 AM, the Honorable Ernest M. Hiroshige, in Department 54
22 of this Court, heard the motion for judicial approval of settlement of action between plaintiff,
23 Consumer Advocacy Group, Inc. ("CAG"), on one hand, and, defendant, C-West Roofing
24 Company, Inc. ("C-West") on the other. Appearances are in the record. The Court, having
25 considered the documents filed in connection with this matter and the arguments of counsel, has
26 arrived at the following conclusions and SO ORDERS:
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1 A. CAG and C-West have executed a Settlement Agreement ("Proposed Settlement"), fully
2 executed as of November 7, 2007, which CAG submitted to this Court for approval pursuant to
3 Proposition 65 (Health & Saf. Code, §§ 25249.5 et seq.).
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5 B. This Court has considered the Proposed Settlement and determined that it represents a
6 fair, reasonable, and adequate settlement between CAG and C-West.

7 1. The Proposed Settlement provides that C-West will:

- 8 • Change its business practices to reduce exposures of Proposition 65-listed chemicals to
9 its employees and the public;
- 10 • Provide warnings to its employees that satisfy the "clear and reasonable" warning
11 requirement under Proposition 65;
- 12 • Pay CAG \$4,500 for its attorney fees and costs; and
- 13 • Pay \$500 to an entity, CAG, in lieu of a civil penalty.

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16 2. The court grants the Motion for Judicial Approval of Settlement between CAG
17 and C-West in its entirety pursuant to Health and Safety Code section 25249.7, subdivision (f)(4)
18 after making the following findings.

- 19 a. CAG followed all procedural rules in seeking approval of the Proposed
20 Settlement;
- 21 b. The Proposed Settlement properly requires Proposition 65 compliant warnings
22 for extant exposures to Proposition 65-listed chemicals;
- 23 c. The award of \$4,500 in attorney fees and costs as set forth in the Proposed
24 Settlement is appropriate and reasonable under California law given the total
25 fees and costs incurred by CAG and its counsel of record in prosecuting this
26 action;
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- 1 d. The Proposed Settlement provides that C-West will pay \$500 to an entity,
2 CAG, in lieu of a civil penalty that is proper in light of the criteria set forth in
3 California Code of Regulations, title 11, section 3203, subdivision (b);
4
5 e. The terms of the Proposed Settlement are in the public interest consistent with
6 Health and Safety Code section 25249.7, subdivision (d); and
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8 f. CAG adequately represented the public interest in entering into the Proposed
9 Settlement.
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11 Dated: JAN 24, 2008

MARK E. GIBSON

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13 JUDGE OF THE SUPERIOR COURT
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