

ENDORSED  
FILED  
ALAMEDA COUNTY

APR 11 2008

CLERK OF THE SUPERIOR COURT  
By HOLLIE M. ADAMIC  
Deputy

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ALAMEDA

|    |                              |   |                                     |
|----|------------------------------|---|-------------------------------------|
| 11 | CONSUMER ADVOCACY            | ) | CASE NO. RG06303945                 |
| 12 | GROUP, INC., in the interest | ) |                                     |
| 13 | of the Public,               | ) | <del>PROPOSED</del> ORDER APPROVING |
| 14 | Plaintiff,                   | ) | SETTLEMENT BETWEEN CONSUMER         |
| 15 | v.                           | ) | ADVOCACY GROUP, INC. AND MODERN     |
| 16 |                              | ) | METHOD ROOFING CO.                  |
| 17 | ARCHADEL, INC., et al.,      | ) | Telephone Appearance                |
| 18 | Defendants.                  | ) | ASSIGNED FOR ALL PURPOSES TO:       |
| 19 |                              | ) | JUDGE ROBERT FREEDMAN               |
| 20 |                              | ) | DEPARTMENT D-20                     |
| 21 |                              | ) | Date: April 11, 2008                |
| 22 |                              | ) | Time: 10:00 a.m.                    |
|    |                              | ) | Reservation no. R797560             |
|    |                              | ) | Complaint filed: December 27, 2006  |
|    |                              | ) | Trial date: Not set                 |

23 On April 11, 2008, at 10:00 a.m., the Honorable Robert Freedman, in Department 20,  
24 heard the motion for judicial approval of settlement of action between Consumer Advocacy  
25 Group, Inc. ("CAG") and Modern Method Roofing Co. ("Modern Method"). Appearances are in  
26 the record. The Court, having considered the documents filed in connection with this matter and  
27 the arguments of counsel, has arrived at the following conclusions and SO ORDERS:  
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1 The Proposed Settlement represents a fair, reasonable, and adequate settlement, providing  
2 that Modern Method will:

- 3 • Change its business practices to reduce exposures of Proposition 65-listed chemicals to  
4 its employees and the public;
- 5 • Provide occupational warnings that satisfy the "clear and reasonable" warning  
6 requirement under Proposition 65;
- 7 • Pay CAG \$14,500 for its attorney fees and costs; and
- 8 • Pay \$500 to an entity, CAG, in lieu of a civil penalty.

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11 The court grants the motion in its entirety pursuant to Health and Safety Code section  
12 25249.7, subdivision (f)(4) after finding that:

- 13 a. CAG followed all procedural rules in seeking approval of the Proposed Settlement;
- 14 b. The Proposed Settlement properly requires Proposition 65 compliant warnings for  
15 extant exposures to Proposition 65-listed chemicals;
- 16 c. The mandated award of \$14,500 in attorney fees is appropriate and reasonable under  
17 California law given the total fees incurred by CAG in prosecuting this action;
- 18 d. The mandated payment of \$500 to an entity, CAG, in lieu of a civil penalty is proper  
19 pursuant to California Code of Regulations, title 11, section 3203, subdivision (b);
- 20 e. The terms of the Proposed Settlement are in the public interest consistent with Health  
21 and Safety Code section 25249.7, subdivision (d); and
- 22 f. CAG represented the public interest in entering into the Proposed Settlement.

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26 Dated: April 11, 2008

  
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JUDGE OF THE SUPERIOR COURT