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**ENDORSED
FILED**
San Francisco County Superior Court

APR 07 2008

GORDON PARK-LI, Clerk
BY: ERICKA LARNAUTI
Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN FRANCISCO

11 CONSUMER ADVOCACY)
12 GROUP, INC., in the interest of)
13 the Public,)
14 Plaintiff,)
15 v.)
16)
17 PRO GENERAL ROOFING, INC.,)
18 et al.,)
19 Defendants.)
20)

CASE NO. CGC-07-460126

[PROPOSED] ORDER APPROVING
SETTLEMENT BETWEEN CONSUMER
ADVOCACY GROUP, INC. AND EASTMAN
ROOFING AND WATERPROOFING, INC.

Judge: Honorable Patrick J. Mahoney
Place: Department 302
Date: February 21, 2008
Time: 9:30 AM

Action Filed: February 1, 2007
Trial date: Not Set

21
22 On February 21, 2008, at 9:30 AM, the Honorable Patrick J. Mahoney, in Department 302
23 of this Court, heard the motion for judicial approval of settlement of action between plaintiff,
24 Consumer Advocacy Group, Inc. ("CAG"), on one hand, and, defendant, Eastman Roofing and
25 Waterproofing, Inc. ("Eastman"), on the other. 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:
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1 A. CAG and Eastman have executed a settlement agreement (“Proposed Settlement”), fully
2 executed as of October 20, 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 Eastman.

7 1. The Proposed Settlement calls for Eastman to:

- 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 \$14,500 for its attorney fees within ten days following court approval of the
13 settlement; and
- 14 ▪ Pay \$500 to an entity, CAG, in lieu of a civil penalty within ten days following court
15 approval of the settlement.
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18 2. The court grants the Motion for Judicial Approval of Settlement between CAG
19 and Eastman in its entirety pursuant to Health and Safety Code section 25249.7, subdivision
20 (f)(4) after making the following findings.
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- 22 a. CAG followed all procedural rules in seeking approval of the Proposed Settlement;
- 23 b. The Proposed Settlement properly requires Proposition 65 compliant warnings for
24 extant exposures to Proposition 65-listed chemicals;
- 25 c. The mandated award of \$14,500 in attorney fees is appropriate and reasonable under
26 California law given the total fees incurred by CAG and its counsel of record in
27 prosecuting this action;
28

- 1 d. The mandated payment of \$500 to an entity, CAG, in lieu of a civil penalty, is proper
2 in light of the criteria set forth in California Code of Regulations, title 11, section
3 3203, subdivision (b);
4
5 e. The terms of the Proposed Settlement are in the public interest consistent with Health
6 and Safety Code section 25249.7, subdivision (d); and
7
8 f. CAG adequately represented the public interest in entering into the Proposed
9 Settlement.
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11 Dated: 4-7, 2008
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13 **PATRICK J. MAHONEY**
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JUDGE OF THE SUPERIOR COURT
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