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JAN 07 2008
**LOS ANGELES
SUPERIOR COURT**

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES

11 CONSUMER ADVOCACY)
12 GROUP, INC., in the interest of)
13 the Public,)
14 Plaintiff,)
15 v.)
16 BUILT-RITE CONSTRUCTION)
17 INC., et al.,)
18 Defendants.)

CASE NO. BC371829
[PROPOSED] ORDER APPROVING
SETTLEMENT BETWEEN CONSUMER
ADVOCACY GROUP, INC. AND
BUILT-RITE CONSTRUCTION INC.
Judge: Hon. Ralph W. Dau
Place: Dept. 57
Date: January 7, 2008
Time: 8:30 AM
Action Filed: May 29, 2007
Trial date: Not set

21 On January 7, 2008, at 8:30 AM, the Honorable Ralph W. Dau, in Department 57 of this
22 Court, heard the motion for judicial approval of settlement of action between plaintiff,
23 Consumer Advocacy Group, Inc. ("CAG"), on one hand, and, defendant, Built-Rite
24 Construction Inc. ("Built-Rite") 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 Built-Rite have executed a Settlement Agreement ("Proposed Settlement"),
2 fully executed as of October 26, 2007, which CAG submitted to this Court for approval pursuant
3 to Proposition 65 (Health & Saf. Code, §§ 25249.5 et seq.).
4

5 B. This Court has considered the Proposed Settlement and determined that it represents a
6 fair, reasonable, and adequate settlement between CAG and Built-Rite.

7 1. The Proposed Settlement provides that Built-Rite will:

- 8
- 9 • Change its business practices to reduce exposures of Proposition 65-listed chemicals to
10 its employees and the public;
 - 11 • Provide warnings to its employees that satisfy the "clear and reasonable" warning
12 requirement under Proposition 65;
 - 13 ▪ Pay CAG \$14,000 for its attorney fees and costs; and
 - 14 ▪ Pay \$1,000 to an entity, CAG, in lieu of a civil penalty.
15

16 2. The court grants the Motion for Judicial Approval of Settlement between CAG
17 and Built-Rite in its entirety pursuant to Health and Safety Code section 25249.7, subdivision
18 (f)(4) 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 \$14,000 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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- d. The Proposed Settlement provides that Built-Rite will pay \$1,000 to an entity, CAG, in lieu of a civil penalty that is proper in light of the criteria set forth in California Code of Regulations, title 11, section 3203, subdivision (b);
 - e. The terms of the Proposed Settlement are in the public interest consistent with Health and Safety Code section 25249.7, subdivision (d); and
 - f. CAG adequately represented the public interest in entering into the Proposed Settlement.

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11 Dated: 1/7/08, ~~2007~~

12
13 Ralph W. Dunn

14 JUDGE OF THE SUPERIOR COURT