

1 Reuben Yeroushalmi (SBN 193981)
2 Daniel D. Cho (SBN 105409)
3 Ben Yeroushalmi (SBN 232540)
4 Yeroushalmi & Associates
5 3700 Wilshire Blvd., Suite 480
6 Los Angeles, CA 90010
7 Telephone: 213-382-3183
8 Facsimile: 213-382-3430
9 Email: lawfirm@yeroushalmi.com
10 Attorneys for Plaintiff,
11 Consumer Advocacy Group, Inc.

ORIGINAL FILED
APR 14, 2008
LOS ANGELES
SUPERIOR COURT

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF LOS ANGELES

10
11 CONSUMER ADVOCACY) CASE NO. BC375084
12 GROUP, INC., et al.,)
13)
14 Plaintiff,)
15 v.)
16 THE REROOFING SPECIALISTS,)
17 INC., et al.,) Judge: Peter D. Lichtman
18 Defendants.) Place: Dept. 322
19) Date: April 14, 2008
20) Time: 9:30 a.m.
21)
22) Action Filed: July 31, 2007
23)
24)
25)
26)
27)
28)

21 On April 14, 2008, at 9:30 a.m., the Honorable Peter D. Lichtman, in Department 322 of
22 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, A1 Factory Direct
24 Roofing Inc. ("A1 Factory Direct") on the other. Appearances are in the record. The Court,
25 having considered the documents filed in connection with this matter and the arguments of
26 counsel, has arrived at the following conclusions and SO ORDERS:
27
28

1 A. CAG and A1 Factory Direct executed a Settlement Agreement (“Proposed Settlement”)
2 as of February 4, 2008, which CAG submitted to this Court for approval pursuant to Proposition
3 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 A1 Factory Direct.

7 1. The Proposed Settlement provides that A1 Factory Direct will:

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

14 2. The court grants the Motion for Judicial Approval of Settlement between CAG
15 and A1 Factory Direct in its entirety pursuant to Health and Safety Code section 25249.7,
16 subdivision (f)(4) after making the following findings.
17

18 a. CAG followed all procedural rules in seeking approval of the Proposed
19 Settlement;

20 b. The Proposed Settlement requires “clear and reasonable” Proposition 65
21 compliant warnings for extant exposures to Proposition 65-listed chemicals;

22 c. The award of \$9,500 in attorney fees and costs as set forth in the Proposed
23 Settlement is appropriate and reasonable under California law given the total fees and
24 costs incurred by CAG and its counsel of record in prosecuting this action;
25
26
27
28

1 d. The Proposed Settlement provides that A1 Factory Direct will pay \$500 to an
2 entity, 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

7 f. CAG adequately represented the public interest in entering into the Proposed
8 Settlement.
9

10
11 Dated: 4/14/08, 2008
12

PETER D. LICHTMAN

JUDGE OF THE SUPERIOR COURT