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11 Consumer Advocacy Group, Inc.

**FILED**  
San Francisco County Superior Court

JAN 25 2008

GORDON PARK-LI, Clerk  
BY: Gordon Park-Li Deputy Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
9  
10 COUNTY OF SAN FRANCISCO

11	CONSUMER ADVOCACY )	CASE NO. CGC-07-460126
12	GROUP, INC., in the interest of )	
13	the Public, )	[PROPOSED] ORDER APPROVING
14	Plaintiff, )	SETTLEMENT BETWEEN CONSUMER
15	v. )	ADVOCACY GROUP, INC. AND LOS GATOS
16	)	OLD TOWN ROOFING, INC.
17	)	Telephone Appearance
18	PRO GENERAL ROOFING, INC., )	Judge: Honorable Patrick J. Mahoney
19	et al., )	Place: Department 302
20	Defendants. )	Date: January 3, 2008
21	)	Time: 9:30 AM
22	)	Action Filed: February 1, 2007
23	)	Trial date: Not Set

22 On January 3, 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, Los Gatos Old Town  
25 Roofing, Inc. ("Los Gatos"), on the other. Appearances are in the record. The Court, having  
26 considered the documents filed in connection with this matter and the arguments of counsel, has  
27 arrived at the following conclusions and SO ORDERS:  
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1 A. CAG and Los Gatos have executed a settlement agreement ("Proposed Settlement"), fully  
2 executed as of October 11, 2007, which CAG submitted to this Court for approval pursuant to  
3 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 Los Gatos.

7 1. The Proposed Settlement provides that Los Gatos 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 \$14,500 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 Los Gatos in its entirety pursuant to Health and Safety Code section 25249.7, subdivision  
18 (f)(4) after making the following findings.

- 19 • CAG followed all procedural rules in seeking approval of the Proposed Settlement;
- 20 • The Proposed Settlement properly requires Proposition 65 compliant warnings for extant  
21 exposures to Proposition 65-listed chemicals;
- 22 • The award of \$14,500 in attorney fees and costs as set forth in the Proposed Settlement is  
23 appropriate and reasonable under California law given the total fees and costs incurred by  
24 CAG and its counsel of record in prosecuting this action;  
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- 1 • The Proposed Settlement provides that Los Gatos will pay \$500 to an entity, CAG, in lieu  
2 of a civil penalty that is proper in light of the criteria set forth in California Code of  
3 Regulations, title 11, section 3203, subdivision (b);  
4
- 5 • The terms of the Proposed Settlement are in the public interest consistent with Health and  
6 Safety Code section 25249.7, subdivision (d); and  
7
- 8 • CAG adequately represented the public interest in entering into the Proposed Settlement.

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10 Dated: **JAN 22 2008**, 2008

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13 **SEE EXHIBIT "A" RE**  
14 **COMPLIANCE WITH CRC 3.1312**

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28  
UP *Patrick J. Mahoney*  
JUDGE OF THE SUPERIOR COURT  
**PATRICK J. MAHONEY**

# EXHIBIT "A"

**YEROUSHALMI & ASSOCIATES**

**ATTORNEYS AT LAW**

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DANIEL D. CHO  
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JAN 14 2008

Thursday, January 10, 2008

VIA U.S. MAIL

Clerk of The Honorable Patrick J. Mahoney  
San Francisco Superior Court-Unlimited  
400 McAllister St.  
Dept. 302  
San Francisco, CA 94102

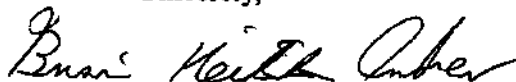
Re: *Consumer Advocacy Group, Inc., v. Pro General Roofing, Inc., et al.*  
San Francisco Superior Court Case No. CGC-07-460126

Dear Court:

Enclosed please find the [proposed] order approving settlement between plaintiff, Consumer Advocacy Group, Inc., and defendant, Los Gatos Old Town Roofing, Inc., heard on January 3, 2008, line 7.

Pursuant to California Rules of Court, rule 3.1312, on January 4, 2008, I sent a copy of the [proposed] order to counsel for Los Gatos Old Town Roofing, Inc. (see attached letter). Counsel has indicated that she approves of the content of the [proposed] order.

Sincerely,



Brian Keith Andrews

cc: Patricia M. Leary, Esq.

**YEROUSHALMI & ASSOCIATES**

**ATTORNEYS AT LAW**

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Friday, January 04, 2008

VIA FACSIMILE AT 650.949.0695

Patricia M. Leary, Esq.  
Nelson Perlov & Lee  
339 South San Antonio Road  
Los Altos, CA 94022

Re: *Consumer Advocacy Group, Inc., v. Pro General Roofing, Inc., et al.*

Dear Ms. Leary:

Pursuant to California Rules of Court, rule 3.1312, please review the enclosed [proposed] order concerning the motion for approval of the settlement involving your client Los Gatos Old Town Roofing, Inc. Please call me have you questions or concerns, or if you or your client desire changes to, or have objections to the content of, the [proposed] order.

Please contact my office if you have questions or concerns.

Very truly yours,



Brian Keith Andrews