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ENDORSED
FILED
Superior Court

MAR 12 2008

GORDON PARK-LI, Clerk
BY: JOCELYN C. ROQUE
Deputy Clerk

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

11 CONSUMER ADVOCACY) CASE NO. CGC-06-459064
12 GROUP, INC., in the interest of)
the Public,)
13)
Plaintiff,)
14)
v.)
15) Telephone Appearance
16)
Judge: Honorable Patrick J. Mahoney
17 GORDON MOTT ROOFING, CO.) Place: Department 302
18 INC., et al.,) Date: February 14, 2007
Time: 9:30 a.m.
19 Defendants.)
20) Action Filed: December 26, 2006
Trial date: Not Set

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22 On February 14, 2007, at 9:30 a.m., the Honorable Patrick J. Mahoney, in Department
23 302 of this Court, heard the motion for judicial approval of settlement of action between
24 plaintiff, Consumer Advocacy Group, Inc. ("CAG"), on one hand, and, defendant, Mid-
25 Peninsula Roofing Inc. ("Mid-Peninsula"), on the other. Appearances are in the record. The
26 Court, having considered the documents filed in connection with this matter and the arguments
27 of counsel, has arrived at the following conclusions and SO ORDERS:
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1 A. CAG and Mid-Peninsula have executed a settlement agreement ("Proposed Settlement"),
2 fully executed as of September 21, 2007, which CAG submitted to this Court for approval
3 pursuant to Proposition 65 (Health & Saf. Code, §§ 25249.5 et seq.).

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

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7 1. The Proposed Settlement provides that Mid-Peninsula 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 \$14,000 for its attorney fees; and
- 13 • Pay \$1,000 to an entity, CAG, in lieu of a civil penalty.

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

- 18 a. CAG followed all procedural rules in seeking approval of the Proposed
19 Settlement;
- 20 b. The Proposed Settlement properly requires Proposition 65 compliant warnings
21 for extant exposures to Proposition 65-listed chemicals;
- 22 c. The award of \$14,000 in attorney fees as set forth in the Proposed Settlement
23 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 as
25 to Mid-Peninsula;
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- 1 d. The Proposed Settlement provides that Mid-Peninsula will pay \$1,000 to an
2 entity, CAG, in lieu of a civil penalty that is proper in light of the criteria set
3 forth in California Code of Regulations, title 11, section 3203, subdivision (b);
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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
8 f. CAG adequately represented the public interest in entering into the Proposed
9 Settlement.
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11 Dated: **MAR 11 2008**, 2008

12 **PATRICK J. MAHONEY**
13 JUDGE OF THE SUPERIOR COURT
14 **PATRICK J. MAHONEY**
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