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ENDORSED
 FILED
 ALAMEDA COUNTY

FEB 08 2008

CLERK OF THE SUPERIOR COURT
 By HOLLIE M. ADAMIC
 Deputy

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 9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF ALAMEDA

11 CONSUMER ADVOCACY)	CASE NO. RG07308745
12 GROUP, INC., in the interest)	
13 of the Public,)	[PROPOSED] ORDER APPROVING
14 Plaintiff,)	SETTLEMENT BETWEEN CONSUMER
15)	ADVOCACY GROUP, INC. AND
16)	PETERSEN-DEAN COMMERCIAL, INC.
17 v.)	Telephone Appearance
18 VINCENT ROOFING CO., INC.,)	
19 et al.,)	ASSIGNED FOR ALL PURPOSES TO:
20 Defendants.)	JUDGE ROBERT FREEDMAN
21)	DEPARTMENT D-20
22)	Date: 2/7/08
23)	Time: 2:00 p.m.
24)	Reservation no. R781759
25)	Complaint filed: January 30, 2007
26)	Trial date: Not set

27 On February 7, 2008, at 2:00 p.m., The Honorable Robert Freedman, in Department D-20
 28 of this Court, heard the motion for judicial approval of settlement of action between plaintiff,
 Consumer Advocacy Group, Inc. ("CAG"), on one hand, and, defendant, Petersen-Dean
 Commercial, Inc. ("Petersen-Dean"), on the other. Appearances are in the record. The Court,

1 having considered the documents filed in connection with this matter and the arguments of
2 counsel, has arrived at the following conclusions and SO ORDERS:

3 A. The parties executed a Settlement Agreement between Consumer Advocacy Group, Inc.
4 and Petersen-Dean as of December 3, 2007 ("Proposed Settlement"), which CAG submitted to
5 this Court for approval pursuant to Proposition 65 (Health & Saf. Code, §§ 25249.5 et seq.).

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7 B. This Court has considered the Proposed Settlement and determined that it represents a
8 fair, reasonable, and adequate settlement between CAG and Petersen-Dean.

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10 1. The Proposed Settlement provides that Petersen-Dean will:

- 11 • Change its business practices to reduce exposures of Proposition 65-listed chemicals to
12 its employees and the public;
- 13 • Give warnings to its employees that satisfy the "clear and reasonable" warning
14 requirement under Proposition 65;
- 15 • Pay CAG \$14,500 for its attorney fees; and
- 16 • Pay \$500 to an entity, CAG, in lieu of a civil penalty.

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18 2. The court grants the Motion for Judicial Approval of Settlement between CAG
19 and Petersen-Dean in its entirety pursuant to Health and Safety Code section 25249.7,
20 subdivision (f)(4) after making the following findings.

- 21 a. CAG followed all procedural rules in seeking approval of the Proposed
22 Settlement;
- 23 b. The Proposed Settlement properly requires Proposition 65 compliant warnings
24 for extant exposures to Proposition 65-listed chemicals;
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- 1 c. The award of \$14,500 in attorney fees provided by the Proposed Settlement is
2 appropriate and reasonable under California law given the total fees incurred
3 by CAG and its counsel of record in prosecuting this action;
4
5 d. The Proposed Settlement provides that Petersen-Dean will pay \$500 to an
6 entity, CAG, in lieu of a civil penalty that is proper in light of the criteria set
7 forth in California Code of Regulations, title 11, section 3203, subdivision (b);
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9 e. The terms of the Proposed Settlement are in the public interest consistent with
10 Health and Safety Code section 25249.7, subdivision (d); and
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12 f. CAG adequately represented the public interest in entering into the Proposed
13 Settlement.
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15 Dated: Feb 8, 2008

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18 JUDGE OF THE SUPERIOR COURT
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