

ORIGINAL FILED

MAY 10 2007

LOS ANGELES
SUPERIOR COURT

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8 Center for Environmental Health

9
10 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
11 **COUNTY OF LOS ANGELES**

12 CENTER FOR ENVIRONMENTAL HEALTH, CASE NO. BC360876
13 a California non-profit corporation

14 Plaintiff

**[PROPOSED] STATUTORY FINDINGS
AND ORDER APPROVING
SETTLEMENT**

15 MARVIN ENGINEERING COMPANY, INC.
16 and DOES I-X,

17 Defendants.

Date: May 10, 2007
Time: 9:00 a.m.
Dept. 72

18 This matter having come on calendar pursuant to a regularly noticed motion and the Court
19 having reviewed all the evidence submitted in support of Plaintiff's motion in this case, hereby
20 makes the following findings pursuant to Health & Safety Code Section 25249.7 (f) (4):

- 21 1) No warnings are required by Proposition 65 because Marvin Engineering Company, Inc.
22 stopped using perchloroethylene on or about November 1, 2006.
23 2) The attorney's fees award in the settlement is reasonable under California law; and
24 3) No civil penalty is warranted based on the criteria set forth in Health & Safety Code Section
25

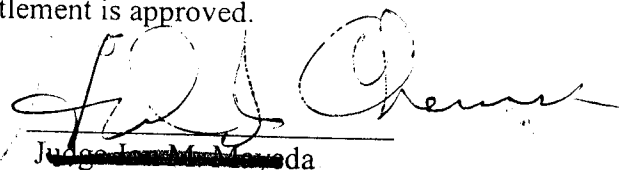
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1 25249.7 (b) (2) and 11 CCR Section 3203.

2 IT IS HEREBY ORDERED that the Settlement is approved.

3 Dated: 5-10-07

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5 ~~Judge Harold I. Cherness~~

6 **HON. HAROLD I. CHERNESS, JUDGE PRESIDING.**

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Attorney for Defendant
Marvin Engineering Company, Inc.

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF LOS ANGELES**

CENTER FOR ENVIRONMENTAL HEALTH, CASE NO. BC360876
a California non-profit corporation

Plaintiff

MARVIN ENGINEERING COMPANY, INC.
and DOES I-X,

Defendants.

**[PROPOSED] FINAL JUDGMENT
PURSUANT TO STIPULATION**

**Honorable Judge Jon M. Mayeda
Dept.: 72**

Plaintiff Center for Environmental Health ("CEH") and Defendant Marvin Engineering Company, Inc., ("Marvin Engineering") have entered into a Stipulation for Final Judgment ("Stipulation") and based on said Stipulation;

IT IS HEREBY ADJUDGED, ORDERED AND DECREED that Judgment be entered

FINAL JUDGMENT PURSUANT TO STIPULATION

pursuant to the terms of the Stipulation as follows:

I. INJUNCTIVE RELIEF

1.1 Perchloroethylene Emissions

Marvin Engineering shall not use perchloroethylene at its Inglewood facility.

II. PAYMENT

In full and final satisfaction of CEH's costs of litigation, attorney's fees and all other expenses, Marvin Engineering shall make a total payment of \$70,000.00, payable within five (5) business days of receipt of Notice of Entry of Judgment. Said payments shall be for the following:

\$26,800.00 payable to the Center for Environmental Health which includes: a) research into alternatives to the use of toxic chemicals and promotion of those alternatives and b) reimbursement of out of pocket expenses of \$3,326.00. CEH's Tax Identification No. is 94-3169008.

\$43,200.00 payable to Michael Freund as reimbursement of CEH's attorney's fees.

Marvin Engineering's payments shall be mailed to the Law Office of Michael Freund.

III. RES JUDICATA

This Judgment shall bar any and all persons on the basis of res judicata, and/or the doctrine of collateral estoppel from prosecuting against Marvin Engineering and/or its parents, subsidiaries, affiliates, divisions, subdivisions, officers, directors, shareholders, employees, agents, attorneys, successors and assigns, of any and all claims, known or unknown, that have been or could have been asserted by CEH against Marvin Engineering in the Complaint in regard to any violation of Proposition 65 that was or could have been asserted in the Complaint against Marvin

1 Engineering up to and including the date of entry of Judgment arising from the use of
2 perchloroethylene or from the alleged failure to provide warning of exposure to
3 perchloroethylene.

4 **IV. MODIFICATION OF JUDGMENT**

5 The Stipulation and the Judgment entered by the Court may be modified only upon
6 written agreement of the Parties and upon entry of a modified Judgment by the Court thereon, or
7 upon a regularly-noticed motion of any Party to the Stipulation as provided by law and upon
8 entry of a modified Judgment by the Court.

9 **V. RETENTION OF JURISDICTION**

10 This Court shall retain jurisdiction of this matter to enforce, modify or terminate the
11 Judgment.

12 **VI. DISMISSAL OF DOE DEFENDANTS**

13 The Court hereby dismisses all DOE Defendants in the case.

14 **VII. FINDINGS AND ORDER**


15 This settlement having come before the Court upon the request of the Parties and the Court
16 having fully reviewed the settlement and being fully informed regarding the matters which are
17 the subject of this action, it is hereby found that the terms and provisions of the Stipulation
18 represent a fair and equitable settlement of all matters which have been raised between the
19 Parties to this litigation, that the case has been diligently prosecuted, that the settlement is in the
20 public interest, that the findings pursuant to Health & Safety Code section 25249.7 (f) (4) have

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been appropriately made and that the Settlement is approved.

Dated: 5-10, 2007



~~Judge Jan M. Magala~~

HON. HAROLD I. CHERNESS, JUDGE PRESIDING.

CERTIFICATE OF SERVICE

I am a citizen of the United States and a resident of the County of Alameda. I am over the age of eighteen years and not a party to the within entitled action; my business address is 1915 Addison Street, Berkeley, California 94704. On May 17, 2007 I served the within:

Statutory Findings and Order Approving Settlement; Final Judgment Pursuant to Stipulation (Center for Environmental Health v. Marvin Engineering Company, Inc., Los Angeles Case No. BC360876)

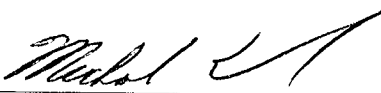
on the parties in said action, by facsimile and placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States Post Office mail box in Berkeley, California and/or by hand delivery to said parties addressed as follows:

Bob Thomas
State of California-Dept. of Justice
Attorney General's Office
1515 Clay Street, Suite 2000
Oakland, CA 94612

Richard H. Berger
A Law Corporation
261 W. Beach Ave.
Inglewood, CA 90302

I, Michael Freund, declare under penalty of perjury that the foregoing is true and correct.

Executed on May 17, 2007 at Berkeley, California.



Michael Freund