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**ENDORSED
FILED
ALAMEDA COUNTY**

JUL 11 2008

Adalgin, Exec. Off./Clerk

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF ALAMEDA--UNLIMITED

11 CONSUMER ADVOCACY GROUP, INC.,) CASE NO. RG07331650
12 in the interest of the Public,

13 Plaintiff,

14 v.

15 OREQ CORPORATION, et al.,

16 Defendants.

17) ~~[PROPOSED]~~ ORDER APPROVING
18) SETTLEMENT BETWEEN CONSUMER
19) ADVOCACY GROUP, INC. AND POOL
20) CORPORATION

21)
22) ASSIGNED FOR ALL PURPOSES TO:
23) JUDGE ROBERT FREEDMAN
24) DEPARTMENT D-20

25) Date: July 11, 2008

26) Time: 11:00 a.m.

27) Reserv. #R828566

28) Action filed: June 19, 2007

23 On July 11, 2008, at 11:00 a.m., the Honorable Robert Freedman, in Department 20 of
24 this Court, heard the motion for judicial approval of settlement of action between plaintiff,
25 Consumer Advocacy Group, Inc. ("CAG"), and defendant, Pool Corporation fka SCP
26 Distributors LLC or SCP Pool Corporation ("Pool Corp"). Appearances are in the record. The
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1 Court, having considered the documents filed in connection with this matter and the arguments
2 of counsel, has arrived at the following conclusions and SO ORDERS:

3 The Proposed Settlement represents a fair, reasonable, and adequate settlement, providing
4 that Pool Corp will:

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- 6 • Cease selling products in California (including PoolStyle™ Chlorine Bromine OTO –
7 50) that contain 3,3'-Dimethylbenzidine (ortho-Tolidine), thereby protecting Californians
8 from exposure to a dangerous chemical. If Pool Corp at any time decides to sell again
9 products in California that contain 3'-Dimethylbenzidine (ortho-Tolidine), the packaging
10 for such products shall bear Proposition 65 (Health & Saf. Code, §§ 25249.5-25249.13)
11 complaint warnings;
 - 12 • Pay CAG \$70,000 for its attorney fees and costs; and
 - 13 • Pay \$5,000 to an entity, CAG, in lieu of a civil penalty.
- 14

15 The court grants the motion in its entirety pursuant to Health and Safety Code section
16 25249.7, subdivision (f)(4) after finding that:

- 17
- 18 a. CAG followed all procedural rules in seeking approval of the Proposed Settlement;
 - 19 b. The Proposed Settlement properly requires Proposition 65 compliant warnings for
20 extant exposures to Proposition 65-listed chemicals;
 - 21 c. The mandated award of \$70,000 in attorney fees is appropriate and reasonable under
22 California law given the total fees incurred by CAG in prosecuting this action;
 - 23 d. The mandated payment of \$5,000 to an entity, CAG, in lieu of a civil penalty is
24 proper pursuant to California Code of Regulations, title 11, section 3203, subdivision
25 (b);
- 26
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- 1 e. The terms of the Proposed Settlement are in the public interest consistent with Health
2 and Safety Code section 25249.7, subdivision (d); and
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4 f. CAG represented the public interest in entering into the Proposed Settlement.

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6 Dated: JUL 11 2008, 2008

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8 ROBERT FREEDMAN
9 THE HONORABLE ROBERT FREEDMAN
10 JUDGE OF THE SUPERIOR COURT
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