

OCT 18 2007

GORDON PARK-LI, Clerk
BY: DAVID SWANSON
Deputy Clerk

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN FRANCISCO
UNLIMITED JURISDICTION

ENVIRONMENTAL LAW FOUNDATION,
OUR CHILDREN'S EARTH
FOUNDATION, and COMMUNITIES FOR
A BETTER ENVIRONMENT, on behalf of
the General Public,

Plaintiffs,

vs.

LIDLAW TRANSIT INC. dba LAIDLAW
EDUCATION SERVICES; LAIDLAW
TRANSIT SERVICES, INC.; DURHAM
SCHOOL SERVICES; DURHAM SCHOOL
SERVICES, L.P.; NATIONAL EXPRESS
CORPORATION; and DOES 1 through 100,
inclusive,

Defendants.

Case No.: CGC-06-451832

ORDER RE: APPROVAL OF STIPULATED
JUDGMENT WITH DURHAM SCHOOL
SERVICES, L.P.

The Plaintiffs' Motion to Approve Stipulated Judgment with Durham School Services, L.P. came on regularly for hearing before this Court on October 12, 2007, the Honorable Ernest H. Goldsmith presiding, with attorneys for all plaintiffs and all defendants having had the opportunity to be heard by this Court. After considering the moving papers, opposition papers, reply papers, all pleadings, declarations, and exhibits on file in this proceeding, the oral argument of the parties, and other matters presented to the Court, the Court

1 finds as follows:

- 2 1) Defendants Laidlaw Transit, Inc. and Laidlaw Transit Services, L.P. are
3 defendant parties to this action, and the warning provisions of Paragraph 9
4 of the Stipulated Judgment are adverse to these defendants, and these
5 defendants have standing to object to those provisions.
6 2) Paragraph 18 of the Stipulated Judgment provides “[i]n the event that any
7 portion of this Judgment is found to be illegal, invalid, unenforceable or
8 otherwise without legal force or effect, the remainder of the Judgment will
9 remain in force and be fully binding.”
10 3) Apart from Paragraph 9, the Stipulated Judgment is in the public interest.
11 4) Apart from Paragraph 9, the Stipulated Judgment is just.
12 5) The award of attorney’s fees set forth in the Stipulated Judgment is
13 reasonable under California law.
14 6) The penalty payments set forth in the Stipulated Judgment are reasonable
15 based on the criteria set forth in Health & Safety Code section
16 25249.7(b)(2).
17 7) Apart from Paragraph 9, the Stipulated Judgment is hereby approved. The
18 Court reserves judgment on Paragraph 9.

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IT IS SO ORDERED.

DATED: OCT 18 2007



ERNEST H. GOLDSMITH
Judge of the Superior Court

1 CERTIFICATE OF SERVICE BY MAIL

2 (Code Civ. Proc. 1013a(4))

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4 I, David V. Swanson, a deputy clerk of the Superior Court for the City and
5 County of San Francisco, certify that:

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7 1) I am not a party to this action;

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9 2) On October 18, 2007, I served the attached:

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11 ORDER RE: APPROVAL OF STIPUALTED JUDGMENT
12 WITH DURHAM SCHOOL SERVICES, L.P.

13 by placing a copy thereof in a sealed envelope, addressed as follows:

14 SEE ATTACHED SERVICE LIST

15 and,

16 3) I then placed the sealed envelope in the outgoing mail at 400 McAllister
17 Street, San Francisco, CA 94102-4514 on the date indicated above for collection, attachment of
18 required prepaid postage, and mailing on that date following standard court practices.

19 DATED: October 18, 2007

GORDON PARK-LI, Clerk

21 By: David V. Swanson, Deputy
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SERVICE LIST

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