

ENDORSED FILED  
SUPERIOR COURT  
COUNTY OF SAN FRANCISCO

FEB 22 2010

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BY: ANNA REDIGONDA  
Deputy Clerk

SUPERIOR COURT, STATE OF CALIFORNIA  
COUNTY OF SAN FRANCISCO

CONSUMER ADVOCACY GROUP, INC.,  
in the public interest,

Plaintiff,

v.

PACIFIC INDUSTRIAL COMPONENTS,  
INC., an Oregon corporation, and DOES 1-  
50;

Defendants.

Case No. CGC-08-482536

~~PROPOSED~~ JUDGMENT  
APPROVING SETTLEMENT  
BETWEEN CONSUMER ADVOCACY  
GROUP, INC. AND PACIFIC  
INDUSTRIAL COMPONENTS, INC.

Hearing Date: February 11, 2010  
Hearing Time: 9:30 a.m.  
Hearing Place: Department 302  
Judge: Hon. Charlotte Walter Woolard

Complaint filed: December 4, 2008

**BY FAX**

1 On February 11, 2010, at 9:30 a.m., the Honorable Charlotte Walter Woolard, in  
2 Department 302 of this Court, heard the Motion to Approve Settlement Between Consumer  
3 Advocacy Group, Inc. ("Plaintiff") and Pacific Industrial Components, Inc. ("Defendant").  
4 Appearances are in the record. The Court, having considered the documents filed in connection  
5 with this matter and the arguments of counsel, has arrived at the following conclusions and SO  
6 ORDERS:

7 A. Plaintiff and Defendant executed a Settlement Agreement, which they have submitted to  
8 this Court for approval pursuant to Proposition 65 (*Cal. Health & Safety Code §§ 25249.5, et*  
9 *seq.*).

10 B. This Court has considered the Settlement Agreement and determined that it represents a  
11 fair, reasonable, and adequate settlement between Plaintiff and Defendants.

12 1. The Settlement Agreement provides that Defendant:

13 a. Agrees, promises, and represents that upon Plaintiff's execution of the  
14 Settlement Agreement, it will prepare and attach Proposition 65 warning  
15 labels to all known lead containing products sold by Defendant, and which it  
16 intends to sell or distribute in California, indicating that the product contains  
17 lead. The warning label shall read as follows:

18 "WARNING: This product contains chemicals, including lead,  
19 known to the State of California to cause cancer and birth defects,  
20 or reproductive harm.";

21 b. Pay Plaintiff \$9,500 in lieu of Civil Penalties for the purpose of furthering  
22 environmental causes; and

23 c. Pay Plaintiff \$38,500 for its attorney fees incurred in this matter.

24 2. The court grants the Motion to Approve Settlement by Plaintiff and Defendant in  
25 its entirety pursuant to California Health and Safety Code section 25249.7,  
26 subdivision (f)(4) after making the following findings.

27 a. Plaintiff followed all procedural rules in seeking approval of the Consent  
28 Judgment;

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- b. The Consent Judgment requires "clear and reasonable" Proposition 65 compliant warnings for extant exposures to Proposition 65-listed chemicals;
- c. The Payment of \$9,500 in lieu of Civil Penalties as set forth in the Settlement Agreement is reasonable based on the criteria set forth in California Health and Safety Code section 25249.7(f)(4)(B)(2);
- d. The award of \$38,500 in attorney fees as set forth in the Settlement Agreement is appropriate and reasonable under California law given the total fees incurred by Plaintiff and its counsel of record in prosecuting this action as to Defendant;
- e. The terms of the Settlement Agreement are in the public interest consistent with California Health and Safety Code section 25249.7, subdivision (d); and
- f. Plaintiff adequately represented the public interest in entering into the Consent Judgment.

Dated:

**FEB 22 2010**

*Charlotte W. Woolard*  
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THE HONORABLE CHARLOTTE WALTER WOOLARD  
JUDGE OF THE SUPERIOR COURT

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