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10 *Attorneys for Plaintiff*
11 *The People of the State of California*

12 *(Additional counsel on following pages)*
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16 SUPERIOR COURT OF THE STATE OF CALIFORNIA
17 COUNTY OF LOS ANGELES
18

19 PEOPLE OF THE STATE OF CALIFORNIA *ex*
rel SOUTH COAST AIR QUALITY
20 MANAGEMENT DISTRICT, a Public Entity,

21 Plaintiff,

22 vs.

23 HOME DEPOT U.S.A., INC., a Delaware
Corporation, and DOES 1 through 50, Inclusive,

24 Defendants.
25

Case No. BC462571, Consolidated
Case BC 464693

STIPULATION FOR ENTRY OF FINAL
JUDGMENT

Judge: Hon. Richard L. Fruin, Jr. Department: 15
Complaint Filed: June 2, 2011

26 AND CONSOLIDATED ACTION
THE PEOPLE OF THE STATE OF
27 CALIFORNIA v. HOME DEPOT U.S.A., INC.,
et al.
28

1 PAUL ZELLERBACH
District Attorney of Riverside County
2 MICHAEL QUESNEL, SBN 86653
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18 San Bernardino, CA 92415
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20
21

22 **IT IS HEREBY STIPULATED** between the parties herein, the Plaintiff, the People of The
23 State of California, having filed its Complaint and First Supplemented Complaint herein, and
24 appearing through its attorneys Carmen A. Trutanich, Los Angeles City Attorney, by Jessica
25 B. Brown; Paul Zellerbach, District Attorney Riverside County, by Michael Quesnel,
26 Supervising Deputy District Attorney; Tony Rackauckas, District Attorney Orange County,
27
28

1 by Kelly Roosevelt, Deputy District Attorney; Michael A. Ramos, District Attorney San
2 Bernardino County, by Daniel I. Silverman, Deputy District Attorney; and Defendant Home
3 Depot U.S.A. Inc., a Delaware Corporation, having accepted service of these complaints,
4 and appearing through its attorney, James Asperger of Quinn Emmanuel Urquhart and
5 Sullivan, LLP; that the proposed Final Judgment and Injunction Pursuant to Stipulation
6 (hereinafter referred to as "Final Judgment") may be entered without taking any evidence,
7 without any admission of liability or fault by defendant, and without the trial or adjudication
8 of any issue of law or fact. The parties agree to waive their right of appeal upon entry of the
9 Final Judgment, and have approved the Final Judgment as to form and content.
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12 The parties further stipulate the Final Judgment is premised on the following:
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14 1. The Parties enter into this Final Judgment pursuant to a compromise and settlement
15 of the claims, set forth in the "First Supplemented Complaint for Injunction, Civil Penalties
16 and other Equitable Relief" filed in this action (the "Complaint"). The People believe that the
17 resolution embodied in this Final Judgment is fair and reasonable and fulfills the People's
18 enforcement objectives; and that except as provided in this Final Judgment, no further action is
19 warranted concerning the allegations contained in the Complaint. Defendant agrees that this
20 Final Judgment is a fair and reasonable resolution of the matters alleged in the Complaint.
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22 2. The defendant has actual notice of the Final Judgment.
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24 3. The parties acknowledge that defendant, Home Depot U.S.A., Inc, has agreed to enter
25 into a Settlement Agreement with the South Coast Air Quality Management District regarding
26 claims against defendant as alleged in Case No. **BC462571**. The South Coast Air Quality
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1 Management District has agreed to settle its claims against defendant for One Million Nine
2 Hundred Eighty Thousand Dollars (\$1,980,000.00). The parties further acknowledge, and
3 stipulate that the civil penalties being imposed in this Action are not based on the exact same
4 conduct as that in the South Coast Air Quality Management District action. As such, the
5 collection of civil penalties in this action, and in the South Coast Air Quality Management
6 District action, does not violate Health and Safety Code section 42400.6.
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9 4. Each signatory to this Final Judgment certifies that he or she is fully authorized by
10 the party he or she represents to enter into this Final Judgment, to execute it on behalf of the
11 party represented, and to legally bind that party.
12

13 5. This Final Judgment was drafted equally by all Parties. The Parties agree that the
14 rule of construction holding that ambiguity is construed against the drafting party shall not
15 apply to the interpretation of this Final Judgment.
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17 6. The Local Prosecutors affirm that violations of the Permanent Injunction require
18 intentional conduct as set forth in Business and Professions Code sections 17207 and 17535.5.
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27 7. The Parties stipulate the Final Judgment may be executed by the Parties in
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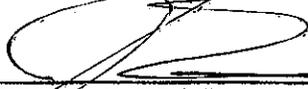
1 counterpart, .pdf and facsimile signatures shall be accepted and treated as original signatures.

2
3 **IT IS SO STIPULATED.**

4
5 **FOR THE PEOPLE:**

6 CARMEN A. TRUTANICH, City Attorney
7 City of Los Angeles, State of California

8 DATED: 4/3/13

9 By: 
10 JESSICA B. BROWN
11 Deputy City Attorney
12 Attorneys for Plaintiff

13 TONY RACKAUCKAS, District Attorney
14 County of Orange, State of California

15 DATED: 4/2/13

16 By: 
17 WILLIAM G. FALLON
18 Deputy District Attorney
19 Attorneys for Plaintiff

20 PAUL ZELLERBACH, District Attorney
21 County of Riverside, State of California

22 DATED: _____

23 By: _____
24 MICHAEL QUESNEL
25 Supervising Deputy District Attorney
26 Attorneys for Plaintiff

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counterpart, .pdf and facsimile signatures shall be accepted and treated as original signatures.

IT IS SO STIPULATED.

FOR THE PEOPLE:

CARMEN A. TRUTANICH, City Attorney
City of Los Angeles, State of California

DATED: _____

By: _____
JESSICA B. BROWN
Deputy City Attorney
Attorneys for Plaintiff

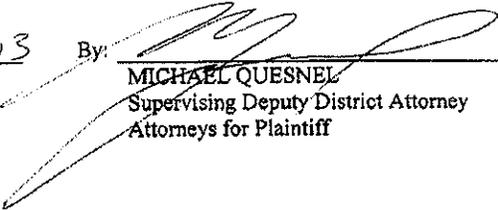
TONY RACKAUCKAS, District Attorney
County of Orange, State of California

DATED: _____

By: _____
WILLIAM G. FALLON
Deputy District Attorney
Attorneys for Plaintiff

PAUL ZELLERBACH, District Attorney
County of Riverside, State of California

DATED: April 2, 2013

By: 
MICHAEL QUESNEL
Supervising Deputy District Attorney
Attorneys for Plaintiff

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MICHAEL A. RAMOS, District Attorney
County of San Bernardino, State of California

DATED: 4-2-13

By: 

DANIEL SILVERMAN
Deputy District Attorney
Attorneys for Plaintiff

FOR DEFENDANT:

DATED: March 25, 2013

By: 
JOCELYN HUNTER

HOME DEPOT U.S.A, Inc,

DATED: _____

By: _____

JAMES R. ASPERGER
QUINN EMANUEL URQHART &
SULLIVAN, LLP
Attorney for HOME DEPOT U.S.A., INC.

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MICHAEL A. RAMOS, District Attorney
County of San Bernardino, State of California

DATED: _____

By: _____
DANIEL SILVERMAN
Deputy District Attorney
Attorneys for Plaintiff

FOR DEFENDANT:

DATED: March 25, 2013

By: 
JOCELYN HUNTER
HOME DEPOT U.S.A., Inc,

DATED: April 2, 2013

By: 
JAMES R. ASPERGER
QUINN EMANUEL URQHART &
SULLIVAN, LLP
Attorney for HOME DEPOT U.S.A., INC.