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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DISVISION

DAVID HIRSCH, Trustee of OII
Eighth Partial Consent Decree Work
Escrow Account Trust,

Plaintiff,

v.

A. H. and S. Construction Corporation,
et, al,

Defendants.

Case No. CV11-9007-DSF (Ex)

Judge Assigned: Hon. Dale S. Fischer

**[PROPOSED] ORDER FOR NOTICE
OF JOINT MOTION AND MOTION
FOR DETERMINATION OF GOOD
FAITH SETTLEMENT**

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1 **[PROPOSED] ORDER**

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3 The Plaintiff's and Defendants' Joint Motion for Determination of Good Faith

4 Settlement (the "Motion") regarding the Settlement Agreement dated 20 day of

5 December 2011 (the "Settlement Agreement") between DAVID HIRSCH, Trustee

6 of OII Eighth Partial Consent Decree Work Escrow Account Trust (the "Trust" or

7 "Plaintiff") and the Defendants in this action (the "Settling OII De Minimis Group")

8 came on for hearing on March 19, 2012, before the Honorable Dale S. Fischer,

9 Judge for the United States District Court, Central District of California – Western

10 Division. The evidence and arguments having been duly considered, and it having

11 been found that notice of the proposed settlement was provided to the parties to this

12 case as well as to third parties including, the United States Environmental Protection

13 Agency, and various federal, state, and local government agencies, including the

14 Water Replenishment District of Southern California, the California Department of

15 Justice, the South Coast Air Quality Management District Compliance

16 Division/Public Facilities Branch, the California Regional Water Quality Control

17 Board, the California Department of Transportation, the United States Army Corps

18 of Engineers, the California Integrated Waste Management Board, the State of

19 California Public Utilities Commission Energy Division/Analysis Branch, the

20 California Department of Toxic Substance Control, the City of Montebello and

21 Monterey Park City Hall, as well as the work defendants under the Eighth Partial

22 Consent Decree and was published in the San Gabriel Valley Tribune, IT IS

23 **HEREBY ORDERED, ADJUDGED AND DECREED** that the settlements

24 described in the Motion are found to be in good faith, and that all claims against the

25 Settling OII De Minimis Group for liabilities associated with the Operating

26 Industries, Inc. Superfund Site (the "OII Site"), including, but not limited to, all

27 claims for cost recovery and contribution, including, but not limited to, claims under

28 the Comprehensive Environmental Response, Compensation and Liability Act

1 (“CERCLA”), the Resource Conservation and Recovery Act (“RCRA”), the
2 California Hazardous Substances Account Act (“HSAA”), and any other Federal,
3 State or local laws and common law theories, and causes of action, including, but
4 not limited to, nuisance, trespass, negligence, equitable indemnity and equitable
5 contribution, are forever barred, except to the limited extent that such claims have
6 been specifically preserved by the Settlement Agreement.

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8 **IT IS SO ORDERED**

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10 DATED: _____

Honorable Dale S. Fischer
United States District Judge

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