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FILED
MAY 30 2017
STEPHEN H. NASH CLERK OF THE COURT
SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA
By _____, Deputy Clerk

C. FORFANG

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF CONTRA COSTA

PEOPLE OF THE STATE OF CALIFORNIA, ex rel., BARBARA A. LEE, DIRECTOR OF THE DEPARTMENT OF TOXIC SUBSTANCES CONTROL, Plaintiffs, **v.** **ELECTRO-FORMING, CO.; MARION PATIGLER; THE ESTATE OF GERHARD PATIGLER; THE ESTATE OF INGRID PATIGLER; AND DOES 1 THROUGH 50,** Defendants.	C 13-01691 **~~[PROPOSED]~~ JUDGMENT**

Upon consideration of the pleadings on file in this matter, together with the Court's prior orders entered in this matter, including but not limited to the Order on Plaintiff's Motion for Summary Judgment and/or Summary Adjudication dated May 6, 2016, and the Order on Plaintiff's Motion for Civil Penalties and Injunctive Relief dated April 3, 2017, and the arguments heard by this Court in this proceeding, Judgment is entered as follows:

1. Defendants Marion Patigler, the Estate of Gerhard Patigler, and the Estate of Ingrid Patigler ("Defendants") shall be jointly and severally liable to the Plaintiff, the People of the State of California ex rel. Barbara A. Lee, Director of the Department of Toxic Substances Control ("Plaintiff") for a total civil penalty of FIVE MILLION, TWO HUNDRED NINETEEN THOUSAND, NINE HUNDRED SIXTY SEVEN DOLLARS AND TWELVE CENTS ($5,219,967.12) pursuant to Health and Safety Code sections 25181, 25189.2, and 25184 and California Code of Regulations, Title 22. This civil penalty takes into account Three Hundred Nine Thousand, Three Hundred Sixty Dollars and Thirty-Seven Cents ($309,360.37) in response costs and Five Hundred Fifty-Four Thousand, Four Hundred Fifty-Nine Dollars and Seventy-Five Cents ($554,459.75) in enforcement costs incurred by the Attorney General's Office stemming from the Defendants failure to comply with the preliminary injunctive order of this Court and the violations alleged in the complaint. Plaintiff did not seek reimbursement of its investigation, enforcement and legal costs, but urged the Court, as a matter of justice, to consider the amount of costs and expenses inflicted on the public in determining ai1 appropriate penalty amount. The Court has done so.

2. Defendants shall pay the payments due under this Judgment by cashier's check made payable to "California Department of Toxic Substai1ces Control" and bearing the notation "People v. Electro-Forming, Inc. et al, Contra Costa Sup. Ct., Case No. C 13-01691," and shall send the cashier's check to:

Cashier
Accounting Office, MS-21 A
Department of Toxic Substances Control
P.O. Box 806
Sacramento, CA 95812-0806.

3. An electronic copy or paper photocopy of the cashier's check for payment of the penalty shall be sent, at the same time, to each of the following:

For Plaintiff:

Sonia Wills
Senior Counsel
Department of Toxic Substances Control

700 Heinz Avenue, Suite 100
Berkeley, CA 94710-2721

For the Office of the Attorney General:

Reed Sato
Deputy Attorney General
1300 I Street, Suite 125
P.O. Box 944255
Sacramento, CA 94244-2550

For Defendants:

James E. Reed
Nichols, Catterton, Downing, & Reed
3433 Golden Gate Way, Suite C
Lafayette, CA 94549.

4. Further, Defendants are permanently enjoined and ordered as follows:

a. Pursuant to the provisions of Health and Safety Code section 25181, Defendants, and each of them, to the extent not inconsistent with this Judgment, shall comply with Chapter 6.5 of Division 20 of the Health and Safety Code and the regulations promulgated under this chapter.

b. Defendants, and each of them, to the extent not inconsistent with this Judgment, shall ensure that they, and their agents, servants, employees, representatives, and all persons acting within the control of Defendants at any Defendant's business or operation in California engaged in "Hazardous Waste Management", as that term is defined in Health and Safety Code section 25117.2, shall comply with all of the laws and regulations identified in the Complaint regarding the specific violations alleged therein, except for those alleged in the Sixth, Eighth, and Fourteenth causes of action which were dismissed by Plaintiff without prejudice.

c. Defendants, and Defendant Marion Patigler specifically, shall not engage in hazardous waste management, as that term is defined in Health and Safety Code section 25117.2, in the State of California, except with respect to the management of household hazardous waste generated at Marion Patigler's residence, and except as to comply with any directives, orders, or instructions issued by the Department of Toxic Substances Control, or any other governmental agency with authority regarding hazardous materials, hazardous wastes, or hazardous substances.

d. Defendant Marion Patigler shall not engage in any activities in the State of California in which she acts as an advisor or consultant, with or without compensation, for any entity engaged in the management, including but not limited to, the handling, processing, generation, treatment, storage, disposal, or transportation of "Hazardous Waste," as that term is defined in Health and Safety Code section 25117.

e. Defendants shall provide access to the ElectroForming facility located at 130 Nevin Avenue, Richmond, California, at all reasonable times to the Department of Toxic Substances Control, including its authorized representatives, employees, contractors, and consultants, and to any governmental entity having jurisdiction regarding the Electro-Forming facility. The Department of Toxic Substances Control, including its authorized representatives, employees, contractors, and consultants, may enter and move freely about all property, including any and all structures, at the Electro-Forming facility at all reasonable times to carry out the purposes of the Hazardous Waste Control Law and the Hazardous Substance Account Act as the Department of Toxic Substances Control may deem necessary including, but not limited to: inspecting records, operating logs, and contracts relating to the Electro-Forming facility; and conducting "Response Action" as that term is defined in Health and Safety Code section 25323.3 related to the "Release", as that term is defined in Health and Safety Code section 25320, of Hazardous Waste at or from the Electro-Forming facility.

IT IS SO ORDERED, ADJUDGED AND DECREED:

Dated: 5-30-17

JUDITH S. CRADDICK

The Honorable Judith Craddick

Approved as to Form:

Dated: 5/22/17

Xavier Becerra
Attorney General of the State of California

Signature on Original

REED SATO
Deputy Attorney General

Attorney for Plaintiff People of the State of California, ex rel., Barbara A. Lee, Director, Department of Toxic Substances Control

Dated: 5-17-17

Signature on Original

JAMES E. REED
Attorney for Defendants Marion Patigler, Estate of Gerhard Patigler, and Estate of Ingrid Patigler