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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	Office of the City Attorney 1200 Third Avenue, Suite 700 San Diego, CA 92101-4103 Telephone: (619) 533-5500 Facsimile: (619) 533-5504 E-mail: <u>cshitabata@sandiego.gov</u> Attorneys for Plaintiff the People of the State of CHRISTOPHER RYAN VON DER LIETH, I California State Bar No. 289702 Law Office of Richard F. McEntyre 3156 Sports Arena Blvd., Suite 102 San Diego, CA 92110 Telephone: (619) 221-0279 Facsimile: (619) 221-0279 Facsimile: (619) 221-0363 Email: <u>rfmtrust@richardfmcentyre.com</u> Attorneys for Defendant A-CAL Construction SUZANNE R. VARCO California State Bar No. 163304 Environmental Law Group LLP 225 Broadway, Suite 1900 San Diego, CA 92101-5047 Telephone: (619) 231-5858 Facsimile: (619) 231-5853 Email: svarco@envirolawyer.com	of California ESQ.	Exempt from fees per Gov't Code § 6103 FILED GAN DIEGO SUPERIOR COURT OCT 0 5 2017 G. MACEDO Deputy
17	Attorneys for Defendant WSC Investment Par SUPERIOR COURT OF CALIF		
18 19	THE PEOPLE OF THE STATE OF	Case No. 37-2017-0003	6155-CU-MC-CTL
20 21	CALIFORNIA, Plaintiff,	STIPULATION F FINAL JUDGMEN PERMANENT IN	OR ENTRY OF NT AND
21 22 23	WSC INVESTMENT PARTNERS LLC, a	UNLIMITED CIVI demanded exceeds	L CASE (Amount
23 24 25	INVESTMENTS LLC, a California limited liability company; and A-CAL CONSTRUCTION SERVICES, a sole		
25 26 27	proprietorship,		
28		1	
	STIPULATION FOR ENTRY OF FINAL J	UDGMENT AND PERM	ANENT INJUNCTION

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	Plaintiff, the People of the State of California, appearing through its attorney, Mara W.
1	Elliot, San Diego City Attorney, by Cheryl Shitabata, Deputy City Attorney, and Defendants
2	WSC Investment Partners LLC, a California limited liability company; SRM Investments LLC, a
3	California limited liability company; and A-CAL Construction Services, a sole proprietorship,
4	collectively "Defendants," through their attorneys Environmental Law Group LLP, Varco &
5	Rosenbaum, by Suzanne R. Varco representing WSC Investment Partners LLC and SRM
6 7	Investments LLC and The Law Office of Richard F. McEntyre, by Christopher R. von der Lieth
8	representing A-CAL Construction Services, having stipulated to the entry of the Stipulated Final
o 9	Judgment and Permanent Injunction all parties having waived the right to appeal, and good cause
10	appearing hereby stipulate in compromise and settlement of this actions as follows:
11	1. The Superior Court of the State of California, County of San Diego has jurisdiction of
12	the parties and subject matter to this stipulation.
13	2. The proposed Stipulated Final Judgment and Permanent Injunction, a copy of which
14	is attached here to as Exhibit 1 and incorporated by reference, may be entered in the
15	above matter.
16	3. The parties have stipulated to the entry of the Stipulated Final Judgment and
17	Permanent Injunction without the taking of proof, and without trial or adjudication of
18	any issue of fact or law, and without an admission or denial of the above named
19	Defendants regarding any issue of fact or law alleged in the complaint.
20	4. Counsel for Defendants acknowledge their approval of the form and content of this
21	Stipulation for Entry of Final Judgment and Permanent Injunction and the attached
22	Exhibit 1, Stipulated Final Judgment and Permanent Injunction.
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	STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

1 5. Judgment may be enter	and by the Court in this action appropriate this Other lating at
	ered by the Court in this action, pursuant to this Stipulation, at
	ty, without notice to the other parties, provided that this
-	executed by the parties and counsel below.
4 Dated: September $20, 2017$	MARA W. ELLIOTT City Attorney
5	ByCheryl-Shitabata
6	Deputy City Attorney Attorneys for Plaintiff The People of the State of
7	California
8 Dated: September, 2017	WSC INVESTMENT PARTNERS LLC
9	By New York
10	Name: Title:
11	for Defendant WSC Investments Partners LLC
12 Dated: September, 2017	SRM INVESTMENTS LLC
13	By
14	Name: Title:
15	for Defendant SRM Investments LLC
16 Dated: September, 2017	ENVIRONMENTAL LAW GROUP LLP
17	By
18	Suzanne R. Varco
19	Attorneys for Defendants WSC Investments Partners LLC and SRM Investments LLC
20	Partners LLC and SRIVI Investments LLC
<b>21</b> Dated: September, 2017	A-CAL CONSTRUCTION SERVICES
22	By
	Bernard Oranje
23	for Defendant A-CAL Construction Services
<b>24</b> Dated: September, 2017	LAW OFFICE OF RICHARD F. MCENTYRE
25	By
26	Christopher R. von der Leith
27	Attorneys for Defendant A-CAL Construction Services
28	3

1 5. Judgment may be entered by the Court in this action, pursuant to this Stipulation, at 2 the request of any party, without notice to the other parties, provided that this 3 Stipulation has been executed by the parties and counsel below. Dated: September , 2017 4 MARA W. ELLIOTT City Attorney 5 By Cheryl Shitabata 6 Deputy City Attorney Attorneys for Plaintiff The People of the State of 7 California 8 Dated: September <u>26</u>, 2017 WSC INVESTMENT PARTNERS LLC 9 By Name: Michael/Praggastis Title: Vice President 10 for Defendant WSC Investments Partners LLC 11 12 Dated: September <u>26</u>, 2017 SRM INVESTMENTS LLC 13 By Name: Michael Plaggastis 14 Title: Vice President for Defendant SRM Investments LLC 15 16 Dated: September 27, 2017 ENVIRØNMENTAL LAW GROUP LLP 17 By Suzanne R. Varco 18 Attorneys for Defendants WSC Investments 19 Partners LLC and SRM Investments LLC  $\mathbf{20}$ Dated: September , 2017 A-CAL CONSTRUCTION SERVICES 21 By 22 Bernard Oranje 23 for Defendant A-CAL Construction Services 24 Dated: September , 2017 LAW OFFICE OF RICHARD F. MCENTYRE 25 By 26 Christopher R. von der Leith 27 Attorneys for Defendant A-CAL Construction Services 28 3 STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

2	the request of any party	, without notice to the other parties, provided that this
3	Stipulation has been ex-	ecuted by the parties and counsel below.
4	Dated: September, 2017	MARA W. ELLIOTT City Attorney
5		By
6		Cheryl Shitabata Deputy City Attorney
7		Attorneys for Plaintiff The People of the State of California
8	Dated: September, 2017	WSC INVESTMENT PARTNERS LLC
9		By Name:
0		Title:
1		for Defendant WSC Investments Partners LLC
2	Dated: September, 2017	SRM INVESTMENTS LLC
3		By
1		Name: Title:
5		for Defendant SRM Investments LLC
6	Dated: September, 2017	ENVIRONMENTAL LAW GROUP LLP
7		Ву
8		Suzanne R. Varco
9		Attorneys for Defendants WSC Investments Partners LLC and SRM Investments LLC
0		
1	Dated: September <u>26</u> , 2017	A-CAL CONSTRUCTION SERVICES
2		By Bernard Oranje
3		for Defendant A-CAL Construction Services
4 5	Dated: September, 2017	LAW OFFICE OF RICHARD F. McENTYRE
5 6		By Christopher R. von der Leith
7		Attorneys for Defendant A-CAL Construction
8		Services 3

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1.

1	5. Judgment may be entered	by the Court in this action, pursuant to this Stipulation, a
2	the request of any party, v	vithout notice to the other parties, provided that this
3		uted by the parties and counsel below.
4	Dated: September, 2017	MARA W. ELLIOTT City Attorney
5		By Cheryl Shitabata
6		Deputy City Attorney Attorneys for Plaintiff The People of the State o
7		Attorneys for Plaintiff The People of the State o California
8	Dated: September, 2017	WSC INVESTMENT PARTNERS LLC
9		By Name:
10		Title:
11		for Defendant WSC Investments Partners LLC
12	Dated: September, 2017	SRM INVESTMENTS LLC
13		By
14		Name: Title:
15		for Defendant SRM Investments LLC
16	Dated: September, 2017	ENVIRONMENTAL LAW GROUP LLP
17		By
18		Suzanne R. Varco
19		Attorneys for Defendants WSC Investments Partners LLC and SRM Investments LLC
20	Details Generation 2017	
21	Dated: September, 2017	A-CAL CONSTRUCTION SERVICES
22		By Bernard Oranje
23		for Defendant A-CAL Construction Services
24	Dated: September <u>26</u> , 2017	LAW OFFICE OF RICHARD F. McENTYRE
25	Dated. September <u>2017</u>	By April 18 hor With
26		Christopher R. von der Leith
27 28		Attorneys for Defendant A-CAL Construction Services
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8		RT OF CALIFORNIA
9	COUNTY	OF SAN DIEGO
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11	THE PEOPLE OF THE STATE OF CALIFORNIA,	Case No. 37-2017-00036155-CU-MC-CTL
12	Plaintiff,	STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION
13 14	V.	UNLIMITED CIVIL CASE (Amount
14	WSC INVESTMENT PARTNERS LLC, a	demanded exceeds \$10,000)
15	California limited liability company; SRM INVESTMENTS LLC, a California limited	
17	liability company; and A-CAL CONSTRUCTION SERVICES, a sole	
18	proprietorship,	
19	Defendants.	
20		
21	Plaintiff, the People of the State of Cal	ifornia, appearing through its attorney, Mara W.
22	Elliot, San Diego City Attorney, by Cheryl Sh	itabata, Deputy City Attorney, and Defendants
23	WSC Investment Partners LLC, a Limited Lia	bility Company; SRM Investments LLC, a Limited
24	Liability Company; and A-CAL Construction	Services, a sole proprietorship (collectively
25	"Defendants"), through their counsel Environr	nental Law Group LLP, Varco & Rosenbaum, by
26	Suzanne R. Varco for WSC Investment Partne	rs LLC and SRM Investments LLC, and The Law
27	Office of Richard F. McEntyre, by Christophe	r R. von der Lieth for A-CAL Construction
28	Services, having stipulated to the entry of this	Final Judgment and Permanent Injunction, all
		1 NT AND PERMANENT INJUNCTION
	STIPULATED FINAL JUDGME	INT AND PERMANENT INJUNCTION

1	parties having waived the right to appeal, and good cause appearing hereby stipulate in
2	compromise and settlement of this actions without trial or adjudication of any fact or law.
3	IT IS ORDERED, ADJUDGED, AND DECREED that Plaintiff have judgment against
4	Defendants as follows:
5	JURISDICTION AND VENUE
6	1. This action is brought under the laws of the State of California and this court has
7	jurisdiction of the subject matter of this action and each of the parties hereto.
8	APPLICATION OF FINAL JUDGMENT
9	2. The injunctive provisions of this Final Judgment are applicable to WSC
10	INVESTMENT PARTNERS LLC, SRM INVESTMENTS LLC, and A-CAL
11	CONSTRUCTION SERVICES, herein after referred to collectively as "Defendants," and any
12	managers, members, owners, subsidiaries, divisions, agents, employees, representatives,
13	successors, assignees, and all other persons acting by through, on behalf of, or in concert with
14	said Defendants, with actual or constructive knowledge of this Stipulated Final Judgment and
15	Permanent Injunction.
16	INJUNCTION
17	3. Defendants with actual or constructive knowledge of this Injunction, only in so
18	far as they are doing business in the State of California, in the course of Defendant's WSC
19	INVESTMENT PARTNERS LLC, SRM INVESTMENTS LLC, A-CAL CONSTRUCTION
20	SERVICES, or any other affiliated individual or business, are, pursuant to Business and
21	Professions Code section 17203 are hereby permanently enjoined from:
22	A. Removing, treating, storing, or transporting or causing the removal, treatment,
23	storage, or transportation of asbestos to an unauthorized location or unless
24	properly licensed;
25	B. Knowingly or negligently exposing any employee to asbestos.
26	DISCLAIMER OF ADMISSIONS
27	4. This Judgment was entered into as a result of a stipulation of the parties, without
28	admission by the Defendants of any fact or law alleged in the Complaint.
	2 STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

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1	MONETARY RELIEF
2	5. Defendants WSC Investment Partners LLC and SRM Investments LLC shall pay
3	a total settlement amount of FIFTEEN THOUSAND NINE HUNDRED NINETY-FOUR
4	DOLLARS (\$15,994). This amount is to be paid on the date of the execution of this Stipulated
5	Final Judgment and Permanent Injunction and in accordance with its terms for restitution, civil
6	penalties, and costs. Said amount must be made by certified check or other guaranteed funds and
7	shall be made as follows:
8	A. Eight hundred fifty two dollars (\$852) payable to "County of San Diego –
9	Department of Environmental Health" with a reference to "DEH2016-HHIRT-
10	002363" as restitution associated with investigation and clean-up costs.
11	B. One hundred forty two dollars (\$142) payable to "County of San Diego – HIRT
12	Trust Account" with a reference to "DEH2016-HHIRT-002363" as restitution
13	associated with investigation and clean-up costs.
14	C. Five thousand dollars (\$5,000) payable to "City Attorney of the City of San
15	Diego" as costs associated with the investigation and prosecution of this matter.
16	D. Five thousand dollars (\$5,000) payable to "City Attorney of the City of San
17	Diego" as a civil penalty pursuant to Business and Professions Code section
18	17206.
19	E. Five thousand dollars (\$5,000) payable to "District Attorney of the County of San
20	Diego" as a civil penalty pursuant to Business and Professions Code section
21	17206.
22	6. Defendant A-CAL Construction Services shall pay to Plaintiff a total settlement
23	amount of FIFTEEN THOUSAND NINE HUNDRED NINETY-FOUR DOLLARS (\$15,994).
24	Defendant A-CAL Construction Services has the option to pay this amount in installments as
25	outlined in this Stipulated Final Judgment and Permanent Injunction and in accordance with its
26	terms for restitution, civil penalties, and costs. The first payment is due on the date of execution
27	of this Stipulated Final Judgment and Permanent Injunction which is estimated to be
28	approximately October 1, 2017. Subsequent payments in an amount no less than TWO
	3 STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION
	STILOTATED LINYT JODQMENT VND LEKMANENT INJONCTION

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1	THOUSAND FIVE HUNDRED DOLLARS shall be made every first and fifteenth of the month	h
2	for approximately three consecutive months with a final payment date of December 15, 2017.	.1
3	Said amounts must be made by certified check or other guaranteed funds and shall be made as	
4	follows:	
5	A. Eight hundred fifty two dollars (\$852) payable to "County of San Diego –	
6	Department of Environmental Health" with a reference to "DEH2016-HHIRT-	
7	002363" as restitution associated with investigation and clean-up costs. Due on	
8	the date of execution, estimated to be October 1, 2017.	
9		
	B. One hundred forty two dollars (\$142) payable to "County of San Diego – HIRT	
L0	Trust Account" with a reference to "DEH2016-HHIRT-002363" as restitution	
11	associated with investigation and clean-up costs. Due on the date of execution,	
12	estimated to be October 1, 2017.	
13	C. Five thousand dollars (\$5,000) payable to "City Attorney of the City of San	
.4	Diego" as costs associated with the investigation and prosecution of this matter.	
.5	To be made in two separate payments of \$2,500 each with the first to be due on	
6	the date of execution, estimated to be October 1, 2017, and the second to be due	
7	on October 15, 2017.	
[8]	D. Five thousand dollars (\$5,000) payable to "City Attorney of the City of San	
[9]	Diego" as a civil penalty pursuant to Business and Professions Code section	
20	17206. To be made in four separate payments of \$1,250 each to be due on	
21	November 1, 2017; November 15, 2017; December 1, 2017; and December 15,	
22	2017.	
3	E. Five thousand dollars (\$5,000) payable to "District Attorney of the County of Sar	1
24	Diego" as a civil penalty pursuant to Business and Professions Code section	
25	17206. To be made in four separate payments of \$1,250 each to be due on	
26	November 1, 2017; November 15, 2017; December 1, 2017; and	
27	December 15, 2017.	
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The total combined sum to be paid to Plaintiff is THIRTY-ONE THOUSAND
 NINE HUNDRED EIGHTY-EIGHT DOLLARS (\$31,988).

3 8. In the event that any payment is not made on time and in full, Plaintiff shall have 4 the immediate right, without further notice to any Defendant, to seek an amended judgment 5 herein in the sum of any remaining payments owed by Defendants by presenting a declaration to 6 the court detailing all payments made previously by Defendants and stating the total of all 7 remaining payments then owing. The amended judgment shall incorporate all terms and 8 conditions hereinabove and shall also award Plaintiff a money judgment for the total sum 9 outlined above for that specific Defendant, less any payments made by Defendants through the 10 date of any amended judgment.

9. Except as otherwise provided for in this Stipulated Final Judgment and Permanent
Injunction, the parties shall bear their own fees and costs associated with this matter.

13 10. Defendants shall deliver all checks to the City Attorney's Office for the City of
14 San Diego, Attention: Cheryl Shitabata, Deputy City Attorney, 1200 Third Avenue, Suite 700,
15 San Diego, California 92101.

16

## **RETENTION OF JURISDICTION**

17 11. Jurisdiction shall be retained by the Court for the purpose of enabling any party to
18 this Stipulated Final Judgment and Permanent Injunction to apply to the court at any time for
19 such further orders and direction as may be necessary and appropriate for the construction or
20 carrying out of this Stipulated Final Judgment and Permanent Injunction; for the modification or
21 termination of any of its injunctive provisions; and for the enforcement of compliance with, and
22 punishment of violations of this Stipulated Final Judgment and Permanent Injunction.

23 12. The parties waive the right to appeal this Stipulated Final Judgment and
24 Permanent Injunction as to form and content.

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## **SEVERABILITY**

26 13. In the event any provision of this Stipulated Final Judgment is held void or
27 unenforceable for any reason, it shall in no way affect the enforceability of the remaining
28 provisions.

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1	ENTRY OF FINAL JUDGMENT
2	14. The clerk is directed to immediately enter this Stipulated Final Judgment and
3	Permanent Injunction.
4	IT IS SO ORDERED.
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6	Deted
7	Dated:
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	STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

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