



San Diego City Attorney Jan I. Goldsmith

NEWS RELEASE

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PAINT COMPANIES ORDERED TO PAY \$1.1 BILLION TO 10 CALIFORNIA CITIES AND COUNTIES
San Diego to receive \$77 million under court decision

The City of San Diego and nine other California cities and counties have won a \$1.1 billion judgment from the Santa Clara County Superior Court. The Honorable James P. Kleinberg ruled on Monday that three lead paint manufacturers are jointly liable for the cost of removing their products from homes in the ten counties and cities that prosecuted the case. San Diego's share of the judgment is \$77 million. All funds would be used solely for lead inspection and remediation.

After a six week trial, Judge Kleinberg ruled that defendants ConAgra Grocery Products Co., NL Industries Inc. and the Sherwin-Williams Co. were liable for damages arising out of the sale of lead-based paint before it was banned in 1978. The defendants may still seek reconsideration and appeal of the decision.

During the trial the plaintiffs presented evidence that the three defendant companies aggressively promoted and sold lead paints for use in homes despite knowing that those paints were highly toxic, particularly to children. The City of San Diego was represented by the San Diego City Attorney's office. Deputy City Attorney Paul Prather presented evidence on behalf of the City.

"This decision is a major step toward protection of children from the danger of lead paint in San Diego homes and it sends a strong message that manufacturers will be held accountable for selling knowingly dangerous products," said City Attorney Jan Goldsmith, who singled out Deputy City Attorney Paul Prather for doing "an outstanding job in presenting San Diego's evidence and convincing the court on the merits."

The harmfulness of lead paint, especially to children, is so great and so conclusively proven that the California legislature declared in 1986 that lead exposure is "the most significant childhood environmental health problem in the state." It also declared in 1999 that paint found on structures built prior to 1979 is presumed to be lead-based. There are more than 5 million homes in the plaintiff jurisdictions that fit that description. As the Court found, "thousands of children in the jurisdictions are still presently and potentially victimized by [lead paint]."

The plaintiffs are the City of San Diego, County of Santa Clara, County of Alameda, City of Oakland,

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City and County of San Francisco, County of Los Angeles, County of Monterey, County of San Mateo, County of Solano, and County of Ventura. The plaintiffs are represented by their own County Counsel and City Attorney's Offices, working in collaboration with the law firms of Cotchett Pitre & McCarthy LLP, Motley Rice LLP, Mary Alexander and Associates, and the Law Offices of Peter Earle.

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