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12 Attorneys for Plaintiff the People of the State of California

13 CHRISTOPHER RYAN VON DER LIETH, ESQ.

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21 Attorneys for Defendant A-CAL Construction Services

22 SUZANNE R. VARCO

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24 Environmental Law Group LLP
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26 San Diego, CA 92101-5047
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Email: svarco@envirolawyer.com

Attorneys for Defendant WSC Investment Partners LLC and SRM Investments LLC

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

WSC INVESTMENT PARTNERS LLC, a California limited liability company; SRM INVESTMENTS LLC, a California limited liability company; and A-CAL CONSTRUCTION SERVICES, a sole proprietorship,

Defendants.

Case No. **37-2017-00036155-CU-MC-CTL**

STIPULATION FOR ENTRY OF FINAL JUDGMENT AND PERMANENT INJUNCTION

UNLIMITED CIVIL CASE (Amount demanded exceeds \$10,000)

Exempt from fees per Gov't Code § 6103

FILED
SAN DIEGO SUPERIOR COURT

OCT 05 2017


G. MACEDO Deputy

1 Plaintiff, the People of the State of California, appearing through its attorney, Mara W.
2 Elliot, San Diego City Attorney; by Cheryl Shitabata, Deputy City Attorney, and Defendants
3 WSC Investment Partners LLC, a California limited liability company; SRM Investments LLC, a
4 California limited liability company; and A-CAL Construction Services, a sole proprietorship,
5 collectively "Defendants," through their attorneys Environmental Law Group LLP, Varco &
6 Rosenbaum, by Suzanne R. Varco representing WSC Investment Partners LLC and SRM
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
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.

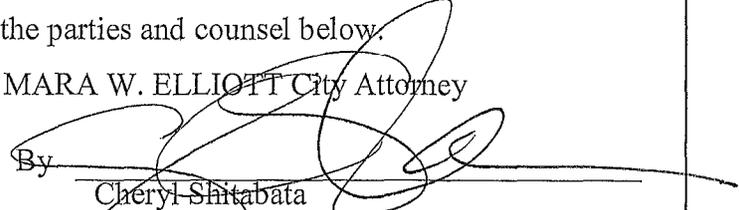
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5. Judgment may be entered by the Court in this action, pursuant to this Stipulation, at the request of any party, without notice to the other parties, provided that this Stipulation has been executed by the parties and counsel below.

Dated: September 26, 2017

MARA W. ELLIOTT City Attorney

By 
Cheryl Shitabata
Deputy City Attorney
Attorneys for Plaintiff The People of the State of California

Dated: September ___, 2017

WSC INVESTMENT PARTNERS LLC

By _____
Name:
Title:
for Defendant WSC Investments Partners LLC

Dated: September ___, 2017

SRM INVESTMENTS LLC

By _____
Name:
Title:
for Defendant SRM Investments LLC

Dated: September ___, 2017

ENVIRONMENTAL LAW GROUP LLP

By Suzanne R. Varco
Attorneys for Defendants WSC Investments Partners LLC and SRM Investments LLC

Dated: September ___, 2017

A-CAL CONSTRUCTION SERVICES

By Bernard Oranje
for Defendant A-CAL Construction Services

Dated: September ___, 2017

LAW OFFICE OF RICHARD F. McENTYRE

By Christopher R. von der Leith
Attorneys for Defendant A-CAL Construction Services

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Dated: September __, 2017 MARA W. ELLIOTT City Attorney
By _____
Cheryl Shitabata
Deputy City Attorney
Attorneys for Plaintiff The People of the State of California

Dated: September 26, 2017 WSC INVESTMENT PARTNERS LLC
By _____
Name: Michael Praggastis
Title: Vice President
for Defendant WSC Investments Partners LLC

Dated: September 26, 2017 SRM INVESTMENTS LLC
By _____
Name: Michael Praggastis
Title: Vice President
for Defendant SRM Investments LLC

Dated: September 27, 2017 ENVIRONMENTAL LAW GROUP LLP
By _____
Suzanne R. Varco
Attorneys for Defendants WSC Investments Partners LLC and SRM Investments LLC

Dated: September __, 2017 A-CAL CONSTRUCTION SERVICES
By _____
Bernard Oranje
for Defendant A-CAL Construction Services

Dated: September __, 2017 LAW OFFICE OF RICHARD F. McENTYRE
By _____
Christopher R. von der Leith
Attorneys for Defendant A-CAL Construction Services

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Dated: September __, 2017

MARA W. ELLIOTT City Attorney

By _____
Cheryl Shitabata
Deputy City Attorney
Attorneys for Plaintiff The People of the State of California

Dated: September __, 2017

WSC INVESTMENT PARTNERS LLC

By _____
Name:
Title:
for Defendant WSC Investments Partners LLC

Dated: September __, 2017

SRM INVESTMENTS LLC

By _____
Name:
Title:
for Defendant SRM Investments LLC

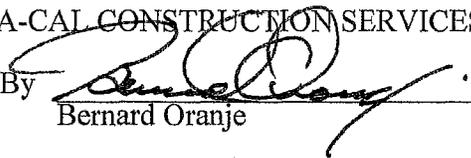
Dated: September __, 2017

ENVIRONMENTAL LAW GROUP LLP

By _____
Suzanne R. Varco
Attorneys for Defendants WSC Investments Partners LLC and SRM Investments LLC

Dated: September 26, 2017

A-CAL CONSTRUCTION SERVICES

By 
Bernard Oranje

for Defendant A-CAL Construction Services

Dated: September __, 2017

LAW OFFICE OF RICHARD F. McENTYRE

By _____
Christopher R. von der Leith

Attorneys for Defendant A-CAL Construction Services

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5. Judgment may be entered by the Court in this action, pursuant to this Stipulation, at the request of any party, without notice to the other parties, provided that this Stipulation has been executed by the parties and counsel below.

Dated: September __, 2017 MARA W. ELLIOTT City Attorney
By _____
Cheryl Shitabata
Deputy City Attorney
Attorneys for Plaintiff The People of the State of California

Dated: September __, 2017 WSC INVESTMENT PARTNERS LLC
By _____
Name:
Title:
for Defendant WSC Investments Partners LLC

Dated: September __, 2017 SRM INVESTMENTS LLC
By _____
Name:
Title:
for Defendant SRM Investments LLC

Dated: September __, 2017 ENVIRONMENTAL LAW GROUP LLP
By _____
Suzanne R. Varco
Attorneys for Defendants WSC Investments Partners LLC and SRM Investments LLC

Dated: September __, 2017 A-CAL CONSTRUCTION SERVICES
By _____
Bernard Oranje
for Defendant A-CAL Construction Services

Dated: September 26, 2017 LAW OFFICE OF RICHARD F. McENTYRE
By Christopher R. von der Leith
Christopher R. von der Leith
Attorneys for Defendant A-CAL Construction Services



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SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN DIEGO

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

WSC INVESTMENT PARTNERS LLC, a California limited liability company; SRM INVESTMENTS LLC, a California limited liability company; and A-CAL CONSTRUCTION SERVICES, a sole proprietorship,

Defendants.

Case No. **37-2017-00036155-CU-MC-CTL**

STIPULATED FINAL JUDGMENT AND PERMANENT INJUNCTION

UNLIMITED CIVIL CASE (Amount demanded exceeds \$10,000)

Plaintiff, the People of the State of California, appearing through its attorney, Mara W. Elliot, San Diego City Attorney, by Cheryl Shitabata, Deputy City Attorney, and Defendants WSC Investment Partners LLC, a Limited Liability Company; SRM Investments LLC, a Limited Liability Company; and A-CAL Construction Services, a sole proprietorship (collectively "Defendants"), through their counsel Environmental Law Group LLP, Varco & Rosenbaum, by Suzanne R. Varco for WSC Investment Partners LLC and SRM Investments LLC, and The Law Office of Richard F. McEntyre, by Christopher R. von der Lieth for A-CAL Construction Services, having stipulated to the entry of this Final Judgment and Permanent Injunction, all

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.

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

1 THOUSAND FIVE HUNDRED DOLLARS shall be made every first and fifteenth of the month
2 for approximately three consecutive months with a final payment date of December 15, 2017.

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
10 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
14 Diego” as costs associated with the investigation and prosecution of this matter.
15 To be made in two separate payments of \$2,500 each with the first to be due on
16 the date of execution, estimated to be October 1, 2017, and the second to be due
17 on October 15, 2017.
- 18 D. Five thousand dollars (\$5,000) payable to “City Attorney of the City of San
19 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.
- 23 E. Five thousand dollars (\$5,000) payable to “District Attorney of the County of San
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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ENTRY OF FINAL JUDGMENT

14. The clerk is directed to immediately enter this Stipulated Final Judgment and Permanent Injunction.

IT IS SO ORDERED.

Dated: _____

JUDGE OF THE SUPERIOR COURT