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05-20-10

K. TORRE, CLERK OF THE COURT  
SUPERIOR COURT OF CALIFORNIA  
COUNTY OF CONTRA COSTA - MARTINEZ  
BY: C. SHAVER, DEPUTY CLERK

David J. DeMordaunt (State Bar No. 146100)  
**JOSEPH COSTELLA & ASSOCIATES**  
215 Lennon Lane, Suite 200  
Walnut Creek, CA 94598  
Telephone: (925) 945-4491  
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Attorneys for Cross-defendant  
**MARTIN PAINTING**

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF CONTRA COSTA

MARIA LUZ ALVAREZ, et al.

CASE NO. C08-00776

Plaintiff.

v.

WEST COAST HOME BUILDERS, INC., a  
California Corporation, A.D. SEENO  
CONSTRUCTION CO., a California Limited  
Partnership; and DOES 1-500 inclusive,

Defendants,

**ORDER GRANTING MARTIN  
PAINTING'S APPLICATION FOR  
DETERMINATION OF GOOD FAITH  
SETTLEMENT (CCP §877.6(a)(2))**

AND RELATED CROSS-ACTIONS.

The court having received no motion in opposition to the application of Cross-Defendant TAYLOR'S LANDSCAPING, INC. for determination of good faith of its settlement with Plaintiff and Cross-Complainant WEST COAST HOME BUILDERS, INC. , etl al. ("WEST COAST"), within the time permitted by California Code of Civil Procedure, Section 877.6(a)(2), and finding that the settlement is within a reasonable range of settling Cross-Defendant's potential liability for the claims asserted by Cross-Complainant WEST

1 COAST, against TAYLOR'S LANDSCAPING, INC. in this action and is otherwise made in  
2 good faith,

3 **IT IS DETERMINED THAT** the settlement between MARTIN PAINTING and  
4 Cross-Complainant WEST COAST, and related cross-actions, is in good faith.  
5

6 **FURTHER, IT IS ORDERED THAT:**

7 1. Pursuant to California Code of Civil Procedure, Section 877.6, all further  
8 claims for equitable comparative contribution or partial or comparative indemnity, based on  
9 comparative negligence or comparative fault against MARTIN PAINTING related to or  
10 arising out of the claims of Plaintiffs in this action are hereby barred; and  
11

12 2. ~~All cross-actions pending in this action against MARTIN PAINTING for~~  
13 ~~contribution and/or indemnity are hereby dismissed. See Rule of Court 3.1382~~  
14

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16  
17 Dated: May 19, 2010



Digitally signed by Barry  
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Location: Martinez, CA  
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18 JUDGE OF THE SUPERIOR COURT  
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**PROOF OF SERVICE**

I, the undersigned, declare:

I am a citizen of the United States and am employed in the County of Contra Costa, State of California. I am over the age of eighteen years and not a party to the within action. My business address is 215 Lennon Lane, Suite 200, Walnut Creek, California 94598.

On the below date, I served the following documents:

**(1) NOTICE OF SETTLEMENT; APPLICATION MARTIN PAINTING, INC. FOR DETERMINATION OF GOOD FAITH SETTLEMENT (CCP §877.6(a)(2)); SUPPORTING DECLARATION OF DAVID J. DeMORDAUNT; [PROPOSED] ORDER**

\_\_\_\_\_ **(by mail)** on all parties in said action, in accordance with Code of Civil Procedure section 1013a(3), by placing a true copy thereof enclosed in a sealed envelope in a designated area for outgoing mail, addressed as set forth below. Mail placed in that designated area is given the correct amount of postage and is deposited that same day, in the ordinary course of business, in a United States mailbox in the City of Walnut Creek, California.

\_\_\_\_\_ **(by facsimile transmission)** on all parties by transmitting said document(s) from our office by facsimile number (925) 746-3916 to the facsimile number(s) shown below without error.

\_\_\_\_\_ **(by personal delivery)** by causing to be served by hand delivery a true copy thereof to the person(s) at the address set forth below:

X

**(by e-service)** by causing to be served by transmitting said documents through **Lexis Nexis**, an e-service provider, to the person(s) on the electronic service list.

x

**(by certified mail)** by placing a true copy enclosed in a sealed envelope, certified mail with return receipt requested, with postage fully prepaid.

☒ **SEE ATTACHED SERVICE LIST**

☒ **SEE ELECTRONIC SERVICE LIST**

I declare under penalty of perjury that the foregoing is true and correct. Executed on April \_\_, 2010, at Walnut Creek, California.

/s/

\_\_\_\_\_  
Robyn Johnson

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