

1 Roger M. Schrimp, State Bar No. 039378  
George P. Rodarakis, State Bar No. 222214  
2 Eric J. Sousa, State Bar No. 232541  
DAMRELL, NELSON, SCHRIMP,  
3 PALLIOS, PACHER & SILVA  
1601 I Street, 5th Floor  
4 Modesto, CA 95354  
Telephone (209) 526-3500  
5 Facsimile (209) 526-3534  
6 Ted R. Frame, SBN 023736  
Russell Matsumoto, SBN 084949  
7 FRAME & MATSUMOTO  
201 Washington Street  
8 PO Box 895  
Coalinga, CA 93210-0895  
9 Phone (559) 935-1552  
Fax (559) 935-1555  
10 Attorneys for Plaintiff BRITZ FERTILIZERS, INC.

11 Stephen T. Clifford, State Bar No. 39020  
T. Mark Smith, State Bar No. 162370  
12 CLIFFORD & BROWN  
Bank of America Building 1430 Truxtun Avenue, Suite 900  
13 Bakersfield, CA 93301-5230  
(661) 322-6023  
14 (661) 322-3508 FAX  
Attorneys for Defendants  
15 BAYER CORPORATION and BAYER CROPSCIENCE LP

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17 **IN THE UNITED STATES DISTRICT COURT**  
18 **FOR THE EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION**

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20 **BRITZ FERTILIZERS, INC.** ) **Case No.: 1:06-CV-00287-OWW-DLB**  
21 )  
21 **Plaintiff,** ) **(Consolidated for all purposes with Case No.**  
22 ) **1:07-CV-00846)**  
22 **vs.** )  
23 ) **ORDER DETERMINING SETTLEMENT**  
23 ) **TO BE IN GOOD FAITH, AND BARRING**  
24 ) **CLAIMS FOR CONTRIBUTION AND**  
24 ) **INDEMNITY**  
25 ) **DATE: September 27, 2010**  
25 ) **TIME: 10:00 a.m.**  
26 ) **CTRM: 3**  
26 ) **JUDGE: HON. OLIVER W. WANGER**

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LAW OFFICES OF  
FRAME &  
MATSUMOTO  
PO Box 895  
Coalinga, CA  
93210

**DETERMINING SETTLEMENT TO BE IN GOOD FAITH, AND BARRING CLAIMS  
FOR CONTRIBUTION AND INDEMNITY**

1 The joint motion of Plaintiff, Britz Fertilizers, Inc., and defendants, Bayer  
2 Corporation and Bayer CropScience, LP, for determination of good faith settlement  
3 and for an order barring claims against settling defendants Bayer Corporation and  
4 Bayer CropScience, LP, for contribution or indemnity by the Noticed Non-Parties to  
5 this action (as listed below) came on for hearing by the Court on September 27, 2010.  
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7 Frame & Matsumoto, by Ted R. Frame, appeared for the plaintiff. Clifford & Brown,  
8 by T. Mark Smith, appeared for the defendants.

9 All of the documents associated with the motion were filed under seal.

10 The Court, having considered the motion, having considered the arguments of  
11 counsel, and having filed its Memorandum Decision, and good cause appearing  
12 therefor, makes the following findings and orders.  
13

14 The Court finds that notice of the hearing and copies of all the sealed  
15 documents were properly served in a timely manner on the following persons, who  
16 are the "Noticed Non-Parties" and who are alleged in the motion to be potential joint  
17 tortfeasors or co-obligors with defendants Bayer Corporation and Bayer Crop  
18 Science:  
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20 Theodore W. Hoppe, Esq.,  
21 Individually and as a partner of the  
22 former law firm of Cooper and Hoppe

23 Joseph D. Cooper, Sr., Esq.,  
24 as a partner of the former law firm of  
25 Cooper and Hoppe

26 James W. Rushford, Esq., individually and as a partner  
27 of the law firm of Rushford and Bonotto

28 Phillip R. Bonotto, Esq., as a partner  
of the law firm of Rushford & Bonotto

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Rushford & Bonotto

Phillip H. Darst

The Court further finds that the settlement between plaintiff and defendants Bayer Corporation and Bayer CropScience, LP, was in good faith and is within the reasonable range of defendants' share of liability for plaintiff's injuries, taking into consideration the facts and circumstances of this case.

IT IS THEREFORE ORDERED that the settlement between plaintiff and defendants Bayer Corporation and Bayer CropScience, LP, is determined to have been made in good faith pursuant to the provisions of California Code of Civil Procedure Sections 877 and 877.6, and that any and all claims or further claims against defendants Bayer Corporation and/or Bayer CropScience, LP, by any of the Noticed Non-Parties above named for contribution or indemnity, including claims for total indemnity, partial indemnity, implied contractual indemnity, and artfully pleaded claims seeking any form of contribution or indemnity in effect are conclusively and forever barred.

IT IS FURTHER ORDERED that plaintiff shall serve this SEALED order on each of the Noticed Non-Parties.

IT IS SO ORDERED.

Dated: October 7, 2010

/s/ Oliver W. Wanger  
UNITED STATES DISTRICT JUDGE