

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KFD ENTERPRISES, INC.,)	Case No. 08-04571-SC
)	
Plaintiff,)	ORDER GRANTING WINZLER &
)	KELLY'S MOTION FOR
v.)	<u>SETTLEMENT APPROVAL</u>
)	
CITY OF EUREKA, et al.)	
)	
Defendants.)	
)	
AND RELATED COUNTER AND CROSS)	
CLAIMS)	
_____)	

Plaintiff KFD Enterprises, Inc. ("KFD") brings this action against a number of parties, seeking contribution for contamination of a property located at 2907 E Street, Eureka, California (the "Property"). KFD and its president, Kenneth F. Daer ("Daer"), recently reached a settlement with counter-claimant, cross-claimant, cross-defendant Winzler & Kelly Consulting Engineers ("Winzler & Kelley"). Under the settlement, Winzler & Kelly shall pay KFD \$375,000 in exchange for a release of all claims by KFD and Daer arising out of the monitoring wells installed by Winzler & Kelley at the Property.

Winzler & Kelly now move for an order approving the KFD-Winzler & Kelley settlement. ECF No. 638. Defendant,

1 counterclaimant, and cross-claimant City of Eureka ("Eureka")
2 opposes the motion, but only to the extent that the Uniform
3 Comparative Fault Act ("UFCA") does not govern the settlement. ECF
4 No. 643. The Court has already found that the claims at issue are
5 governed by the UFCA. ECF No. 641. Accordingly, Eureka's
6 opposition is moot.

7 For good cause shown, Winzler & Kelley's motion is GRANTED.
8 It is hereby ordered as follows:

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- That the settlement agreement between KFD, Daer and Winzler & Kelly is approved;
- That the provisions of the UCFA apply with respect to the effect of the KFD-Winzler & Kelly settlement as to both the federal and state law claims;
- That all claims asserted in the above-titled action by KFD against Winzler & Kelly, including all claims relating to the monitoring wells installed by Winzler & Kelly at the Property, are hereby DISMISSED with prejudice;
- That all claims against Winzler & Kelly relating to the facts of this action, and specifically regarding the monitoring wells installed by Winzler & Kelly, including contribution and indemnity claims that have been, or could have been, asserted by any person or entity, in this action or otherwise, whether such claims are or could be brought pursuant to federal or state law, are hereby BARRED;
- That Winzler & Kelly's cross-claims against KFD are hereby DISMISSED with prejudice; and

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- That all pending claims against Winzler & Kelly in this action are hereby DISMISSED with prejudice.

IT IS SO ORDERED.

January 14, 2014



UNITED STATES DISTRICT JUDGE