

# California Judge Orders Lead Paint Cleanup

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A California Superior Court judge in San Jose ordered three paint companies to pay \$1.1 billion into a fund to be used to clean up hazards from lead paint in hundreds of thousands of homes in the state.

The decision of Judge James Kleinberg, handed down Monday afternoon, requires payments by three defendants in the 13-year-old case: Sherwin-Williams Co. SHW -0.37%, NL Industries Inc. NL +1.81% and ConAgra Grocery Products Co. The judge dismissed two other defendants— DuPont Co. DD +1.00% and Atlantic-Richfield Co., owned by BP BPLN +1.61% PLC—from the case.

A spokeswoman for the defendants had no immediate comment on whether they would appeal but said the ruling "violates the federal and state constitutions by penalizing manufacturers for the truthful advertising of lawful products, done at a time when government officials routinely specified those products for use in residential buildings." She added: "The risks to children alleged today were unknown and unknowable decades ago."

The lawsuit, filed by 10 city and county governments in California, sought a court order requiring the defendants—current or former makers or distributors of paint and pigments—to pay to remove lead-paint hazards from homes in Los Angeles County, San Francisco and other places whose local governments joined the legal action. The judge ordered the creation of a fund to achieve those aims. It is to be administered by California's existing state Childhood Lead Poisoning Prevention Branch program.

Nancy Fineman, an attorney representing local government bodies who filed the suit, said the decision would have a "tremendous impact on the health and welfare of the children of California." She said Sherwin-Williams, NL and ConAgra would have to decide among themselves how

## Attorneys

Joseph W. Cotchett

## Practice Areas

Consumer Protection Class  
Actions

Defective Products / Mass Torts

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to divide the \$1.1 billion cost of the program...