

1 **JAMES C. BRAZELTON**
2 **STANISLAUS COUNTY DISTRICT ATTORNEY**
3 **GLORIA M. MAS (SBN 132429)**
4 Deputy District Attorney
5 11th and I Streets, Room 200 2nd Floor
6 Modesto, California 95353
7 (209) 525-5550

8 Attorneys for People

FILED

2005 APR 25 PM 12:11

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____

DEPUTY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 FOR THE COUNTY OF STANISLAUS

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA

13 Plaintiff,

14 vs.

15 DHB INC., dba JIFFY LUBE,

16 Defendants.

17 CASE NO. 370913

18 STIPULATED JUDGMENT FOR
19 INJUNCTION, CIVIL PENALTIES,
20 AND OTHER RELIEF

21 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their
22 complaint herein, JAMES C. BRAZELTON, District Attorney of Stanislaus County, by and
23 through GLORIA M. MAS, Deputy District Attorney of Stanislaus County, and defendants
24 JIFFY LUBE (DBA), and DHB INC. hereby stipulate and consent to the entry of the Permanent
25 Injunction and Final Judgment Pursuant to Stipulation. By signing this stipulation, these named
26 defendants hereby admit the allegations of the complaint. This stipulation is entered into based
27 in part on representations made and reaffirmed by these named defendants herein, that certain
28 penalty payments will be made according to the terms of the Stipulated Final Judgment. This
Stipulated Final Judgment shall constitute evidence of admission or concession by these named
defendants regarding all allegations of law and fact alleged in the complaint on file herein.

Upon the consent of the parties hereto, and it appearing to the court that there is good cause
for the entry of this Stipulated Final Judgment,

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 IT IS ORDERED, ADJUDGED AND DECREED as follows:

2 1. This court has jurisdiction of the subject matter of this action and each of the parties
3 hereto.

4
5 2. The injunctive provisions of this Final Judgment are applicable to defendants, its
6 subsidiaries and divisions, and any agent, employee, representative and all persons, partners,
7 corporations, or other entities acting by, through, under, or on behalf of defendants and all persons
8 in concert with or participating with said defendants with actual or constructive knowledge of this
9 injunction, only insofar as they are doing business in the State of California and confined to
10 defendants' business operations in the County of STANISLAUS and throughout the state of
11 California.

12
13 3. Pursuant to Business and Practice Code §17203, Defendants are hereby permanently
14 enjoined from:

15
16 a) Violating any environmental offenses, including but not limited to §25299 of the
17 Health and Safety Code.

18
19 4. Defendants shall pay the sum of TWO THOUSAND FIVE HUNDRED
20 DOLLARS (\$2,500.00) in civil penalties to be paid as follows:

21
22 a) Defendants shall pay TWO THOUSAND FIVE HUNDRED DOLLARS
23 (\$2,500.00), as civil penalties, including partial cost recovery, pursuant to Health and
24 Safety Code § 25299. This civil penalty amount shall be made payable to the Stanislaus
25 County Treasurer Department of Environmental Resources.

26
27 These penalties shall be **STAYED** for a period of three (3) years, beginning the filing
28 of this Stipulated Judgment, on the condition that no violations occur pursuant to this

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 agreement. It is understood that this stayed \$2,500.00 portion of the civil penalty shall
2 immediately be due and owed on this case if any future violations occur. If no violations
3 occur during the three-year period, the stay will become permanent.
4

5 5. In addition, defendants shall pay the sum of SEVEN THOUSAND FIVE
6 HUNDRED DOLLARS (\$7,500.00) to a Supplemental Environmental Program, and/or
7 Recovery Costs, as follows:
8

9 a) Defendant shall pay the sum of TWO THOUSAND FIVE HUNDRED
10 DOLLARS (\$2,500.00), payable to the Secretary of the California Environmental
11 Protection Agency. This money shall be deposited into the Environmental Enforcement
12 and Training Account established by Assembly Bill 2486 (2002, Keeley) under the
13 authority of Penal Code § 14301.
14

15 b) Defendant shall pay the sum of TWO THOUSAND FIVE HUNDRED
16 DOLLARS (\$2,500.00), payable to the Stanislaus County Department of Environmental
17 Resources. Such money is to be used for environmental offenses to conduct investigation,
18 prosecution and remediation.
19

20 c) Defendant shall pay the sum of TWO THOUSAND FIVE HUNDRED
21 DOLLARS (\$2,500.00) payable to the California State Water Resources Control Board
22 State Water and Pollution Cleanup and Abatement Account.
23

24 6. Defendant shall pay the sum of FIVE HUNDRED EIGHTY DOLLARS AND
25 THIRTY CENTS (\$580.30) payable to the Stanislaus County Superior Court for filing fees.
26

27 7. Defendants waive all objections to, employees from the CSWRCB and the
28

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 Department of Environmental Resources, entering upon their business operations in Stanislaus,
2 CA, for the purpose of inspection and enforcement of the terms of this agreement.

3
4 8. All checks shall be sent to the Stanislaus County District Attorney's Office,
5 attention: Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353.
6 All amounts, except the filing fee, are due within one hundred twenty days (120) of the filing of
7 this Final Judgment. **The filing fee is due with the signed Stipulated Judgment.**

8
9 9. This Judgment shall go into effect immediately upon entry hereof. Entry is
10 authorized immediately upon filing.
11

12
13
14 Dated: 4-13-05

By: Stuart A. Burnham
On Behalf of JIFFY LUBE (DBA)

15
16
17 Dated: 4-13-05

By: Stuart A. Burnham
STUART D. BURNHAM
On Behalf of DHB INC.

18
19
20 Dated: _____

By: _____
ATTORNEY FOR DEFENDANT

21
22
23 JAMES C. BRAZELTON
STANISLAUS COUNTY DISTRICT ATTORNEY

24
25
26 Dated: 4-13-05

By: GLORIA M. MAS
DEPUTY DISTRICT ATTORNEY

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28
STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

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IT IS ORDERED, ADJUDGED AND DECREED.

Dated: APR 22 2005

ROGER BEAUCHESNE

JUDGE OF THE SUPERIOR COURT

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

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IT IS ORDERED, ADJUDGED AND DECREED.

Dated: APR 22 2005

ROGER BEAUCHESNE

JUDGE OF THE SUPERIOR COURT

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF