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2 **STANISLAUS COUNTY DISTRICT ATTORNEY**
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5 Attorneys for People

6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 FOR THE COUNTY OF STANISLAUS

8
9 THE PEOPLE OF THE STATE OF
10 CALIFORNIA

11 Plaintiff,

12 vs.

13 FOSTER FARM DAIRY *dba*
14 FOSTER FARMS,

15 Defendants.

CASE NO. 370722--

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES,
AND OTHER RELIEF

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

27 Upon the consent of the parties hereto, and it appearing to the court that there is good cause
28

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

FILED

2005 APR 25 PM 2:21

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____

DEPUTY

1 for the entry of this Stipulated Final Judgment,

2 IT IS ORDERED, ADJUDGED AND DECREED as follows:

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

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

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

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

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

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

27
28 These penalties shall be **STAYED** for a period of three (3) years, beginning the filing

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 of this Stipulated Judgment, on the condition that no violations occur pursuant to this
2 agreement. It is understood that this stayed \$500.00 portion of the civil penalty shall
3 immediately be due and owed on this case if any future violations occur. If no violations
4 occur during the three-year period, the stay will become permanent.
5

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

9 a) Defendant shall pay the sum of TWO HUNDRED DOLLARS (\$200.00), payable
10 to the Secretary of the California Environmental Protection Agency. This money shall be
11 deposited into the Environmental Enforcement and Training Account established by
12 Assembly Bill 2486 (2002, Keeley) under the authority of Penal Code § 14301.
13

14 b) Defendant shall pay the sum of TWO HUNDRED DOLLARS (\$200.00), payable
15 to the Stanislaus County Department of Environmental Resources. Such money is to be
16 used for environmental offenses to conduct investigation, prosecution and remediation.
17

18 c) Defendant shall pay the sum of ONE HUNDRED DOLLARS (\$100.00) payable
19 to the California State Water Resources Control Board State Water and Pollution Cleanup
20 and Abatement Account.
21

22
23 6. Defendant shall pay the sum of FIVE HUNDRED EIGHTY DOLLARS AND
24 THIRTY CENTS (\$580.30) payable to the Stanislaus County Superior Court for filing fees.
25

26 7. Defendants waive all objections to, employees from the CSWRCB and the
27 Department of Environmental Resources, entering upon their business operations in Stanislaus,
28 CA, for the purpose of inspection and enforcement of the terms of this agreement.

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

1 8. All checks shall be sent to the Stanislaus County District Attorney's Office,
2 attention: Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353.

3 All amounts, except the filing fee, are due within sixty (60) of the filing of this Final Judgment.

4 **The filing fee is due with the signed Stipulated Judgment.**

5
6 9. This Judgment shall go into effect immediately upon entry hereof. Entry is
7 authorized immediately upon filing.
8

9
10
11 Dated: 4-13-05

12 By: 
13 On Behalf of FOSTER FARM DAIRY (DBA)
14 JEFF FOSTER

15 Dated: 4-13-05


16 By: 
17 On Behalf of FOSTER FARMS (DBA)
18 JEFF FOSTER

19 Dated: /

20 By: /
21 ATTORNEY FOR DEFENDANT

22 JAMES C. BRAZELTON
23 STANISLAUS COUNTY DISTRICT ATTORNEY

24 Dated: 4-13-05

25 By: 
26 GLORIA M. MAS
27 DEPUTY DISTRICT ATTORNEY
28

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

IT IS ORDERED, ADJUDGED AND DECREED.

Dated: APR 22 2005

ROGER BEAUCHESNE
JUDGE OF THE SUPERIOR COURT

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STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
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