

FILED

2005 MAY -5 AM 11:39

CLERK OF SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____
Clerk

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

8 Attorneys for the People

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

11 THE PEOPLE OF THE STATE OF CALIFORNIA,)

12 Plaintiff,)

13 vs.)

14 JOE GOMES & SONS)

15)
16 Defendants.)
17 _____)

CASE NO. 370025

STIPULATED JUDGMENT
FOR INJUNCTION, CIVIL
PENALTIES, AND
OTHER RELIEF

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

1 in the complaint on file herein.

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

4 IT IS ORDERED, ADJUDGED AND DECREED as follows:

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

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

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

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

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

19 a) Defendants shall pay TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00),
20 as civil penalties, including partial cost recovery, pursuant to Health and Safety Code § 25299.

21 This civil penalty amount shall be made payable to the Stanislaus County Treasurer
22 Department of Environmental Resources.

23 These penalties shall be **STAYED** for a period of three (3) years, beginning the filing of this
24 Stipulated Judgment, on the condition that no further violations occur pursuant to this
25 agreement. It is further agreed that the defendant's will provide proof of current cathodic
26 protection certification and annual monitoring certification for 2004 within 60 days. It is
27 understood that this stayed \$2,500.00 portion of the civil penalty shall immediately be due and

1 owed on this case if any future violations occur as described in section 3a. If no violations
2 occur during the three-year period, the stay will become permanent.

3
4 5. In addition, defendants shall pay the sum of TWO THOUSAND FIVE HUNDRED
5 DOLLARS (\$2,500.00) to a Supplemental Environmental Program, and/or Recovery Costs, as follows:

6
7 a) Defendant shall pay the sum of FIVE HUNDRED DOLLARS (\$500.00), payable to
8 the Secretary of the California Environmental Protection Agency. This money shall be
9 deposited into the Environmental Enforcement and Training Account established by
10 Assembly Bill 2486 (2002, Keeley) under the authority of Penal Code § 14301.

11
12 b) Defendant shall pay the sum of ONE THOUSAND DOLLARS (\$1,000.00), payable to
13 the Stanislaus County Department of Environmental Resources. Such money is to be
14 used for environmental offenses to conduct investigation, prosecution and remediation.

15
16 c) Defendant shall pay the sum of ONE THOUSAND DOLLARS (\$1,000.00)
17 payable to the California State Water Resources Control Board.

18
19 6. Defendant shall pay the sum of FIVE HUNDRED EIGHTY DOLLARS AND THIRTY
20 CENTS (\$580.30) payable to the Stanislaus County Superior Court for filing fees.


21
22 7. Defendants waive all objections to, employees from the CSWRCB and the Department
23 of Environmental Resources, entering upon their business operations in Stanislaus, CA , for the
24 purpose of inspection and enforcement of the terms of this agreement.

25
26 8. All checks shall be sent to the Stanislaus County District Attorney's Office, attention:
27 Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353. All amounts,


1 except the filing fee, are due within sixty (60) of the filing of this Final Judgment. **The filing fee is due**
2 **with the signed Stipulated Judgment.**

3 9. This Judgment shall go into effect immediately upon entry hereof. Entry is authorized
4 immediately upon filing.

5
6
7 Dated: 3/30/05

By: 
~~JOE GOMES~~, on behalf of ~~JEFF GOMES~~
JOE GOMES & SONS (DBA)

8
9 Dated: 3/30/05

By: 
~~JOE GOMES~~, individually ~~JEFF GOMES~~

10
11
12 Dated: 

By: 
ATTORNEY FOR DEFENDANT

13
14
15
16 JAMES C. BRAZELTON
STANISLAUS COUNTY DISTRICT ATTORNEY

17
18 Dated: 4-21-05

By: 
~~GLORIA M. MAS~~ ~~ROY J. HIBBERT~~
DEPUTY DISTRICT ATTORNEY

19
20
21 IT IS ORDERED, ADJUDGED AND DECREED.

22
23 Dated: MAY - 3 2005

24
25 DAVID G. VANDER WALL
26 JUDGE OF THE SUPERIOR COURT
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