

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

5 Attorneys for People

**FILED**

2005 MAY -3 PM 4:14

SUPERIOR COURT OF THE STATE OF CALIFORNIA  
COUNTY OF STANISLAUS

BY \_\_\_\_\_  
\_\_\_\_\_  
DEPUTY

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

9 **THE PEOPLE OF THE STATE OF**  
10 **CALIFORNIA**

11 Plaintiff,

12 vs.

13 **PARADISE GAS**

14 Defendant.

CASE NO. 370957-3

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES,  
AND OTHER RELIEF

15  
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 defendant  
19 PARADISE GAS (DBA) hereby stipulate and consent to the entry of the Permanent Injunction  
20 and Final Judgment Pursuant to Stipulation. By signing this stipulation, these named defendants  
21 hereby admit the allegations of the complaint. This stipulation is entered into based in part on  
22 representations made and reaffirmed by these named defendants herein, that certain penalty  
23 payments will be made according to the terms of the Stipulated Final Judgment. This Stipulated  
24 Final Judgment shall constitute evidence of admission or concession by these named defendants  
25 regarding all allegations of law and fact alleged in the complaint on file herein.

26  
27 Upon the consent of the parties hereto, and it appearing to the court that there is good cause  
28 for the entry of this Stipulated Final Judgment,

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OTHER RELIEF

This case has been assigned to Judge Maxwell  
Deputy District Attorney

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. Defendants shall comply with the following conditions:

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

18  
19 b) Shall provide proof of February 2005 and March 2005 Designated Operator

20  
21 Inspection reports to Stanislaus County Department of Environmental Resources

22  
23 within fourteen days (14) of filing of this judgment.

24  
25 4. Defendants shall pay the sum of FIVE THOUSAND DOLLARS (\$5,000.00) in  
26 civil penalties to be paid as follows:

27  
28 a) Defendants shall pay FIVE THOUSAND DOLLARS (\$5,000.00), as civil

STIPULATED JUDGMENT FOR  
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OTHER RELIEF

1 penalties, including partial cost recovery, pursuant to Health and Safety Code § 25299.  
2 This civil penalty amount shall be made payable to the Stanislaus County Treasurer  
3 Department of Environmental Resources.

4 These penalties shall be **STAYED** for a period of three (3) years, beginning the  
5 filing of this Stipulated Judgment, on the condition that no violations occur pursuant to  
6 this agreement. It is understood that this stayed \$5,000.00 portion of the civil penalty  
7 shall immediately be due and owed on this case if any future violations occur. If no  
8 violations occur during the three-year period, the stay will become permanent. If  
9 defendant fails to provide proof of February 2005 testing, TWO THOUSAND FIVE  
10 HUNDRED DOLLARS (\$2,500.00) will be due within one hundred fifty days (150) from  
11 date of filing. If defendant fails to provide proof of March 2005 testing, TWO  
12 THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00) will be due within one hundred  
13 fifty days (150) from date of filing.

14  
15  
16 5. In addition, defendants shall pay the sum of FIVE THOUSAND DOLLARS  
17 (\$5,000.00) to a Supplemental Environmental Program, and/or Recovery Costs, as follows:

18  
19 a) Defendant shall pay the sum of TWO THOUSAND DOLLARS (\$2,000.00),  
20 payable to the Secretary of the California Environmental Protection Agency. This money  
21 shall be deposited into the Environmental Enforcement and Training Account established  
22 by Assembly Bill 2486 (2002, Keeley) under the authority of Penal Code § 14301.

23  
24 b) Defendant shall pay the sum of TWO THOUSAND DOLLARS (\$2,000.00),  
25 payable to the Stanislaus County Department of Environmental Resources. Such money is  
26 to be used for environmental offenses to conduct investigation, prosecution and  
27 remediation.

28  
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OTHER RELIEF

1 c) Defendant shall pay the sum of ONE THOUSAND DOLLARS (\$1,000.00)  
2 payable to the California State Water Resources Control Board State Water and Pollution  
3 Cleanup and Abatement Account.  
4

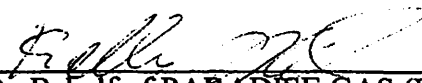
5 6. Defendant shall pay the sum of FIVE HUNDRED EIGHTY DOLLARS AND  
6 THIRTY CENTS (\$580.30) payable to the Stanislaus County Superior Court for filing fees.  
7

8 7. Defendants waive all objections to, employees from the CSWRCB and the  
9 Department of Environmental Resources, entering upon their business operations in Stanislaus,  
10 CA, for the purpose of inspection and enforcement of the terms of this agreement.  
11

12 8. All checks shall be sent to the Stanislaus County District Attorney's Office,  
13 attention: Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353.  
14 All amounts, except the filing fee, are due within ninety (90) of the filing of this Final Judgment.  
15 **The filing fee is due with the signed Stipulated Judgment.**  
16

17 9. This Judgment shall go into effect immediately upon entry hereof. Entry is  
18 authorized immediately upon filing.  
19

20  
21 Dated: 4-13-05

22 By:   
23 On Behalf of PARADISE GAS (DBA)  
24 KELLY MEI

25 Dated: \_\_\_\_\_

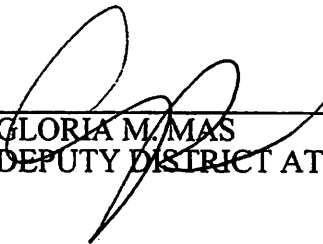
26 By: \_\_\_\_\_  
27 ATTORNEY FOR DEFENDANT  
28

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF

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JAMES C. BRAZELTON  
STANISLAUS COUNTY DISTRICT ATTORNEY

Dated: 4-13-05

By:   
\_\_\_\_\_  
GLORIA M. MAS  
DEPUTY DISTRICT ATTORNEY

IT IS ORDERED, ADJUDGED AND DECREED.

Dated: APR 27 2005

\_\_\_\_\_  
WILLIAM A. MAYHEW  
JUDGE OF THE SUPERIOR COURT

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OTHER RELIEF