

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

GOLDEN GATE PETROLEUM CO.; BAY AREA/DIABLO PETRO-
LEUM, CO.; DENNIS O'KEEFE; EASTGATE PETROLEUM, LLC

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):

THE PEOPLE OF THE STATE OF CALIFORNIA

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED

2010 MAY 26 P 1:39

COURT CLERK OF THE SUPERIOR COURT
COUNTY OF CONTRA COSTA, CALIF.

BY: _____
D. Wagner, Deputy Clerk

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. **NOTE:** The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. **¡AVISO!** Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. **AVISO:** Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): **Contra Costa County Superior Court**

725 Court Street, P.O. Box 911

Martinez, CA 94553

CASE NUMBER:
(Número del Caso):

310 0111

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Brett J. Morris, Deputy Attorney General, 1515 Clay Street, 20th Floor, Oakland, CA 94612, 510.622.2100

DATE: **MAY 26 2010**
(Fecha)

CLERK OF THE
SUPERIOR COURT

Clerk, by

(Secretario)

D. WAGNER

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

[SEAL]

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of (specify):
- on behalf of (specify):

| | |
|--|---|
| under: <input type="checkbox"/> CCP 416.10 (corporation) | <input type="checkbox"/> CCP 416.60 (minor) |
| <input type="checkbox"/> CCP 416.20 (defunct corporation) | <input type="checkbox"/> CCP 416.70 (conservatee) |
| <input type="checkbox"/> CCP 416.40 (association or partnership) | <input type="checkbox"/> CCP 416.90 (authorized person) |
| <input type="checkbox"/> other (specify): | |
- by personal delivery on (date):

| | | |
|--|--|--|
| ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): ROBERT J. KOCHLY, District Attorney County of Contra Costa Lauren R. Wixson, Deputy District Attorney, SB#117178 900 Ward St., Martinez, CA 94553 TELEPHONE NO: 925.957.8786 FAX NO: 925.646.4683 ATTORNEY FOR (Name): Plaintiff | | FOR COURT USE ONLY <div style="font-size: 2em; font-weight: bold; border: 1px solid black; padding: 5px; display: inline-block;">FILED</div> 2010 MAY 26 P 1:39 CLERK OF THE SUPERIOR COURT COUNTY OF CONTRA COSTA, CALIF. BY: <u>D. Wagner, Deputy Clerk</u> |
| SUPERIOR COURT OF CALIFORNIA, COUNTY OF Contra Costa STREET ADDRESS: 725 Court Street MAILING ADDRESS: P.O.Box 911 CITY AND ZIP CODE: Martinez, CA 94553 BRANCH NAME: Martinez | | CASE NUMBER: JUDGE: DEPT: |
| CASE NAME: The People of the State of California v. Golden Gate Petroleum Co.; et.al. | | CASE NUMBER: JUDGE: DEPT: |
| CIVIL CASE COVER SHEET <input checked="" type="checkbox"/> Unlimited (Amount demanded exceeds \$25,000) | <input type="checkbox"/> Limited (Amount demanded is \$25,000 or less) | Complex Case Designation <input type="checkbox"/> Counter <input type="checkbox"/> Joinder Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402) |

Items 1-6 below must be completed (see instructions on page 2).

1. Check **one** box below for the case type that best describes this case:

| | | |
|---|--|--|
| Auto Tort <input type="checkbox"/> Auto (22) <input type="checkbox"/> Uninsured motorist (46) Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort <input type="checkbox"/> Asbestos (04) <input type="checkbox"/> Product liability (24) <input type="checkbox"/> Medical malpractice (45) <input type="checkbox"/> Other PI/PD/WD (23) Non-PI/PD/WD (Other) Tort <input checked="" type="checkbox"/> Business tort/unfair business practice (07) <input type="checkbox"/> Civil rights (08) <input type="checkbox"/> Defamation (13) <input type="checkbox"/> Fraud (16) <input type="checkbox"/> Intellectual property (19) <input type="checkbox"/> Professional negligence (25) <input type="checkbox"/> Other non-PI/PD/WD tort (35) Employment <input type="checkbox"/> Wrongful termination (36) <input type="checkbox"/> Other employment (15) | Contract <input type="checkbox"/> Breach of contract/warranty (06) <input type="checkbox"/> Rule 3.740 collections (09) <input type="checkbox"/> Other collections (09) <input type="checkbox"/> Insurance coverage (18) <input type="checkbox"/> Other contract (37) Real Property <input type="checkbox"/> Eminent domain/Inverse condemnation (14) <input type="checkbox"/> Wrongful eviction (33) <input type="checkbox"/> Other real property (26) Unlawful Detainer <input type="checkbox"/> Commercial (31) <input type="checkbox"/> Residential (32) <input type="checkbox"/> Drugs (38) Judicial Review <input type="checkbox"/> Asset forfeiture (05) <input type="checkbox"/> Petition re: arbitration award (11) <input type="checkbox"/> Writ of mandate (02) <input type="checkbox"/> Other judicial review (39) | Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403) <input type="checkbox"/> Antitrust/Trade regulation (03) <input type="checkbox"/> Construction defect (10) <input type="checkbox"/> Mass tort (40) <input type="checkbox"/> Securities litigation (28) <input type="checkbox"/> Environmental/Toxic tort (30) <input type="checkbox"/> Insurance coverage claims arising from the above listed provisionally complex case types (41) Enforcement of Judgment <input type="checkbox"/> Enforcement of judgment (20) Miscellaneous Civil Complaint <input type="checkbox"/> RICO (27) <input checked="" type="checkbox"/> Other complaint (not specified above) (42) Miscellaneous Civil Petition <input type="checkbox"/> Partnership and corporate governance (21) <input type="checkbox"/> Other petition (not specified above) (43) |
|---|--|--|

2. This case is is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:
- | | |
|--|--|
| a. <input type="checkbox"/> Large number of separately represented parties | d. <input checked="" type="checkbox"/> Large number of witnesses |
| b. <input type="checkbox"/> Extensive motion practice raising difficult or novel issues that will be time-consuming to resolve | e. <input type="checkbox"/> Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal court |
| c. <input checked="" type="checkbox"/> Substantial amount of documentary evidence | f. <input type="checkbox"/> Substantial postjudgment judicial supervision |
3. Remedies sought (check all that apply): a. monetary b. nonmonetary; declaratory or injunctive relief c. punitive
4. Number of causes of action (specify): **fraudulent conveyance; unlawful business practice**
5. This case is is not a class action suit.
6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: May 26, 2010
 Lauren R. Wixson

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on **all** other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

SUPERIOR COURT - MARTINEZ
COUNTY OF CONTRA COSTA
MARTINEZ, CA 94553

PEOPLE VS GOLDEN GATE PETROLEUM CO.

MSC10-01567

NOTICE OF ASSIGNMENT TO DEPARTMENT SEVENTEEN FOR CASE
MANAGEMENT DETERMINATION

THIS FORM, A COPY OF THE NOTICE TO PLAINTIFFS, THE ADR INFORMATION SHEET, AND A BLANK CASE MANAGEMENT STATEMENT ARE TO BE SERVED UPON ALL OPPOSING PARTIES, ALL PARTIES SERVED WITH SUMMONS AND COMPLAINT/CROSS-COMPLAINT.

1. This matter has been assigned to Department 17, Judge B. Goode presiding, for all purposes; Department 17 is designated as the complex litigation department of the Court and as such (a) hears all cases wherein a designation of complex case has been made and (b) conducts hearings, in cases that this court determines, on a preliminary basis may be complex, to determine whether the case should remain in the complex litigation program.
2. All counsel are required to appear in Dept. 17 on 11/16/10 at 8:30am.
 - (a) If the case has been designated as complex, and no counter-designation has been filed, the Court will hold its first case management conference at that time.
 - (b) If the case has been assigned to Department 17 on a preliminary basis the Court will hold a hearing to determine if the matter is, or is not, complex. If the matter is determined to be complex, the Court will then proceed with the first case management conference.
3. Each party shall file and serve a Case Management Conference Statement five (5) days before this hearing and be prepared to participate effectively in the Conference, including being thoroughly familiar with the case and able to discuss the suitability of the case for private mediation, arbitration or the use of a special master or referee.
4. Prior to the conference counsel for plaintiff shall meet and confer with counsel for each other party in an effort to precisely define the the issues in the case, discuss the possibility of early mediation, the identities of possible other parties, and their respective plans for discovery.
5. Until the time of the conference the following INTERIM ORDERS shall be in effect:
 - A. Plaintiff shall diligently proceed in locating and serving each and every defendant. It is the Court's intention that each party be served in sufficient time to have entered an appearance within the time allowed by law and to attend the first conference.
 - B. All discovery shall be stayed excepting as all parties to the action might otherwise stipulate or the Court otherwise order.
 - C. No party shall destroy any writing or other evidence in its possession or under its control which bears in any way upon the matters which are the subject of this litigation.

- D. Within the time for any party to file an answer or demurrer such party may alternatively file a notice of general appearance. In such event the time for filing of an answer or demurrer shall be extended to twenty (20) days following the first conference unless the Court shall, at that time, set a different schedule.
- E. Counsel for each party shall do a conflict check to determine whether such counsel might have a possible conflict of interest as to any present or contemplated future party.

BY ORDER OF THE COURT

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*Attorneys for Plaintiff People of the State of California
(Additional counsel on following pages)*

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF CONTRA COSTA

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

v.

GOLDEN GATE PETROLEUM CO., a California Corporation; BAY AREA/DIABLO PETROLEUM, CO., A California Corporation; DENNIS O'KEEFE, an individual; EASTGATE PETROLEUM, LLC; and DOES 1 through 100,

Defendants.

Case No. **010 013**
COMPLAINT TO SET ASIDE FRAUDULENT TRANSFER

PER LOCAL RULE 5 THIS CASE IS ASSIGNED TO DEPT 17

SUMMONS ISSUED

FILED

2010 JUL 26 P 1:39

CLERK OF THE SUPERIOR COURT COUNTY OF CONTRA COSTA, CALIF.

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1 **STATEMENT OF THE ACTION**

2 1. On November 26, 2007, the People of the State of California, also the Plaintiff in this
3 action, filed a Complaint for Permanent Injunction, Civil Penalties, and Other Equitable Relief
4 (“2007 action”) in this Court against, *inter alia*, Defendants O’Keefe, Golden Gate Petroleum
5 Co., and Bay Area/Diablo Petroleum Company (“Debtors”). The Complaint alleged that those
6 defendants violated California statutes and regulations governing the operation of underground
7 storage tank systems, the handling of hazardous waste, and maintenance of Hazardous Materials
8 Business Plans. The People also alleged that these violations of California’s health and safety
9 laws constituted unfair competition under Business and Professions Code section 17200 *et seq.*
10 In addition to equitable relief, the People sought civil penalties in an amount of not less than fifty
11 million dollars (\$50,000,000).

12 2. The 2007 action is now pending in Department 17 of this Court before the Honorable
13 Barry Goode.

14 3. Plaintiff brings this action under Civil Code section 3439 *et seq.* to set aside transfers
15 made by Debtors to Eastgate Petroleum, LLC for less than reasonably equivalent value. Plaintiff
16 also seeks to set aside and void all obligations, contracts, or other agreements between Debtors
17 and Eastgate Petroleum, LLC that are for less than reasonably equivalent value.

18 **PLAINTIFF**

19 4. Plaintiff the People of the State of California brings this action by and through
20 Edmund G. Brown Jr., Attorney General of the State of California, and by and through the
21 District Attorneys for the Counties of Alameda, Butte, Colusa, Contra Costa, Glenn, Humboldt,
22 Kings, Lake, Mendocino, Monterey, San Luis Obispo, San Mateo, Santa Clara, Solano, Sonoma,
23 Sutter, and Yuba.

24 **DEFENDANTS**

25 5. Defendant Golden Gate Petroleum Co. is a California corporation which does
26 business in the State of California and is a defendant in the 2007 action. Golden Gate Petroleum
27 Co.'s official place of business is 501 Shell Avenue, Martinez, California.
28

1 6. Defendant Bay Area/Diablo Petroleum Co. is a California corporation which does
2 business in the State of California and is a defendant in the 2007 action. Bay Area/Diablo
3 Petroleum Co.'s official place of business is 501 Shell Avenue, Martinez, California.

4 7. Defendant Eastgate Petroleum, LLC is a Nevada corporation which does business in
5 the State of California. Eastgate Petroleum, LLC's official place of business is 10651
6 Professional Circle, Suite B, Reno, Nevada.

7 8. Defendant Dennis O'Keefe is an individual, and is sued in that capacity. Plaintiff is
8 informed and believes and thereupon alleges that Defendant Dennis O'Keefe at all relevant times
9 is and was the owner and/or controlling officer of Golden Gate Petroleum Co., Bay Area/Diablo
10 Petroleum Company, and Eastgate Petroleum, LLC.

11 9. Plaintiff is informed and believes and thereupon alleges that Defendant Dennis
12 O'Keefe was personally responsible for decisions relative to the formation of Eastgate Petroleum,
13 LLC. Plaintiff is informed and believes and thereupon alleges that Defendant Dennis O'Keefe
14 was personally responsible for transferring the assets of Debtors to and entering into obligations,
15 contracts, and other agreements with Eastgate Petroleum, LLC.

16 10. Plaintiff is informed and believes and thereupon alleges that at all relevant times
17 Defendant Dennis O'Keefe controlled and was actively involved in the day-to-day operations of
18 Golden Gate Petroleum Co., Bay Area/Diablo Petroleum Company, and Eastgate Petroleum,
19 LLC. Plaintiff is informed and believes and thereupon alleges that any act of Defendant Dennis
20 O'Keefe alleged herein to have constituted a violation of California law was carried out
21 personally by Defendant Dennis O'Keefe, or at his direction, or with his knowledge and
22 acquiescence. Plaintiff is informed and believes and thereupon alleges that any act or failure to
23 act alleged herein to have constituted a violation of California law resulted from Defendant
24 Dennis O'Keefe's act or failure to act, or failure to direct or authorize others to act.

25 11. In this Complaint, when reference is made to any act of Defendants, such allegations
26 shall mean that the owners, officers, directors, agents, employees, contractors, or representatives
27 of Defendants did, or Defendants authorized, such acts, or negligently failed and omitted to
28

1 adequately or properly supervise, control, or direct its employees and agents while engaged in the
2 management, direction, operation, or control of the affairs of the business organization.

3 12. Plaintiff is ignorant of the names of those Defendants identified as Does 1 through
4 100, who are therefore sued under fictitious names. When the true names of these Defendants
5 have been ascertained, Plaintiff will amend the Complaint to substitute the true names of each
6 Doe defendant in place of the fictitious names.

7 **ALTER-EGO, AGENTS, AIDERS AND ABETTORS, AND CO-CONSPIRATORS**

8 13. Plaintiff is informed and believes and thereupon alleges that, at all relevant times, a
9 unity of interest and ownership existed among Defendants O'Keefe, Golden Gate Petroleum Co.,
10 Bay Area/Diablo Petroleum Company, and Eastgate Petroleum, LLC such that the separateness of
11 these Defendants from each other never existed. Plaintiff is informed and believes and thereupon
12 alleges that recognition of the privilege of separate existence would promote injustice because
13 Defendants O'Keefe and/or Golden Gate Petroleum Co. control, and at all relevant times
14 controlled, Defendants Bay Area/Diablo Petroleum Company, and Eastgate Petroleum, LLC,
15 such that they are now, and at all relevant times were, merely instrumentalities, agencies,
16 conduits, or adjuncts of Defendants O'Keefe and Golden Gate Petroleum Co. and recognition of
17 the privilege of separate corporate existance would allow Defendants to avoid paying Plaintiff's
18 claim.

19 14. Plaintiff is informed and believes and thereupon alleges that that Defendants, and
20 each of them, at all relevant times, acted as the principal, agent, or representative of each of the
21 other Defendants, and in doing the acts alleged, each Defendant was acting within the course and
22 scope of the agency relationship with each of the other Defendants.

23 15. Plaintiff is informed and believes and thereupon alleges that each Defendant intended
24 to and did encourage, facilitate, or assist in the commission of the acts alleged, and thereby aided
25 and abetted the other Defendants in the unlawful conduct. Plaintiff is informed and believes and
26 thereupon alleges that the unlawful acts alleged in this Complaint were those acts Defendants
27 intended to and did facilitate or were the natural and reasonable consequences of the acts
28 Defendants intended to and did facilitate.

1 16. Plaintiff is informed and believes and thereupon alleges that Defendants have
2 engaged in a conspiracy, common enterprise, and common course of conduct, the purpose of
3 which is and was to engage in the violations of law alleged in this Complaint. Plaintiff is
4 informed and believes and thereupon alleges that the conspiracy, common enterprise, and
5 common course of conduct continue to the present.

6 **VENUE**

7 17. Venue is proper in this County pursuant to Code of Civil Procedure section 395.5 in
8 that the claim that is the subject of the Complaint arose in part in the County of Contra Costa.
9 Venue is also be proper in this County pursuant to Code of Civil Procedure section 395.5 in that
10 both Defendant Golden Gate Petroleum Co. and Defendant Bay Area/Diablo Petroleum Co. have
11 their principal places of business in this County. This Court has jurisdiction pursuant to Article 6,
12 section 10 of the California Constitution.

13 **GENERAL ALLEGATIONS**

14 18. Plaintiff is informed and believes and thereupon alleges that Debtors were at all times
15 relevant to the 2007 action owners and/or operators of underground storage tanks systems, either
16 directly or as the alter ego, agent, or representative of the other Debtors. These underground
17 storage tank systems are used to store hazardous materials and hazardous substances, including
18 motor vehicle fuel, gasoline, and diesel.

19 19. Plaintiff is informed and believes and thereupon alleges that Debtors were at all times
20 relevant to the 2007 action used, handled, and managed hazardous materials and hazardous waste
21 products, including, but not limited to waste motor oil and waste oil filters, either directly or as
22 the alter ego, agent, or representative of the other Debtors.

23 20. Plaintiff is informed and believes and thereupon alleges that Debtors were at all times
24 relevant to the 2007 action were required to filed Hazardous Material Business Plans.

25 21. In the 2007 action, Plaintiff alleged in its complaint that Debtors violated various
26 California statutes and statutes governing the maintenance and operation of underground storage
27 tank systems and the handling of hazardous material and hazardous waste.
28

1 **SECOND CAUSE OF ACTION**

2 32. Plaintiff realleges Paragraphs 1 through 31, inclusive, as if fully set forth herein.

3 33. Plaintiff is informed and believes and thereupon alleges that by the acts described
4 above and herein, each Defendant engaged in acts of unlawful and/or unfair competition
5 prohibited by California Business and Professions Code sections 17200-17208. Each act alleged
6 constitutes an unlawful and/or unfair business practice.

7 34. Pursuant to California Business and Professions Code section 17206, each Defendant
8 is liable for civil penalties for each violation.

9 35. Defendants must immediately and permanently be enjoined from engaging in activity
10 that violates Civil Code section 3439 *et seq.*, which thereby constitutes unfair competition within
11 the meaning of California Business and Professions Code section 17200.

12 **WHEREFORE, PLAINTIFF PRAYS FOR THE FOLLOWING RELIEF:**

13 1. A preliminary and permanent injunction preventing Eastgate Petroleum, LLC from
14 transferring, conveying, or otherwise disposing of any assets transferred by Debtors;

15 2. A preliminary and permanent injunction prohibiting each Defendant from engaging in
16 activity that violates Civil Code section 3439 *et seq.*, including making future transfers of assets
17 for less than reasonably equivalent value, which thereby constitutes unfair competition within the
18 meaning of California Business and Professions Code section 17200;

19 3. That the transfer or transfer of assets from Debtors to Eastgate Petroleum, LLC be set
20 aside;

21 4. That all obligations incurred by Debtors to Eastgate Petroleum, LLC be annulled and
22 declared void;

23 5. That Eastgate Petroleum, LLC be required to account to Plaintiff for all profits and
24 proceeds earned from or taken in exchange for the transferred assets or under the obligations
25 incurred;


26 6. Grant Plaintiff its costs and attorneys fees; and,

27 7. Grant such other and further relief as the Court deems just and proper.
28

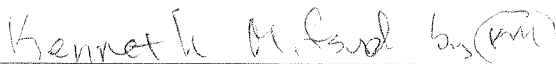
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Dated: May 13, 2010

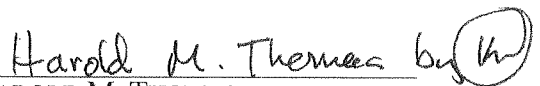
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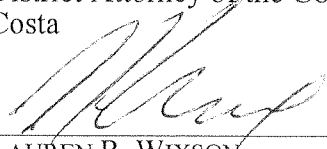
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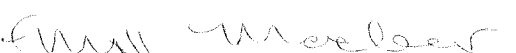
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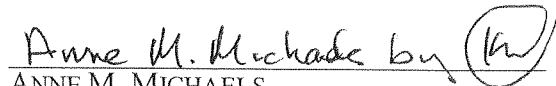
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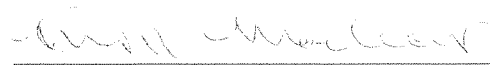
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