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SACRAMENTO COURTS
DEPT. #53

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SACRAMENTO

PEOPLE OF THE STATE OF CALIFORNIA ex rel. **THE STATE WATER RESOURCES CONTROL BOARD,**

Plaintiff,

v.

B. Z. SERVICE STATION MAINTENANCE, INC., PAUL E. ENSELE, JAMES A. WILLIAMS, RHOME M. DESBIENS, and DOES ONE through TEN, inclusive,

Defendants.

CASE NO.: 34-11-00111230

JUDGMENT

Complaint filed: September 22, 2011

1 Pursuant to the stipulation of plaintiffs, People of the State of California ex rel. the State
2 Water Resources Control Board (State Water Board) and defendants B.Z. Service Station
3 Maintenance, Inc., Paul E. Ensele, James A. Williams, and Rhome M. Desbiens (collectively,
4 Defendants) IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

5 1. Jurisdiction

6 This Court has and retains jurisdiction over the subject matter of this action and the parties
7 to this Stipulation.

8 2. No Admission of Liability

9 Defendants expressly deny fault or liability for any and all claims made in the Complaint in
10 this matter. The parties expressly acknowledge that this Stipulated Judgment is the compromise
11 of disputed civil claims and there was no adjudication of any claim.

12 3. Settlement Payment

13 Defendants agree to collectively pay as a joint and several liability \$30,000 in full
14 resolution of the claims brought in this matter. Defendants agree to make this payment
15 simultaneous with the execution of the Stipulation for Entry of Judgment. Upon payment by
16 bank certified check payable to "California Department of Justice," counsel for the State Water
17 Board will provide counsel for Defendants with a fully prepared and executed Satisfaction of
18 Judgment for later agreed upon filing with the Court. Upon confirmation of payment and entry of
19 judgment, the State Water Board authorizes counsel for Defendants to file the Satisfaction of
20 Judgment with the Court. Payment shall be distributed by the California Department of Justice as
21 follows:

- 22 a. \$22,100 to "State Water Resources Control Board Underground Storage Tank
23 Tester Account," taxpayer I.D. no. 68-0281986.
- 24 b. \$3,900 to "Sacramento County Environmental Management Department,"
25 taxpayer I.D. no. 94-6000529.
- 26 c. \$2,000 to "Yolo County District Attorney Consumer and Environmental Unit,"
27 taxpayer I.D. no. 94-6000548.
- 28 d. \$1,000 to "Yolo County Environmental Health," taxpayer I.D. no. 94-6000548.

1 e. \$1,000 to "El Dorado County, Department of Environmental Management,"
2 taxpayer I.D. no. 94-6000511.

3 4. Injunctive Relief

4 Defendants and their employees, associates, assistants, or agents, shall not engage in the
5 business of tank integrity testing or act in the capacity of a tank tester unless those tests are
6 performed by (or under the direct and personal supervision of) testers with a currently valid tank
7 testing license from the State Water Board in accordance with Health and Safety Code section
8 25284.4, subdivision (a), including having a current valid manufacturer training certification for
9 equipment used to perform any and all tank integrity tests.

10 5. Release

11 Plaintiff shall and does release, discharge, and covenant not to sue or take any
12 administrative action against Defendants for matters covered. "Matters covered" are the causes
13 of action and claims alleged in the First Amended Complaint in this matter. This covenant not to
14 sue shall become effective only upon payment pursuant to paragraph 3, above. This covenant not
15 to sue shall not act to release from liability any person or entity other than Defendants and
16 Defendants' employees, agents, attorneys, or other legal representatives. Nothing in this
17 Stipulation for Entry of Judgment is intended or shall be construed to preclude the State Water
18 Board from exercising its authority under any statute, regulation, ordinance, or other law.

19
20 Dated: 7/11, 2013



21 DAVID I. BROWN

22 Judge of the Superior Court

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