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2005 APR 27 PM 2:53

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  
11<sup>th</sup> and I Streets, Room 200 2<sup>nd</sup> Floor  
Modesto, California 95353  
(209) 525-5550

5 Attorneys for People

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 QWIK-SERVE MARKET

14 Defendant.

CASE NO. 37 0982 . . .

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

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF

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 from:

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

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

21  
22 a) Defendants shall pay TWO THOUSAND FIVE HUNDRED DOLLARS  
23 (\$2,500.00), as civil penalties, including partial cost recovery, pursuant to Health and  
24 Safety Code § 25299. This civil penalty amount shall be made payable to the Stanislaus  
25 County Treasurer Department of Environmental Resources.

26  
27 These penalties shall be **STAYED** for a period of three (3) years, beginning the filing  
28 of this Stipulated Judgment, on the condition that no violations occur pursuant to this

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF

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

5 5. In addition, defendants shall pay the sum of FIVE THOUSAND DOLLARS  
6 (\$5,000.00) to a Supplemental Environmental Program, and/or Recovery Costs, as follows:  
7

8 a) Defendant shall pay the sum of TWO THOUSAND DOLLARS (\$2,000.00),  
9 payable to the Secretary of the California Environmental Protection Agency. This money  
10 shall be deposited into the Environmental Enforcement and Training Account established  
11 by Assembly Bill 2486 (2002, Keeley) under the authority of Penal Code § 14301.  
12

13 b) Defendant shall pay the sum of TWO THOUSAND DOLLARS (\$2,000.00),  
14 payable to the Stanislaus County Department of Environmental Resources. Such money is  
15 to be used for environmental offenses to conduct investigation, prosecution and  
16 remediation.  
17

18 c) Defendant shall pay the sum of ONE THOUSAND DOLLARS (\$1,000.00)  
19 payable to the California State Water Resources Control Board State Water and Pollution  
20 Cleanup and Abatement Account.  
21

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

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

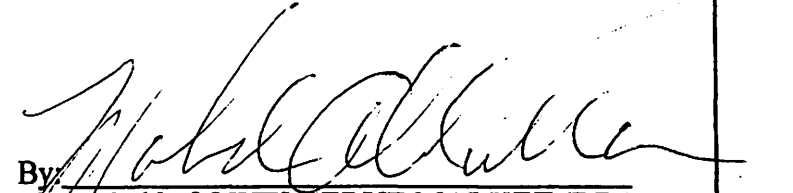
STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF

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.

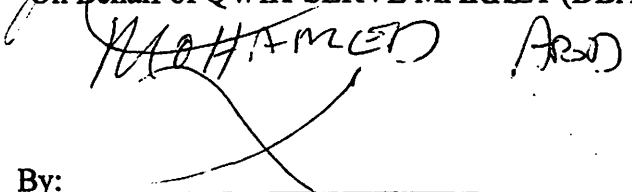
3 All amounts, except the filing fee, are due within one hundred fifty days (150) of the filing of this  
4 Final Judgment. The filing fee is due with the signed Stipulated Judgment.  
5

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

9  
10  
11 Dated: 4/15/05

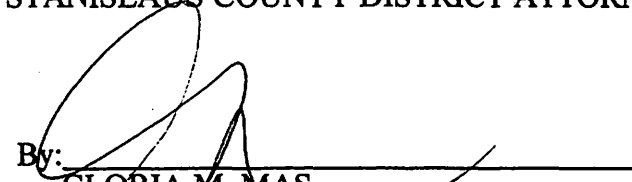
By:   
On Behalf of QWIK-SERVE MARKET (DBA)  
MUHAMMAD ABDULLA

12  
13  
14 Dated: X

By:   
ATTORNEY FOR DEFENDANT

15  
16  
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18  
19 JAMES C. BRAZELTON  
STANISLAUS COUNTY DISTRICT ATTORNEY

20  
21 Dated: 4-13-05

By:   
GLORIA M. MAS  
DEPUTY DISTRICT ATTORNEY

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STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF

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IT IS ORDERED, ADJUDGED AND DECREED.

Dated: APR 26 2005

ROGER M. BEAUCHESNE  
JUDGE OF THE SUPERIOR COURT

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF