

1 **CAROL SHIPLEY**  
2 **STANISLAUS COUNTY ASSISTANT DISTRICT ATTORNEY**  
3 **GLORIA M. MAS (SBN 132429)**  
4 Deputy District Attorney  
5 11<sup>th</sup> and I Streets, Room 200 2<sup>nd</sup> Floor  
6 Modesto, California 95353  
7 (209) 525-5550

FILED

2005 DEC -2 AM 10:36

CLERK OF SUPERIOR COURT  
STANISLAUS COUNTY

BY \_\_\_\_\_

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Attorneys for People

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

THE PEOPLE OF THE STATE OF CALIFORNIA

Plaintiff,

vs.

BALDWIN TRUCKING, INC.,

Defendant.

CASE NO. **376402**

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES,  
AND OTHER RELIEF

Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their complaint herein, CAROL SHIPLEY, Assistant District Attorney of Stanislaus County, by and through GLORIA M. MAS, Deputy District Attorney of Stanislaus County, and defendant BALDWIN TRUCKING, hereby stipulate and consent to the entry of the Permanent Injunction and Final Judgment Pursuant to Stipulation. By signing this stipulation, these named defendants hereby admit the allegations of the complaint. This stipulation is entered into based in part on representations made and reaffirmed by these named defendants herein, that certain penalty payments will be made according to the terms of the Stipulated Final Judgment. This Stipulated Final Judgment shall constitute evidence of admission or concession by these named defendants regarding all allegations of law and fact alleged in the complaint on file herein.

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

IT IS ORDERED, ADJUDGED AND DECREED as follows:

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF

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

3  
4           2.       The injunctive provisions of this Final Judgment are applicable to defendants, its  
5 subsidiaries and divisions, and any agent, employee, representative and all persons, partners,  
6 corporations, or other entities acting by, through, under, or on behalf of defendants and all  
7 persons in concert with or participating with said defendants with actual or constructive  
8 knowledge of this injunction, only insofar as they are doing business in the State of California  
9 and confined to defendants' dairy operations in the County of STANISLAUS and throughout the  
10 state of California.

11  
12           3.       Pursuant to Business and Practice Code §17203, Defendants are hereby  
13 permanently enjoined from:

14  
15           a)       Violating any environmental offenses, including but not limited to §25299 of the  
16 Health and Safety Code.

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

20  
21           a)       Defendants shall pay TWO THOUSAND FIVE HUNDRED DOLLARS  
22 (\$2,500.00), as civil penalties, including partial cost recovery, pursuant to Health and  
23 Safety Code § 25299. This civil penalty amount shall be made payable to the Stanislaus  
24 County Treasurer Department of Environmental Resources.

25           These penalties shall be **STAYED** for a period of three (3) years, beginning the  
26 filing of this Stipulated Judgment, on the condition that no further violations occur  
27 pursuant to this agreement. It is understood that this stayed \$2,500.00 portion of the civil  
28

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF

1 penalty shall immediately be due and owed on this case if any future violations occur as  
2 described in section 3a. If no violations occur during the three-year period, the stay will  
3 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 ONE THOUSAND DOLLARS (\$1,000.00),  
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 TWO THOUSAND DOLLARS (\$2,000.00)  
19 payable to the California State Water Resources Control Board State Water and Pollution  
20 Abatement Account.  
21

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

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

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF

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8. All checks shall be sent to the Stanislaus County District Attorney's Office,  
attention: Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353.  
All amounts, except the filing fee, are due within sixty (60) of the filing of this Final Judgment.  
**The filing fee is due with the signed Stipulated Judgment.**

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

Dated: Oct 27, 2005

By: *Steven Francisco* Treasurer & General Manager  
On Behalf of BALDWIN TRUCKING

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

By: \_\_\_\_\_  
ATTORNEY FOR DEFENDANT

CAROL SHIPLEY  
STANISLAUS COUNTY  
ASSISTANT DISTRICT ATTORNEY

Dated: 11/18/05

By: *Gloria M. Mas*  
GLORIA M. MAS  
DEPUTY DISTRICT ATTORNEY

IT IS ORDERED, ADJUDGED AND DECREED.

Dated: NOV 30 2005

ROGÉE M. REALCHESNI  
JUDGE OF THE SUPERIOR COURT

STIPULATED JUDGMENT FOR  
INJUNCTION, CIVIL PENALTIES, AND  
OTHER RELIEF