

FILED

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CLERK OF SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____

1 **JAMES C. BRAZELTON**
2 **STANISLAUS COUNTY DISTRICT ATTORNEY**
3 **GLORIA M. MAS (SBN 132429)**
4 Deputy District Attorney
11th and I Streets, Room 200 2nd 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**

8
9 **THE PEOPLE OF THE STATE OF CALIFORNIA**

10 Plaintiff,

11 vs.

12 **PIERCE FAMILY PROPERTIES dba JIFFY**
13 **LUBE #2539,**

14 Defendant .

CASE NO. **372266**

**STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES,
AND OTHER RELIEF**

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16
17 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their
18 complaint herein, JAMES C. BRAZELTON, District Attorney of Stanislaus County, by and
19 through GLORIA M. MAS, Deputy District Attorney of Stanislaus County, and defendants
20 PIERCE FAMILY PROPERTIES (DBA) and JIFFY LUBE #2539 hereby stipulate and consent
21 to the entry of the Permanent Injunction and Final Judgment Pursuant to Stipulation. By signing
22 this stipulation, these named defendants hereby admit the allegations of the complaint. This
23 stipulation is entered into based in part on representations made and reaffirmed by these named
24 defendants herein, that certain penalty payments will be made according to the terms of the
25 Stipulated Final Judgment. This Stipulated Final Judgment shall constitute evidence of
26 admission or concession by these named defendants regarding all allegations of law and fact
27 alleged in the complaint on file herein.

28 Upon the consent of the parties hereto, and it appearing to the court that there is good cause

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1 for the entry of this Stipulated Final Judgment,

2 IT IS ORDERED, ADJUDGED AND DECREED as follows:

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

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

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

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

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

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

28 These penalties shall be STAYED for a period of three (3) years, beginning the filing

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1 of this Stipulated Judgment, on the condition that no violations occur pursuant to this
2 agreement. It is understood that this stayed \$2,500.00 portion of the civil penalty shall
3 immediately be due and owed on this case if any future violations occur. If no violations
4 occur during the three-year period, the stay will become permanent.
5

6
7 5. In addition, defendants shall pay the sum of SEVEN THOUSAND DOLLARS
8 (\$7,000.00) to a Supplemental Environmental Program, and/or Recovery Costs, as follows:

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

14
15 b) Defendant shall pay the sum of THREE THOUSAND DOLLARS (\$3,000.00),
16 payable to the Stanislaus County Department of Environmental Resources. Such money
17 is to be used for environmental offenses to conduct investigation, prosecution and
18 remediation.

19
20 c) Defendant shall pay the sum of TWO THOUSAND DOLLARS (\$2,000.00)
21 payable to the California State Water Resources Control Board State Water and Pollution
22 Cleanup and Abatement Account.

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

26
27 7. Defendants waive all objections to, employees from the CSWRCB and the
28 Department of Environmental Resources, entering upon their business operations in Stanislaus,

1 CA, for the purpose of inspection and enforcement of the terms of this agreement.

2
3 8. All checks shall be sent to the Stanislaus County District Attorney's Office,
4 attention: Donna Robinson, Stanislaus County Courthouse, P.O. Box 442, Modesto, CA 95353.
5 All amounts, except the filing fee, are due within sixty (60) of the filing of this Final Judgment.
6 **The filing fee is due with the signed Stipulated Judgment.**
7

8 9. This Judgment shall go into effect immediately upon entry hereof. Entry is
9 authorized immediately upon filing.
10

11
12
13 Dated: 4-29-05

14 By: [Signature]
On Behalf of JIFFY LUBE
JAY PIERCE

15
16 Dated: 4-29-05

17 By: [Signature]
On Behalf of PIERCE FAMILY PROPERTIES
JAY PIERCE

18
19 Dated: _____

20 By: _____
ATTORNEY FOR DEFENDANT

21 JAMES C. BRAZELTON
22 STANISLAUS COUNTY DISTRICT ATTORNEY

23
24 Dated: 5-3-05

25 By: [Signature]
26 GLORIA M. MAS-KOY J. HUBERT
DEPUTY DISTRICT ATTORNEY

27
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