

1 **JAMES C. BRAZELTON**
2 **STANISLAUS COUNTY DISTRICT ATTORNEY**
3 **GLORIA M. MAS (SBN 132429)**
4 Deputy District Attorney
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(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 **TIGER EXPRESS**

13 Defendant.

CASE NO. 370014

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

FILED

2005 MAY -3 PM 4:24

CLERK OF SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____

DEPUTY

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 SIX THOUSAND DOLLARS
6 (\$6,000.00) 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 TWO THOUSAND FIVE HUNDRED
19 DOLLARS (\$2,000.00) payable to the California State Water Resources Control Board
20 State Water and Pollution 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

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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 twenty days (120) of the filing of
4 this 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
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11
12 Dated: 4/13/05

13 By:  Wong Hossain
14 On Behalf of TIGER EXPRESS (DBA)

15
16 Dated: 

17 By: 
18 ATTORNEY FOR DEFENDANT

19
20 JAMES C. BRAZELTON
21 STANISLAUS COUNTY DISTRICT ATTORNEY

22
23 Dated: 4/13/05

24 By: 
25 GLORIA M. MAS
26 DEPUTY DISTRICT ATTORNEY

27
28 STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF

IT IS ORDERED, ADJUDGED AND DECREED.

Dated: APR 29 2005

JUDGE OF THE SUPERIOR COURT

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STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES, AND
OTHER RELIEF