

FILED

2010 MAR -8 AM 10:06

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

BY 

1 ANDRÉ BIROTTE JR.
United States Attorney
2 LEON W. WEIDMAN
Assistant United States Attorney
3 Chief, Civil Division
JASON K. AXE (SBN 187101)
4 DONALD W. YOO (SBN 227679)
Assistant United States Attorneys
5 Room 7516 Federal Building
300 North Los Angeles Street
6 Los Angeles, California 90012
Telephone: (213) 894-8827/3994
7 Facsimile: (213) 894-7819
8 Email: jason.axe@usdoj.gov
donald.yoo@usdoj.gov

9 Attorneys for Plaintiff

10
11 **UNITED STATES DISTRICT COURT**
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**

14 RAY LaHOOD, Secretary of the
15 U.S. Department of Transportation,

16 Plaintiff,

17 vs.

18 TIERRA SANTA, INC., a
California corporation; and
19 CAYETANO MARTINEZ, an
individual,

20
21 Defendants.

Case No: CV10: 1659 SJO


AJWx

**[PROPOSED] ORDER ON
CONSENT DECREE**

22
23
24
25 Having reviewed the terms of the Consent Decree entered between Plaintiff
26 Ray LaHood, Secretary of the U.S. Department of Transportation (“the Secretary”),
27 and Cayetano Martinez (“Martinez”) and Tierra Santa, Inc., along with its
28 shareholders, owners, officers, and members (collectively “Tierra Santa,” and with

1 Martinez, "Defendants"), for the purpose of resolving the issues raised between the
2 Secretary and the Defendants by the above-captioned case, and good cause appearing,
3 it is hereby ORDERED, ADJUDICATED and DECREED as follows:

4 1. Martinez and Tierra Santa, their officers, agents, servants, employees,
5 and attorneys, and persons with whom they are in active concert or participation, are
6 enjoined from operating any commercial motor vehicle in interstate or foreign
7 commerce that requires operating authority registration in accordance with 49 U.S.C.
8 § 13901 unless and until Martinez or Tierra Santa obtain valid operating authority
9 from FMCSA. Martinez and Tierra Santa are further enjoined from contracting with
10 or arranging for additional transportation of passengers unless the contracted motor
11 carrier possesses valid operating authority registration from the Federal Motor Carrier
12 Safety Administration ("FMCSA").

13 2. This Consent Decree resolves only the Secretary's claims for declaratory
14 or injunctive relief in the above-captioned action and is without prejudice to any
15 rights the Secretary has against Defendants with respect to matters not expressly
16 provided for herein. This Consent Decree does not resolve any other past, present,
17 or future disputes between the Parties, including but not limited to proceedings for
18 civil penalties for violations of Federal motor carrier statutes^t and regulations, and does 
19 not restrict the Secretary from taking any future action pursuant to his lawful
20 authority to enforce Federal motor carrier statutes and regulations.

21 3. This Consent Decree is binding upon the Parties as of the date it is
22 signed by the Parties.

23 4. This Consent Decree becomes an Order of the Court on the date it is
24 approved.

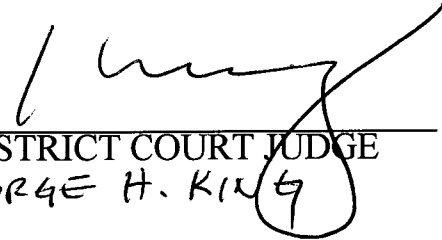
25 5. If any provision of this Consent Decree is determined to be invalid or
26 unenforceable for any reason, then such provision shall be treated as severed from the
27 remainder of the Consent Decree and shall not affect the validity and enforceability
28 of any of its other provisions, as long as such severance does not materially change

1 the Parties' rights and obligations.

2 6. This Court shall retain jurisdiction over this matter for the purpose of
3 interpreting and enforcing the terms of this Consent Decree.

4 7. Each of the Parties to this Consent Decree shall bear its ^{own} fees and
5 costs. K

6
7 DATED: 3/6/10
8 3:29 pm



U.S. DISTRICT COURT JUDGE
GEORGE H. KING

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28