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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY
AND CHEVRON USA,

Plaintiffs,

v.

BKK CORPORATION, et al.,

Defendants.

Case No. 1: 11-cv-1396-LJO-BAM

**PLAINTIFFS’ STIPULATION FOR
CLARIFICATION IN REGARD TO
DOCUMENT NOS. 188 AND 189**

**ORDER MODIFYING FINDINGS AND
RECOMMENDATIONS (Docs. 188, 189)**

1. COME NOW Plaintiffs, CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY and CHEVRON U.S.A. INC., (“Plaintiffs”) and file this Stipulation for Clarification in Regard to Document Nos. 188 and 189, Magistrate McAuliffe’s findings and recommendations approving the settlement agreements between Plaintiffs and Defendants GOLDEN GATE PETROLEUM CO. (“Golden Gate”) and M.P. ENVIRONMENTAL SERVICES, INC. and MP VACUUM TRUCK SERVICE (“MP”), respectively. Golden Gate and MP have been served with process¹ and all parties that have appeared in this action and were not previously dismissed² have signed this Stipulation, as evidenced below.

¹ See Document Nos. 18, 26. M.P. Environmental Services, Inc. is incorporated in the State of California and has a principal place of business in California. M.P. Environmental is the successor through merger to MP Vacuum Truck Service. MP Vacuum Truck Service is formerly known as M P Oil. MP Vacuum Truck Service is incorporated in the State of California and has a principal place of business in California.

1 2. On August 22, 2011, Plaintiffs filed the above referenced lawsuit against the
2 Defendants. The Plaintiffs and Defendants subsequently entered into Settlement Agreements.³ Judge
3 McAuliffe issued findings and recommendations approving the settlement agreements.⁴

4 3. Plaintiffs seek clarification as to the following statement that appears on page two of
5 the findings and recommendations in Document Nos. 188 and 189: “Chevron is the owner of EPC
6 Eastside Disposal Facility (the “Site”), which is located on Round Mountain Road in Kern County,
7 fifteen (15) miles northeast of Bakersfield, California.” Plaintiffs do not own the EPC Eastside
8 Disposal Facility; the facility is owned by Environmental Protection Corporation. Plaintiffs
9 respectfully request that the Court substitute the statement with the following language: “The EPC
10 Eastside Disposal Facility (the “Site”) is owned by Environmental Protection Corporation and is
11 located on Round Mountain Road in Kern County, fifteen (15) miles northeast of Bakersfield,
12 California. See Exhibit B to Plaintiffs’ First Amended Complaint, (Document No. 169-2) at pp. 2-3.”
13 Plaintiffs file this Stipulation for Clarification to assist the Court so that its statements are factually
14 correct.
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18 Dated: August 19, 2014

Respectfully Submitted,

Daniel E. Vineyard
Courtney T. Carlson
Jackson Walker L.L.P.

By:



24 ² The following parties have made an appearance in this case and were not previously dismissed: M.P.
25 Environmental Services, Inc. and MP Vacuum Truck Service. (See Document Nos. 99 and 172). Mr. John Allen, counsel
26 for M.P. Environmental Services, Inc. and MP Vacuum Truck Service has signed below. Golden Gate Petroleum Co. has
27 not made an appearance by filing a response to Plaintiffs’ Complaint. Plaintiffs and Golden Gate Petroleum Co. have
28 entered into a settlement agreement previously submitted to the Court by Plaintiffs via a Motion for Good Faith Settlement
Determination (See Document No. 185). Mr. O’Keefe has signed below.

³ See Document Nos. 185, 186.

⁴ See Document Nos. 188, 189.

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Daniel E. Vineyard

Attorneys for Plaintiffs
CHEVRON ENVIRONMENTAL
MANAGEMENT COMPANY and CHEVRON
U.S.A. INC.

Mr. John J. Allen

Mr. Andy Miller

Mr. Tim Hsu

**Allen Matkins Leck Gamble Mallory &
Natsis LLP**

By: /s/ John J. Allen

Mr. John J. Allen

Mr. Andy Miller

Mr. Tim Hsu

Attorneys for Defendants M.P.

ENVIRONMENTAL SERVICES, INC. AND
MP VACUUM TRUCK SERVICE

Mr. Dennis O'Keefe

By: /s/ Dennis O'Keefe

Mr. Dennis O'Keefe
**President and CEO of Golden Gate
Petroleum Co.**

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ORDER

It is **HEREBY ORDERED** that Plaintiffs CHEVRON ENVIRONMENTAL MANAGEMENT COMPANY and CHEVRON U.S.A. INC.'s Stipulation for Clarification in Regard to Document Nos. 188 and 189 is GRANTED. The Findings and Recommendations (Doc. 188, p.2:2 and Doc. 189, p. 2:4) are modified as follows: "The EPC Eastside Disposal Facility (the "Site") is owned by Environmental Protection Corporation and is located on Round Mountain Road in Kern County, fifteen (15) miles northeast of Bakersfield, California. See Exhibit B to Plaintiffs' First Amended Complaint, (Document No. 169-2) at pp. 2-3."

IT IS SO ORDERED.

Dated: August 21, 2014

/s/ Barbara A. McAuliffe
UNITED STATES MAGISTRATE JUDGE