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5 **UNITED STATES DISTRICT COURT**  
6 **FOR THE EASTERN DISTRICT OF CALIFORNIA**  
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8 **CHEVRON ENVIRONMENTAL**  
9 **MANAGEMENT COMPANY AND**  
10 **CHEVRON USA,**

11 **Plaintiff,**

12 **v.**

13 **BKK CORPORATION, et al.,**

14 **Defendants.**

**1:11-cv-01396 LJO BAM**

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

15 On June 30, 2014, Plaintiffs Chevron Environmental Management Company and Chevron USA  
16 (“Plaintiffs”) filed Motions for Good Faith Settlement Determination requesting approval of individual  
17 settlements and barring future claims against Defendants Golden Gate Petroleum Co. (Doc. 185) and  
18 M.P. Environmental and MP Vacuum (Doc. 186).

19 On August 5, 2014, Magistrate Judge Barbara A. McAuliffe issued Findings and  
20 Recommendations that the Motions for Good Faith Settlement Determination be GRANTED. (Docs.  
21 188 & 189). On August 19, 2014, Plaintiffs filed a stipulation to clarify statements appearing in both  
22 documents regarding the ownership of the disposal facility site that is the subject of the lawsuit. (Doc.  
23 190). Judge McAuliffe approved the stipulation on August 21, 2014. (Doc. 191).

24 The Findings and Recommendations were served on all parties and contained notice that any  
25 objections were to be filed within fifteen (15) days of the date of service. More than fifteen (15) days  
26 have passed and no objections have been filed. In accordance with the provisions of 28 U.S.C. § 636

1 (b)(1)(C), this Court has conducted a de novo review of the case. Having carefully reviewed the file, the  
2 Court finds that the Findings and Recommendations are supported by the record and proper analysis. As  
3 discussed in more detail in the Findings and Recommendations, the Settlement Agreements are fair and  
4 reasonable, as measured against the standards adopted by the California Supreme Court in *Tech-Bilt,*  
5 *Inc. v. Woodward-Clyde & Associates*, 38 Cal. 3d 488, 499 (1985).<sup>1</sup>

6 This Court also finds that the Settlement Agreements are consistent with the objectives of the  
7 Comprehensive Environmental Response, Compensation, and Liability Act (“CERCLA”). “Aside from  
8 the timely cleanup of polluted sites and imposing liability on responsible parties, one of the core  
9 purposes of CERCLA is to foster settlement through its system of incentives and without unnecessarily  
10 further complicating already complicated litigation.” *Chubb Custom Ins. Co. v. Space Sys./Loral, Inc.*,  
11 710 F.3d 946, 971 (9th Cir. 2013) (internal quotations omitted). The Settlement Agreements at issue  
12 here serve this purpose because they resolve CERCLA and state law claims in a manner that is fair,  
13 reasonable and not objected to by any party to this litigation, while conserving the resources of the  
14 federal judiciary.

15 **Accordingly, IT IS HEREBY ORDERED that:**

- 16 1. The Findings and Recommendations issued August 5, 2014 (Docs. 188 & 189), and  
17 modified on August 21, 2014 (Doc. 191) are ADOPTED IN FULL; and
- 18 2. Plaintiffs’ Motions for Good Faith Settlement Determination (Docs. 185 & 186) are  
19 GRANTED;
- 20 3. Any and all claims for equitable comparative contribution, and partial and complete  
21 comparative indemnity, based on comparative negligence or comparative fault, against Defendants  
22 Golden Gate Petroleum Co. and M.P. Environmental and MP Vacuum are forever barred pursuant to  
23 California Code of Civil Procedure §877.6 (c);

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25 <sup>1</sup> “A settling party in a federal action involving California claims can file a motion seeking a good faith determination.”  
26 *AmeriPride Servs. Inc. v. Valley Indus. Servs., Inc.*, CIVS 00-113 LKK JFM, 2007 WL 1946635, at \*3 (E.D. Ca. July 2,  
2007) (citing *Federal Savings & Loan Ins. Corp. v. Butler*, 904 F.2d 505, 511 (9th Cir. 1990). “And federal courts in  
California have jurisdiction to apply the *Tech-Bilt* factors in ruling on such a motion.” *Id.* (citing *Shamut Bank N.A. v. Kress*  
*Assoc.*, 33 F.3d 1477, 1504 (9th Cir. 1994).

1           4.       Defendants Golden Gate Petroleum Co. and M.P. Environmental and MP Vacuum are  
2 DISMISSED with prejudice;

3           5.       The Clerk of the Court is DIRECTED to terminate docket numbers 185 & 186.  
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5 IT IS SO ORDERED.

6       Dated: September 15, 2014

/s/ Lawrence J. O'Neill  
UNITED STATES DISTRICT JUDGE

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