

PHILIP C. HUNSUCKER (SBN 135860)  
BRIAN L. ZAGON (SBN 142403)  
MARC SHAPP (SBN 266805)  
HUNSUCKER GOODSTEIN PC  
3717 Mt. Diablo Blvd., Suite 200  
Lafayette, CA 94549  
Telephone: (925) 284-0840  
Facsimile: (925) 284-0870

LEE N. SMITH (SBN 138071)  
PERKINS, MANN & EVERETT, APC  
7815 N. Palm Ave, Suite 200  
Fresno, CA 93711  
Telephone: (559) 447-5700  
Facsimile: (559) 447-5600

Attorneys for Plaintiff  
AMERIPRIDE SERVICES INC.

FRED M. BLUM (SBN 101586)  
ERIN K. POPPLER (SBN 267724)  
VIVY D. DANG (SBN 297714)  
BASSI, EDLIN, HUIE & BLUM LLP  
500 Washington Street, Suite 700  
San Francisco, CA 94111  
Telephone: (415) 397-9006  
Facsimile: (415) 397-1339

Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.  
[Additional Attorneys Listed on Signature Page]

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

AMERIPRIDE SERVICES INC., a Delaware  
corporation,

Plaintiff,

vs.

VALLEY INDUSTRIAL SERVICES, INC., a  
former California Corporation, et al.

Defendants.

Case No. CIV. 2-00-113 MCE-EFB

**STIPULATION AND [PROPOSED  
ORDER CONCERNING ADDITIONAL  
RESPONSE COSTS DIRECTLY  
INCURRED BY AMERIPRIDE SERVICES  
INC.**

Judge: Hon. Morrison C. England, Jr.  
Trial Date: October 17, 2016

AND CONSOLIDATED ACTION AND  
CROSS AND COUNTER-CLAIMS.

1 Defendant TEXAS EASTERN OVERSEAS, INC. ("TEO") and Plaintiff  
2 AMERIPRIDE SERVICES INC. ("AmerPride"), by and through their respective counsel,  
3 stipulate as follows:

4 In order to avoid the unnecessary introduction of voluminous documents and to  
5 streamline the trial process, the Parties stipulate to the following facts for the limited and  
6 sole purposes of this trial, and not to be used for any other purpose.

7 **STIPULATION**

8 1. AmeriPride has directly incurred \$472,706.84 in additional investigation and  
9 remediation costs after the costs addressed in the Court's February 23, 2016 Order (ECF  
10 No. 1017) through April 2016. These costs are identified on Exhibit 1 to this stipulation.

11 2. AmeriPride has directly incurred \$16,792.04 in additional regulatory  
12 oversight costs after the oversight costs addressed in the Court's February 23, 2016 Order  
13 ECF No. 1017) through March 2016. These costs are identified on Exhibit 1 to this  
14 stipulation.

15 3. For the purposes of this action only, the costs described in Paragraphs 1 and  
16 2 are recoverable under Section 107(a)(4)(B) of the Comprehensive Environmental  
17 Response, Compensation, and Liability Act, 42 U.S.C. § 9607(a)(4)(B).

18 4. There are investigation and cleanup costs and oversight costs for which  
19 AmeriPride seeks recovery that are not included in this stipulation. AmeriPride reserves  
20 all of its rights in connection with such costs. TEO reserves all of its rights to object to  
21 such costs.

22  
23 Date: July 22, 2016

BASSI, EDLIN, HUIE & BLUM LLP

24  
25 By: /s/ Fred M. Blum  
26 FRED M. BLUM  
27 ERIN K. POPPLER  
28 Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

1  
2 Date: July 22, 2016

WILSON, ELSER, MOSKOWITZ, EDELMAN &  
DICKER LLP

3  
4 /s/ Edward Garson

5 By: \_\_\_\_\_  
6 EDWARD GARSON  
7 VINCENT J. ADAMS  
8 WILSON, ELSER, MOSKOWITZ, EDELMAN  
9 & DICKER LLP  
10 525 Market Street, 17th Floor  
San Francisco, California 94105-2725  
Telephone: (415) 433-0990  
Facsimile: (415) 434 1370  
Attorneys for Defendant  
TEXAS EASTERN OVERSEAS, INC.

11 Date: July 22, 2016

HUNSUCKER GOODSTEIN PC

12  
13 /s/ Brian L. Zagon

14 By: \_\_\_\_\_  
15 PHILIP C. HUNSUCKER  
16 BRIAN L. ZAGON  
Attorneys for Plaintiffs  
AMERIPRIDE SERVICES INC.

17 Date: July 22, 2016

PERKINS MANN & EVERETT, APC


18  
19 /s/ Lee N. Smith

20 By: \_\_\_\_\_  
21 LEE N. SMITH  
Attorneys for Plaintiffs  
AMERIPRIDE SERVICES INC.

22  
23 **ORDER**

24 IT IS SO ORDERED.

25  
26 Dated: July 29, 2016

27  
28   
MORRISON C. ENGLAND, JR.  
UNITED STATES DISTRICT JUDGE