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26 TEXAS EASTERN OVERSEAS, INC.

27 **UNITED STATES DISTRICT COURT**
28 **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. 2:00-cv-00113-MCE-DB

**STIPULATION AND ORDER RE
SUBMISSION OF EVIDENCE OF
AMERIPRIDE'S ADDITIONAL
RESPONSE COSTS**

Trial Date: October 17, 2016
Complaint Filed: January 20, 2000

AND CONSOLIDATED ACTION AND
CROSS AND COUNTER-CLAIMS.

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

4 **STIPULATION**

5 1. On October 19, 2016, the Court concluded a three-day bench trial in this
6 matter.

7 2. On October 19, 2016, the Court also entered a Stipulation and Order re
8 AmeriPride’s Additional Response Costs (“October 19, 2016 Order”), ECF No. 1105, to
9 allow AmeriPride to present TEO with proof of additional investigation, remediation and
10 regulatory oversight costs which AmeriPride incurred after the latest time when AmeriPride
11 was able to receive an invoice for such costs and obtain proof that the invoice had been
12 paid in time for entry of such proof as evidence at the trial.

13 3. The October 19, 2016 Order provides that any additional response costs for
14 which TEO accepts AmeriPride’s proof shall be included in the Court’s calculation of the
15 response costs directly incurred by AmeriPride and recoverable under Section
16 107(a)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability
17 Act (“CERCLA”), 42 U.S.C. § 9607(a)(4)(B). ECF No. 1105 at 3-4, ¶¶ 1-2.

18 4. TEO accepts AmeriPride’s proof that it has directly incurred \$131,175.44 in
19 additional investigation, remediation and regulatory oversight costs through January 2017.
20 These costs are identified on Exhibit 1 to this stipulation.

21 5. For the purposes of this action only, the costs described in Paragraph 4 are
22 recoverable under CERCLA Section 107(a)(4)(B), 42 U.S.C. § 9607(a)(4)(B).

23 6. There are investigation, cleanup and oversight costs for which AmeriPride
24 seeks recovery that are not included in this stipulation. AmeriPride reserves all of its rights
25 in connection with such costs. TEO reserves all of its rights to object to such costs.

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1 **ORDER**

2 Pursuant to the parties' stipulation above, the Court recognizes that TEO accepts
3 AmeriPride's proof that it has directly incurred \$131,175.44 in additional investigation,
4 remediation and regulatory oversight costs through January 2017. Pursuant to this Court's
5 October 19, 2016 Order, such costs shall be included in the Court's calculation of the
6 response costs directly incurred by AmeriPride and recoverable under Section
7 107(a)(4)(B) of the Comprehensive Environmental Response, Compensation, and Liability
8 Act ("CERCLA"), 42 U.S.C. § 9607(a)(4)(B). ECF No. 1105.

9 IT IS SO ORDERED.

10 Dated: March 10, 2017

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12 MORRISON C. ENGLAND, JR.
13 UNITED STATES DISTRICT JUDGE
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