

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA DEPARTMENT OF TOXIC
SUBSTANCES CONTROL,

Plaintiff,

vs.

BRIGHTON OIL CO., a California limited
partnership; BRIGHTON-BENGAL OIL
REFINING CO., a California corporation,
et al.,

Defendants.

Case No. CIV-S-02-0018 GEB/GGH

**ORDER FOR DISMISSAL OF CLAIMS
WITHOUT PREJUDICE AGAINST
NON-SETTLING PARTIES PURSUANT
TO FEDERAL RULE OF CIVIL
PROCEDURE 41(A)(2) AND THAT
EACH PARTY BEAR ITS OWN
ATTORNEYS' FEES AND COSTS**

AND RELATED COUNTERCLAIMS
CROSS-CLAIMS, AND THIRD PARTY
CLAIMS.

Having considered the Settling Parties' Motion for an Order for Dismissal of Claims
Without Prejudice Against Non-Settling Parties Pursuant to Federal Rule of Civil Procedure
41(a)(2) and that Each Party Bear Its Own Attorneys' Fees and Costs,

///

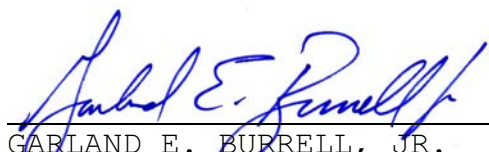
///

1 1. The counterclaims, cross-complaints and third party complaints of Defendants
2 ESTATE OF HERBERT S. MCDUFFEE, JR., DECEASED, CHRISTINE E. MCDUFFEE,
3 MID-VALLEY DEVELOPMENT INC., WHITE ROCK & KILGORE, LLC, and RAVIND
4 SHANKAR, AEROJET-GENERAL CORPORATION, CHEVRON CORPORATION,
5 incorrectly sued as "CHEVRON CORP.", PACIFIC GAS & ELECTRIC COMPANY, R.L.
6 NIELLO, INC., CITY OF SACRAMENTO, COUNTY OF SACRAMENTO, SACRAMENTO
7 MUNICIPAL UTILITY DISTRICT, TEXACO, INC., incorrectly sued as "TEXACO
8 MARKETING & REFINING , INC.", TEICHERT,INC. and the THE UNITED STATES AIR
9 FORCE, and Third Party Defendants ANDREWS ENTERPRISES, INC., ATLANTIC
10 RICHFIELD COMPANY, CITY OF ROSEVILLE, ELLSWORTH HARROLD COMPANY,
11 EXXON MOBIL CORPORATION, J.H. HART PROPERTIES, formerly known as F.B. HART
12 COMPANY, NAVISTAR, INC., formerly known as INTERNATIONAL TRUCK AND
13 ENGINE CORPORATION, PETROLEUM TANK LINE, SHELL OIL COMPANY,
14 SUBURBAN MOTORS, INC., UNION OIL COMPANY OF CALIFORNIA, UNION PACIFIC
15 RAILROAD COMPANY, a subsidiary of UNION PACIFIC CORPORATION, AND VALLEY
16 LIVESTOCK TRANSPORTATION SERVICE, INC., (hereinafter collectively referred to as
17 "Settling Parties") are dismissed without prejudice against the Non Settling Parties, GORDON
18 TURNER MOTORS, FUTURE NISSAN, KEIL ENTERPRISES, MAITA OLDSMOBILE,
19 SHARON L. STONE, CHARLES V. KESTER, DANIEL L. KESTER, PURITY OIL SALES,
20 INC., a California Corporation, LAVERN GROOMS, and JOHN L. SULLIVAN CHEVROLET
21 INC. (hereinafter referred to as the "Non-Settling Parties").

22 2. Each party will bear its own attorneys' fees and costs in this action and the Non-
23 Settling Parties are barred from seeking attorneys' fees and costs against the Settling Parties.

24 IT IS SO ORDERED.

25
26 DATED: 6/8/10



GARLAND E. BURRELL, JR.
United States District Judge

28