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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 OF DISMISSAL OF THIRD  
AMENDED COMPLAINT, COUNTER-  
CLAIMS, CROSS-COMPLAINTS, AND  
THIRD PARTY COMPLAINTS BY  
PLAINTIFF DTSC AND  
OWNER/OPERATOR SETTLING  
PARTIES AND ARRANGER SETTLING  
PARTIES**

AND RELATED CROSS-CLAIMS,  
COUNTER CLAIMS AND THIRD PARTY  
ACTIONS.

Having considered the Stipulation for Order of Dismissal of Complaint, Counter-Claims,  
Cross-Complaints, and Third Party Complaints by Plaintiff California Department of Toxic  
Substances Control ("DTSC") and Owner/Operator Settling Parties and Arranger Settling Parties  
and good cause appearing,

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1           1.       The Third Amended Complaint of DTSC against the Defendants AEROJET-  
2 GENERAL CORPORATION, CHEVRON CORPORATION, incorrectly sued as "CHEVRON  
3 CORP.", PACIFIC GAS & ELECTRIC COMPANY, R.L. NIELLO, INC., CITY OF  
4 SACRAMENTO, COUNTY OF SACRAMENTO, SACRAMENTO MUNICIPAL UTILITY  
5 DISTRICT, TEXACO, INC., incorrectly sued as "TEXACO MARKETING & REFINING ,  
6 INC.", TEICHERT,INC., the ESTATE OF HERBERT S. MCDUFFEE, JR., DECEASED and  
7 CHRISTINE E. MCDUFFEE, is dismissed with prejudice. These parties will bear their own  
8 attorneys' fees and costs in this action and waive all claims against each other for any attorneys'  
9 fees and costs.

10           2.       The counter-claims of the Arranger Settling Parties: AEROJET-GENERAL  
11 CORPORATION, CALIFORNIA DEPARTMENT OF TRANSPORTATION AND THE  
12 STATE OF CALIFORNIA ACTING BY AND THROUGH THE CALIFORNIA  
13 DEPARTMENT OF TRANSPORTATION (hereinafter collectively "CALTRANS"),  
14 CALIFORNIA HIGHWAY PATROL AND THE STATE OF CALIFORNIA ACTING BY  
15 AND THROUGH THE CALIFORNIA HIGHWAY PATROL (hereinafter collectively "CHP"),  
16 CALIFORNIA DEPARTMENT OF GENERAL SERVICES AND THE STATE OF  
17 CALIFORNIA ACTING BY AND THROUGH THE CALIFORNIA DEPARTMENT OF  
18 GENERAL SERVICES (hereinafter collectively "GENERAL SERVICES"), CHEVRON  
19 CORPORATION, incorrectly sued as "CHEVRON CORP.", PACIFIC GAS & ELECTRIC  
20 COMPANY, R.L. NIELLO, INC., CITY OF SACRAMENTO, COUNTY OF SACRAMENTO,  
21 SACRAMENTO MUNICIPAL UTILITY DISTRICT, TEXACO, INC., incorrectly sued as  
22 "TEXACO MARKETING & REFINING , INC.", TEICHERT,INC. and THE UNITED  
23 STATES AIR FORCE, and Third Party Defendants ANDREWS ENTERPRISES, INC.,  
24 ATLANTIC RICHFIELD COMPANY, CITY OF ROSEVILLE, ELLSWORTH HARROLD  
25 COMPANY, EXXON MOBIL CORPORATION, J.H. HART PROPERTIES, formerly known  
26 as F.B. HART COMPANY, NAVISTAR, INC., formerly known as INTERNATIONAL  
27 TRUCK AND ENGINE CORPORATION, PETROLEUM TANK LINE, SHELL OIL  
28

1 COMPANY, SUBURBAN MOTORS, INC., UNION OIL COMPANY OF CALIFORNIA,  
2 UNION PACIFIC RAILROAD COMPANY, a subsidiary of UNION PACIFIC  
3 CORPORATION, and VALLEY LIVESTOCK TRANSPORTATION SERVICE, INC., and  
4 ESTATE OF HERBERT S. MCDUFFEE, JR., DECEASED AND CHRISTINE E. MCDUFFEE  
5 against DTSC, are dismissed with prejudice. These parties will bear their own attorneys' fees  
6 and costs in this action and waive all claims against each other for any attorneys' fees and costs.

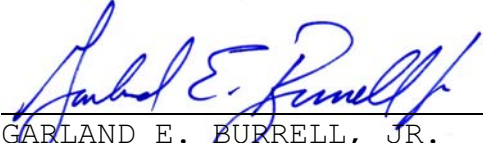
7 3. The counter-claims, cross-complaints and third party complaints between the  
8 Arranger Settling Parties: AEROJET-GENERAL CORPORATION, CALIFORNIA  
9 DEPARTMENT OF TRANSPORTATION AND THE STATE OF CALIFORNIA ACTING BY  
10 AND THROUGH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (hereinafter  
11 collectively "CALTRANS"), CALIFORNIA HIGHWAY PATROL AND THE STATE OF  
12 CALIFORNIA ACTING BY AND THROUGH THE CALIFORNIA HIGHWAY PATROL  
13 (hereinafter collectively "CHP"), CALIFORNIA DEPARTMENT OF GENERAL SERVICES  
14 AND THE STATE OF CALIFORNIA ACTING BY AND THROUGH THE CALIFORNIA  
15 DEPARTMENT OF GENERAL SERVICES (hereinafter collectively "GENERAL  
16 SERVICES"), CHEVRON CORPORATION, incorrectly sued as "CHEVRON CORP.",  
17 PACIFIC GAS & ELECTRIC COMPANY, R.L. NIELLO, INC., CITY OF SACRAMENTO,  
18 COUNTY OF SACRAMENTO, SACRAMENTO MUNICIPAL UTILITY DISTRICT,  
19 TEXACO, INC., incorrectly sued as "TEXACO MARKETING & REFINING , INC.",  
20 TEICHERT,INC. and THE UNITED STATES AIR FORCE, and Third Party Defendants  
21 ANDREWS ENTERPRISES, INC., ATLANTIC RICHFIELD COMPANY, CITY OF  
22 ROSEVILLE, ELLSWORTH HARROLD COMPANY, EXXON MOBIL CORPORATION,  
23 J.H. HART PROPERTIES, formerly known as F.B. HART COMPANY, NAVISTAR, INC.,  
24 formerly known as INTERNATIONAL TRUCK AND ENGINE CORPORATION,  
25 PETROLEUM TANK LINE, SHELL OIL COMPANY, SUBURBAN MOTORS, INC., UNION  
26 OIL COMPANY OF CALIFORNIA, UNION PACIFIC RAILROAD COMPANY, a subsidiary  
27 of UNION PACIFIC CORPORATION, and VALLEY LIVESTOCK TRANSPORTATION

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1 SERVICE, INC., and the Owner/Operator Settling Parties: ESTATE OF HERBERT S.  
2 MCDUFFEE, JR., DECEASED, CHRISTINE E. MCDUFFEE, MID-VALLEY  
3 DEVELOPMENT INC., WHITE ROCK & KILGORE, LLC and RAVIND SHANKAR, are  
4 dismissed with prejudice against each other. These parties will bear their own attorneys' fees  
5 and costs in this action and waive all claims against each other for any attorneys' fees and costs.

6  
7 IT IS SO ORDERED.

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9 DATED: 6/9/10

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12 GARLAND E. BURRELL, JR.  
13 United States District Judge  
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