



UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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In Re: Methyl Tertiary Butyl Ether ("MTBE")  
Products Liability Litigation

Master File C.A. No.  
1:00-1898 (SAS)  
MDL 1358

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**This Document Relates To:**

*City of Fresno v. Chevron U.S.A., Inc., et al.*,  
Case No. 04-Cv-04973

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**DECLARATION OF M. COY CONNELLY IN SUPPORT OF  
DEFENDANTS' MOTION FOR SUMMARY JUDGMENT  
FOR LACK OF EVIDENCE PERTAINING TO CAUSATION**

I, M. Coy Connelly, hereby declare:

1. I am a member of the bar of the State of Texas. I am a partner at the law firm of Bracewell & Giuliani LLP and counsel of record for Defendants Valero Marketing and Supply Company and Valero Refining Company-California.

2. I make this declaration in support of Defendants' Motion for Summary Judgment for Lack of Evidence Pertaining to Causation. As counsel for Defendants Valero Marketing and Supply Company and Valero Refining Company-California, I have actively participated in pre-trial matters, including discovery, document review, motion practice, and several discussions with counsel for Plaintiff City of Fresno regarding its claims and evidence in support of those claims. This Declaration is based on my personal knowledge and, if called as a witness, I could testify competently thereto.

3. Some records identified herein begin with Bates prefixes RWQCB-FRESNO or FCDEH-FRESNO. It is my understanding that these documents were produced by the California Regional Water Quality Control Board and the Fresno County Department of Environmental

Health, respectively, to the City of Fresno. After their production, the City of Fresno made these documents available to all defendants through a third-party vendor named Valley Document Solutions.

4. Some records identified herein begin with Bates prefix VLO-FRESNO. These documents were produced in this litigation by Valero Marketing and Supply Company, Valero Refining Company-California, and/or Ultramar Inc.

5. Attached hereto as Exhibit 1 is a true and correct copy of correspondence between counsel for Valero and counsel for Plaintiff: Letter from Michael Axline to M. Coy Connelly (March 6, 2013) (agreeing to (i) dismiss Valero as a defendant from Smith Tank Lines (former Carey Oil), (ii) dismiss Valero as a defendant from Beacon #537, without prejudice, (iii) dismiss Plaintiff's nuisance claim against Valero at Red Triangle; as well as setting forth the basis for Plaintiff's remaining claims).

6. Attached hereto as Exhibit 2 is a true and correct copy of VLO-FRESNO-0000320, Letter from Randall K. Stephenson, Ultramar Inc. to Fresno County Environmental Health Department (May 8, 1991), a document produced in this litigation relating to or referring to the Valley Gas site located at 2139 South Elm.

7. Attached hereto as Exhibit 3 are true and correct copies of excerpts of documents produced in this litigation, relating to or referring to the Beacon-ARCO #615 site located at 1625 Chestnut Avenue. Exhibit 3 also includes true and correct copies of documents produced by persons currently or formerly associated with the Beacon-ARCO #615 site in response to subpoenas from the Plaintiff. These documents include the Bates prefix "MARTIN-FRESNO" for documents produced by site owner Dan Martin:

- a. FCDEH-FRESNO-016697, Underground Storage Tank Unauthorized Release (Leak) / Contamination Site Report (Oct. 13, 1998);
- b. MARTIN-FRESNO-0001, Handwritten Notes of Dan Martin (undated);
- c. MARTIN-FRESNO-0008, Branded Distributor Gasoline Agreement (undated).

8. Attached hereto as Exhibit 4 are true and correct copies of excerpts of documents produced in this litigation, relating to or referring to the Beacon #3519 site located at 4591 E. Belmont Avenue:

- a. FCDEH-FRESNO-017904, Purchase and Sale Agreement between Gasamat Oil Corp. and Mr. Nirmal S. Gill (July 17, 2001);
- b. VLO-FRESNO-0010453, Beacon Oil Company Intra-Company Memorandum (Dec. 3, 1971);
- c. VLO-FRESNO-0010454, Email from Debbie Dirks to Julie Johns (Jan. 29, 2001);
- d. VLO-FRESNO-0010455, Ultramar Diamond Shamrock Corp. Memorandum (March 1, 2000).

9. Attached hereto as Exhibit 5 are true and correct copies of excerpts of documents produced in this litigation, relating to or referring to the Tulare Exxon site located at 4594 E. Tulare Street. Exhibit 5 also includes true and correct copies of documents produced by persons currently or formerly associated with the Tulare Exxon site in response to subpoenas from the Plaintiff. These documents include the Bates prefix "MARTIN-FRESNO" for documents produced by site owner Dan Martin:

- a. MARTIN-FRESNO-0001, Handwritten Notes of Dan Martin (undated);

- b. MARTIN-FRESNO-0008, Branded Distributor Gasoline Agreement  
(undated);
- c. RWQCB-FRESNO-017071, Underground Storage Tank Permit Application –  
Abandonment/Removal (Dec. 15, 1998).

10. Attached hereto as Exhibit 6 are true and correct copies of excerpts from the deposition testimony of Donald Doyle, taken April 4, 2011;

11. Attached hereto as Exhibit 7 are true and correct copies of excerpts from the deposition testimony of Dan Martin, taken March 23, 2011;

12. Attached hereto as Exhibit 8 are true and correct copies of excerpts from the deposition testimony of Marcel Moreau, taken April 4-5, 2012 and April 10-11, 2012;

13. Attached hereto as Exhibit 9 are true and correct copies of excerpts from the deposition testimony of Gary Singh, taken March 22, 2011;

14. Attached hereto as Exhibit 10 are true and correct copies of excerpts from the deposition testimony of Narinder Singh, taken March 16, 2011;

15. Attached hereto as Exhibit 11 is a true and correct copy of an excerpt from the Expert Site Specific Report of Marcel Moreau (Nov. 2, 2011), submitted on behalf of Plaintiff City of Fresno, pertaining to Beacon-ARCO #615.

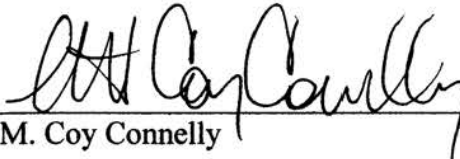
16. Attached hereto as Exhibit 12 is a true and correct copy of an excerpt from the Expert Site Specific Report of Marcel Moreau (Nov. 2, 2011), submitted on behalf of Plaintiff City of Fresno, pertaining to Beacon #3519.

17. Attached hereto as Exhibit 13 is a true and correct copy of an excerpt from the Expert Site Specific Report of Marcel Moreau (Nov. 2, 2011), submitted on behalf of Plaintiff City of Fresno, pertaining to Tulare Exxon.

18. Attached hereto as Exhibit 14 is a true and correct copy of an excerpt of Valero Defendants' Responses to Plaintiff City of Fresno's First Set of Interrogatories to Defendants, served on all counsel of record November 5, 2008.

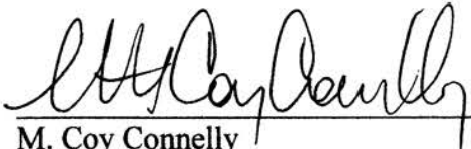
I declare under penalty of perjury that the foregoing is true and correct.

Executed at Steamboat Springs, Colorado on this 15th day of March, 2013.

  
M. Coy Connelly

**Certificate of Service**

I hereby certify that on March 15, 2013 a true, correct and exact copy of the foregoing document was served on all counsel via LexisNexis File & Serve.

  
M. Coy Connelly



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**INDEX OF EXHIBITS TO THE DECLARATION OF M. COY CONNELLY IN  
SUPPORT OF DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT FOR LACK  
OF EVIDENCE PERTAINING TO CAUSATION**

- Exhibit 1:** March 6, 2013 correspondence between Michael Axline and M. Coy Connelly regarding site dismissals and basis for Plaintiff’s claims;
- Exhibit 2:** Document produced in this litigation relating to or referring to the Valley Gas (2139 South Elm);
- Exhibit 3:** Excerpts of documents produced in this litigation, relating to or referring to the Beacon-ARCO #615 site (1625 Chestnut Avenue);
- Exhibit 4:** Excerpts of documents produced in this litigation, relating to or referring to the Beacon #3519 site (4591 E. Belmont Avenue);
- Exhibit 5:** Excerpts of documents produced in this litigation, relating to or referring to the Tulare Exxon site (4594 E. Tulare Street);
- Exhibit 6:** Deposition excerpts of the April 4, 2011 deposition of Donald Doyle;
- Exhibit 7:** Deposition excerpts of the March 23, 2011 deposition of Dan Martin;
- Exhibit 8:** Deposition excerpts of the April 4-5, 2012 and April 10-11, 2012 deposition of Marcel Moreau;
- Exhibit 9:** Deposition excerpts of the March 22, 2011 deposition of Gary Singh;
- Exhibit 10:** Deposition excerpts of the March 16, 2011 deposition of Narinder Singh;

- Exhibit 11:** Excerpts from Marcel Moreau's November 2, 2011 Expert Site Specific Report pertaining to Beacon-ARCO #615, submitted for this litigation;
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