

EXHIBIT 9

Gary Singh Deposition Excerpts

- Pages 9-10 and 84 from the deposition testimony of Gary Singh, taken March 22, 2011.

Page 9

1 No. 3519 that was located at 4591 East Belmont in
 2 Fresno. Did you operate that station for a period of
 3 time?
 4 A. No. When I -- when I purchased that place, it
 5 was ARCO, not the Beacon.
 6 Q. Okay. Did you operate a station -- a gas
 7 station at that address, 4591 East Belmont in Fresno?
 8 A. Yeah, I am still doing it.
 9 Q. Okay. And when did you start operating it?
 10 A. 2001.
 11 Q. Okay. Do you recall the month?
 12 A. In January.
 13 Q. Okay.
 14 A. I think January 10th.
 15 Q. And you have been operating it continuously --
 16 A. Yes.
 17 Q. -- since that time?
 18 A. Yes.
 19 Q. All right. And do you own the station?
 20 A. I own -- I'm not own the property, but I own
 21 the equipment and the building and everything.
 22 Q. Okay. And do you own the underground storage
 23 tanks?
 24 A. Yes.
 25 Q. And who owns the property?

Page 10

1 A. His name Melvin Arney.
 2 MR. MASSEY: I have marked as Exhibit 1 a list
 3 of service stations in Fresno. And I want to give it to
 4 you and have you look at it and tell me if you have
 5 worked at any of the other stations that are on this
 6 list.
 7 (Deposition Exhibit 1 marked for
 8 identification)
 9 THE WITNESS: That's the one we have, 319245
 10 (sic), that's -- that's the one, we own it.
 11 MR. MASSEY: Q. Okay.
 12 A. Yes.
 13 Q. And that's the third or fourth one on the list?
 14 A. That's the third one.
 15 Q. Okay. So the only one is the one that we are
 16 here to talk about today?
 17 A. Yes.
 18 Q. Okay. And what do you call the station?
 19 A. Now? ARCO Gas and Food.
 20 Q. Okay. If I refer to it as "the station," will
 21 you understand what I am talking about?
 22 A. Yes.
 23 Q. Okay. And for exhibits, you want to keep them
 24 in front of you. You can just turn them over like that
 25 and stack them.

Page 11

1 A. Okay.
 2 Q. We may refer back --
 3 A. Okay.
 4 Q. -- to exhibits we have previously looked at
 5 during the course of the day. Have you ever had your
 6 deposition taken before?
 7 A. No.
 8 Q. Okay. I am going to go over some basic ground
 9 rules so you understand how we will proceed today.
 10 A. Yeah.
 11 Q. You understand that you just took an oath to
 12 tell the truth --
 13 A. Yes.
 14 Q. -- and your testimony here is under penalty of
 15 perjury as if we were in a court of law.
 16 A. Okay.
 17 Q. Okay. It is important that the court reporter
 18 can clearly type your testimony and any questions or
 19 objections that are made. So even if you know what I am
 20 going to ask you, allow me to finish my question before
 21 you give your answer.
 22 Do you understand that?
 23 A. Okay. Yes.
 24 Q. Okay. And from time to time counsel in the
 25 room or on the phone may object to the question being

Page 12

1 asked. If you would wait until those objections are
 2 made until you -- to give your answer, that will allow
 3 the court reporter to make a clear record.
 4 A. Okay.
 5 Q. It is also important that you give verbal
 6 responses. So if we were talking like a normal
 7 conversation, you might nod your head to say yes or no,
 8 but here you want to say yes or no, or otherwise give a
 9 verbal response to questions.
 10 Do you understand that?
 11 A. Yes.
 12 Q. You are doing great so far.
 13 A. Thanks.
 14 Q. It is also important that you understand my
 15 questions. If you don't, just let me know and I will
 16 restate or clarify.
 17 A. Okay.
 18 Q. We are entitled to your best recollection.
 19 That includes if you have partial information, an
 20 estimate of some type of information based on what you
 21 know. I don't want you to guess if you have no
 22 information.
 23 A. Okay.
 24 Q. I will draw the distinction this way: If I
 25 asked you to estimate the size of this table, you could

Page 81

1 and Groundwater Investigation dated April 6th, 2001,
 2 Bates No. RWQCB-FRESNO-16620 through 16760.
 3 (Deposition Exhibit 12 marked for
 4 identification)
 5 MR. MASSEY: You were operating the station by
 6 April 6th, 2001; is that correct?
 7 A. I think so, yeah.
 8 Q. Okay.
 9 A. I think 2001 or 2002. I think it is 2001 or
 10 2002.
 11 Q. Okay.
 12 A. I am not pretty sure it was 2002 or 2001. I
 13 have to look at the date. Okay. I am not sure it is
 14 2001 or 2002, because it is in the paper, so --
 15 Q. Let's put this exhibit aside just for a second.
 16 A. Okay.
 17 Q. We are going to use it in a second. But I'll
 18 mark as Exhibit 13 an Environmental Health Application
 19 which is dated apparently January 9th, 2002.
 20 A. Yeah, so that's -- that's the date we probably
 21 purchased, 2002, then.
 22 (Deposition Exhibit 13 marked for
 23 identification)
 24 MR. MASSEY: And it has got Bates number
 25 FCDEH-FRESNO-17647.

Page 82

1 Q. Have you seen this document before?
 2 A. Yeah, that's my handwriting.
 3 Q. Okay. Is that your signature on this document?
 4 A. Yes.
 5 Q. All right. And is this a true and correct copy
 6 of the application that you filed on this date?
 7 A. Yes.
 8 Q. Okay. And it indicates at the bottom, about
 9 three-quarters of the page down, ownership change, and
 10 then business name change and billing address change.
 11 Do you see that?
 12 A. Billing address? You are talking about right
 13 here?
 14 Q. Little bit up a few -- like three lines up from
 15 there.
 16 A. Yes, this is the ownership change -- yeah,
 17 food, gas only, yes.
 18 Q. Okay. It says for food only; is that right?
 19 A. For food only, yes.
 20 Q. Okay. And then it says, "Gas-O-Mat Corp. is to
 21 remain UST owner." Do you see that?
 22 A. Yes.
 23 Q. Okay. Was there some point in your purchase of
 24 the equipment and starting operating the site that you
 25 were going to just operate the mini-mart and not operate

Page 83

1 the gas stations?
 2 A. No, we were going to operate the gas station,
 3 too, I think so, yeah. That's what we still doing since
 4 that.
 5 Q. Okay. And that was your -- as you recall it,
 6 that was the intention from the very beginning?
 7 A. Yeah, like it is.
 8 Q. Okay. Do you recall at any point in time that
 9 Gas-O-Mat Corporation was to remain the underground
 10 storage tank owner as is written here?
 11 A. I don't know. I am not sure because --
 12 whatever the paper say, so it might be this though.
 13 Q. Okay. It is your understanding that you bought
 14 the buildings and the underground storage tank at the
 15 same time to start operating the businesses?
 16 A. Yes, I think that's probably the agreement.
 17 Yeah.
 18 Q. All right. And then at that same time you
 19 started leasing the property from Melvin Armeey?
 20 A. Yeah, but I am not sure who is the owner of the
 21 underground tanks and all that because we purchased
 22 business from Valero, so I am not sure what comes with
 23 it, you know, so -- because before that property owner
 24 and Valero have the lease. I don't know how the lease
 25 there work. So --

Page 84

1 Q. You recall you purchased everything from
 2 Valero --
 3 A. Valero, yeah.
 4 Q. -- not from Gas-O-Mat?
 5 A. Yeah.
 6 Q. So not from Gas-O-Mat, from Valero?
 7 A. Yeah. From Beacon or Diamond Shamrock,
 8 whatever, no Gas-O-Mat, yes.
 9 Q. Okay. Does this document refresh your
 10 recollection as to the time frame of your taking over
 11 the business?
 12 A. Yes.
 13 Q. Okay. And what time frame was that?
 14 A. I think we take over on the 10th.
 15 Q. Of what year?
 16 A. 2002. Yeah, before we fill up the application
 17 here.
 18 Q. Okay. So let's put that aside for now and
 19 let's look back at Exhibit 12, which we were just
 20 looking at. And if you would turn to Figure 2, which is
 21 Bates Page 16633.
 22 A. 16663?
 23 Q. 16633. This map is similar to the one that we
 24 looked at earlier, correct?
 25 A. Yes.