Exhibit 5

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF NEW YORK -000-

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

This Document Relates To:

1:00-1898

Master File No.

Case No. MDL 1358(SAS)

City of Fresno v. Chevron U.S.A. Inc., et al., Case No. 04 Civ. 4973

> DEPOSITION OF JAMES SHEHADEY March 16, 2011 at 1:00 (1:09) p.m. Before: ERIC L. JOHNSON RPR, CSR #9771

Taken at: Fresno, California

Page 17 1 the wrong term like that catch me, or if you don't 2 understand the question --3 Α. Yeah. 4 Ο. I am sorry, is Red Triangle also known as 5 one -- is what is known as a jobber that makes б deliveries of gasoline to stations? 7 Α. Yes. 8 Ο. Do you recognize any of these addresses beside 9 2809 South Chestnut as an address where Red Triangle has made deliveries to? 10 11 Α. No. I recognize some of the addresses, but not as some that were made deliveries during my period with 12 13 the company. 14 And we will get into your history in just a 0. 15 moment. Now, is it correct, you had mentioned before we 16 went on the record that in response to the subpoena that 17 there were, I am not sure the count, I think it was a 18 little over 600 pages of documents that you had gathered 19 together? 20 Α. Yes. 21 0. In looking at this list of documents on the 22 attachment, starting with No. 1, and it goes up through 23 No. 35 on the next few pages, were you able to gather 24 together all the documents that were still in Red Triangle's possession that are requested in this list? 25

Page 18 1 Α. Yes. And I think you described before we went on the 2 Ο. 3 record, those were all given to the copy service here on 4 Wednesday, the day before yesterday? 5 Yeah, it was -- yes. Α. 6 Q. I am sorry. 7 Monday afternoon. Yeah. Α. 8 Q. There we go. On Monday, the day before yesterday. Thank you. Today being Wednesday, I said 9 that backward. 10 Okay. So we will -- we will get to those 11 12 documents in just a moment. Were there any other 13 documents in your or the company's possession that are 14 requested here that were not given to the copy service 15 on Monday? 16 A. No. This is what we were able to find and 17 produce. You can set Exhibit 1 aside, or you can -- you 18 0. 19 can just leave it there in front of you if you want, and 20 we will add to the documents here. 21 Let's talk about your history for a moment. 22 When did you start working for Red Triangle? 23 I started March 1st, 2002. My family purchased Α. 24 Red Triangle Oil Company on that date and I started working on that date, March 1st, 2002. 25

Page 127 as Exhibit 5, would these include records of any product that was put in your aboveground storage tanks at the

5 Are there separate records that you maintain 0. 6 showing those type of records as to what was put in the 7 aboveground tanks at the bulk plant?

8 Α. Yes.

bulk plant?

Α.

No.

1

2

3

4

9 Would you still have any of those records going Ο. back to before 2003? 10

11 Α. Probably 2003, because I think that's what we 12 still had for -- for this site.

MR. EICKMEYER: All right. I have no further 13 14 questions at this point. We can go off the record.

15 THE VIDEOGRAPHER: Going off the record at 16 4:40 p.m.

17 (Discussion held off the record)

THE VIDEOGRAPHER: Back on the record at 18

19 4:42 p.m.

20 EXAMINATION BY MS. KLEAVER

21 MS. KLEAVER: Hi, Mr. Shehadey.

22 Hi. Α.

23 I will introduce myself again. My name is Ο. 24 Alison Kleaver, and I represent ExxonMobil Corporation. 25 Just a minute ago, Mr. Eickmeyer was asking you

1	THE WITNESS: No
2	MS. KLEAVER: Misstates prior testimony.
3	THE WITNESS: No, I wouldn't consider it in
4	fact, we call it unbranded because, like I said, there's
5	different people that some are traders and some hold
6	no no title, or they they don't refine the
7	product. And I would actually call it unbranded and
8	would just know it as as California Air Resource
9	Board grade gasoline coming from any one of several
10	terminals in the Bay Area, or Bakersfield at that time,
11	but wouldn't wouldn't know what brand it is.
12	The only brand I would differentiate was and
13	we are a, you know, branded jobber now for, you know,
14	when when the when the fuel comes in, each brand,
15	say, Chevron or Shell or 76 has an additive that you put
16	in, then it is branded gasoline. But on this, we would
17	refer to it really as unbranded gasoline.
18	MR. EICKMEYER: Q. Did you handle branded
19	gasoline, such as you just described, of putting
20	particular additives back in the 2002 or 2003 time
21	frame?
22	A. At that time we were a yes, a branded
23	jobber. It was Exxon we had Exxon Exxon stations
24	at that time. And that was, I think, through a
25	through an agreement with Valero. It was actually

Valero refined because that was after the merger, and I 1 2 think it was through Valero, but it was Exxon branded 3 qasoline. 4 Q. So to your understanding, gasoline was refined by Valero and then sold under the Exxon brand? 5 A. No, it was -- it would still have come in the 6 7 same pipeline and it had the Exxon additive. But as far as who refined it, I wouldn't be able to say. 8

9 Q. So was the Exxon additive added at your bulk 10 plant?

A. No, that is at the terminal. At the terminal.
There are separate tanks with each additive component.
Q. Would that gasoline that you just described,
then, have been designated for delivery to Valero
stations?

16 MS. KLEAVER: Calls for speculation.

17 THE WITNESS: It would be for more like an18 Exxon station.

MR. EICKMEYER: Q. I am sorry, I said thatbackward. For an Exxon station.

21 A. Yeah.

Q. And would that gasoline have been stored in the aboveground gasoline storage tanks at the bulk plant that we discussed earlier?

A. No. No. Usually when you deliver to a

1 station, you get the order for the station, you pick it 2 up at the terminal and then deliver it to the station. 3 So it wouldn't have gone back to your bulk 0. 4 plant, then, but straight to the station? 5 To the station, yeah, to the station. Α. 6 What type of gasoline would have been stored in 0. 7 the aboveground storage tanks at the bulk plant in 2002 or 2003, as far as what destinations that would be for? 8 9 For like the bobtail, the smaller trucks Α. deliver to farms and, you know, smaller deliveries, 10 11 500-gallon, 1,000-gallon deliveries to farms or 12 businesses. Where we had our own bulk tanks, because sometimes the terminal would be backed up or, you know, 13 14 just in case there was ever an outage, you have a 15 reserve where you can draw on that for your smaller 16 trucks, plus the smaller trucks could load in the morning versus having to go to the pipeline and wait in 17 line with a bunch of other trucks. So it is really more 18 19 for convenience, and for a business reason more than, you know, the type of fuel. 20 21 0. In looking at a document like Page 41, would 22 there be an indication on here as to where this shipment 23 would have been loaded at the terminal? 24 Α. I don't believe so. I mean, I see -- let me ask you there -- under 25 Ο.

Page 137 1 Did your drivers have any kind of similar procedure? 2 3 Α. Yeah, it is whatever the term -- I think a lot 4 of terminals are different in that whatever the code is at that terminal. Yeah, you have to put in whatever 5 6 code that is or, you know, number system or letter 7 system. And that is what -- you know, so they have to 8 have those information when they get there. 9 So the drivers would be given that information 0. 10 by your dispatcher? 11 Α. Yes. Well, he would -- they would have that 12 with them at all times. And then the dispatcher would just say Nella, you know, New West, Chevron, whoever. 13 14 And then they would look up their card and say, okay, 15 here's the code, and then get the gas. 16 The driver would have some kind of a reference Ο. 17 to look up the code for whatever company they were told 18 by the dispatcher? 19 Α. Yes. 20 MR. EICKMEYER: Okay. All right. Thank you. 21 I have nothing further. 22 FURTHER EXAMINATION BY MS. KLEAVER 23 MS. KLEAVER: Just a little bit of cleanup. 24 So you mentioned that during the 2002, 2003 0. time frame, it is your recollection that Red Triangle 25

Page 138 1 was an Exxon branded distributor? 2 Α. Yes. 3 But the gasoline that you picked up that was 0. 4 Exxon branded didn't go to the cardlock facility, correct? 5 6 A. Correct. 7 And it didn't go to the bulk plant facility. Ο. 8 A. Correct. 9 Q. And if you have the deposition notice handy, that was Exhibit 1. 10 11 Α. T have --12 MR. EICKMEYER: The one with the label. Yeah, 13 here you go. 14 MS. KLEAVER: Q. If you can look at the list of addresses there. You didn't deliver Exxon branded 15 16 gasoline to any of those stations, correct? 17 A. Correct. 18 MS. KLEAVER: Okay. No further questions. 19 MR. EICKMEYER: Anything? 20 MS. OSEROFF: No further questions. 21 MR. EICKMEYER: Anything on the phone? 22 No questions. MS. WINTTERLE: 23 MR. EICKMEYER: Okay. I don't know if anyone 24 else is still there, but hearing nothing, then we can conclude. 25