

**EXHIBIT 14**

**M & S Texaco (2619 S. East Avenue)**

- Deposition of Jatinder Paul Dhillon, pgs. 27-36, 55-57, 148 (August 11, 2011)
- Shell Defendants' Objections and Responses to Plaintiff City of Fresno's First Set of Interrogatories to Defendants, dated November 10, 2008, pages 1 and 28.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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

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Master File No.  
1:00-1898

This Document Relates To:

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

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Case No.  
MDL 1358(SAS)

DEPOSITION OF JATINDER PAUL DHILLON  
August 11, 2011 at 9:00 (9:05) a.m.  
Before: ERIC L. JOHNSON  
RPR, CSR #9771

Taken at:  
Fresno, California

1 MR. DICHELLO: This is John DiChello from Blank  
2 Rome representing Lyondell Chemical Company.

3 MS. OSEROFF: Tatiana Oseroff on behalf of Kern  
4 Oil.

5 MS. LUGO: Freeda Lugo with LeClair Ryan on  
6 behalf of Nella Oil Company.

7 THE VIDEOGRAPHER: Will the court reporter  
8 please swear in the witness.

9 JATINDER PAUL DHILLON,  
10 the Witness herein, having been duly and regularly sworn  
11 by the Certified Shorthand Reporter, deposed and  
12 testified as follows:

13 EXAMINATION BY MR. EICKMEYER

14 MR. EICKMEYER: Q. Good morning, Mr. Dhillon.  
15 My name is Evan Eickmeyer, as I introduced myself,  
16 representing the City of Fresno. I will start out doing  
17 the questioning today, and I will have most of the  
18 questions, probably, and documents to ask you to look  
19 at. And then the other attorneys here in the room and  
20 on the phone will have the chance to ask you questions  
21 as well.

22 Have you ever had your deposition taken before?

23 A. Yes.

24 Q. Was it in regard to a gas station?

25 A. No.

1 Q. I'm sorry. Is that yes?

2 A. Yes.

3 Q. Just to get an answer out loud. Thank you.

4 Do you recall what instructions you were given  
5 by the area rep about how to respond to a gas leak or  
6 spill at the station? What did they tell you to do, in  
7 other words?

8 A. They -- they told us if spill happen what we  
9 are supposed to do, how to clean up, and if it was more  
10 than that we are to call the fire department, or  
11 whatever. Details and everything was in that book.

12 Q. When you say how to clean up, do you remember  
13 anything more specifically about how you were told to  
14 clean up?

15 A. Small spill or large spill?

16 Q. Start with a small spill.

17 A. Okay. We put like a cat litter and we have a  
18 drum there which is picked up by a -- some company who  
19 used to take care of those -- what you call -- we  
20 dispose them through one company.

21 Q. When you say it was a cat litter, we have heard  
22 some people talk about a product that was like kitty  
23 litter.

24 A. Like kitty litter, yes.

25 Q. Do you remember the name of the product that

1     you were using?

2             A. No. No.

3             Q. Were you the one responsible for buying that  
4     cat litter-type product?

5             A. We buy those, yes.

6             Q. Do you recall if you were using that cat  
7     litter-type product at 2619 South East Avenue?

8             A. Yes.

9             Q. Do you recall how large of a bag or container  
10    that cat litter product came in?

11            A. I think they come in 25 pounds, something like  
12    that.

13            Q. Do you recall how often that would need to be  
14    replaced that you would have to buy some more product?

15            A. When we finish it.

16            Q. Do you recall how often that was on average?

17            A. I have no answer for that.

18            Q. I mean, did it happen every so many months or  
19    years, or do you have --

20            A. All depends upon the spill. Sometimes it's a  
21    spill we use it; sometimes months we don't have any  
22    spill and we don't use it.

23            Q. So you mentioned that after it was used you  
24    said it was put in a drum that was picked up by a  
25    company?

1           A. Right.

2           Q. So was that a container that was used just for  
3 the purpose of that cat litter product?

4           A. Yes. Yes.

5           Q. Do you have a recollection as to what company  
6 was used to pick that up at --

7           A. I don't --

8           Q. -- 26 -- one second here.

9           A. Sorry.

10          Q. -- at 2619 South East Avenue?

11          A. No.

12          Q. Okay. I am going to try to just make sure we  
13 are clear what station we are talking about --

14          A. Right.

15          Q. -- since I think you have had five. If you are  
16 ever not clear, please let me know. I mean, we are --  
17 we are mostly going to be talking about the East Avenue  
18 station, but if you are ever not clear, please indicate.

19          A. Yes.

20          Q. In fact, why don't we -- why don't I just  
21 say if we refer to the station, we are referring to  
22 2619 South East Avenue. Is that fair?

23          A. That's fair.

24          Q. All right. Now, you mentioned a moment ago, I  
25 think you asked about a small spill versus a large

1 spill. Were you given instructions on what to do for a  
2 large spill?

3 A. The large spill, we have to call the fire  
4 department and we also, they called some company who  
5 cleaned those kind of mess.

6 Q. Did they explain to you in your training where  
7 was the difference between a small spill and a large  
8 spill?

9 A. Yes. Tells you in the training package, yes.

10 Q. And what was that difference?

11 A. I don't remember.

12 Q. Do you recall if it was a spill of a certain  
13 number of gallons or how that was decided?

14 A. Yeah, the gallons, more than a gallon, that's a  
15 big spill.

16 Q. So if it was a large spill, you indicated you  
17 were to call the fire department and then some other  
18 service?

19 A. Some other service to clean it, yes.

20 Q. At the -- again, the station at 2619 South East  
21 Avenue, do you recall whose responsibility it would have  
22 been to use the cat litter-type product if there was a  
23 small spill?

24 MR. YBARRA: Objection; calls for a legal  
25 conclusion.

1                    THE WITNESS: The manager or -- or cashier,  
2                    whoever is working there.

3                    MR. EICKMEYER: Q. At the 2619 South East  
4                    Avenue station, were you considered the manager there?

5                    A. Yes.

6                    Q. Did you have any other people over the years  
7                    you operated that who were your managers?

8                    A. We have lot of help, like cashiers and one  
9                    assistant manager, yes.

10                  Q. Do you recall the names of any of the managers  
11                  at that station?

12                  A. I don't remember.

13                  Q. There may be some names we have seen on  
14                  documents if it helps refresh your recollection.

15                  At the 2619 South East Avenue station, do you  
16                  recall if there would be occasions where a customer had  
17                  the nozzle in their car and overfilled their car so that  
18                  any gas spilled or leaked on the ground?

19                  A. That's the only way it spills there, yeah.

20                  Q. About how often would that happen at 2619 South  
21                  East Avenue?

22                  A. Very hard to answer. Sometime maybe that  
23                  happen for six months, one time it happen every day, two  
24                  days in a row, so --

25                  Q. When that type of overfill would happen, do you



1 recall what the approximate size of the discoloration on  
2 the ground was?

3 A. The gas mostly evaporates, we put the litter  
4 there and we sweep it up. And there's not much change  
5 in the color, no.

6 Q. Do you recall seeing any discoloration on the  
7 ground when an overflow would occur?

8 A. Not really. No.

9 Q. Do you recall if there were times when a  
10 customer would take the nozzle out of their car and  
11 there would be any drips of gasoline from the nozzle to  
12 the ground?

13 A. It happened sometimes.

14 Q. Do you recall how often on average that would  
15 occur?

16 A. I can't answer that.

17 Q. Do you recall when that occurred how large any  
18 discoloration on the ground was?

19 A. Because most of it is concrete. And there's no  
20 decoloration, just the spot. You can see the spot  
21 there, then you clean it and after time we always wash  
22 the islands, and it dissipates.

23 Q. Do you recall how large the spots were that  
24 would be on the ground? Can you tell me in inches or  
25 what size it would have been?

1           A. Maybe six, seven-inch round circle. You can  
2 see like that.

3           Q. Now, you mentioned washing the area down. Was  
4 that hosed down, or how would that occur?

5           A. We -- we don't wash them particular like that  
6 way because we use cat litter to clean it. And we do  
7 like once a week or something like that in the nighttime  
8 to clean all the island, parking lot and everything.

9           Q. So in the schedule you mentioned on once a  
10 week, where would the water go that was used to clean  
11 off the concrete? Was that running to a drain or the  
12 street, or where would that water go?

13           A. Water goes in the -- in the gutter that time,  
14 yes.

15           Q. Now, do you recall if there were ever any  
16 occasions where someone left the nozzle in their car and  
17 started to drive away?

18           A. It happens. Yes.

19           Q. On average, how often would that happen at  
20 2619 South East Avenue?

21           A. Three, four time a year.

22           Q. On those occasions where you had -- was that  
23 sometimes called a drive off?

24           A. Drive off we call them. Yes.

25           Q. When there was a drive off, were there times

1 when any gasoline would come out of the rubber hose  
2 onto the ground?

3 A. No, not really, no.

4 Q. When you say "not really, do you remember, was  
5 there --

6 A. No.

7 Q. -- a small amount or --

8 A. Maybe one drop or something like that. Drop  
9 maybe. Half-inch drop.

10 Q. Would there be any gas in the hose that would  
11 come out to the ground if they were driving off?

12 A. I think so, yes.

13 Q. Do you recall any occasions where anyone, car  
14 or vehicle, ran into one of the gas pumps or gas  
15 dispensers?

16 A. It happened one time, yes.

17 Q. At the East Avenue station?

18 A. That's what we are talking about, that same  
19 station, yes.

20 Q. Yeah, yeah, right, unless we say another  
21 address. Yes.

22 A. Yes.

23 Q. Can you tell us what happened in that incident?

24 A. I think somebody backed up into the dispenser.

25 Q. Do you recall -- sorry. Were you done?

1           A. And damaged the pump, yes.

2           Q. Do you recall if there was any release of  
3 gasoline during that incident?

4           A. None.

5           Q. Do you recall approximately what year that  
6 occurred where someone backed into a dispenser?

7           A. I am not sure, but approximately 2001, or  
8 something like that.

9           Q. When someone backed into the dispenser, was the  
10 fire department called at that time?

11          A. No.

12          Q. Now, you mentioned you had instructions, I  
13 think what you described as a large spill, you would  
14 call the fire department and another cleanup service.  
15 Were there any times that you had to call the fire  
16 department to respond to the East Avenue station?

17          A. Yes.

18          Q. When did that occur, if you recall  
19 approximately the date?

20          A. One time. No, I don't remember the date. No.

21          Q. Do you recall if that was in the '90s or 2000s?

22          A. 2000s.

23          Q. Can you describe for us what happened in that  
24 occasion?

25          A. What exactly do you mean about that?

1 Q. Well, what happened that caused you to have to  
2 call the fire department?

3 A. I think some -- some truck was filling a gas  
4 and he spill it. And the puddle was big so we have to  
5 call them.

6 Q. When you say it was big, do you recall how many  
7 feet or --

8 A. Half a gallon -- maximum is not even a gallon.  
9 Less than a gallon.

10 Q. Was that the Fresno Fire Department that  
11 responded?

12 A. Yes.

13 Q. I am not sure if I asked you this, but I think  
14 you indicated, is it correct you are not still currently  
15 operating the station at East Avenue?

16 A. I am not right now. I am not operating that  
17 one, no.

18 Q. What year did you stop operating the East  
19 Avenue station?

20 A. January 2009.

21 Q. So the incident involving the fire department,  
22 would you say that was in the earlier or the mid or the  
23 later 2000s?

24 A. I don't remember in particular. I don't  
25 remember.

1 Q. What did you do?

2 A. We submitted it.

3 Q. No. 4 says, "Annual tightness tests have not  
4 been performed on pressurized product lines," end quote.  
5 Do you recall if you took any response to that?

6 A. Yes.

7 Q. What was that?

8 A. If I remember right, this was delayed because  
9 we were in process to -- landlord was in process to  
10 change the new tanks and the new pipes and everything.  
11 That's the reason they are in the permit -- time of  
12 getting permits and everything. That's why it was not  
13 done timely after that because we were putting in new  
14 tanks and new pipes, and all kind of this.

15 Q. Do you recall if anyone from the county ever  
16 indicated that Kerry Oil, the previous owners, had not  
17 been submitting the information requested here?

18 A. No.

19 Q. Let me ask you, on the very back page of the  
20 packet, there's a couple of checked lines. And I think  
21 there's one that wasn't mentioned in the cover letter.  
22 It is the third X down, about the middle of the page.  
23 Says starting with "inventory." You see that line?

24 A. Mm-hmm.

25 Q. I will read that into the record. It says,

1 "Inventory reconciliation or tank gauging annual summary  
2 reports are not being submitted. Annual summary reports  
3 must be submitted to this office," end quote.

4 Do you recall if you took any response to that  
5 item?

6 A. We gave them the copies. We never knew that we  
7 were supposed to, but at that time the law changed, we  
8 give them all the copies, yes.

9 Q. Now, when it mentions inventory reconciliation  
10 or tank gauging, was there something being done at this  
11 time frame, 1995, to check the amount of gas in the  
12 underground storage tanks?

13 A. Yes.

14 Q. We have heard from other witnesses about taking  
15 a stick measurement. Were you doing that kind of  
16 process?

17 A. That time it was stick, yes.

18 Q. Did that later change from stick measurement to  
19 something else?

20 A. Something else, yes.

21 Q. Do you recall, did that change when the tanks  
22 were replaced or when did that change?

23 A. When the tanks were replaced.

24 Q. What kind of system was used after the tanks  
25 were replaced? I am just asking generally, was it an

1 electronic system?

2 A. Electronic system.

3 Q. During the time the stick measurements were  
4 being taken, how often were those taken?

5 A. Every morning.

6 Q. Who is responsible for the stick measurements?

7 A. The employee who opens the store.

8 Q. Was there some kind of reconciliation done to  
9 try and determine if what was measured with the stick  
10 matched what was expected to be in the tank?

11 A. Yes.

12 Q. Can you describe that process?

13 A. Our bookkeeping system was like that to --  
14 because they know how much gas we sold and how much gas  
15 we missing from the tank, should match.

16 Q. Was there a particular amount of gallons of  
17 discrepancy that would cause reason for investigation if  
18 what was measured in the tank didn't match what you  
19 expected to be there?

20 A. If it is difference between more than 20, 30  
21 gallons, we do check it around there.

22 Q. Do you recall how many times there was a  
23 difference of more than 20 or 30 gallons found at the  
24 station?

25 A. Never. I don't remember that happening.



1 before they used to use it in gasoline.

2 MR. YBARRA: Q. But would gas -- in your mind,  
3 was gasoline dangerous if it reached the environment  
4 whether or not it contained MTBE?

5 A. Yes.

6 Q. Okay. And you understood that it was important  
7 to prevent leaks of gasoline into the environment --

8 A. Yes --

9 Q. -- regardless -- excuse me. Just let me  
10 finish.

11 And you understood it was important to prevent  
12 leaks of gasoline into the environment regardless of  
13 whether or not the gasoline contained MTBE, right?

14 A. Yes.

15 MR. EICKMEYER: Vague and ambiguous.

16 MR. YBARRA: Thank you, sir. I have no further  
17 questions.

18 THE WITNESS: Thank you.

19 MR. EICKMEYER: On the phone?

20 MS. LUGO: This is Freeda Lugo, Nella Oil  
21 Company. I don't have any questions. Thank you.

22 MS. OSEROFF: ...from Kern Oil, and we have no  
23 questions.

24 MR. DICHELLO: This is John DiChello. No  
25 questions.



Nov 10 2008  
8:19PM

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE METHYL TERTIARY BUTYL ETHER  
PRODUCTS LIABILITY LITIGATION**

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

**This Document Relates To:**

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

**SHELL DEFENDANTS' OBJECTIONS AND RESPONSES TO  
PLAINTIFF CITY OF FRESNO'S  
FIRST SET OF INTERROGATORIES TO DEFENDANTS**

Defendants Shell Oil Company, Equilon Enterprises LLC d/b/a Shell Oil Products US, and TMR Company (collectively, the "Shell Defendants"), through counsel and pursuant to Rule 33 of the Federal Rules of Civil Procedure, provide the following Objections and Responses to Plaintiff City of Fresno's First Set of Interrogatories to Defendants.

**PRELIMINARY STATEMENT**

At this time, Defendant Shell Oil Company does not directly refine, market, distribute, or sell gasoline. Defendant Equilon Enterprises, doing business as Shell Oil Products US ("SOPUS"), is a Delaware limited liability company that owns and operates certain refining and marketing assets in the Western United States contributed by Shell Oil Company and Texaco Refining and Marketing Inc. upon its formation in January 1998. These assets include refineries, terminals, and certain Shell- and Texaco-branded service stations in the Western United States. SOPUS is now a wholly-owned, indirect subsidiary of Shell Oil Company. TMR Company was formerly known as Texaco Refining and Marketing Inc., which owned and operated the Western

underground storage tanks at a service station within the RGA during the period 1986 through 1998, they are listed in Exhibit A and are identified in Column I by the designations "CONTRACT" or "L." To the extent that the other Shell Defendants owned the underground storage tanks at a service station within the RGA during the period 1998 through 2003, they are listed in Exhibit B and are identified in Column J by the designations "SORO," "CORO," or "LESSEE."

Dated: November 10, 2008

MUNGER, TOLLES & OLSON-LLP

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