

FILED

2006 FEB 27 AM 10:41

CLERK OF THE SUPERIOR COURT
COUNTY OF STANISLAUS

BY _____

DEPUTY

1 CAROL SHIPLEY
Stanislaus County Assistant District Attorney
2 GLORIA M. MAS (SBN 132429)
Deputy District Attorney
3 11th and I Streets, Room 200 2nd Floor
Modesto, California 95353
4 (209) 525-5550

5 Attorneys for People

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

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FOR THE COUNTY OF STANISLAUS

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THE PEOPLE OF THE STATE OF
11 CALIFORNIA

CASE NO 375579

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Plaintiff,

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vs.

STIPULATED JUDGMENT FOR
INJUNCTION, CIVIL PENALTIES,
AND OTHER RELIEF

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CRICKET COMMUNICATIONS OF
15 CALIFORNIA,

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Defendant.

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Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their complaint herein, CAROL SHIPLEY, Assistant District Attorney of Stanislaus County, by and through GLORIA M. MAS, Deputy District Attorney of Stanislaus County, and Defendant CRICKET COMMUNICATIONS OF CALIFORNIA ("Defendant") hereby stipulate and consent to the entry of the Permanent Injunction and Final Judgment Pursuant to Stipulation ("Stipulated Final Judgment"). This stipulation is entered into based in part on representations made and reaffirmed by this named Defendant herein, that certain penalty payments will be made according to the terms of this Stipulated Final Judgment.

Upon the consent of the parties hereto, and it appearing to the court that there is good cause for the entry of this Stipulated Final Judgment,

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1 **IT IS ORDERED, ADJUDGED AND DECREED** as follows:

2 1 This court has jurisdiction of the subject matter of this action and each of the
3 parties hereto

4 2 The injunctive provisions of this Stipulated Final Judgment are applicable to
5 Defendant, its subsidiaries and divisions, and any agent, employee, representative
6 and all persons, partners, corporations, or other entities acting by, through, under,
7 or on behalf of Defendant and all persons in concert with or participating with said
8 Defendant with actual or constructive knowledge of this injunction, only insofar as
9 they are doing business in the State of California and confined to Defendant's
10 business operations in the County of STANISLAUS.

11 3 Pursuant to Business and Professions Code §17203, Defendant is hereby enjoined
12 for a period of three years from the date of entry of this Stipulated Final Judgment
13 from violating §25299 of the Health and Safety Code (the "Injunction")

14 4 Defendant shall pay the sum of TWO THOUSAND FIVE HUNDRED DOLLARS
15 (\$2,500.00) in civil penalties to be paid as follows:

16 a) Defendant shall pay the sum of TWO THOUSAND FIVE HUNDRED DOLLARS
17 (\$2,500.00), as civil penalties, including partial cost recovery, pursuant to Health
18 and Safety Code § 25299. This civil penalty amount shall be made payable to the
19 Stanislaus County Treasurer Department of Environmental Resources

20 These penalties shall be **STAYED** for a period of three (3) years, beginning with the filing
21 of this Stipulated Final Judgment, on the condition that Defendant does not violate the terms of
22 the Injunction, or paragraphs 5-7 of this Stipulated Final Judgment. It is understood that this
23 stayed \$2,500.00 portion of the civil penalty shall need not be paid at the time of the entry of this
24 Stipulated Final Judgment, but shall be immediately due and owed if any future violations occur.
25 If no violations occur during the three-year period, the stay will become permanent. In the event
26 that Plaintiff becomes aware of any such violation, Plaintiff shall provide Defendant with notice of
27 the violation, and Defendant reserves the right to contest any alleged violation

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5. In addition, Defendant shall pay the sum of SEVEN THOUSAND FIVE HUNDRED DOLLARS (\$7,500.00) to a Supplemental Environmental Program, and/or Recovery Costs, as follows:
- a) Defendant shall pay the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), payable to the Secretary of the California Environmental Protection Agency. This money shall be deposited into the Environmental Enforcement and Training Account established by Assembly Bill 2486 (2002, Keeley) under the authority of Penal Code § 14301.
 - b) Defendant shall pay the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), payable to the Stanislaus County Department of Environmental Resources. Such money is to be used for environmental offenses, to conduct investigation, prosecution and remediation.
 - c) Defendant shall pay the sum of TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00), payable to the California State Water Resources Control Board State Water and Pollution Cleanup and Abatement Account.
6. Defendant shall pay the sum of FIVE HUNDRED EIGHTY DOLLARS AND THIRTY CENTS (\$580.30), payable to the Stanislaus County Superior Court for filing fees.
7. During the time period within which the above Injunction is in effect, Defendant consents to a reasonable search on reasonable notice, by employees from the CSWRCB and the Department of Environmental Resources, of Defendant's business operations in Stanislaus County, California, where any underground storage tank is located, for the purpose of inspection and enforcement of the terms of the Injunction. This consent will remain effective unless and until any underground storage tanks are legally removed from the location at issue.

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8 All checks shall be sent to the Stanislaus County District Attorney's Office,
attention: Donna Robinson, Stanislaus County Courthouse, P.O. Box 442,
Modesto, CA 95353. All amounts, except the filing fee, are due within sixty (60)
days of the filing of this Final Judgment. The filing fee is due with the signed
Stipulated Judgment.

9 This Judgment shall go into effect immediately upon entry thereof. Entry is
authorized immediately upon filing.

Dated: 2/6/06

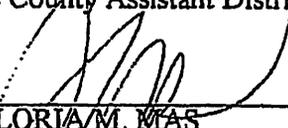
By: 
On Behalf of CRICKET
COMMUNICATIONS OF CALIFORNIA

Dated: 2-7-06

By: 
JOHN P. KINSEY
ATTORNEY FOR DEFENDANT

CAROL SHIPLEY
Stanislaus County Assistant District Attorney

Dated: 1/10/06

By: 
GLORIA M. MAS
DEPUTY DISTRICT ATTORNEY

IT IS ORDERED, ADJUDGED AND DECREED.

Dated: 2-23-06

WILLIAM A. MAYHEW
JUDGE OF THE SUPERIOR COURT