



Alameda County
District Attorney's Office
Thomas J. Orloff, District Attorney

Cheryl Gordon
State Water Resources Control Board
UST Cleanup Fund
P.O. Box 944212
Sacramento, CA 94244-2120

July 11, 1995

RE: 1230 - 14th Street, Oakland
Claimant: Andy Saberi

Dear Cheryl:

As I mentioned to you, my office has resolved our underlying lawsuit against Saberi, Shell et al. I enclose a copy of the stipulated final judgment and related pleadings. As you can see, Saberi remains the Responsible Party for the purposes of completing remediation of the site. The judgment provides that Shell will assist Saberi in the cleanup. All parties agree that it would be appropriate to make Shell the co-payee with Saberi for the purposes of any reimbursement from the fund.

It is the position of the county that the site is now in compliance and that there is no reason to delay further processing of Saberi's claim. For all the reasons we have described earlier, the West Oakland Community is anxious that final approval is given and the work commenced as soon as possible.

If you have any questions or comments, please feel free to call me at (510) 268-7579, or Jennifer Eberle at Alameda County Health. I very much appreciate the assistance you have provided.

Sincerely,

THOMAS J. ORLOFF
District Attorney

Micheal O'Connor
Deputy District Attorney

WOULD YOU LIKE TO ENTER ANOTHER REQUEST ? (N/Y) : Y

ENTER LAST NAME OR BUSINESS NAME : Saberi

ENTER FIRST NAME : Andy

ENTER MIDDLE INITIAL :

REFERENCE (CHANGE OR PRESS RETURN) :

REQUESTOR (CHANGE OR PRESS RETURN) :

HAS THE INFORMATION BEEN ENTERED CORRECTLY ? (Y/N) : Y

WOULD YOU LIKE TO ENTER ANOTHER REQUEST ? (N/Y) : nSaberi

MAXIMUM ENTRY LENGTH FOR THIS FIELD IS 01 CHARACTERS.

ENTRY TRUNCATED TO 'S'

DO YOU WISH TO CHANGE YOUR ENTRY? (Y/N) : Y

WOULD YOU LIKE TO ENTER ANOTHER REQUEST ? (N/Y) : Y

ENTER LAST NAME OR BUSINESS NAME : Saberi

ENTER FIRST NAME : Zaida

ENTER MIDDLE INITIAL :

REFERENCE (CHANGE OR PRESS RETURN) :

REQUESTOR (CHANGE OR PRESS RETURN) :

HAS THE INFORMATION BEEN ENTERED CORRECTLY ? (Y/N) : Y

WOULD YOU LIKE TO ENTER ANOTHER REQUEST ? (N/Y) : n

FILE RETRIEVAL IN PROGRESS... PLEASE WAIT (MAY TAKE UP TO 45 SECONDS)

PLEASE READY YOUR PRINTER. PRESS ENTER TO CONTINUE

SEARCHING ... 111

CA STATEWIDE REAL PROPERTY ALPHA-OWNER SEARCH
DATA FROM: **/**/** - 02/10/93

REFERENCE:

REQUESTOR: JJC

TRANS: D160GOO 19930210112751
SEARCH CRITERIA: SABEK

Situs:334 -336 MOFFETT BL, MOUNTAIN VIEW CA 94043-4726 CR09		Use:SERVICE STATION
APN :153-26-003	Tax Rate Area:5018	Assd Land:n344,603
County:SANTA CLARA CA	Property Tax :n4,858.44	Assd Imp :n83,393
Census:	Exemption :	Total Val:n427,996
MapPg :52-B1		Assd Year:92

DEFENDANT'S
EXHIBIT R5
9
SABERI
5/3/93

NewPg :

%Improved:19%

Owner :SABEK INC

1 :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date:11/20/84
Document # :8256595
Document Type:
Price :
First TD :
Finance :
Junior TD's :

Prior Sale
03/73

≈90,000C

Bldg/Lvarea:1,421
Yrblt/Eff :73/73
Stories :1
Units :
Buildings:

Rent Area :1421

County Use:61
Bldg Class:S
Flood Panl:060347-0003D
Flood Zone:X, 07/04/88

Lot Size :
Lot Area :
Zone :CG MV

Site Inf :
Grd Lease :

Park Type :
Park Spaces:

2) Situs:190 N BASCOM AV, SAN JOSE CA 95128-1804 CR24

APN :274-18-077
County:SANTA CLARA CA
Census:
MapPg :61-C4
Pg :

Tax Rate Area:58002
Property Tax :≈2,331.62
Exemption :

Use:SERVICE STATION
Assd Land:≈131,963
Assd Imp :≈23,776
Total Val:≈155,739
Assd Year:92
%Improved:15%

Owner :SABEK INC

Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date:
Document # :8257978
Document Type:
Price :
First TD :
Finance :
Junior TD's :

Prior Sale
03/73

Bldg/Lvarea:1,050
Yrblt/Eff :61/61
Stories :1
Units :
Buildings:

County Use:61
Bldg Class:S

Lot Size :90X111
Lot Area :9,990
Zone :A2 SJ

Site Inf :CORNER LOT
Grd Lease :

Park Type :
Park Spaces:

Comments :VAC&BOARDED UP 1/85;SOLD 11/84 FOR ≈125,000 AS VACANT
LAND

3) Situs:1590 MCKEE RD, SAN JOSE CA 95116-1232 CR18

APN :481-02-002
County:SANTA CLARA CA
Census:
MapPg :55-D6
NewPg :

Tax Rate Area:40060
Property Tax :≈2,114.36
Exemption :

Use:VACANT LAND (NEC)
Assd Land:≈189,703
Assd Imp :
Total Val:≈189,703
Assd Year:92
%Improved:

Owner :SABEK-INC
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

	Last Sale	Prior Sale	
Transfer Date:	11/21/84		Bldg/Lvarea:
Document #	:8257980		Yrblt/Eff :
Document Type:			# Stories :
Price	:85,000U		# Units :
First TD	:225,000		# Buildings:
Finance	:		
Junior TD's	:		
Seller	:KELLOGG WALTER		

County Use:	61	Lot Size	:85X205
Bldg Class:		Lot Area	:17,425
Flood Panl:	060349-0019E	Zone	:C1 SJ
Flood Zone:	A, 12/16/88		

Site Inf :		Park Type :	
Grd Lease :		Park Spaces:	

END OF LIST

SEARCHING ... 11111111*111111

CA STATEWIDE REAL PROPERTY ALPHA-OWNER SEARCH
DATA FROM: **/**/** - 02/10/93

REFERENCE:

REQUESTOR: JJC

TRANS: D160GOO 19930210112915
SEARCH CRITERIA: SABERI ANDY

1) Situs:1230 14 ST, OAKLAND CA 94607-2207 CR10

APN	:005-0377-019-01	Tax Rate Area:	17-019	Use:	SERVICE STATION
County:	ALAMEDA CA	Property Tax	:1,972.68	Assd Land:	:56,242
Census:				Assd Imp	:13,357
MapPg	:7-E3	Exemption	:	Total Val:	:69,599
NewPg	:			Assd Year:	:92
				%Improved:	:19%

Owner :SABERI ANDY
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

	Last Sale	Prior Sale	
Transfer Date:	05/01/84	11/15/83	Bldg/Lvarea:900
Document #	:84041	215122	Yrblt/Eff :72/72
Document Type:			# Stories :1
Price	:10,000P	409,100F	# Units :2
First TD	:		# Buildings:1
Finance	:		
Junior TD's	:		

Office Area:200

Seller :JAMESON RICHARD A

County Use:85
Bldg Class:A
Flood Panl:065048-0015B
Flood Zone:C, 09/30/82

Lot Size :114X105
Lot Area :11,970
Zone :M-20

Construct :MASONRY
Quality :GOOD
Condition :GOOD
Air Cond :BUILDING
Heat :HEATED

Site Inf :CORNER LOT
Grd Lease :

Park Type :PAVED
Park Spaces:14

Comments :BLDG AREA & AGE EST;MEDIUM TRAFFIC AREA;NEC UNION ST;
HVY TFC;AREA OF REDEVELOPMENT

Phys Chars:CONCRETE FOUNDATION;MASONRY FRAME;STEEL ROOF COVER;
FLAT ROOF TYPE;METAL EXTERIOR;600 CANOPY

2) Situs:635 MACARTHUR BL, SAN LEANDRO CA 94577-2115 CR04

APN :076-0328-001-00
County:ALAMEDA CA
Census:
MapPg :25-D3
NewPg :

Tax Rate Area:10-001
Property Tax :\$313.86
Exemption :

Use:STORE BUILDING
Assd Land:\$13,475
Assd Imp :\$9,959
Total Val:\$23,434
Assd Year:92
%Improved:42%

Owner :SABERI ANDY & ZAIDA G
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Transfer Date:05/23/84
Document # :100051
Document Type:
Price :
First TD :\$75,000
Finance :
Junior TD's :
Seller :INC REGAL STATIONS

Prior Sale

Bldg/Lvarea:400
Yrblt/Eff :/47
Stories :1
Units :
Buildings:1

County Use:31
Bldg Class:
Flood Panl:060013-0001B
Flood Zone:A14, 03/18/80

Lot Size :A.04
Lot Area :1,920
Zone :

Site Inf :
Grd Lease :

Park Type :
Park Spaces:

Comments :1-5 STORIES

Phone Service 800/873-2627

3) Situs:641 MACARTHUR BL, SAN LEANDRO CA 94577-2115 CR04

APN :076-0328-002-01
County:ALAMEDA CA
Census:
MapPg :25-D3
NewPg :

Tax Rate Area:10-001
Property Tax :\$1,406.86
Exemption :

Use:SERVICE STATION
Assd Land:\$105,487
Assd Imp :\$23,735
Total Val:\$129,222
Assd Year:92
%Improved:18%

Owner :SABERI ANDY & ZAIDA G
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date:05/23/84
Document # :100051
Document Type:
Price :
First TD :
Finance :
Junior TD's :

Prior Sale
05/78

Bldg/Lvarea:
Yrblt/Eff :
Stories :
Units :
Buildings:

County Use:85
Bldg Class:
Flood Panl:060013-0001B
Flood Zone:A14, 03/18/80

Lot Size :
Lot Area :
Zone :

Site Inf :
Grd Lease :

Park Type :
Park Spaces:

4) Situs:3390 -V ARMY ST V, SAN FRANCISCO CA 94110-4607 CR16

APN :6571-018
County:SAN FRANCISCO CA
Census:
MapPg :14-C1
NewPg :

Tax Rate Area:1000
Property Tax :#967.52
Exemption :

Use:VACANT LAND (NEC
Assd Land:#84,133
Assd Imp :
Total Val:#84,133
Assd Year:92
%Improved:

Owner :SABERI ANDY
:GHAVAMZADEH MAHMOUD M
Mail :3047 MISSION ST;SAN FRANCISCO CA 94110-4501 CR13

Last Sale
Transfer Date:05/18/79
Document # :C780-813
Document Type:
Price :#68,500F
First TD :#45,000
Finance :
Junior TD's :

Prior Sale
11/77

Bldg/Lvarea:
Yrblt/Eff :46
Stories :1
Units :
Buildings:

County Use:V
Bldg Class:D

Lot Size :A.07
Lot Area :2,875
Zone :C-2

Site Inf :
Grd Lease :

Park Type :
Park Spaces:

5) Situs:1045 AIRPORT BL, SOUTH SAN FRANCIS CA 94080-1809 CR42

APN :012-095-180
County:SAN MATEO CA
Census:
MapPg :24-C4
NewPg :

Tax Rate Area:13-050
Property Tax :#4,876.54
Exemption :

Use:OFFICE BUILDING
Assd Land:#115,927
Assd Imp :#353,304
Total Val:#469,231
Assd Year:92
%Improved:75%

Owner :SABERI ANDY & ZAIDA G
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date:11/10/86
Document # :143313

Prior Sale
08/17/84

Bldg/Lvarea:9,500
Yrblt/Eff :65/65

Document Type: TRUSTEE'S DEED

Price : \$200,000U

\$17,000U

First TD :

Finance :

Junior TD's :

Seller : PEELLE FINC CORP

Stories : 2

Units : 22

Buildings : 1

County Use: 18

Bldg Class: D

Lot Size : 50X100

Lot Area : 5,000

Zone : CL00C2

Construct : FRAME

Condition : AVERAGE

Heat : FORCED AIR

Site Inf :

Park Type : OFF-SITE

Grd Lease :

Park Spaces :

Comments : COMM/IND USES; PROX FWY & AIRPORT

Phys Chars: CONCRETE FOUNDATION; WOOD FRAME; TAR & GRAVEL ROOF COVER;
FLAT ROOF TYPE; STUCCO EXTERIOR

Legal : L21 BC/L 22 PECKS SUB NO 1 RSM

6) Situs: 2240 SKY FARM DR, HILLSBOROUGH CA. 94010-6340 CR13

APN : 028-351-030

County: SAN MATEO CA

Census: 6056.00

MapPg : 28-E3

MapPg :

Tax Rate Area: 6-001

Property Tax : \$7,189.06

Exemption : HOMEOWNER

Use: SFR

Assd Land: \$344,727

Assd Imp : \$320,103

Total Val: \$664,830

Assd Year: 92

%Improved: 48%

Owner : SABERI ANDY & ZAIDA

Mail : 1045 AIRPORT BLVD; S SAN FRAN CA 94080-1809 CR42

Last Sale

Prior Sale

Transfer Date: 09/19/80

Document # : AP89013

Document Type:

Price : \$540,000V

First TD : \$300,000C

Finance :

Junior TD's :

Lender :

Seller :

Bldg/Lvarea: 3,622

Yrblt/Eff : 75

Stories : 1

Total Rooms: 9

Bedrooms : 4

Baths : 3 Half: 1

Fireplace : 2

Pool : POOL/SPA

Other Rooms: FAMILY ROOM

: DINING ROOM

County Use: 01

Bldg Class:

Lot Size : A.51

Lot Area : 22,216

Zone : R10025

Construct : FRAME

Quality : EXCELLENT

Condition : EXCELLENT

Heat : FORCED AIR

Type Improv: DETACHED

Style : RANCH

Site Inf : VIEW

Park Type : GARAGE

Grd Lease :

Park Spaces: 3

Phys Chars: WOOD SHINGLE ROOF COVER; STUCCO EXTERIOR; PUBLIC WATER;
PUBLIC SEWER; FENCE; SECURITY; GOOD FUNCTIONAL UTILITY;
RANGE OVEN; DISHWASHER; DISPOSAL

Legal : L3/SKYFARM UNIT ONE RSM 72/22 24

7) Situs:895 WOODSIDE RD, REDWOOD CITY CA 94061-3745 CR22

APN :059-240-790
County:SAN MATEO CA
Census:
MapPg :37-A5
NewPg :

Tax Rate Area:9-001
Property Tax :\$3,801.18
Exemption :

Use:SERVICE STATION
Assd Land:\$298,771
Assd Imp :\$77,678
Total Val:\$376,449
Assd Year:92
%Improved:20%

Owner :SABERI ANDY & ZAIDA
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date:07/05/83
Document # :67665
Document Type:
Price :
First TD :
Finance :
Junior TD's :

Prior Sale
10/30/81

\$50,000U

Bldg/Lvarea:
Yrblt/Eff :
Stories :
Units :
Buildings:

County Use:25
Bldg Class:

Lot Size :A.27
Lot Area :11,761
Zone :CG0000

Site Inf :
Grd Lease :

Park Type :
Park Spaces:

Area :/0.27 AC MOL ON SELY COR OF WOODSIDE RD

8) Situs:623 S WINCHESTER BL, SAN JOSE CA 95128-2539 CR13

County:SANTA CLARA CA
Census:
MapPg :61-A5
NewPg :

Property Tax :\$3,778.02
Exemption :

Use:SERVICE STATION/
Assd Imp :\$53,011
Total Val:\$318,205
Assd Year:92
%Improved:16%

Owner :SABERI ANDY
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date:09/25/87
Document # :9444742
Document Type:GRANT DEED
Price :\$160,000F
First TD :
Finance :
Junior TD's :

Prior Sale
10/15/79
6529524

\$92,200F

Bldg/Lvarea:766
Yrblt/Eff :64/64
Stories :1
Units :
Buildings:1

Rent Area :760

Seller :RULLHAUSEN HENRY
Title Company:SANTA CLARA LAND CO

County Use:61
Bldg Class:S

Lot Size :102X111
Lot Area :11,322
Zone :CN SJ

Construct :METAL
Condition :AVERAGE

Site Inf :CORNER LOT
Grd Lease :

Park Type :PAVED
Park Spaces:15

Comments : "TEXACO"; STABLE COMM NHBD; 3 ISLS W/8 PUMPS EA; CONV BLDG;

PROX I-280&RT-17;LOC IN CBD

Pl's Chars: CONCRETE FOUNDATION; STEEL FRAME; TAR & GRAVEL ROOF COVER; FLAT ROOF TYPE; WOOD EXTERIOR

Legal : /L1&L2* T424

9) Situs: 5506 SEAN CI 113, SAN JOSE CA 95123-1629 CR39

APN : 690-28-026 Tax Rate Area: 40367
County: SANTA CLARA CA Property Tax : \$1,247.26
Census:
MapPg : 72A-A1 Exemption :
NewPg :

Use: CONDOMINIUM
Assd Land: \$28,375
Assd Imp : \$60,461
Total Val: \$88,836
Assd Year: 92
%Improved: 68%

Owner : SABERI ANDY
Mail : 1045 AIRPORT BLVD; S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date: 09/28/79
Document # : 6514451
Document Type:
Price :
First TD :
Finance :
Junior TD's :
Lender :
Seller :

Prior Sale

Bldg/Lvarea: 1,060
Yrblt/Eff : 79/79
Stories : 1
Total Rooms: 5
Bedrooms : 2
Baths : 2
Fireplace : 1
Other Rooms: DINING ROOM

County Use: 06
Bldg Class:
Flood Panl: 060349-0043D
Flood Zone: D, 08/02/82

Lot Size : 60X60
Lot Area : 3,600
Zone : R2PD SJ

Heat : HEATED

Site Inf : Park Type :
Grd Lease : Park Spaces: 1

10) Situs: 5504 SEAN CI 116, SAN JOSE CA 95123-1628 CR39

APN : 690-28-029 Tax Rate Area: 40367
County: SANTA CLARA CA Property Tax : \$1,272.16
Census:
MapPg : 72A-A1 Exemption :
NewPg :

Use: CONDOMINIUM
Assd Land: \$22,598
Assd Imp : \$68,434
Total Val: \$91,032
Assd Year: 92
%Improved: 75%

Owner : SABERI ANDY
Mail : 1045 AIRPORT BLVD; S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date: 02/29/80
Document # : 6662334
Document Type:
Price :
First TD :
Finance :
Junior TD's :
Lender :
Seller :

Prior Sale

Bldg/Lvarea: 1,060
Yrblt/Eff : 79/79
Stories : 1
Total Rooms: 5
Bedrooms : 2
Baths : 2
Fireplace : 1
Other Rooms: DINING ROOM

County Use: 06 Lot Size : 60X60

der :
Seller :

Fireplace :1
Other Rooms:DINING ROOM

County Use:06 Lot Size :60X60
Bldg Class: Lot Area :3,600
Flood Panl:060349-0043D Zone :R2PD SJ
Flood Zone:D, 08/02/82

Heat :HEATED

Site Inf : Park Type :
Grd Lease : Park Spaces:1

11) Situs:5502 SEAN CI 118, SAN JOSE CA 95123-1627 CR39

APN :690-28-031 Tax Rate Area:40367
County:SANTA CLARA CA Property Tax :\$1,297.10
Census:
MapPg :72A-A1 Exemption :
NewPg :

Use:CONDOMINIUM
Assd Land:\$29,883
Assd Imp :\$63,350
Total Val:\$93,233
Assd Year:92
%Improved:67%

Owner :SABERI ANDY
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date:09/28/79
Document # :6514454
Document Type:
ce :
First TD :
Finance :
Junior TD's :
Lender :
Seller :

Prior Sale

Bldg/Lvarea:1,245
Yrblt/Eff :79/79
Stories :1
Total Rooms:6
Bedrooms :3
Baths :2
Fireplace :1
Other Rooms:DINING ROOM

County Use:06 Lot Size :60X60
Bldg Class: Lot Area :3,600
Flood Panl:060349-0043D Zone :R2PD SJ
Flood Zone:D, 08/02/82

Heat :HEATED

Site Inf : Park Type :
Grd Lease : Park Spaces:1

12) Situs:5493 SEAN CI 121, SAN JOSE CA 95123-1624 CR39

APN :690-28-034 Tax Rate Area:40367
County:SANTA CLARA CA Property Tax :\$1,286.38
Census:
MapPg :72A-A1 Exemption :
NewPg :

Use:CONDOMINIUM
Assd Land:\$23,225
Assd Imp :\$69,063
Total Val:\$92,288
Assd Year:92
%Improved:74%

Owner :SABERI ANDY
Mail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
Transfer Date:02/29/80

Prior Sale

Bldg/Lvarea:1,060

ldg Class:
lood Panl:060349-0043D
lood Zone:D, 08/02/82

Lot Area :3,600
Zone :R2PD SJ

Heat :HEATED

i. Inf :
rd Lease :
Park Type :
Park Spaces:1

3) Situs:2003 MISSION ST, SANTA CRUZ CA 95060-5217 CR31

PN :004-122-04
ounty:SANTA CRUZ CA
ensus:
apPg :
ewPg :

Tax Rate Area:1-027
Property Tax :\$1,293.44
Exemption :

Use:SERVICE STATION
Assd Land:\$96,562
Assd Imp :\$32,783
Total Val:\$129,345
Assd Year:92
%Improved:25%

wner :SABERI ANDY & ZAIDA H/W
ail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42;%SABEK INC

Last Sale
ransfer Date:09/17/81
ocument # :33700278
ocument Type:
rice :\$93,000U
irst TD :
inance :
unior TD's :

Prior Sale
10/04/63
1570429

Bldg/Lvarea:
Yrblt/Eff :
Stories :
Units :
Buildings:

ounty Use:221
ldq Class:

Lot Size :
Lot Area :
Zone :

ite Inf :
rd Lease :

Park Type :
Park Spaces:

omments :self serv no repairs

4) Situs:4550 REDWOOD HY

PN :019-330-06
ounty:SONOMA CA
ensus:
apPg :191-E3
awPg :

Tax Rate Area:138-000
Property Tax :\$5,610.08
Exemption :

Use:SERVICE STATION
Assd Land:\$333,923
Assd Imp :\$156,695
Total Val:\$490,618
Assd Year:92
%Improved:31%

wner :SABERI ANDY
ail :1045 AIRPORT BLVD;S SAN FRAN CA 94080-1809 CR42

Last Sale
ransfer Date:06/18/84
ocument # :41185
ocument Type:GRANT DEED
rice :\$420,000F
irst TD :
inance :
unior TD's :

Prior Sale

Bldg/Lvarea:1,950
Yrblt/Eff :60
Stories :1
Units :2
Buildings:
11

ounty Use:0250
ldg Class:0
lood Panl:060375-0980A

Lot Size :A1.74
Lot Area :75,794
Zone :

Flood Zone:C, 01/20/82

Air Cond :BUILDING

Site Inf :
C Lease :
P.s' Chars:NONE SPRINKLERS

Park Type :
Park Spaces:

END OF LIST

SEARCHING ... 1111

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
2101 WEBSTER STREET, SUITE 500
OAKLAND, CA 94612
(510) 286-1255



TO: UST USERS

May 01, 1993

FR: UST Data Management Group

RE: Bi-Monthly Underground Storage Tank Update List: (2)

This is the Fourth of the Bi-Monthly Leaking Underground Storage Tank(LUST) lists that serves to inform interested parties of new, changes or corrections, and deleted sites that the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) have confirmed having contaminated soil and/or groundwater resulting from a leak or unauthorized discharge from an underground storage tank or appurtenant piping. Please note that this list broken down into nine counties that makeup the San Francisco Bay Region 2 area including; Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

This update list is free of charge but must be picked up in person at our office.

Should you have any questions or comments please free to contact the Data Management Staff at (510) 286-1269.

1) ***** This listing includes both fuel and solvent tank leak cases.

2) While the SFBRWQCB has endeavored to make this list as accurate as possible, the SFBRWQCB is not responsible for errors or omissions and make no representation as to its completeness or to the significance of the releases.

UNDERGROUND STORAGE TANK UPDATE LIST(2)
NEW CASES

REG_BOARD NO:	SITENAME	STREET NUMBER	STREET	CITY
43-0557	UNOCAL	300	SARATOGA AVE	LOS GATOS
* CITY OF MILPITAS				
43-1638	QUIKRETE	91	MONTAGUE EXPWY	MILPITAS
43-1020	UNION PACIFIC RAILROAD	650	HAMMOND AVE	MILPITAS
* CITY OF MOUNTAIN VIEW				
43-0536	EXXON	495	MOFFETT BLVD	MOUNTAIN VIEW
43-1598	UNOCAL	510	SHORELINE RD N	MOUNTAIN VIEW
* CITY OF PALO ALTO				
43-1208	LEONARD FLY PROPERTY	390	LYTTON AVE	PALO ALTO
43-1018	MOZART PROPERTY	1068	MEADOW CL E	PALO ALTO
43-1393	STANFORD UNIVERSITY FLEET SVS	327	BONAIR SIDING	PALO ALTO
43-0977	TOYOTA OF PALO ALTO	690	SAN ANTONIO RD	PALO ALTO
43-1009	UNKNOWN	4201	EL CAMINO REAL	PALO ALTO
* CITY OF PALO ALTO E				
43-1578	UNOCAL	1901	UNIVERSITY AVE	PALO ALTO E
* CITY OF SAN JOSE				
43-0045	ALEXIAN BROTHERS HOSPITAL	225	JACKSON AVE N	SAN JOSE
43-0694	ALKEN PROPERTIES	333	PHELAN AVE	SAN JOSE
43-0973	APTOM PROPERTY	505	SAN CARLOS ST E	SAN JOSE
43-1373	AT MARINE AUTO PARTS	1133	10TH ST N	SAN JOSE
43-0943	AUTOMATIC MERCHANDISING	1698	ROGERS AVE	SAN JOSE
43-1614	BORRELLI PROPERTY	81	BOHAVENTURA DR	SAN JOSE
43-0838	CALTRANS		BRANHM LN & CARTER A	SAN JOSE
43-0014	CENTRAL CONCRETE	610	MCKENDRIE ST	SAN JOSE
43-0950	CHAH NURSERY	1250	TOWNSEND PARK CL	SAN JOSE
43-0941	CHEVRON AUTOMOTIVE	454	BASCOM AVE S	SAN JOSE
43-0834	CITY OF SAN JOSE FIRE STN #4	710	LEIGH AVE	SAN JOSE
43-0080	CLOUDBURST CAR WASH	695	SAN CARLOS W	SAN JOSE
43-0034	COSENTINOS GROCERY STORE		BASCOM AVE S & UNION	SAN JOSE
43-0980	DETRICK CORP	412	LANO ST	SAN JOSE
43-0137	DEXT FEED COMPANY	1255	YARD CT	SAN JOSE
*****	DINAPOLI SITE	900	WILLIAM ST E	SAN JOSE
43-0945	EASTRIDGE SHOPPING CENTER	1	EASTRIDGE MALL	SAN JOSE
43-0845	EXXON	1705	MC KEE RD	SAN JOSE
43-1117	EXXON	598	SAN CARLOS W	SAN JOSE
43-0889	EXXON	601	SARATOGA AVE	SAN JOSE
43-1476	FAIRINGTON HISTORICAL FDTN	1615	DRY CREEK RD	SAN JOSE
43-0841	FERRARI INDUSTRIAL RENTALS	265	LEWIS RD	SAN JOSE
43-1390	GAS & SHOP	190	BASCOM AVE N	SAN JOSE
43-0724	GEORGE STEIN PAINTING	809	13TH ST N	SAN JOSE
43-1654	MOTEL EAST/CONVENTION SITE		MARKET & SAN CARLOS	SAN JOSE

1) ***** This listing includes both fuel and solvent tank leak cases.

2) While the SFBRWQCB has endeavored to make this list as accurate as possible, the SFBRWQCB is not responsible for errors or omissions and make no representation as to its completeness or to the significance of the releases.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
101 WEBSTER STREET, SUITE 600
OAKLAND, CA 94612

Phone: (510) 286 1255
Fax: (510) 286 1380



TO: Fuel Leak User

November 13, 1992

FR: UST Data Management Group

RE: Updated Annual Fuel Leak List

The attached annual Leaking Underground Storage Tank(LUST) list serves to inform parties of the 5,126 sites that the San Francisco Bay Regional Water Quality Control Board(SFBRWQCB) have confirmed as having contaminated soil and/or groundwater resulting from a leak or unauthorized discharge from an underground storage tank or appurtenant piping. Please note that this list is broken down into nine counties that makeup the San Francisco Bay Region 2 area including; Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.

The price of the annual LUST lists is \$20.00 and checks or money orders should be made payable to the San Francisco Regional Water Quality Control Board (S.F.R.W.Q.C.B). Bi-monthly update list will be available until the next annual LUST list is printed and will include; new cases, changes or corrections and deleted cases. Update list will be free of charge but must be picked up in person at our office.

Should you have any questions or comments please feel free to contact the Data Management Staff at (510) 286 -1269.

FUEL LEAKS PUBLIC LIST
BY REGIONAL BOARD NO.

REG. BOARD NO:	SITENAME	STREETNO	STREET	CITY
43-0625	GAGLIASSO TRUCKING	415	ALDO AVE	SANTA CLARA
43-0626	GANGI BROS INVESTMENTS	651	MARTIN AVE	SANTA CLARA
43-0627	GANGI BROTHERS PACKING CO	725	MATHEW ST	SANTA CLARA
43-0628	GANGI INVESTMENTS	1810	EL CAMINO REAL	SANTA CLARA
43-0629	GARBINI ELECTRIC	10261	IMPERIAL AVE	CUPERTINO
43-0630	GARCIA DRILLING	2642	BAYSHORE FRONTAGE RD	MOUNTAIN VIEW
43-0631	GARDEN STATE INT'L TRUCK	1505	4TH ST N	SAN JOSE
43-0632	GARRETSON ENTERPRISES	1932	OLD MIDDLEFIELD WAY	MOUNTAIN VIEW
43-0633	GAS & SHOP <i>Beverly Hills</i>	1590	MCKEE RD	SAN JOSE
23? 43-0634	GAS & SHOP	625	WINCHESTER BLVD	SAN JOSE
43-0635	GASCO #007	2391	THE ALAMEDA	SANTA CLARA
43-0636	GEE BEE AERO	2660	JOHN MONTGOMERY DR	SAN JOSE
43-0637	GEGGATT PROPERTY/CROSSMAN	470	LAKESIDE DR	SUNNYVALE
43-0638	GEM PROPERTY	481	AUZERAIS AVE	SAN JOSE
43-0639	GENERAL ELECTRIC	2155	MONTEREY RD	SAN JOSE
43-0640	GENERAL TELEPHONE COMPANY	930	UNIVERSITY AVE	LOS GATOS
43-0641	GENEROUS GEORGE	300	24TH ST S	SAN JOSE
43-0642	GEORGE BIANCI CONSTRUCTION	775A	MABURY RD	SAN JOSE
43-0643	GEORGE FIGONE EXEMPTION TRUST	1970	MONTEREY RD	SAN JOSE
43-0644	GEORGE MOLTE & ASS.	1731	1ST ST N	SAN JOSE
43-0645	GEORGIA PACIFIC	660	GISK RD E	SAN JOSE
43-0646	GETTY/MOHAWK (TEXACO)	1645	TULLY RD	SAN JOSE
43-0647	GILMORE FLOWERS	12230	SARATOGA-SUNNYVALE	SARATOGA
43-0648	GLAGE UNDERGROUND CONSTRUCTION	1116	DELL AVE	CAMPBELL
43-0649	GO POWER	1890	EMBARCADERO RD	PALO ALTO
43-0650	GOBLE PROPERTY	1650	ZANKER RD	SAN JOSE
43-0651	GOLD STAR REALITY	725	LENZEN AVE	SAN JOSE
43-0652	GOLDEEN'S WAREHOUSE	479	AUZERAIS AVE	SAN JOSE
43-0654	GOLDEN STATE FOODS	577	BURKE ST	SAN JOSE
43-0655	GOLDEN WEST BUILDERS		STEVENS CRK & BYWOOD	SAN JOSE
43-0656	GOODWILL INDUSTRIES	1080	7TH ST N	SAN JOSE
43-0657	GOODWILL INDUSTRIES	950	7TH ST	SAN JOSE
43-0658	GORDON & SILVA	305	MERIDIAN AVE	SAN JOSE
43-0659	GRACE SIERRA CHEMICAL	1001	YOSEMITE DR	MILPITAS
43-0660	GRATTAN PROPERTY	15184	ELM PARK	MONTE SERENO
43-0661	GREAT AMERICAN TOWING	1375	NORMAN AVENUE	SANTA CLARA
43-0662	GREAT DANE TRAILER	1420	INDUSTRIAL AVE	SAN JOSE
43-0663	GREAT DANE TRAILER	1420	GLADDING CT	MILPITAS
43-0665	GREYHOUND LINE INC.	70	ALMADEN AVE	SAN JOSE
43-0666	GRIFFITHS PROPERTY	260	CRISTICK LN	CAMPBELL
43-0667	GUADALUPE RUBBISH DISPOSAL	15999	GUADALUPE MINES RD	SAN JOSE
43-0668	GUADALUPE RUBBISH DISPOSAL CO	718	UNIVERSITY AVE	LOS GATOS
43-0670	GUERRERA'S AUTOMOTIVE	3305	THE ALAMEDA	SANTA CLARA
43-0671	GUILIO CHIODINI	382	MARTIN AVE	SANTA CLARA
43-0672	H & M STATION	789	EVELYN AVE E	MOUNTAIN VIEW
43-0673	HAINES AND SONS PAINTING	980	11TH ST N	SAN JOSE
43-0674	HALLER LUMBER	20195	STEVENS CREEK BLVD	CUPERTINO
43-0675	HANSEN PLUMBING	50	MOMER AVE	PALO ALTO
43-0676	HANSON CONCRETE PRODUCTS	1	HANSON CT	MILPITAS
43-0677	HARDCASTLE AUTOTNOM	590	COLEMAN AVE	SAN JOSE

FUEL LEAK CASE FORM

Enter Date / /
Review Date 10 / 18 / 90
Date of Last Corr. 08 / 30 / 90
Report Date 8 / 30 / 90

Review Status C
Evaluator KAP
Sitename GAS N SHIP
Street Number 625
Street WIMBORNER BLVD
City SAN YEE
Zip 95003
County AB
Local Agency ASOPI
MOPNO
Primary Substance 802700
Secondary Substance

Max. Soil Conc. (ppm) 1600
Max G.W. Impact (ppb)

Case Type S G D (U)
Groundwater Depth

Priority B1
Rank 4+2+2 = (8)

Status P
Date 3A / /
Date 3B / /
Date 5C / /
Date 5R / /
Date 7 / /
Date 8 / /
Date 9 / /

Interim Y (N)
Interim Date / /
Abate Method NT

Lead Agency (Y) L R LI (RI)
UGT (Y) N
Division (0) 1 2 3
Enforce Type (0) 1 2 3
Enforce Date / /
RP Search S I R N

Comment (80 Characters)
VRF ONLY

43 ~~W~~ Gas Shop

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO		FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25100.7 OF THE HEALTH AND SAFETY CODE. SIGNED: <u>Richard Bailey</u> DATE: <u>7/27/90</u>	
REPORT DATE <u>7/27/90</u>		CASE # <u>767</u>			
REPORTED BY	NAME OF INDIVIDUAL FILING REPORT <u>Richard Bailey</u>		PHONE <u>(415) 277-4159</u>	SIGNATURE <u>Richard Bailey</u>	
	REPRESENTING <input checked="" type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER		COMPANY OR AGENCY NAME <u>San Jose Fire Dept</u>		
	ADDRESS <u>411 2nd St Suite 1111 San Jose CA 95113-1305</u>				
RESPONSIBLE PARTY	NAME <u>Gas Shop</u> <input type="checkbox"/> UNKNOWN		CONTACT PERSON <u>Andy Saberi</u>		PHONE <u>(415) 588-3442</u>
	ADDRESS <u>10115 Airport Blvd. San Francisco CA 94107</u>				
SITE LOCATION	FACILITY NAME (IF APPLICABLE) <u>Gas Shop</u>		OPERATOR <u>Andy Saberi</u>		PHONE <u>(415) 588-3442</u>
	ADDRESS <u>625 Winchester Blvd. San Jose Santa Clara 95103</u>		CROSS STREET <u>Rollie Rd</u>		
IMPLEMENTING AGENCIES	LOCAL AGENCY <u>San Jose Fire Dept</u>		CONTACT PERSON <u>Richard Bailey</u>		PHONE <u>(415) 277-4159</u>
	REGIONAL BOARD <u>San Francisco Bay</u>		CONTACT PERSON <u>Tom Colby</u>		PHONE <u>(415) 414-0747</u>
SUBSTANCES INVOLVED	(1) NAME <u>Kerosene</u>				QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
	(2)				<input type="checkbox"/> UNKNOWN
DISCOVERY/ABATEMENT	DATE DISCOVERED <u>7/27/90</u>		HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> OTHER		
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN		METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER		
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE				
SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER		CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER		
	CASE TYPE <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)				
CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST-CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY				
	REMEDIAL ACTION CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> ENHANCED BIO DEGRADATION (BT) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> VENT SOIL (VS) <input type="checkbox"/> OTHER (OT)				
COMMENTS	<u>771 1600 ppm</u>				

INSTRUCTIONS

EMERGENCY

Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY

To avoid duplicate notification pursuant to Health and Safety code Section 25180.7, a designated government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY

Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY

Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION

Enter information regarding the tank facility. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES

Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED

Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT

Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE

Indicate source(s) of leak. Check box(es) indicating cause of leak.

CASE TYPE

Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case type may change upon further investigation.

CURRENT STATUS

Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil. Descriptions of options follow:

No Action Taken - No action has been taken by responsible party beyond initial report of leak.

Leak Being Confirmed - Leak suspected at site, but has not been confirmed.

Preliminary Site Assessment Workplan Submitted - workplan/proposal requested of/submitted by responsible party to determine whether ground water has been, or will be, impacted as a result of the release.

Preliminary Site Assessment Underway - implementation of workplan.

Pollution Characterization - responsible party is in the process of fully defining the extent of contamination in soil and ground water and assessing impacts on surface and/or ground water.

Remediation Plan - remediation plan submitted evaluating long term remediation options. Proposal and implementation schedule for appropriate remediation options also submitted.

Cleanup Underway - implementation of remediation plan.

Post Cleanup Monitoring in Progress - periodic ground water or other monitoring at site, as necessary, to verify and/or evaluate effectiveness of remedial activities.

Case Closed - regional board and local agency in concurrence that no further work is necessary at the site.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

REMEDIAL ACTION

Indicate which action have been used to cleanup or remediate the leak. Descriptions of options follow:

Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.

Containment Barrier - install vertical dike to block horizontal movement of contaminant.

Excavate and Dispose - remove contaminated soil and dispose in approved site.

Excavate and Treat - remove contaminated soil and treat (includes spreading or land farming).

Remove Free Product - remove floating product from water table.

Pump and Treat Groundwater - generally employed to remove dissolved contaminants.

Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.

Replace Supply - provide alternative water supply to affected parties.

Treatment at Hookup - install water treatment devices at each dwelling or other place of use.

Vacuum Extract - use pumps or blowers to draw air through soil.

Vent Soil - bore holes in soil to allow volatilization of contaminants.

No Action Required - incident is minor, requiring no remedial action.

COMMENTS - Use this space to elaborate on any aspects of the incident.

SIGNATURE - Sign the form in the space provided.

DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies intact to your local tank permitting agency for distribution.

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Loans and Grants, Underground Storage Tank Program, P.O. Box 94212, Sacramento, CA 94244-2120
3. Regional Water Quality Control Board
4. County Board of Supervisors or designee to receive Proposition 65 notifications.
5. Owner/responsible party.

Memorandum

To: Ray Swope, Esq.
From: Lisa Vandenberg
Re: Saberi v. Gupta, California Regional Water Quality
Control Board
Date: May 27, 1993

Question Presented

Whether any of Mr. Saberi's, or Sabek, Inc.'s properties have been reported and filed at the California Regional Water Quality Control Board?

Discussion

The San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) has information on sites that the SFBRWQCB has confirmed as having contaminated soil and/or groundwater resulting from a leak or unauthorized discharge from an underground storage tank or appurtenant pipe. The information pertains to nine counties including Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma. Hence, two of the counties where Saberi has property [listed on computer print-out], Nevada County and Santa Cruz County, have not been researched. Nevada contains vacant land and Santa Cruz contains a service station.

Regarding the county information that is available, and the information we have on Saberi's properties, two of Saberi's properties ~~are~~ ~~had~~ are contaminated.

The reported contaminated properties include:

1. 190 N. Bascom Ave., San Jose;
2. 625 Winchester Blvd., San Jose.

(Please note that our computer print out of Saberi's properties shows #2 as 623 Winchester rather than 625. Both the Fuel leak print out and site report show the address as 625 Winchester.)

Regarding the Bascom Ave. site, the report is not in the file drawer, and hence, is currently not available. I have a potential name of the person who may have taken the file, but he is currently on vacation for about 1 week. I will call both him and the SFBRW@CB within the next week to see if the file has been replaced.

(Please note that the person who may have the file works at the ~~file~~ SFBRW@CB and I have been told that he probably has it for "technical" reasons.)

Regarding the Winchester Blvd. site, I have copied the three papers within the file and they are the last three papers attached to this report.

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
2101 WEBSTER STREET, SUITE 500
OAKLAND, CA 94612
(510) 286-1255



TO: UST USERS

May 01, 1993

FR: UST Data Management Group

RE: Bi-Monthly Underground Storage Tank Update List: (2)

This is the Fourth of the Bi-Monthly Leaking Underground Storage Tank(LUST) lists that serves to inform interested parties of new, changes or corrections, and deleted sites that the San Francisco Bay Regional Water Quality Control Board (SFBRWQCB) have confirmed having contaminated soil and/or groundwater resulting from a leak or unauthorized discharge from an underground storage tank or appurtenant piping. Please note that this list broken down into nine counties that makeup the San Francisco Bay Region 2 area including; Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano, and Sonoma.

This update list is free of charge but must be picked up in person at our office.

Should you have any questions or comments please free to contact the Data Management Staff at (510) 286-1269.

1) ***** This listing includes both fuel and solvent tank leak cases.

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UNDERGROUND STORAGE TANK UPDATE LIST(2)
NEW CASES

REG_BOARD NO:	SITENAME	STREET NUMBER	STREET	CITY
43-0557	UNOCAL	300	SARATOGA AVE	LOS GATOS
* CITY OF MILPITAS				
43-1638	QUIKRETE	91	MONTAGUE EXPWY	MILPITAS
43-1020	UNION PACIFIC RAILROAD	650	HAMMOND AVE	MILPITAS
* CITY OF MOUNTAIN VIEW				
43-0536	EXXON	495	HOFFETT BLVD	MOUNTAIN VIEW
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* CITY OF PALO ALTO E				
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43-0973	APTON PROPERTY	505	SAN CARLOS ST E	SAN JOSE
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43-1614	BORRELLI PROPERTY	81	BONAVENTURA DR	SAN JOSE
43-0838	CALTRANS		BRANHM LN & CARTER A	SAN JOSE
43-0014	CENTRAL CONCRETE	610	HCKENDRIE ST	SAN JOSE
43-0950	CHAN NURSERY	1250	TOWNSEND PARK CL	SAN JOSE
43-0941	CHEVRON AUTOMOTIVE	454	BASCOM AVE S	SAN JOSE
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43-0080	CLOUDBURST CAR WASH	695	SAN CARLOS W	SAN JOSE
43-0034	COSENTINOS GROCERY STORE		BASCOM AVE S & UNION	SAN JOSE
43-0980	DETRICK CORP	412	LAWO ST	SAN JOSE
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*****	DINAPOLI SITE	900	WILLIAM ST E	SAN JOSE
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CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION
101 WEBSTER STREET, SUITE 500
OAKLAND, CA 94612

Phone: (510) 286-1255
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TO: Fuel Leak User

November 13, 1992

FR: UST Data Management Group

RE: Updated Annual Fuel Leak List

The attached annual Leaking Underground Storage Tank(LUST) list serves to inform parties of the 5,126 sites that the San Francisco Bay Regional Water Quality Control Board(SFBRWQCB) have confirmed as having contaminated soil and/or groundwater resulting from a leak or unauthorized discharge from an underground storage tank or appurtenant piping. Please note that this list is broken down into nine counties that makeup the San Francisco Bay Region 2 area including; Alameda, Contra Costa, Marin, Napa, San Francisco, San Mateo, Santa Clara, Solano and Sonoma.

The price of the annual LUST lists is \$20.00 and checks or money orders should be made payable to the San Francisco Regional Water Quality Control Board (S.F.R.W.Q.C.B). Bi-monthly update list will be available until the next annual LUST list is printed and will include; new cases, changes or corrections and deleted cases. Update list will be free of charge but must be picked up in person at our office.

Should you have any questions or comments please feel free to contact the Data Management Staff at (510) 286 -1269.

FUEL LEAKS PUBLIC LIST
BY REGIONAL BOARD NO.

REG_BOARD NO:	SITENAME	STREETNO	STREET	CITY
43-0625	GAGLIASSO TRUCKING	415	ALDO AVE	SANTA CLARA
43-0626	GANGI BROS INVESTMENTS	651	MARTIN AVE	SANTA CLARA
43-0627	GANGI BROTHERS PACKING CO	725	MATHEW ST	SANTA CLARA
43-0628	GANGI INVESTMENTS	1810	EL CAMINO REAL	SANTA CLARA
43-0629	GARBINI ELECTRIC	10261	IMPERIAL AVE	CUPERTINO
43-0630	GARCIA DRILLING	2642	BAYSHORE FRONTAGE RD	MOUNTAIN VIEW
43-0631	GARDEN STATE INT'L TRUCK	1505	4TH ST W	SAN JOSE
43-0632	GARRETSO ENTERPRISES	1932	OLD MIDDLEFIELD WAY	MOUNTAIN VIEW
43-0633	GAS & SHOP <i>Beverly Hills</i>	1590	MCKEE RD	SAN JOSE
623? 43-0634	GAS & SHOP	625	WINCHESTER BLVD	SAN JOSE
43-0635	GASCO #007	2391	THE ALAMEDA	SANTA CLARA
43-0636	GEE BEE AERO	2660	JOHN MONTGOMERY DR	SAN JOSE
43-0637	GEGGATT PROPERTY/GROSSMAN	470	LAKESIDE DR	SUNNYVALE
43-0638	GEM PROPERTY	481	AUZERAIS AVE	SAN JOSE
43-0639	GENERAL ELECTRIC	2155	MONTEREY RD	SAN JOSE
43-0640	GENERAL TELEPHONE COMPANY	930	UNIVERSITY AVE	LOS GATOS
43-0641	GENEROUS GEORGE	300	24TH ST S	SAN JOSE
43-0642	GEORGE BIANCI CONSTRUCTION	775A	MABURY RD	SAN JOSE
43-0643	GEORGE FIGONE EXEMPTION TRUST	1970	MONTEREY RD	SAN JOSE
43-0644	GEORGE NOLTE & ASS.	1731	1ST ST W	SAN JOSE
43-0645	GEORGIA PACIFIC	660	GISH RD E	SAN JOSE
43-0646	GETTY/MOHAWK (TEXACO)	1645	TULLY RD	SAN JOSE
43-0647	GILMORE FLOWERS	12230	SARATOGA-SUNNYVALE	SARATOGA
43-0648	GLAGE UNDERGROUND CONSTRUCTION	1116	DELL AVE	CAMPBELL
43-0649	GO POWER	1890	EMBARCADERO RD	PALO ALTO
43-0650	GOBLE PROPERTY	1650	ZANKER RD	SAN JOSE
43-0651	GOLD STAR REALITY	725	LENZEN AVE	SAN JOSE
43-0652	GOLDEEN'S WAREHOUSE	479	AUZERAIS AVE	SAN JOSE
43-0654	GOLDEN STATE FOODS	577	BURKE ST	SAN JOSE
43-0655	GOLDEN WEST BUILDERS		STEVENS CRK & BYWOOD	SAN JOSE
43-0656	GOODWILL INDUSTRIES	1080	7TH ST W	SAN JOSE
43-0657	GOODWILL INDUSTRIES	950	7TH ST	SAN JOSE
43-0658	GORDON & SILVA	305	MERIDIAN AVE	SAN JOSE
43-0659	GRACE SIERRA CHEMICAL	1001	YOSEMITE DR	MILPITAS
43-0660	GRATTAN PROPERTY	15184	ELM PARK	MONTE SERENO
43-0661	GREAT AMERICAN TOWING	1375	NORMAN AVENUE	SANTA CLARA
43-0662	GREAT DANE TRAILER	1420	INDUSTRIAL AVE	SAN JOSE
43-0663	GREAT DANE TRAILER	1420	GLADDING CT	MILPITAS
43-0665	GREYHOUND LINE INC.	70	ALMADEN AVE	SAN JOSE
43-0666	GRIFFITHS PROPERTY	260	CRISTICH LN	CAMPBELL
43-0667	GUADALUPE RUBBISH DISPOSAL	15999	GUADALUPE MINES RD	SAN JOSE
43-0668	GUADALUPE RUBBISH DISPOSAL CO	718	UNIVERSITY AVE	LOS GATOS
43-0670	GUERRERA'S AUTOMOTIVE	3305	THE ALAMEDA	SANTA CLARA
43-0671	GUILIO CHIOMI	382	MARTIN AVE	SANTA CLARA
43-0672	H & M STATION	789	EVELYN AVE E	MOUNTAIN VIEW
43-0673	HAINES AND SONS PAINTING	980	11TH ST W	SAN JOSE
43-0674	HALLER LUMBER	20195	STEVENS CREEK BLVD	CUPERTINO
43-0675	HANSEN PLUMBING	50	NOMER AVE	PALO ALTO
43-0676	HANSON CONCRETE PRODUCTS	1	HANSON CT	MILPITAS
43-0677	HARDCASTLE AUTOTMON	590	COLEMAN AVE	SAN JOSE

FUEL LEAK CASE FORM

Enter Date / /
Review Date 10/18/90
Date of Last Corr. 08/30/90
Report Date 8/30/90

Review Status
Evaluator KAD
Sitename GAS N SHOP
Street Number 625
Street WINNEXTER BLVD
City SAN JUAN
Zip 95003
County AB
Local Agency ABOPI
MOPNO
Primary Substance 8182206
Secondary Substance

Max. Soil Conc. (ppm) 1600
Max G.W. Impact (ppb)

Case Type S G D (H)
Groundwater Depth

Priority B1
Rank 4+2+2=(8)

Status
Date 3A
Date 3B
Date 5C
Date 5R
Date 7
Date 8
Date 9

Interim Y (N)
Interim Date / / NT
Abate Method

Lead Agency L R LI (RI)
UGT (V) N
Division (1) 1 2 3
Enforce Type (1) 1 2 3
Enforce Date S I R N
RP Search

Comment (80 Characters)
VRF ONLY

43

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Gas A Shop

UNDERGROUND STORAGE TANK UNAUTHORIZED RELEASE (LEAK) / CONTAMINATION SITE REPORT

EMERGENCY <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	HAS STATE OFFICE OF EMERGENCY SERVICES REPORT BEEN FILED? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	FOR LOCAL AGENCY USE ONLY I HEREBY CERTIFY THAT I AM A DESIGNATED GOVERNMENT EMPLOYEE AND THAT I HAVE REPORTED THIS INFORMATION TO LOCAL OFFICIALS PURSUANT TO SECTION 25180.7 OF THE HEALTH AND SAFETY CODE. <i>Richard Bailey</i> SIGNED: _____ DATE: _____
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REPORT DATE 08 M 30 D 9 Y 10 V	CASE # 767
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REPORTED BY	NAME OF INDIVIDUAL FILING REPORT <i>Richard Bailey</i>	PHONE (415) 277-4159	SIGNATURE <i>Richard Bailey</i>
	REPRESENTING <input checked="" type="checkbox"/> LOCAL AGENCY <input type="checkbox"/> OWNER/OPERATOR <input type="checkbox"/> REGIONAL BOARD <input type="checkbox"/> OTHER	COMPANY OR AGENCY NAME <i>San Jose Fire Dept</i>	
	ADDRESS <i>411 2nd St Suite 100 San Jose CA 95113-1305</i>		

RESPONSIBLE PARTY	NAME <i>Gas A Shop</i> <input type="checkbox"/> UNKNOWN	CONTACT PERSON <i>Andy Saberi</i>	PHONE (415) 522-3422
	ADDRESS <i>1015 Airport Blvd. San Francisco CA 941070</i>		

SITE LOCATION	FACILITY NAME (IF APPLICABLE) <i>Gas A Shop</i>	OPERATOR <i>Andy Saberi</i>	PHONE <i>342-7443</i> (415) 522-3422
	ADDRESS <i>625 Winchester Blvd. San Jose Santa Clara 95103</i>		
	CROSS STREET <i>Little Rd.</i>		

IMPLEMENTING AGENCIES	LOCAL AGENCY <i>San Jose Fire Dept</i>	AGENCY NAME	CONTACT PERSON <i>Richard Bailey</i>	PHONE (415) 277-4159
	REGIONAL BOARD <i>San Francisco Bay</i>		<i>Tom Callahan</i>	PHONE (415) 419-0787

SUBSTANCES INVOLVED	(1) NAME <i>Hexane</i>	QUANTITY LOST (GALLONS) <input checked="" type="checkbox"/> UNKNOWN
	(2)	<input type="checkbox"/> UNKNOWN

DISCOVERY/ABATEMENT	DATE DISCOVERED 08 M 30 D 9 Y 10 V	HOW DISCOVERED <input type="checkbox"/> INVENTORY CONTROL <input type="checkbox"/> TANK TEST <input checked="" type="checkbox"/> TANK REMOVAL <input type="checkbox"/> SUBSURFACE MONITORING <input type="checkbox"/> NUISANCE CONDITIONS <input type="checkbox"/> OTHER
	DATE DISCHARGE BEGAN <input checked="" type="checkbox"/> UNKNOWN	METHOD USED TO STOP DISCHARGE (CHECK ALL THAT APPLY) <input type="checkbox"/> REMOVE CONTENTS <input type="checkbox"/> REPLACE TANK <input checked="" type="checkbox"/> CLOSE TANK <input type="checkbox"/> REPAIR TANK <input type="checkbox"/> REPAIR PIPING <input type="checkbox"/> CHANGE PROCEDURE <input type="checkbox"/> OTHER
	HAS DISCHARGE BEEN STOPPED? <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO IF YES, DATE	

SOURCE/CAUSE	SOURCE OF DISCHARGE <input type="checkbox"/> TANK LEAK <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> PIPING LEAK <input type="checkbox"/> OTHER	CAUSE(S) <input type="checkbox"/> OVERFILL <input type="checkbox"/> CORROSION <input checked="" type="checkbox"/> RUPTURE/FAILURE <input type="checkbox"/> SPILL <input checked="" type="checkbox"/> UNKNOWN <input type="checkbox"/> OTHER
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CASE TYPE	CHECK ONE ONLY <input checked="" type="checkbox"/> UNDETERMINED <input type="checkbox"/> SOIL ONLY <input type="checkbox"/> GROUNDWATER <input type="checkbox"/> DRINKING WATER (CHECK ONLY IF WATER WELLS HAVE ACTUALLY BEEN AFFECTED)
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CURRENT STATUS	CHECK ONE ONLY <input type="checkbox"/> NO ACTION TAKEN <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT WORKPLAN SUBMITTED <input type="checkbox"/> POLLUTION CHARACTERIZATION <input type="checkbox"/> LEAK BEING CONFIRMED <input type="checkbox"/> PRELIMINARY SITE ASSESSMENT UNDERWAY <input type="checkbox"/> POST CLEANUP MONITORING IN PROGRESS <input type="checkbox"/> REMEDIATION PLAN <input type="checkbox"/> CASE CLOSED (CLEANUP COMPLETED OR UNNECESSARY) <input type="checkbox"/> CLEANUP UNDERWAY
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REMEDIAL ACTION	CHECK APPROPRIATE ACTION(S) (SEE BACK FOR DETAILS) <input type="checkbox"/> CAP SITE (CD) <input type="checkbox"/> CONTAINMENT BARRIER (CB) <input type="checkbox"/> VACUUM EXTRACT (VE) <input type="checkbox"/> EXCAVATE & DISPOSE (ED) <input type="checkbox"/> EXCAVATE & TREAT (ET) <input type="checkbox"/> NO ACTION REQUIRED (NA) <input type="checkbox"/> OTHER (OT) <input checked="" type="checkbox"/> REMOVE FREE PRODUCT (FP) <input type="checkbox"/> PUMP & TREAT GROUNDWATER (GT) <input type="checkbox"/> TREATMENT AT HOOKUP (HU) <input type="checkbox"/> ENHANCED BIO DEGRADATION (BT) <input type="checkbox"/> REPLACE SUPPLY (RS) <input type="checkbox"/> VENT SOIL (VS)
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COMMENTS	<i>7711 160077pm</i>
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INSTRUCTIONS

EMERGENCY

Indicate whether emergency response personnel and equipment were involved at any time. If so, a Hazardous Material Incident Report should be filed with the State Office of Emergency Services (OES) at 2800 Meadowview Road, Sacramento, CA 95832. Copies of the OES report form may be obtained at your local underground storage tank permitting agency. Indicate whether the OES report has been filed as of the date of this report.

LOCAL AGENCY ONLY

To avoid duplicate notification pursuant to Health and Safety code Section 25180.7, a designated government employee should sign and date the form in this block. A signature here does not mean that the leak has been determined to pose a significant threat to human health or safety, only that notification procedures have been followed if required.

REPORTED BY

Enter your name, telephone number, and address. Indicate which party you represent and provide company or agency name.

RESPONSIBLE PARTY

Enter name, telephone number, contact person, and address of the party responsible for the leak. The responsible party would normally be the tank owner.

SITE LOCATION

Enter information regarding the tank facility. At a minimum, you must provide the facility name and full address.

IMPLEMENTING AGENCIES

Enter names of the local agency and Regional Water Quality Control Board involved.

SUBSTANCES INVOLVED

Enter the name and quantity lost of the hazardous substance involved. Room is provided for information on two substances if appropriate. If more than two substances leaked, list the two of most concern for cleanup.

DISCOVERY/ABATEMENT

Provide information regarding the discovery and abatement of the leak.

SOURCE/CAUSE

Indicate source(s) of leak. Check box(es) indicating cause of leak.

CASE TYPE

Indicate the case type category for this leak. Check one box only. Case type is based on the most sensitive resource affected. For example, if both soil and ground water have been affected, case type will be "Ground Water". Indicate "Drinking Water" only if one or more municipal or domestic water wells have actually been affected. A "Ground Water" designation does not imply that the affected water cannot be, or is not, used for drinking water, but only that water wells have not yet been affected. It is understood that case types may change upon further investigation.

CURRENT STATUS

Indicate the category which best describes the current status of the case. Check one box only. The response should be relative to the case type. For example, if case type is "Ground Water", then "Current Status" should refer to the status of the ground water investigation or cleanup, as opposed to that of soil. Descriptions of options follow:

No Action Taken - No action has been taken by responsible party beyond initial report of leak.

Leak Being Confirmed - Leak suspected at site, but has not been confirmed.

Preliminary Site Assessment Workplan Submitted - workplan/proposal requested of/submitted by responsible party to determine whether ground water has been, or will be, impacted as a result of the release.

Preliminary Site Assessment Underway - implementation of workplan.

Pollution Characterization - responsible party is in the process of fully defining the extent of contamination in soil and ground water and assessing impacts on surface and/or ground water.

Remediation Plan - remediation plan submitted evaluating long term remediation options. Proposal and implementation schedule for appropriate remediation options also submitted.

Cleanup Underway - implementation of remediation plan.

Post Cleanup Monitoring in Progress - periodic ground water or other monitoring at site, as necessary, to verify and/or evaluate effectiveness of remedial activities.

Case Closed - regional board and local agency in concurrence that no further work is necessary at the site.

IMPORTANT: THE INFORMATION PROVIDED ON THIS FORM IS INTENDED FOR GENERAL STATISTICAL PURPOSES ONLY AND IS NOT TO BE CONSTRUED AS REPRESENTING THE OFFICIAL POSITION OF ANY GOVERNMENTAL AGENCY

REMEDIAL ACTION

Indicate which action have been used to cleanup or remediate the leak. Descriptions of options follow:

Cap Site - install horizontal impermeable layer to reduce rainfall infiltration.

Containment Barrier - install vertical dike to block horizontal movement of contaminant.

Excavate and Dispose - remove contaminated soil and dispose in approved site.

Excavate and Treat - remove contaminated soil and treat (includes spreading or land farming).

Remove Free Product - remove floating product from water table.

Pump and Treat Groundwater - generally employed to remove dissolved contaminants.

Enhanced Biodegradation - use of any available technology to promote bacterial decomposition of contaminants.

Replace Supply - provide alternative water supply to affected parties.

Treatment at Hookup - install water treatment devices at each dwelling or other place of use.

Vacuum Extract - use pumps or blowers to draw air through soil.

Vent Soil - bore holes in soil to allow volatilization of contaminants.

No Action Required - incident is minor, requiring no remedial action.

COMMENTS - Use this space to elaborate on any aspects of the incident.

SIGNATURE - Sign the form in the space provided.

DISTRIBUTION

If the form is completed by the tank owner or his agent, retain the last copy and forward the remaining copies intact to your local tank permitting agency for distribution.

1. Original - Local Tank Permitting Agency
2. State Water Resources Control Board, Division of Loans and Grants, Underground Storage Tank Program, P.O. Box 944212, Sacramento, CA 94244-2120
3. Regional Water Quality Control Board
4. County Board of Supervisors or designee to receive Proposition 65 notifications.
5. Owner/responsible party.

SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN MATEO

ANDY SABERI,

Plaintiff,

vs.

SOM D. GUPTA, PAWAN K. GARG,
et al.,

Defendants.

Consolidated
Case No. 358895
Case No. 343614

CERTIFIED COPY

AND RELATED CROSS-ACTION

SOM D. GUPTA AND PAWAN K.
GARG,

Plaintiffs,

vs.

ANDY SABERI, SABEK, INC.,
et al.,

Defendants.

DEPOSITION OF SABEK, INC.

BY ANDY SABERI

Monday, May 3, 1993

V O L U M E 2

REPORTED BY: RENAE BONITO SANDBERG, CSR. NO. 5831

GROSSMAN & COTTER

CERTIFIED COURT REPORTERS

2421 PARK BOULEVARD, SUITE A-200
PALO ALTO, CALIFORNIA 94306
(415) 324-1181

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1 gotten together. The prior two occasions he told you
2 he was not going to tell you about his financial
3 condition and disclose all of his properties to you,
4 so you can worm into his financial situation, and on
5 both occasions we gave the same answers.

6 We are giving it again today, and I don't
7 think you get to ask the same question over a two
8 year period, and get the same answer, and raise it
9 again.

10 MS. JOHNSON: Q. Mr. Saberi, we
11 need to ask you questions about your other properties
12 because it's relevant to your contention that, (a),
13 this property was left in poor condition, and, (b),
14 your contention that there is contamination of the
15 property.

16 Your attorney has represented to us that
17 you have some experience in contamination at other
18 sites. I need to hear from you, yourself, what this
19 experience is.

20 A. I am not going to talk about it.

21 Q. Has there been any contamination, that you
22 know of, at 336 Moffett Boulevard in Mountain View?

23 A. I am not going to talk about Moffett
24 Boulevard.

25 Q. Has there been any contamination, that you

1 know of, at 190 North Bascom Avenue in San Jose?

2 MR. PAYNTER: Counsel, all these
3 questions were previously answered months, and, as a
4 matter of fact, in this case, years ago. Whoever was
5 taking the deposition, I believe it was Mr. Swopes'
6 predecessor, Mr. Levy, was told we were not going to
7 answer these questions, and I don't think you get to
8 revisit those issues.

9 We previously lodged our response, and
10 that was, we were not going to talk about the other
11 properties, and answer these questions, and that was
12 I believe in 1991 --

13 MS. JOHNSON: Mr. Saberi --

14 MR. PAYNTER: -- in the deposition.
15 So our answers are the same, and that is we are not
16 going to respond, and I believe you have waived any
17 issues in relationship to making those inquires.

18 MS. JOHNSON: Q. Mr. Saberi, has
19 there been any contamination that you know of at the
20 vacant land at 1590 McKee Road in San Jose,
21 California?

22 MR. PAYNTER: Same answer.

23 MS. JOHNSON: I need to get his
24 answer.

25 Q. Mr. Saberi, has there been any

1 contamination, that you know of, in the vacant land
2 at 1590 McKee Road, San Jose?

3 A. My attorney will answer.

4 MR. PAYNTER: In May of 1991 we went
5 through this same series of questions. Mr. Levy, I
6 believe it was --

7 MS. JOHNSON: We did not have this
8 printout at the time, so I don't know what you're
9 possibly talking about.

10 MR. PAYNTER: Mr. Levy tried to ask a
11 series of questions that had to do with other
12 properties that Mr. Saberi owned. We told him at
13 that time that he was not going to get into those
14 issues of other properties. The same questions were
15 raised in February of 1993.

16 If you have any new areas of inquiry that
17 you want to ask of my client, which we have not gone
18 through, this is the third day of inquiries in a
19 relatively simple case in a lot of ways --

20 MS. JOHNSON: Well, Mr. Paynter, the
21 problem --

22 MR. PAYNTER: -- would you please get
23 into the new areas? If you don't have any new areas,
24 just tell me so we can leave.

25 MS. JOHNSON: The problem here is

1 that Mr. Saberi refused to answer questions to me
2 before, and to Mr. Levy before, on the grounds that
3 it was proprietary information. He was never asked
4 about specific properties, and you know it.

5 We have now gone to the trouble to pay to
6 get this information. I am now entitled to ask him
7 property by property, at least to try to jog his
8 memory, about whether he has had any experience
9 before, if so what, where, when, so that we can get
10 on with this litigation.

11 MR. PAYNTER: This is just patent
12 harassment, Counsel. It doesn't have anything to do
13 with the Oakland station and whether the Oakland
14 station is polluted. This is just, we are going off
15 into never never land --

16 MS. JOHNSON: We are attempting --

17 MR. PAYNTER: -- just like we did in
18 previous depositions, and when we started to go off
19 into never never land, the objection was raised and
20 we stated we weren't going to answer questions that
21 had to do with other properties, that we wanted to,
22 you know, stay within some reasonable bounds of
23 discovery, so that it would lead to relevant
24 information.

25 MS. JOHNSON: Mr. Paynter, if you

1 just would be quiet for a few minutes, I will tell
2 you what, I am going to get through these questions
3 pretty quickly, and, you know, then we will be
4 through with this line of questioning, and I'll go on
5 to something else.

6 MR. PAYNTER: Okay. And I want the
7 record to reflect that the basis for the objection is
8 the fact that these questions have been previously
9 answered, have been previously been objected to in
10 1991, February, and May of '93 -- or, no, in February
11 of 1993, and in May of 1991. We were asked the same
12 questions then, we weren't going to answer them then,
13 we lodged our objection, it's been asked and
14 answered. They have been asked and answered and
15 previously objected to, and you don't get to come
16 back and revisit them for the third occasion.

17 MS. JOHNSON: Well, I will tell you
18 what, the record is going to show what was asked and
19 answered before, so, you know, that part you can deal
20 with later when we make our motion.

21 MR. PAYNTER: You cannot attempt to
22 try and circumvent the same questions that were asked
23 before by just raising them from a different angle.

24 MS. JOHNSON: Q. Mr. Saberi, was
25 there any contamination, that you know of, at 635

1 MacArthur Boulevard in San Leandro?

2 MR. PAYNTER: Objection --

3 MS. JOHNSON: Wait a minute, I need
4 to get an answer. What is your answer?

5 MR. PAYNTER: I instruct him not to
6 answer.

7 MS. JOHNSON: All right.

8 MR. PAYNTER: Previously asked and
9 answered.

10 MS. JOHNSON: This was not, I assure
11 you, asked and answered.

12 Q. Mr. Saberi, was there any contamination,
13 that you know of, at 641 MacArthur Boulevard, San
14 Leandro?

15 MR. PAYNTER: Previously asked and
16 answered. My client has indicated to you, as I have,
17 in previous depositions that he will not discuss
18 pollution problems at other sites.

19 MS. JOHNSON: It's extremely
20 relevant to his claim of damages, to his claim of how
21 much it cost to undertake a cleanup, to his knowledge
22 of whether there is or is not contamination, and I
23 certainly --

24 THE WITNESS: What would, what's that
25 got to do with someplace else; if I spent ten

1 million, what does that have do with this site?

2 MR. PAYNTER: If he said there was
3 contamination, and the experts all said there wasn't,
4 do you think it would be competent testimony?

5 MS. JOHNSON: Q. Well, Mr.
6 Saberi, you have asked for a certain dollar amount
7 to clean up this property.

8 A. What's that got to do with some other
9 property or pollution? The other site is different.

10 Q. What it has to do with is what is a
11 reasonable cost.

12 A. It's absolutely -- each site is by itself,
13 it has nothing to do with the other sites,
14 absolutely has nothing to do with the other sites.

15 Q. I'd like to know --

16 A. You would like to know anything, and waste
17 my time, but what does it have to do with the other
18 sites?

19 Q. I would like to know, did you use the same
20 company to test?

21 A. What is the difference?

22 Q. Well, it has to do with the validity of
23 your tests results. I am entitled to probe that to
24 find out.

25 A. You want to see that, depose them. You've

1 got the test, you can depose them. It's sitting
2 there.

3 Q. Well, I'm entitled to know if the company
4 is a company that you have been dealing with in other
5 problems or not?

6 A. What's that got to do with this?

7 Q. You're here today --

8 A. You have the name of the company. Why
9 don't you ask them?

10 Q. Because I am also entitled to ask you
11 these questions.

12 A. I'm not going to answer you.

13 MR. PAYNTER: You already did ask. He
14 said he wouldn't answer it. You don't get to revisit
15 the subject two years later.

16 THE WITNESS: I just said I wouldn't
17 answer it.

18 MS. JOHNSON: Well, this is a
19 different question, by the way.

20 MR. PAYNTER: No, it isn't, it's the
21 same question.

22 MS. JOHNSON: But I will save those
23 questions for a few more minutes.

24 Q. Mr. Saberi, has there been any
25 contamination, that you know of, at 3390 Army Street,

1 San Francisco?

2 MR. PAYNTER: I instruct him not to
3 answer the question, as it was previously asked and
4 answered in another form, when we objected to it, and
5 advised you that we would not answer questions about
6 pollution at other sites.

7 MS. JOHNSON: Q. Mr. Saberi, to
8 your knowledge has there been any pollution at 895
9 Woodside Road, Redwood City?

10 MR. PAYNTER: Same objection,
11 previously asked and answered, not intended to lead
12 to discoverable information. It's done purely for
13 the purpose of harassment.

14 MS. JOHNSON: Q. Mr. Saberi, to
15 your knowledge has there been any contamination at
16 623 South Winchester Boulevard in San Jose?

17 MR. PAYNTER: Same objections
18 incorporated, and I'll instruct him not to answer.

19 MS. JOHNSON: Q. Mr. Saberi, has
20 there been any contamination, that you know of, at
21 2003 Mission street in Santa Cruz?

22 MR. PAYNTER: Same objection as
23 stated previously, asked and answered, will not lead
24 to discoverable information, done purely for the
25 purpose of harassment.

1 MS. JOHNSON: Q. Mr. Saberi, has
2 there been any contamination, that you know of, at
3 455 Old Redwood Highway in Sonoma County?

4 MR. PAYNTER: Same objection, he is
5 instructed not to answer. The information has
6 previously been solicited, it's been objected to
7 previously in two prior depositions, it's not done to
8 lead -- the purpose is not to lead to relevant
9 information, and it is done for the purpose of
10 harassment.

11 MS. JOHNSON: Q. Mr. Saberi, your
12 attorney has advised us that you have been involved
13 in cleanups at other properties.

14 MR. PAYNTER: Object to that,
15 Counsel. You're making a representation about
16 something I have said, you know. Are you testifying
17 to that?

18 MS. JOHNSON: I am laying the
19 foundation for my question.

20 Q. Where is the property located at which you
21 have had that experience?

22 A. I don't know what you're talking about.

23 Q. Have you ever been involved in a cleanup
24 of contamination?

25 MR. PAYNTER: Objection, vague and

1 ambiguous.

2 MS. JOHNSON: Q. Do you
3 understand what I am asking you, Mr. Saberi?

4 A. I am not going to answer it, about
5 contamination at some other site.

6 Q. My question is, have you ever had any
7 experience in cleaning up ground contamination at a
8 service station that you owned or operated?

9 A. I have no such experience.

10 Q. Pardon me?

11 A. I don't have such experience.

12 Q. As an owner of property, have you ever
13 been required to clean up ground contamination at a
14 service station?

15 A. I'm not talking about any other
16 locations.

17 Q. When you say you have had no such
18 experience, do you mean that you physically have not
19 been involved in a cleanup?

20 A. I have no permit to clean up the joint,
21 and I don't have any expertise to clean up any
22 property.

23 Q. Have you ever been required to pay someone
24 to clean up any contamination?

25 A. I don't want to talk about any other

1 property.

2 Q. Have you ever used the same company, that
3 you used at the location that is the subject of this
4 lawsuit, to do testing at any other site that you
5 owned?

6 A. I don't want to talk about these things,
7 about the other sites.

8 Q. How did you first learn of the Tank
9 Project?

10 MR. PAYNTER: You mean Tank Protect
11 Engineering?

12 MS. JOHNSON: Q. Tank Protect
13 Engineering.

14 MR. PAYNTER: Why don't you --

15 MR. SWOPE: Please reread the
16 question.

17 MR. PAYNTER: How did you first learn
18 about that.

19 MS. JOHNSON: Why --

20 MR. SWOPE: Can you please reread
21 the question.

22 (Discussion off the record.)

23 (Record read: "Q. How did you first
24 learn of the Tank Project? MR.

25 PAYNTER: You mean Tank Protect

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SAN MATEO

ANDY SABERI,

Plaintiff,

vs.

Case No. 358894

SOM D. GUPTA, PAWAN K. GARG,
DOES 1 - 10, inclusive,

Defendants..

RECEIVED
ROPER, MAJESKI
RCO

AUG 17 1993

CALENDARED

FILE

5:01 pm

DEPOSITION OF JOHN MRAKOVICH

VOLUME I

Monday, August 2, 1993

1001 Marshall Street

Redwood City, California

MADELEINE M. FRED A, INC.
Certified Shorthand Reporters

Reported by:
Rita M. Torreano
CSR No. 7649

Our File No. 31735

555 Price Avenue
P.O. Box 3119
Redwood City, CA 94064
(415) 365-6152

1 reserves.

2 Q At the beginning of this deposition, you stated
3 that you had testified three times before in
4 depositions; is that correct?

5 A That's correct.

6 Q In what types of cases?

7 A It was litigation regarding soil and ground
8 water contamination.

9 Q Do you recall the names of the cases?

10 A One was -- I don't recall the exact name, but I
11 can tell you that at least one of the parties involved,
12 one was Saberi, another was Anthony's Auto Service, and
13 a third --

14 Q Same case?

15 A No. This would be another, another case. Then
16 the third one would again be a completely separate case
17 involving the company I'm employed with.

18 Q Involving Tank Protect, itself?

19 A Tank Protect, itself, yes.

20 Q With regard to the matter involving Mr. Saberi,
21 did that matter pertain to an underground storage tank
22 in a gasoline station facility?

23 A Yes, it did.

24 Q Where is that station located?

25 A Morgan Hill.

26 Q Have you testified at trial in that case?

1 A No.

2 Q Do you know whether that case has gone to
3 trial?

4 A I don't know.

5 Q Do you have any recollection of what you
6 testified to with regard to the underground storage tank
7 at the Morgan Hill station, the one for Mr. Saberi?

8 MR. PAYNTER: That presumes something that's
9 not the fact. It wasn't owned by Mr. Saberi. He had
10 been a lessee -- or lessor, whatever. He occupied the
11 station as a tenant, so he was not an owner of anything.

12 MR. SWOPE: Objection's noted. I withdraw the
13 question. Let me rephrase.

14 Q Do you have any recollection of what you
15 testified to as to the underground storage tank matter
16 at Morgan Hill involving Mr. Saberi?

17 A Yes. We did some soil borings and monitoring
18 wells at that site. And the testimony was related to
19 the results of that data.

20 Q Do you have any personal knowledge as to
21 whether Mr. Saberi owned that property in Morgan Hill
22 where the testing was done?

23 A I believe he did lease the property.

24 Q But he didn't own the property; is that
25 correct?

26 A It's my understanding he did not own it.

1 MR. SWOPE: Q So Sabek, Inc., slash
2 Mr. Saberi, leased this property, and you performed
3 testing as to any contamination underground; is that
4 correct?

5 A Yes.

6 MR. SWOPE: Q So it's your understanding that
7 Sabek was the lessee of the property and may have
8 maintained an action at some point against the owner of
9 the property?

10 A I'm not sure if it was the owner or, as was
11 mentioned by his attorney here, it may have been the
12 insurance company. I believe he had some environmental
13 insurance for a short period of time when -- and he
14 believed this spill took place during that time.

15 MR. PAYNTER: There were a whole number of
16 parties involved in it; the owner, prior tenants. It
17 was a cast of thousands.

18 THE WITNESS: And the city was involved.

19 MR. PAYNTER: I think the city was involved.
20 It was a -- I think it's in Santa Clara County, though
21 so --

22 THE WITNESS: It is.

23 MR. PAYNTER: You'll probably find filings out
24 there.

25 MR. SWOPE: Could you please reread his last
26 two responses for the record?

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN MATEO

---oOo---

ANDY SABERI,

Plaintiff,

vs.

SOM D. GUPTA, PAWAN K. GARG,
et al,

Defendants.

and related cross-action.

)
)
)
) Consolidated Case
) No. 358895
) 343614
)
)
)
)

CERTIFIED COPY

DEPOSITION OF MARK ZOMORODI

Taken Tuesday, June 15, 1993

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PCO

JUN 30 1993

Reported by: SANDRA S. MOVAHED, CSR #5623

GROSSMAN & COTTER

CERTIFIED COURT REPORTERS

2421 PARK BOULEVARD, SUITE A-200

PALO ALTO, CALIFORNIA 94306

(415) 324-1181

8

1 that correct?

2 A. Yes.

3 Q. Has Sabek, Incorporated always been your
4 client or has it been Andy Saberi as well as Sabek,
5 Inc.?

6 A. Sabek has been the company that I have been
7 dealing with. Mr. Saberi has been my contact person.

8 Q. For how long have you performed work for
9 Sabek?

10 A. Since 1990.

11 Q. And what percentage of the income of Tank
12 Protect has work for Sabek provided?

13 A. I don't know exact percentage but it can't be
14 very high, it's very nominal.

15 Q. What would be your best estimate?

16 A. I have no idea. But it is in one digit
17 level, probably; where it stands, I don't know.

18 Q. You don't believe it would be as high as 10
19 percent?

20 A. I don't think so.

21 Q. It could be but you're not sure?

22 A. I don't think so. I am more inclined -- to
23 my knowledge, it's less, a lot less.

24 Q. All right. For how many of Sabek, Inc.'s
25 sites have -- well, has Tank Protect provided work?

8

1 A. I can give you a rough number. About 10,
2 probably.

3 Q. When you performed work for Sabek, Inc. in
4 the past, have you done testing at each of the sites?

5 A. I'm not sure if I understand your question.

6 Q. You believe you have worked for Sabek, Inc.
7 at approximately 10 different locations?

8 A. I believe so.

9 Q. Have you performed tests at each of those
10 locations?

11 A. You're talking about analytical test; is that
12 what you're talking about?

13 Q. Any kind of test?

14 A. Yes, that's part of my job.

15 Q. What kinds of tests have you performed at
16 these 10 sites?

17 A. Soil sampling, water sampling; is that the
18 kind of --

19 Q. Yeah. Anything else?

20 A. No, that's pretty much it.

21 Q. Have you done any tank tests?

22 A. I have done tank tests, yes.

23 Q. For Sabek, Inc.?

24 A. No.

25 Q. But is tank testing something that your

8

1 company does?

2 A. We sometimes do, we used to do it and we
3 subcontract it sometimes.

4 Q. It would be something that you would offer to
5 a client who wanted it?

6 A. Yes.

7 Q. Any other kind of testing for Sabek, Inc.
8 other than soil and water sampling?

9 A. No.

10 MS. JOHNSON: Can we take just a very
11 short break here?

12 (A recess was taken from 11:10 to 11:25 a.m.)

13 MS. JOHNSON: Q. Mr. Zomorodi, I'm just
14 going to ask you about various sites and ask you if you
15 performed work at these different sites. One would be
16 on Moffett Boulevard in Mountain View at a service
17 station there?

18 A. Do I have to answer these questions? These
19 are something that you just want to know yes or no?

20 Q. Yes, that's all I want to know.

21 A. Yes.

22 Q. Have you performed work at a service station
23 site on Bascom Avenue in San Jose?

24 A. Yes.

25 Q. Have you performed work at a vacant lot on

8

1 McKee Road in San Jose?

2 A. Yes.

3 Q. Have you performed work at a service station
4 on McArthur boulevard in San Leandro?

5 A. Yes.

6 Q. Have you performed work on a vacant lot on
7 Army Street in San Francisco?

8 A. No.

9 Q. Have you performed any work at the Airport
10 Boulevard site in South San Francisco?

11 A. No.

12 Q. Have you performed any work on Woodside Road
13 in Redwood City at a service station?

14 A. No.

15 Q. Have you performed any work at a service
16 station on South Winchester Boulevard in San Jose?

17 A. Yes.

18 Q. Have you performed any work at any
19 condominium?

20 A. No.

21 Q. Have you performed any work on Mission Street
22 in Santa Cruz?

23 A. Yes.

24 Q. Have you performed any work on Redwood
25 Highway in Sonoma at a service station?

WILLIAM H. PAYNTER

ATTORNEY AT LAW
809 BROADWAY, SUITE 6
SONOMA, CALIFORNIA 95476

707/996-5605
FAX 707/938-8668

BY FACSIMILE

August 25, 1993

AUG 27 1993

C. Judith Johnson
Camerlengo & Johnson
500 Airport Blvd., Suite 230
Burlingame, CA 94010

CHP
FILE

V. Raymond Swope III
Ropers, Majeski, Kohn, et al.,
1001 Marshall Street
Redwood City, CA 94063

Re: Saberi v. Gupta, et al.
Case Number 358894/343614

Dear Ms. Johnson and Mr. Swope:

Pursuant to our previous communications regarding the property in the above matter, this is to inform you that the tanks were removed on August 24, 1993.

There are visible signs of pollution in the area in which the tanks had been located. Additionally, I understand that there are odors that strongly indicate the presence of gasoline pollution.

Sabek has to take immediate action to address the concerns of the local agencies regarding the pollution. If you desire to examine, inspect or conduct tests at the site, you must take action immediately. Please contact my office and let me know what you would like to do regarding this matter. If I am not available, please contact Tom or Andy Saberi directly at their office at Sabek, Inc., at (415) 588-3088 to make the arrangements.

Very truly yours,

Wm. Paynter JK
William H. Paynter JK

WHP/jk

c.c. Andy Saberi

ltr2/johnson

HAROLD ROPERS
11004-19081
LAW OFFICES OF
RON W. FIELDS
870 HOWARD STREET
SAN FRANCISCO, CALIFORNIA 94105

LAW OFFICES
ROPERS, MAJESKI, KOHN, BENTLEY,
WAGNER & KANE

A PROFESSIONAL CORPORATION
1001 MARSHALL STREET
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SAN JOSE, CALIFORNIA 95113
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SANTA ROSA OFFICE
3356 ROUND BARK BOULEVARD, SUITE 300
SANTA ROSA, CALIFORNIA 95403
TELEPHONE (707) 524-4200
FACSIMILE (707) 523-4810

V. RAYMOND SWOPE III

August 26, 1993

VIA FACSIMILE & U. S. MAIL

William H. Paynter, Esq.
909 Broadway
Suite 6
Sonoma, California 95476

Re: Saberi v. Gupta, et al.

Dear Mr. Paynter:

I received your facsimile transmission of August 25, 1993 at 5:05 p.m. I immediately contacted your office, but there was no answer.

I find your conduct on this matter reprehensible. I thought we agreed that you would formally notify our office exactly when and at what time the excavation of the site would take place so that we could have our consultants on site to supervise the tank removal and do whatever testing necessary. We discussed this matter at the deposition of John Mrakovich on August 2, 1993. During your client's deposition, you had agreed to inform us when it was to take place so that we could be there.

By virtue of the excavation of the site, you have destroyed some key evidence. We fully expect to seek evidentiary sanctions with regard to your actions and failure to properly advise us. It is not enough to say that some day the excavation will take place, and then inform us after the fact that it has occurred. That does not constitute good faith notification.

We will have our consultant at the site at 2:30 this afternoon. If the facility is locked up, please have your clients unlock it so that we may go onto the facility to

LAW OFFICES

ROPERS, MAJESKI, KOHN, BENTLEY,
WAGNER & KANE
A PROFESSIONAL CORPORATION

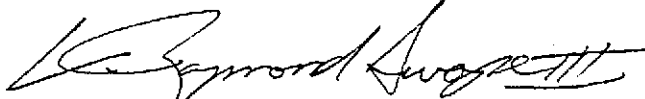
William H. Paynter, Esq.
Re: Saberi v. Gupta, et al.
August 26, 1993

Page 2

inspect it. If your secretary receives this facsimile, we expect her to advise your client's so that we might be able to get on the site at 2:30 this afternoon.

Very truly yours,

ROPERS, MAJESKI, KOHN, BENTLEY,
WAGNER & KANE



V. RAYMOND SWOPE, III

cc: C. Judith Johnson

VRS-

CAMERLENGO & JOHNSON
ATTORNEYS AT LAW

GEORGE F. CAMERLENGO
C. JUDITH JOHNSON
MOIRA C. McQUAID

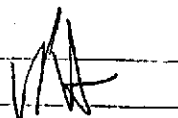
500 AIRPORT BLVD. STE 230
BURLINGAME, CA 94010
(415) 579-2911 voice
(415) 579-7975 fax

RECEIVED
ROPER, MAJESKI &
SPOPE
AUG 27 1993

AUG 27 1993

CALEN DARGOT

August 26, 1993



VIA FACSIMILE AND BY U.S. MAIL

William H. Paynter, Esq.
809 Broadway, Suite 6
Sonoma, California 95476

Re: Saberi v. Gupta, et al.
San Mateo County Consolidated Cases 358894 and 343614

Dear Mr. Paynter:

We are in receipt of your facsimile transmission, dated August 25, 1993, wherein you inform us that you have already removed the underground gasoline storage tanks from the 1230-14th Street property owned by your client.

We are shocked that you did not notify us of the exact date and time when the tanks would be removed. All of your correspondence to date on the subject of the tank removal refers to the need to remove the tanks to comply with the City of Oakland, but no specific date when the tanks were to be removed was provided.

Furthermore, Ms. McQuaid informs me that when you were at the offices of Ropers, Majeski, et al. for the deposition of John Mrakovich on August 2, 1993, you made a statement that the city had imposed a deadline when the tanks were to be removed, and you thought it had to be done within a ninety-day period. Mr. Swope informed you that he was aware that the tanks had to be removed and that he was in contact with the insurance carrier to receive authorization for the testing that needed to be done. Both Ms. McQuaid and Mr. Swope confirm that you did not provide a specific date when the tanks would be removed.

Considering that your complaint alleges that Messers. Gupta and Garg failed to maintain and repair the tanks resulting in pollution on the premises, we had every right to be present when the tanks were removed so that we could visibly inspect their condition. In our view, your removal of the tanks under these circumstances amounts to spoliation of evidence. We intend to file

William H. Paynter, Esq.
Page 2
August 26, 1993

a motion asking the court to permit us to amend our cross-complaint to add a spoliation of evidence cause of action.

Sincerely,



C. Judith Johnson

CJJ/mcm
~~cc:~~ V. Raymond Swope III

C:\WPDOC\GUPTA\PAYNTER7.LTR

1 GEORGE F. CAMERLENGO
 C. JUDITH JOHNSON
 2 CAMERLENGO & JOHNSON
 500 Airport Blvd., Suite 230
 3 Burlingame, California 94010
 Telephone: (415) 579-2911
 4
 Attorneys for Defendants/Plaintiffs/Cross-complainants
 5 SOM D. GUPTA and PAWAN GARG,

6
 7
 8 IN THE SUPERIOR COURT OF CALIFORNIA
 9 IN AND FOR THE COUNTY OF SAN MATEO

10	ANDY SABERI,)	<u>Consolidated Cases</u>
11)	
12	Plaintiff,)	No. 358894
13	vs.)	No. 343614
14	SOM D. GUPTA, PAWAN K. GARG,)	DECLARATION OF
15	et al.,)	<u>AMARPAL SINGH ATWAL</u>
16	Defendant(s).)	

16 AND RELATED CROSS-ACTION

17	SOM D. GUPTA AND PAWAN K.)
18	GARG,)
19	Plaintiffs,)
20	vs.)
21	ANDY SABERI, SABEK, INC.,)
22	et al.,)
23	Defendant(s).)

24 I, Amarpal Singh Atwal, declare:

25 1. I am a resident of the State of California. If called
 26 upon, I could testify competently to the matters stated herein.

27 2. I am familiar with a gasoline station located at 1230
 28 14th Street in Oakland, California. From 1984 until the fall of

1 1985, I was employed by Andy Saberi, owner of this property, to
2 manage the gasoline station. During this time period, we
3 operated the facility as a Texaco Station. I did not personally
4 order the gasoline. Mr. Saberi had it delivered on order from
5 his office in South San Francisco. At some point, deliveries
6 began to be made in a truck with the name "Santa Cruz Petroleum"
7 painted on the side. Mr. Saberi personally came to the premises
8 around once ~~every two weeks~~ ^{in a month}. Mr. Saberi's manager, Armen
9 Bezjian, also came to the premises around once every two weeks.

10 3. While I managed the gasoline station for Mr. Saberi, it
11 was self-service and no automotive repairs were made. It was
12 obvious, however, that at some previous time there had been a
13 repair facility in operation on the premises. There was a lube
14 bay and a lift, but we did not use them.

15 4. Every morning, we performed a stick test to ascertain
16 whether the amount of gasoline in the underground tanks checked
17 with the amount of gasoline sold within the previous 24 hours.
18 If a tank showed a loss of more gasoline than the amount sold, we
19 would have known there was a problem, such as a leak in the tank.
20 Conversely, correlation of the two figures indicated no problem.
21 While I managed the station, there never was any indication of a
22 problem. If there had been a problem indicated at a tank, I
23 would never have had that underground tank refilled. No one with
24 any sense would do so because it would be the same as throwing
25 away gasoline.

26 5. When Som Gupta and Pawan Garg began leasing the station
27 in the fall of 1985, I continued to manage the station in the

1 evenings between 5 and 11 p.m. I also continued in Mr. Saberi's
2 employ, managing another of his gasoline stations in the mornings
3 and afternoons in San Francisco. At the 1230 14th Street
4 station, stick tests were continued as before, with no evidence
5 of any problem. Also as under Mr. Saberi's operation of the
6 station, we continued as a self-service station only, with no
7 automotive repairs. The station continued operating as a Texaco
8 station at first while it was leased by Messrs Gupta and Garg.
9 Then, because the bills of lading indicated that Texaco gasoline
10 was not being delivered, the station was converted to an
11 independent station.

12 6. In 1986, I discontinued employment at 1230 14th Street
13 in Oakland because my schedule had become too hectic. I
14 continued working for Mr. Saberi at his San Francisco gasoline
15 stations.

16 7. In September of 1988, I returned to the employment of
17 Messrs Gupta and Garg, and have continued working for them to the
18 present time. From September of 1988 until August 1990 when
19 Messrs Gupta and Garg discontinued operation of the 1230 14th
20 Street station, I managed it along with other stations. I
21 personally was present at the 1230 14th Street site at least once
22 a week, usually on Wednesdays. Daily stick tests continued as
23 before, with no indication of any problem. On Wednesdays, I
24 personally performed the test.

25 8. On the last Wednesday in August 1990 that Messrs Gupta
26 and Garg had possession of the 1230 14th Street station, I
27 performed the stick test as usual. There was no problem.

28

1 9. I have reviewed instant photographs made of the 1230
2 14th Street station in August 1990. I can verify that these
3 photographs accurately portray the condition of the property when
4 it was vacated by Messrs Gupta and Garg. There were no tires or
5 automotive parts littering the property, and everything was in
6 good working order.

7 10. At one time, Messrs Gupta and Garg had the middle pump
8 repaired because someone ran into it, causing it to lean. This
9 type of repair is not uncommon at gasoline stations, in my
10 experience.

11 11. The neighborhood around the 1230 14th Street station
12 was considered unsafe. For that reason, there was bullet proof
13 glass around the attendant, and the attendant did not leave the
14 protected area to wait on customers or even to put oil in
15 customers' cars. The station was operated 24 hours a day because
16 unattended property in the area was so often, and so quickly,
17 vandalized.

18 12. During the entire time I was associated with this
19 property, I never knew of Mr. Saberi having any testing performed
20 on the underground tanks or the ground or any other part of the
21 premises other than the stick tests.

22 13. After August of 1990, I maintained friendships and
23 acquaintances with employees of Mr. Saberi. I learned from one
24 such employee, Baldev Singh, that Mr. Saberi was re-opening the
25 station approximately one year after Messrs Gupta and Garg had
26 discontinued operating it. Later, I learned from the same

1 individual that Mr. Saberi had the property cleaned up and re-
2 opened, but it remained in operation only briefly.

3 I declare under penalty of perjury that the foregoing is
4 true and correct. Executed at San Francisco, California on

5 R-27-, 1993.

Amarpal Singh Atwal

AMARPAL SINGH ATWAL

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