

FILED / ENDORSED

MAY 19 2022

By D. Ward, Deputy Clerk

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 7 NORTH COAST RIVERS ALLIANCE, PESTICIDE
 8 FREE ZONE, INC., HEALTH AND HABITAT, INC.,
 9 CALIFORNIANS FOR ALTERNATIVES TO TOXICS,
 10 and GAYLE McLAUGHLIN

11 (Attorneys for additional represented Petitioners and
 12 Plaintiffs listed on next page)

13 SUPERIOR COURT OF CALIFORNIA
 14 COUNTY OF SACRAMENTO

15 NORTH COAST RIVERS ALLIANCE; et al.
 16 Petitioners and Plaintiffs,

17 v.

18 CALIFORNIA DEPARTMENT OF FOOD
 19 AND AGRICULTURE; et al.,
 20 Defendants and Respondents.

Case No. 34-2015-80002005
 Related Case Nos. 34-2016-80002424
 34-2017-80002594

~~PROPOSED~~ JUDGMENT GRANTING
 PETITION FOR WRIT OF MANDATE
 AND DECLARATORY AND
 INJUNCTIVE RELIEF.

21 ENVIRONMENTAL WORKING GROUP; et
 22 al.

23 Petitioners and Plaintiffs,

24 v.

25 CALIFORNIA DEPARTMENT OF FOOD
 26 AND AGRICULTURE; et al.
 27 Defendants and Respondents.

Judge: Hon. James P. Arguelles
 Dept.: 17

Actions Filed: January 12, 2015
 August 16, 2016
 May 16, 2017

BY FAX

CEQA CASE

1 SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
2 A Limited Liability Partnership
3 Including Professional Corporations
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12 CITY OF BERKELEY; CENTER FOR FOOD
13 SAFETY; PESTICIDE ACTION NETWORK
14 NORTH AMERICA; BEYOND PESTICIDES;
15 CALIFORNIA ENVIRONMENTAL HEALTH
16 INITIATIVE; ENVIRONMENTAL ACTION
17 COMMITTEE OF WEST MARIN; SAFE
18 ALTERNATIVES FOR OUR FOREST
19 ENVIRONMENT

20 AQUA TERRA AERIS LAW GROUP
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26 Attorneys for Petitioners and Plaintiffs
27 CENTER FOR BIOLOGICAL DIVERSITY;
28 CENTER FOR ENVIRONMENTAL HEALTH;
CALIFORNIA ENVIRONMENTAL HEALTH
INITIATIVE; CALIFORNIANS FOR PESTICIDE
REFORM; MOMS ADVOCATING SUSTAINABILITY

1 Consistent with the Court of Appeal's Ruling filed on October 15, 2021 in these
2 consolidated matters ("Ruling on Appeal"), which is attached as Exhibit A and incorporated by
3 reference, the Court enters Judgment as follows:

4 IT IS ORDERED, ADJUDGED AND DECREED that:

5 1) Judgment is hereby ENTERED in favor of Petitioners and Plaintiffs North Coast
6 Rivers Alliance, et al. ("NCRA Petitioners") and Petitioners and Plaintiffs Environmental
7 Working Group, et al. ("EWG Petitioners") granting in part and denying in part the respective
8 consolidated petitions for peremptory writs of mandate and complaints for declaratory and
9 injunctive relief against Respondents and Defendants California Department of Food and
10 Agriculture, et al. (collectively "Respondents").

11 2) The accompanying Peremptory Writ of Mandate SHALL ISSUE under the seal of
12 the Court, commanding Respondents to:

13 (a) SET ASIDE their approval of the Statewide Plant Pest Prevention and
14 Management Program ("Program"); and

15 (b) SET ASIDE their certification of the Program Environmental Impact Report
16 ("PEIR") for the Program.

17 3) Respondents SHALL FILE an initial return in this Court within sixty (60) days of
18 receiving personal service of the Peremptory Writ of Mandate, specifying what steps they have
19 taken to comply with the Writ.

20 4) An Injunction is hereby further GRANTED, suspending further chemical activities
21 undertaken by the Department to control or eradicate pests under the Program except as
22 authorized under CEQA independently of the PEIR, unless and until Respondents correct the
23 violations of CEQA identified in the Court of Appeal's Ruling on Appeal.

24 5) The Court RETAINS jurisdiction over these consolidated proceedings to ensure
25 compliance with the Peremptory Writ of Mandate until it has determined that Respondents have
26 complied with the Writ, and to ensure compliance with the Injunction.

27 6) Parties shall bear their own costs on appeal.
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1 DATED: 19 May, 2022

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James P. Arguelles
JAMES P. ARGUELLES
JUDGE OF THE SUPERIOR COURT

Approved as to form:

Dated: May 17, 2022

Arthur J. Friedman

By

ARTHUR J. FRIEDMAN
SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
Attorney for Petitioners and Plaintiffs
ENVIRONMENTAL WORKING GROUP, et al.

Dated: May 17, 2022

Jason Flanders

By

JASON FLANDERS
AQUA TERRA AERIS LAW GROUP
Attorney for Petitioners and Plaintiffs
CENTER FOR BIOLOGICAL DIVERSITY, et al.

1 Dated: May 14, 2022

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By Stephan C. Volker

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NORTH COAST RIVERS ALLIANCE, PESTICIDE FREE
ZONE, INC., HEALTH AND HABITAT, INC,
CALIFORNIANS FOR ALTERNATIVES TO TOXICS,
and GAYLE McLAUGHLIN

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Dated: May __, 2022

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By _____
CAROLYN NELSON ROWAN
OFFICE OF THE CALIFORNIA ATTORNEY GENERAL
Attorney for Respondents and Defendants,
CALIFORNIA DEPARTMENT OF FOOD AND
AGRICULTURE, et al.

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1 Dated: May __, 2022

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By

STEPHAN C. VOLKER
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NORTH COAST RIVERS ALLIANCE, PESTICIDE FREE
ZONE, INC., HEALTH AND HABITAT, INC,
CALIFORNIANS FOR ALTERNATIVES TO TOXICS,
and GAYLE McLAUGHLIN

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Dated: May __, 2022

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By

Carolyn
Nelson
Rowan

Digitally signed by
Carolyn Nelson Rowan
Date: 2022.05.17
08:34:46 -07'00'

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CAROLYN NELSON ROWAN
OFFICE OF THE CALIFORNIA ATTORNEY GENERAL
Attorney for Respondents and Defendants,
CALIFORNIA DEPARTMENT OF FOOD AND
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PROOF OF SERVICE

At the time of service, I was over 18 years of age and **not a party to this action**. I am employed in the County of San Francisco, State of California. My business address is 650 Town Center Drive, Tenth Floor, Costa Mesa, CA 92626.

On May 17, 2022, I served true copies of the following document described as:
[PROPOSED] JUDGMENT GRANTING PETITION FOR WRIT OF MANDATE AND DECLARATORY AND INJUNCTIVE RELIEF on the interested parties in this action as follows:

Jason R. Flanders, Esq. Attorneys for Petitioners and Plaintiffs
Aqua Terra Aeris Law Group
409 45th Street
Oakland, CA 94609
Email: irf@atalawgroup.com

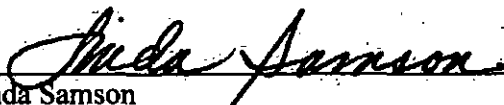
Carolyn Rowan, Esq. Attorneys for Defendants and Respondents
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Stephan C. Volker, Esq. Attorneys for Petitioners in NCRA Case
Alexis E. Krief, Esq.
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BY E-MAIL OR ELECTRONIC TRANSMISSION: I caused a copy of the document(s) to be sent from e-mail address lsamson@sheppardmullin.com to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on May 17, 2022, at Costa Mesa, California.


Linda Samson