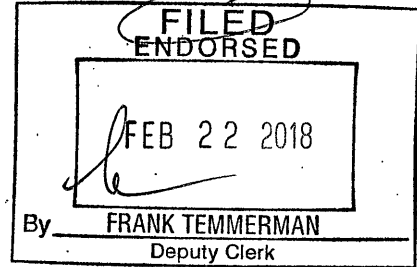


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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SACRAMENTO

14 **NORTH COAST RIVERS ALLIANCE, a**
15 **nonprofit, unincorporated association,**
PESTICIDE FREE ZONE, INC., a nonprofit,
16 **public benefit corporation, HEALTH AND**
HABITAT, INC., a nonprofit public benefit
17 **corporation, CALIFORNIANS FOR**
ALTERNATIVES TO TOXICS, a nonprofit
18 **public benefit corporation, and GAYLE**
MCLAUGHLIN, an individual,

19 Petitioners and Plaintiffs,

20 v.

21 **CALIFORNIA DEPARTMENT OF FOOD**
AND AGRICULTURE, an agency of the State
22 **of California, KAREN ROSS, Secretary of the**
California Department of Food and
23 **Agriculture, and DOES I-XX,**

24 Respondents and Defendants,

25 **DOES XXI-CC,**

26 Real Parties in Interest.

Lead Case No. 34-2015-80002005

(Related Case Nos. 34-2016-80002424
and 34-2017-80002594)

**~~[PROPOSED]~~ JUDGMENT GRANTING
PETITION FOR WRIT OF MANDATE
AND DECLARATORY AND
INJUNCTIVE RELIEF**

ASSIGNED FOR ALL PURPOSES

Judge: Hon. Timothy Frawley
Dept.: 60

CEQA CASE

Action Filed: January 12, 2015

1 ENVIRONMENTAL WORKING GROUP;
2 CITY OF BERKELEY, CENTER FOR
3 FOOD SAFETY; PESTICIDE ACTION
4 NETWORK NORTH AMERICA; BEYOND
5 PESTICIDES; CALIFORNIA
6 ENVIRONMENTAL HEALTH
7 INITIATIVE; ENVIRONMENTAL ACTION
8 COMMITTEE OF WEST MARIN; SAFE
9 ALTERNATIVES FOR OUR FOREST
10 ENVIRONMENT; CENTER FOR
11 BIOLOGICAL DIVERSITY; CENTER FOR
12 ENVIRONMENTAL HEALTH;
13 CALIFORNIANS FOR PESTICIDE
14 REFORM; and MOMS ADVOCATING
15 SUSTAINABILITY,

Petitioners and Plaintiffs,

v.

11 CALIFORNIA DEPARTMENT OF FOOD
12 AND AGRICULTURE; KAREN ROSS in her
13 official capacity as Secretary of the California
14 Department of Food and Agriculture, and
15 DOES 1 through 100, inclusive,

Defendants and
Respondents.

16 Pursuant to the Court's Consolidated Ruling on Submitted Matters filed on January 8, 2018
17 in these consolidated matters (Consolidated Ruling), which is attached as Exhibit 1 and
18 incorporated by reference, the Court enters Judgment as follows:

19 IT IS ORDERED, ADJUDGED AND DECREED that:

20 1. Judgment is hereby ENTERED in favor of Petitioners and Plaintiffs North Coast
21 Rivers Alliance, et al. (NCRA Petitioners) and Petitioners and Plaintiffs Environmental Working
22 Group, et al. (EWG Petitioners) granting their respective petitions for preemptory writs of
23 mandate and complaints for declaratory and injunctive relief against Respondents and Defendants
24 California Department of Food and Agriculture, et al.

25 2. The accompanying Preemptory Writ of Mandate SHALL ISSUE under the seal of the
26 Court, commanding Respondents to:

27 (a) SET ASIDE their approval of the Statewide Plant Pest Prevention and
28 Management Program (Program); and

1 (b) SET ASIDE their certification of the Program Environmental Impact Report
2 (PEIR) for the Program.

3 3. Respondents SHALL FILE an initial return in this Court within ninety (90) days of
4 receiving personal service of the Peremptory Writ of Mandate, specifying what steps they have
5 taken to comply with the Writ.

6 4. An Injunction is hereby GRANTED, suspending further chemical activities ~~directly~~^{TD}
7 undertaken by the Department to control or eradicate pests under the Program, except as
8 authorized under CEQA independently of the PEIR, unless and until Respondents correct the
9 violations of the California Environmental Quality Act identified in the Consolidated Ruling.

10 5. Finding good cause, the Department's request for a stay of enforcement of the
11 Injunction pursuant to California Code of Civil Procedure Section 918 ^{TD} is GRANTED. IT IS
12 ORDERED that enforcement of the Injunction is stayed until ~~60~~¹⁵ days after service of notice of
13 entry of judgment.

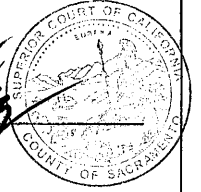
14 6. The Court RETAINS jurisdiction over these consolidated proceedings to ensure
15 compliance with the Peremptory Writ of Mandate until it has determined that Respondents have
16 complied with the Writ.

17 7. The NCRA Petitioners and the EWG Petitioners are the prevailing parties and are
18 hereby AWARDED their costs of suit, as provided by law, pursuant to the timely filing of
19 memoranda of costs pursuant to the California Rules of Court, rule 3.1700, and the Court's ruling
20 on any timely motion to strike or tax costs.

21 8. The Court RETAINS jurisdiction to consider the NCRA Petitioners' and the EWG
22 Petitioners' claims for awards of private attorney general fees and costs pursuant to Code of Civil
23 Procedure section 1021.5. Per rule 3.1702 of the California Rules of Court, any motion for such
24 fees and costs shall be filed and served within sixty (60) days of the filing of the notice of entry of
25 this Judgment.

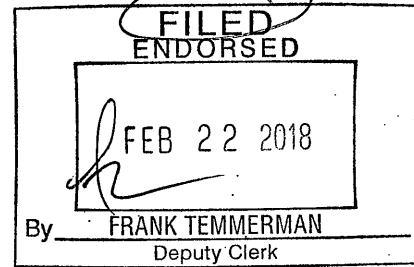
1 Dated: Feb. 22, 2018

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HON. TIMOTHY M. FRAWLEY
JUDGE OF THE SUPERIOR COURT



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Karen Ross, Secretary of the California Department
9 of Food and Agriculture



*Exempt from Filing Fees Pursuant to
Government Code, § 6103*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SACRAMENTO

13 **NORTH COAST RIVERS ALLIANCE, a
14 nonprofit, unincorporated association,
15 PESTICIDE FREE ZONE, INC., a nonprofit,
16 public benefit corporation, HEALTH AND
HABITAT, INC., a nonprofit public benefit
corporation,**

17 Plaintiffs and Petitioners,

18 v.

19 **CALIFORNIA DEPARTMENT OF FOOD
20 AND AGRICULTURE; KAREN ROSS,
21 Secretary of the California Department of
Food and Agriculture, and DOES I-XX,**

22 Respondents and Defendants,

23 **DOES XXI-CC,**

24 Real Parties in Interest.
25
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Case No. 34-2016-80002424

(Related Case Nos. 34-2015-80002005
and 34-2017-80002594)

**[PROPOSED] JUDGMENT GRANTING
PETITION FOR WRIT OF MANDATE
AND DECLARATORY AND
INJUNCTIVE RELIEF**

ASSIGNED FOR ALL PURPOSES

Judge: Hon. Timothy Frawley
Dept: 60

CEQA CASE

Action Filed: August 16, 2016

1 Pursuant to the Court's Consolidated Ruling on Submitted Matters filed on January 8, 2018
2 in this matter (Consolidated Ruling), which is attached as Exhibit 1 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. (Petitioners) granting their petition for peremptory writ of mandate and
7 complaint for declaratory and injunctive relief against Respondents and Defendants California
8 Department of Food and Agriculture, et al.

9 2. The accompanying Peremptory Writ of Mandate SHALL ISSUE under the seal of the
10 Court, commanding Respondents to SET ASIDE their approval of Addendum No. 1 to the
11 Program Environmental Impact Report (PEIR) for the Statewide Plant Pest Prevention and
12 Management Program.

13 3. Respondents SHALL FILE an initial return in this Court within ninety (90) days of
14 receiving personal service of the Peremptory Writ of Mandate, specifying what steps they have
15 taken to comply with the Writ.

16 4. An Injunction is hereby GRANTED, suspending all further chemical activities
17 ~~directly~~ undertaken by the Department to control or eradicate pests under Addendum No. 1,
18 except as authorized under CEQA independently of the PEIR and Addendum No. 1, unless and
19 until Respondents correct the violations of the California Environmental Quality Act identified in
20 the Consolidated Ruling.

21 5. Finding good cause, the Department's request for a stay of enforcement of the
22 Injunction pursuant to California Code of Civil Procedure section 918 is GRANTED. IT IS
23 ORDERED that enforcement of the Injunction is stayed until ¹⁵60 days after service of notice of
24 entry of judgment.

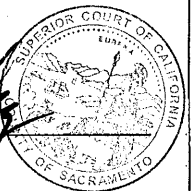
25 6. The Court RETAINS jurisdiction over these consolidated proceedings to ensure
26 compliance with the Peremptory Writ of Mandate until it has determined that Respondents have
27 complied with the Writ.

1 7. Petitioners are the prevailing parties and are hereby AWARDED their costs of suit, as
2 provided by law, pursuant to the timely filing of memoranda of costs pursuant to the California
3 Rules of Court, rule 3.1700, and the Court's ruling on any timely motion to strike or tax costs.

4 8. The Court RETAINS jurisdiction to consider Petitioners' claims for an award of
5 private attorney general fees and costs pursuant to Code of Civil Procedure section 1021.5. Per
6 rule 3.1702 of the California Rules of Court, any motion for such fees and costs shall be filed and
7 served within sixty (60) days of the filing of the notice of entry of this Judgment.

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9 Dated: February 22, 2018

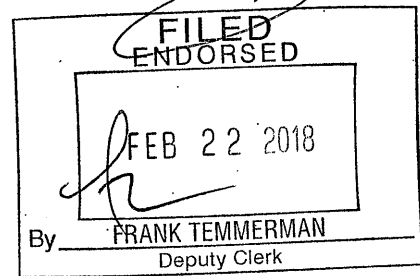
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Karen Ross, Secretary of the California Department
9 *of Food and Agriculture*



*Exempt from Filing Fees Pursuant to
Government Code, § 6103*

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF SACRAMENTO

13 **NORTH COAST RIVERS ALLIANCE, a**
nonprofit, unincorporated association,
14 **PESTICIDE FREE ZONE, INC., a**
nonprofit, public benefit corporation, and
15 **HEALTH AND HABITAT, INC., a**
16 **nonprofit public benefit corporation,**

Petitioners and Plaintiffs,

v.

18 **CALIFORNIA DEPARTMENT OF FOOD**
AND AGRICULTURE, an agency of the
19 **State of California, KAREN ROSS,**
20 **Secretary of the California Department of**
21 **Food and Agriculture, and DOES I-XX,**

Respondents and
Defendants,

and

24 **DOES XXI-CC**

Real Parties in Interest.

Case No. 34-2017-80002594

(Related Case Nos. 34-2014-80002005
And 34-2016-80002424)

**[PROPOSED] JUDGMENT GRANTING
PETITION FOR WRIT OF MANDATE
AND DECLARATORY AND
INJUNCTIVE RELIEF**

CEQA CASE

Action filed: May 16, 2017

1 Pursuant to the Court's Consolidated Ruling on Submitted Matters filed on January 8, 2018
2 in this matter (Consolidated Ruling), which is attached as Exhibit 1 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. (Petitioners) granting their petition for peremptory writ of mandate and
7 complaint for declaratory and injunctive relief against Respondents and Defendants California
8 Department of Food and Agriculture, et al.

9 2. The accompanying Peremptory Writ of Mandate SHALL ISSUE under the seal of the
10 Court, commanding Respondents to SET ASIDE their approval of Addendum No. 2 to the
11 Program Environmental Impact Report (PEIR) for the Statewide Plant Pest Prevention and
12 Management Program.

13 3. Respondents SHALL FILE an initial return in this Court within ninety (90) days of
14 receiving personal service of the Peremptory Writ of Mandate, specifying what steps they have
15 taken to comply with the Writ.

16 4. An Injunction is hereby GRANTED, suspending further chemical activities ~~directly~~
17 undertaken by the Department to control or eradicate pests under Addendum No. 2, except as
18 authorized under CEQA independently of the PEIR and Addendum No. 2, unless and until
19 Respondents correct the violations of the California Environmental Quality Act identified in the
20 Consolidated Ruling.

21 5. Finding good cause, the Department's request for a stay of enforcement of the
22 Injunction pursuant to California Code of Civil Procedure section 918 is GRANTED. IT IS
23 ORDERED that enforcement of the Injunction is stayed until ~~60~~ 15 90 days after service of notice of
24 entry of judgment.

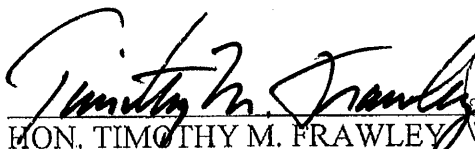
25 6. The Court RETAINS jurisdiction over these consolidated proceedings to ensure
26 compliance with the Peremptory Writ of Mandate until it has determined that Respondents have
27 complied with the Writ.


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7. Petitioners are the prevailing parties and are hereby AWARDED their costs of suit, as provided by law, pursuant to the timely filing of memoranda of costs pursuant to the California Rules of Court, rule 3.1700, and the Court's ruling on any timely motion to strike or tax costs.

8. The Court RETAINS jurisdiction to consider Petitioners' claims for an award of private attorney general fees and costs pursuant to Code of Civil Procedure section 1021.5. Per rule 3.1702 of the California Rules of Court, any motion for such fees and costs shall be filed and served within sixty (60) days of the filing of the notice of entry of this Judgment.

Dated: February 22, 2018


HON. TIMOTHY M. FRAWLEY
JUDGE OF THE SUPERIOR COURT



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EXHIBIT “1”