

CIV-180130-JCP-DS4720-JF-094502



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**Judgment on 1st Amended Judicial Counsel
Coordinated Complaint of EIMER filed**



NEW FILE

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FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

JAN 30 2018

BY *Kimberly Reynolds*
KIMBERLY REYNOLDS, DEPUTY

SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF SAN BERNARDINO

Coordination Proceeding Special Title (Rule 1550(b)) SUCTION DREDGE MINING CASES	Coordinated Case No. JCCP4720 [PROPOSED] JUDGMENT IN EIMER CASE Dept: S33 Judge: Honorable Gilbert Ochoa Trial Date: September 24, 2018 Action Filed: Various
Included Actions: Kimble, et al. v. Kamala Harris, Attorney General of California, et al. Public Lands for the People, et al. v. California Department of Fish and Game The New 49er's, et al. v. State of California, California Department of Fish and Game, et al. Walker v. Harris, et al. Foley et al. v. California Department of Fish and Wildlife, et al. Eimer et al. v. California Department of Fish and Wildlife, et al.	CIVDS 1012922 - San Bernardino County CIVDS 1203849 - San Bernardino County SCCVCV120048 - Siskiyou County 34-2013-80001439 - Sacramento County SCCVCV1300804 - Siskiyou County CIVDS 1509427 - San Bernardino County

1 *Eimer v. California Department of Fish and Wildlife* was filed on July 6, 2015 as case
2 number CIV DS 1509427 in this Court, and coordinated in this action. A first amended
3 complaint was filed on August 24, 2015 and alleges a single cause of action under the single
4 subject rule of Article IV, section 9 of the California Constitution brought by plaintiffs Derek D.
5 Eimer, Stephen Jones, David Guidero, Marvin Garry Lampshire II, and Dyton W. Gilliland
6 against defendants California Department of Fish and Wildlife and Charlton H. Bonham (its
7 Director). The Court resolved the single subject issues in this case in an order dated January __,
8 2018. There is nothing else to resolve in the *Eimer* case.

9 Therefore, IT IS ORDERED AND ADJUDGED that:

10 1. Statutes 2011, chapter 133 (enacted as Assembly Bill 120) and Statutes 2012, chapter
11 29 (enacted as Senate Bill 1018) do not violate the single subject rule of Article IV, section 9 of
12 the California Constitution.

13 2. In addition, due to the passage of Senate Bill 637 and the failure of the *Eimer*
14 Plaintiffs to demonstrate that they have applied for the required permit under the Clean Water
15 Act, the *Eimer* Plaintiffs have not shown a justiciable controversy.

16 3. Judgment be entered in favor of Defendants in this proceeding.

17 4. Defendants may recover their costs, in an amount to be determined, without prejudice
18 to any motion to strike costs brought pursuant to California Rules of Court, rule 3.1700.

19 Dated:

20 1 - 30 - 18



21 GILBERT G. OCHOA
22 Judge of the Superior Court

23 Approved as to form:

24 Dated:

25
26
27 James L. Buchal
28 Murphy & Buchal LLP
Attorneys for Plaintiffs

