

CIV-180130-JCP-DS4720-JF-092902



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**Judgment on 2nd Amended Complaint (Limited  
Jurisdiction) of KIMBLE filed**



NEW FILE

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Exempt from Filing Fees  
Pursuant to Gov. Code, § 6103

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

JAN 30 2018

BY: Kimberly Reynolds  
KIMBERLY REYNOLDS, DEPUTY

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA

10 COUNTY OF SAN BERNARDINO

11 Coordination Proceeding Special Title (Rule  
1550(b))

Coordinated Case No. JCCP4720

12 **SUCTION DREDGE MINING CASES**

~~[PROPOSED]~~ JUDGMENT IN *KIMBLE*  
CASE

13  
14 Dept: S33  
Judge: Honorable Gilbert Ochoa  
15 Trial Date: September 24, 2018  
Action Filed: Various

16 **Included Actions:**

17 Kimble, et al. v. Kamala Harris, Attorney  
General of California, et al.

CIVDS 1012922 - San Bernardino County

18 Public Lands for the People, et al. v. California  
Department of Fish and Game

CIVDS 1203849 - San Bernardino County

19 The New 49er's, et al. v. State of California,  
California Department of Fish and Game, et al.

SCCVCV120048 - Siskiyou County

20 Walker v. Harris, et al.

34-2013-80001439 - Sacramento County

21 Foley et al. v. California Department of Fish  
and Wildlife, et al.

SCCVCV1300804 - Siskiyou County

22 Eimer et al. v. California Department of Fish  
and Wildlife, et al.

CIVDS 1509427 - San Bernardino County

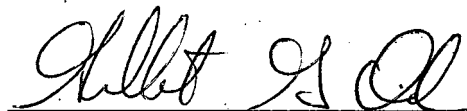
1        *Kimble v. Harris* was filed on September 15, 2010 as case number CIV DS 1012922 in this  
2 Court, and coordinated in this action. A second amended complaint was filed on March 15, 2013  
3 and alleges multiple causes of action brought by plaintiffs Ben Kimble, Ronald Hansen, Ron  
4 Kliewer, Eric Rasbold, Terry Stapp, Delores Stapp, Gary Goldberg, Gerald Hobbs, Public Lands  
5 for the People, Inc., Patrick Keene, Keene Engineering Co., Inc., and Walt Wegner against  
6 defendants Kamala Harris, Charlton H. Bonham, and the California Department of Fish and  
7 Wildlife. The Court sustained without leave to amend a demurrer to the third, fourth, sixth,  
8 seventh, eighth, and parts of the fifth cause of action in an order dated September 5, 2013. The  
9 *Kimble* Plaintiffs dismissed their remaining claims in the fifth cause of action in a stipulation and  
10 order filed September 2, 2015. Plaintiffs Patrick Keene and Keene Engineering Co., Inc.  
11 dismissed their claims on July 6, 2017. The Court resolved the remaining issues in this case in its  
12 Order Granting Defendants' Motions for Summary Adjudication on Preemption Claims, dated  
13 January \_\_, 2018, and its Order Dismissing Plaintiffs' Record-Based Claims, dated January \_\_,  
14 2018. There is nothing else to resolve in the *Kimble* case.

15            Therefore, IT IS ORDERED AND ADJUDGED that:

- 16            1. Judgment be entered in favor of Defendants in this proceeding.  
17            2. 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            \_\_\_\_\_  
28            James L. Buchal  
              Murphy & Buchal LLP  
              Attorneys for Plaintiffs

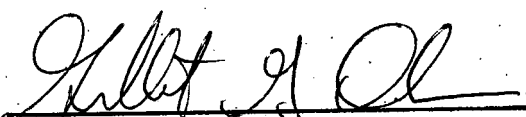
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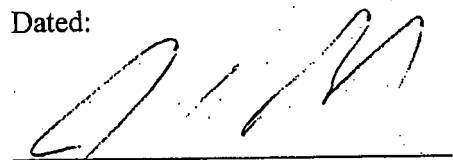
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Attorneys for Plaintiffs