

CIV-180130-JCP-DS4720-ORDR-090702



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**Order GRANTING DEFENDANTS' MOTIONS FOR
SUMMARY ADJUDICATION ON PREEMPTION
CLAIMS filed**



NEW FILE

1 XAVIER BECERRA
 Attorney General of California
 2 ANNADEL A. ALMENDRAS
 Supervising Deputy Attorney General
 3 MARC N. MELNICK, SBN 168187
 BRADLEY SOLOMON, SBN 140625
 4 BARBARA SPIEGEL, SBN 144896
 Deputy Attorneys General
 5 455 Golden Gate Avenue, Suite 11000
 San Francisco, CA 94102-7004
 6 Telephone: (415) 703-5627
 Fax: (415) 703-5840
 7 E-mail: Bradley.Solomon@doj.ca.gov
Attorneys for Defendants.

Exempt from Filing Fees
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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

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 10 COUNTY OF SAN BERNARDINO

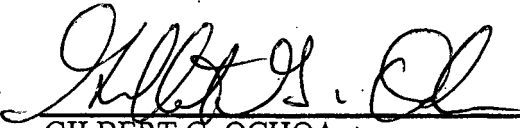
11 Coordination Proceeding Special Title (Rule 1550(b) 12 SUCTION DREDGE MINING CASES 13 14 15 16	Coordinated Case No. JCCP4720 [PROPOSED] ORDER GRANTING DEFENDANTS' MOTIONS FOR SUMMARY ADJUDICATION ON PREEMPTION CLAIMS Dept: S33 Judge: Honorable Gilbert Ochoa Trial Date: September 24, 2018 Action Filed: Various
Included Actions: 17 Kimble, et al. v. Kamala Harris, Attorney 18 General of California, et al. 19 Public Lands for the People, et al. v. California 20 Department of Fish and Game 21 The New 49er's, et al. v. State of California, California Department of Fish and Game, et al. 22 Walker v. Harris, et al. 23 Foley et al. v. California Department of Fish 24 and Wildlife, et al. 25 Eimer et al. v. California Department of Fish 26 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 In an order dated May 1, 2014 (*nunc pro tunc*), the Court granted summary adjudication in
2 the plaintiffs' favor on the first cause of action in the *Kimble* case, the fourth cause of action in
3 the *Public Lands for the People* case, and the second cause of action in the *The New 49'ers* case.
4 On August 22, 2016, the California Supreme Court decided *People v. Rinehart* (2016) 1 Cal.5th
5 652. The California Supreme Court decided that the federal mining laws do not preempt state
6 environmental laws such as those at issue in these coordinated cases. Consistent with that
7 binding precedent, and the Court's ruling filed December 20, 2017, the Court vacates its prior
8 summary adjudication order on the preemption claims. The Court denies plaintiffs' motions for
9 summary adjudication on those preemption causes of action. The Court grants defendants'
10 motions for summary adjudication on those preemption causes of action: on the first cause of
11 action in the *Kimble* case, the fourth cause of action in the *Public Lands for the People* case, and
12 the second cause of action in the *The New 49'ers* case.

13 IT IS SO ORDERED.

14 Dated:

15
16 1-30-18



GILBERT G. OCHOA
Judge of the Superior Court

17
18 Approved as to form:

19 Dated:

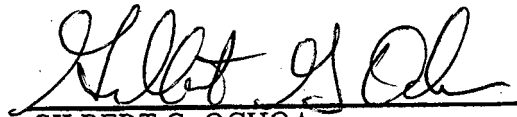
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21 _____
22 James L. Buchal
23 Murphy & Buchal LLP
24 Attorneys for Plaintiffs
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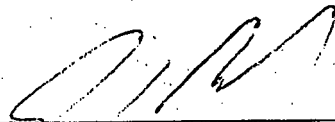
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