

JUN 6 - 2011

CLERK OF THE COURT

BY: *Debi Mack*  
Deputy Clerk

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9 West County Toxics Coalition, Angela Johnson Meszaros,  
10 Henry Clark, Jesse Marquez, Shabaka Heru, Tom Frantz

11 (caption continued on following page)

12 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
13 IN AND FOR THE COUNTY OF SAN FRANCISCO

14 ASSOCIATION OF IRRITATED RESIDENTS, an  
15 unincorporated association; CALIFORNIA  
16 COMMUNITIES AGAINST TOXICS, an  
17 unincorporated association; COMMUNITIES  
18 FOR A BETTER ENVIRONMENT, a nonprofit  
19 corporation; COALITION FOR A SAFE  
20 ENVIRONMENT, a nonprofit corporation;  
21 SOCIETY FOR POSITIVE ACTION, an  
22 unincorporated association; WEST COUNTY  
23 TOXICS COALITION, a nonprofit corporation;  
24 ANGELA JOHNSON MESZAROS; CAROLINE  
25 FARRELL; HENRY CLARK; JESSE N. MARQUEZ;  
26 MARTHA DINA ARGUELLO; SHABAKA HERU;  
27 TOM FRANTZ; in their individual capacities,  
28 Petitioners and Plaintiffs,  
v.

CASE NO.: CPF-09-509562

**[PROPOSED] ORDER DECLARING  
RESPONDENTS IN VIOLATION OF  
THE PEREMPTORY WRIT OF  
MANDATE AND ISSUING FINE**

**Date: June 6, 2011**

**Dept: 613**

**Time: 3 p.m.**

**Judge: Hon. Ernest H. Goldsmith**

20 CALIFORNIA AIR RESOURCES BOARD, MARY  
21 D. NICHOLS, in her official capacity as  
22 Chairman of the Board; and DANIEL  
23 SPERLING, KEN YEAGER, DORENE D'ADAMO,  
24 BARBARA RIORDAN, JOHN R. BALMES, M.D.,  
25 LYDIA H. KENNARD, SANDRA BERG, RON  
26 ROBERTS, JOHN G. TELLES, RONALD O.  
27 LOVERIDGE, in their official capacities as  
28 members of the Air Resources Board,

Respondents and

Defendants.

1 (caption continued)

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25 Caroline Farrell, California Communities Against Toxics  
26  
27  
28

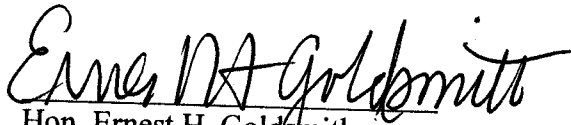
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2 On reading the Ex Parte Application, the supporting Declaration of Adrienne Bloch, the  
3 points and authorities on file in this action, and the argument of counsel, and it appearing from  
4 these that this is a proper case for issuance of an Order Fining Respondents for Disobeying  
5 Peremptory Writ of Mandate,

6 IT IS ORDERED THAT:

- 7 1. The Court declares that the specific injunction within the Peremptory Writ prohibiting  
8 any cap and trade activity is prohibitory and not automatically stayed pending appeal.  
9 2. The Court declares that Respondents California Air Resources Board and individual  
10 Board members have violated the Peremptory Writ of Mandate by refusing to halt  
11 any implementation and development of the cap and trade program.  
12 3. Respondents California Air Resources Board and individual Board members shall  
13 each pay a fine of \$ \_\_\_\_\_ no later than \_\_\_\_\_.

14 IT IS SO ORDERED.

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16  
17 DATED: June 6, 2011

18   
19 Hon. Ernest H. Goldsmith  
20 Judge of the Superior Court  
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