

FILED

JUN - 7 2016

FRESNO COUNTY SUPERIOR COURT

By _____ DEPUTY

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF FRESNO
CENTRAL DIVISION**

JOHN R. LAWSON ROCK & OIL, INC.; CALIFORNIA TRUCKING ASSOCIATION,)	No. 14CECG01494
)	
Petitioners and Plaintiffs,)	
)	JUDGMENT GRANTING PETITION FOR
v.)	WRIT OF MANDATE AND
)	ADJUDICATING COMPLAINT FOR
CALIFORNIA AIR RESOURCES BOARD)	DECLARATORY AND INJUNCTIVE
and RICHARD COREY, in his)	RELIEF
official capacity as Executive)	
Officer of the California Air)	
Resources Board,)	
)	
Respondents and Defendants.)	
)	
)	

This matter was heard and decided as described in this Court's Tentative Statement of Decision filed January 13, 2016. The Tentative Statement of Decision became the Final Statement of Decision on June 7, 2016 (the "Statement of Decision"). As further set forth in the Statement of Decision, the Court has determined that Respondents California Air Resources Board ("CARB") and Richard Corey, in his official capacity as Executive Officer of the California Air Resources Board, (collectively,

1 "Respondents") violated the California Environmental Quality Act,
2 Pub. Resources Code, § 21000, et seq. ("CEQA") and the California
3 Administrative Procedures Act, Government Code, § 11340, et seq.
4 (the "APA") in that Respondents' 2014 rulemaking concerning
5 proposed amendments to the On-Road Heavy Duty Diesel Vehicles (In-
6 Use) Regulation (the "Truck and Bus Regulation"), as set forth in
7 November 2013 Regulatory Advisory MSC 13-28; CARB's April 25,
8 2014; Resolution No. 14-3, and November 20, 2014, Resolution No.
9 14-41 (collectively, the "2014 Amendments").

10 IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

11 1. Judgment is to be entered in favor of Petitioners John
12 R. Lawson Rock & Oil, Inc. and California Trucking Association
13 (collectively, "Petitioners") and against Respondents on the First
14 through Sixth Causes of Action stated in Petitioners' Second
15 Amended Verified Petition for Writ of Mandate and Complaint for
16 Declaratory and Injunctive Relief (the "Petition").

17 2. Petitioners' request for declaratory relief, as stated
18 in Petitioners' Seventh Cause of Action, is denied.

19 3. Respondents' actions to approve the 2014 Amendments to
20 the Truck and Bus Regulation, and the certification of the
21 environmental documents related to the 2014 Amendments, are void
22 and shall be set aside, including but not limited to, November
23 2013 Regulatory Advisory MSC 13-28; April 25, 2014, Resolution No.
24 14-3; and November 20, 2014, Resolution No. 14-41.

25 4. A peremptory writ of mandamus, directed to Respondents,
26 shall be issued concurrently, ordering Respondents to void and set
27 aside the 2014 Amendments to the Truck and Bus Regulation,
28 including but not limited to, November 2013 Regulatory Advisory

1 MSC 13-28; April 25, 2014, Resolution No. 14-3; and November 20,
2 2014, Resolution No. 14-41. The writ shall further order
3 Respondents to comply with CEQA and the APA before taking any
4 further action to approve, implement or enforce the 2014
5 Amendments.

6 5. Nothing in this Judgment or in the writ shall limit or
7 control the discretion legally vested in Respondents.

8 6. Petitioner shall recover their costs, in any amount to
9 be determined pursuant to the procedures and standards set forth
10 in Rule 870 of the California Rules of Court and section 1033.5 of
11 the California Code of Civil Procedure.

12 7. The Court reserves jurisdiction to determine the matter
13 of Petitioners' entitlement to attorneys' fees, and the amount of
14 any award, on Petitioners' motion.

15 Dated this 7th day of June, 2016.

16
17 

18 _____
19 MARK W. SNAUFFER
20 JUDGE OF THE SUPERIOR COURT
21
22
23
24
25
26
27
28

<p style="text-align: center;">SUPERIOR COURT OF CALIFORNIA - COUNTY OF FRESNO Civil Department, Central Division 1130 "O" Street Fresno, California 93724-0002 (559) 457-2000</p>	<p style="text-align: center;"><i>FOR COURT USE ONLY</i></p>
<p>TITLE OF CASE: John R. Lawson Rock vs. California Air/CEQA</p>	
<p style="text-align: center;">CLERK'S CERTIFICATE OF MAILING</p>	<p>CASE NUMBER: 14CECG01494</p>

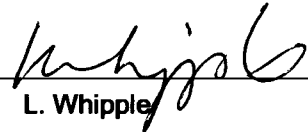
I certify that I am not a party to this cause and that a true copy of the:

[Judgment Granting Petition for Writ of Mandate and Adjudicating Complaint for Declaratory and Injunctive Relief]
was placed in a sealed envelope and placed for collection and mailing on the date and at the place shown below following our ordinary business practice. I am readily familiar with this court's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service with postage fully prepaid.

Place of mailing: Fresno, California 93724-0002

On Date: 06/08/2016

Clerk, by _____,



Deputy

L. Whipple

Timothy Jones
Wanger Jones Helsley PC
265 E. River Park Circle
Suite 310/P.O. Box 28340
Fresno, CA 93729

Russell B. Hildreth
Attorney General of California
1300 "I" Street Suite 125
P.O. Box 944255
Sacramento, CA 94244

Clerk's Certificate of Mailing Additional Address Page Attached