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12 SUPERIOR COURT OF THE STATE OF CALIFORNIA
13 FOR THE COUNTY OF SAN BERNARDINO
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<p>15 Coordination Proceeding Special Title (Rule 1550(b)) 16 SUCTION DREDGE MINING CASES 17 18 19 20 21 22 23</p>	<p>Judicial Council Proceeding No. JCPDS 4720 MINERS' JOINT REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THEIR JOINT MOTION FOR INJUNCTION AGAINST DEFENDANTS Judge: Hon. Gilbert G. Ochoa Dept.: S36 Date: June 23, 2015 Time: 8:30 a.m.</p>
<p>24 Related Actions: 25 <i>Karuk Tribe of California, et al. v. California</i> 26 <i>Department of Fish and Game</i> 27 <i>Hillman, et al. v. California Department of</i> 28 <i>Fish and Game</i></p>	<p>RG 05211597 – Alameda County RG 09434444 – Alameda County</p>

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Karuk Tribe of California, et al. v. California Department of Fish and Game

RG 1263796 – Alameda County

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

CIVDS 1012922 – San Bernardino County

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

CIVDS 1203849 – San Bernardino County

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

SCCVCV 120048 – Siskiyou County

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

SCSCCV 13-00804 – Siskiyou County

Walker v. Harris, et al.

34-2013-80001439 – Sacramento County

1 The Plaintiffs/Petitioners in *Kimble et al. v. Harris et al.* (San Bernardino County Case
2 No. CIVDS1012922) (Lead); *Public Lands for the People, et al. v. California Department of*
3 *Fish & Game, et al.* (San Bernardino County Case No. 1203849); and *The New 49er's, et al. v.*
4 *State of California; California Department of Fish and Game, et al.* (Siskiyou County Case No.
5 120048) hereby request that the Court take judicial notice, pursuant to Evidence Code § 452, of
6 the following documents previously and concurrently filed in these coordinated actions:

7 1. The Supporting Declarations (Exhibits 1-16) and Supporting Documents
8 (Exhibits A-Z) for Memorandum in Support of Plaintiffs' Amended Motion for Preliminary
9 Injunction filed on/or about March 14, 2013 in support of the *Kimble* Plaintiffs' Amended
10 Motion for a Preliminary Injunction.

11 2. The Declarations of Gerald Hobbs, Patrick Keene, Eric Maksymyk, Steve Tyler
12 and Gary Goldberg, filed on/or about November 22, 2013 in Support of the *Kimble* and PLP
13 Plaintiffs/Petitioners' Motions for Summary Judgment or Summary Adjudication regarding
14 Federal preemption.

15 3. The Declarations of Robert Schmalzbach (Happy Camp Chamber of Commerce),
16 Roberta Collum (Elk Creek Campground), Rita Manley King (Happy Camp Mall and Bigfoot
17 Trailer Park), and David McCracken (The New 49'ers), filed on or about July 1, 2013 in *Foley*
18 *et al. v. California Department of Fish and Game*, Case No. SC SC CV 13-00804.

19 4. Portions of the Department's DSEIR and FSEIR concerning suction dredging
20 which are cited in the pleadings and declarations; these documents are available at:
21 <https://www.wildlife.ca.gov/Licensing/Suction-Dredge-Permits>.

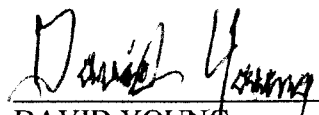
22 5. The "Investigative Report of Scientific Misconduct and Conflict of Interest, U.S.
23 Geological Survey" attached as Exhibit 1 to the Declaration of Eric Maksymyk.

24 6. The federal biological opinion concerning suction dredging and endangered
25 salmon which is attached as Exhibit 9 to the Declaration of James L. Buchal

26 7. The petition to repeal 14 Cal. Code. § 7.50(b)(91.5)(B)(2) and its rejection by the
27 Fish and Game Commission attached as Exhibits 10-11 to the Buchal Declaration. The Court
28 can also take judicial notice that this provision remains in the fishing regulations.

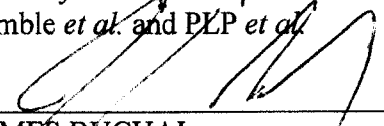
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DATED: May 19, 2015



DAVID YOUNG
Attorney for Plaintiffs/Petitioners
Kimble et al. and PLP et al.

DATED: May ____, 2015



JAMES BUCHAL
Attorney for Plaintiff/Petitioners
The New 49er's Inc. et al.

1 **PROOF OF SERVICE**

2 I, Carole Caldwell, hereby declare under penalty of perjury under the laws of the State of
3 California that the following facts are true and correct:

4 I am a citizen of the United States, over the age of 18 years, and not a party to or
5 interested in the within entitled cause. I am an employee of Murphy & Buchal, LLP and my
6 business address is 3425 SE Yamhill Street, Suite 100, Portland, Oregon 97214.

7 On May 18, 2015, I caused the following document to be served:

8 MINERS' JOINT REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF THEIR JOINT
9 MOTION FOR INJUNCTION AGAINST DEFENDANTS

10 by transmitting a true copy in the following manner on the parties listed below:

11 Honorable Gilbert Ochoa
12 Superior Court of California
13 County of San Bernardino
14 San Bernardino Justice Center
247 West 3rd Street
San Bernardino, CA 92415-0210
Via U.S. Mail

Chair, Judicial Council of California
Administrative Office of the Courts
Attn: Court Programs and Services Division
(Civil Case Coordination)
455 Golden Gate Avenue
San Francisco, CA 94102
Via U.S. Mail

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24 Pacific Coast Federation of Fisherman's
25 Association
26 Southwest Regional Office
27 P.O Box 11170
28 Eugene, OR 97440
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Via E-mail

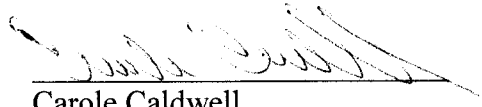
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Carole Caldwell
Declarant