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13 Attorneys for Plaintiffs Pacific Coast Federation of Fishermen's Associations
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15 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

16 IN AND FOR THE COUNTY OF ALAMEDA

17 LEEON HILLMAN; CRAIG TUCKER; DAVID) Case No.: RG 09434444
18 BITTS, KARUK TRIBE; CENTER FOR)
19 BIOLOGICAL DIVERSITY; FRIENDS OF THE) **NOTICE OF MOTION AND MOTION**
RIVER; KLAMATH RIVERKEEPER, PACIFIC) **FOR PRELIMINARY INJUNCTION**
20 COAST FEDERATION OF FISHERMEN'S) **AGAINST DEFENDANTS**
ASSOCIATIONS; INSTITUTE FOR FISHERIES) **CALIFORNIA DEPARTMENT OF**
21 RESOURCES; CALIFORNIA SPORTFISHING) **FISH AND GAME AND DONALD**
PROTECTION ALLIANCE; and DOES 1-100,) **KOCH, DIRECTOR**

22 Plaintiffs,

23 vs.

24 CALIFORNIA DEPARTMENT OF FISH AND)
GAME; DONALD KOCH and DOES 1-100,)
25 inclusive,)
26 Defendants.)

) Date: June 9, 2009
) Time: 9:00 a.m.
) Dept.: 31
) Judge: Hon. Frank Roesch
) Complaint filed February 5, 2009
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1 TO ALL PARTIES OF RECORD HEREIN AND THEIR ATTORNEYS OF RECORD:
2 PLEASE TAKE NOTICE that on June 9, 2009 at 9:00 a.m., or as soon thereafter as the matter
3 may be heard before the Honorable Frank Roesch, in Department 31 of the Superior Court of
4 Alameda County, U.S. Post Office Building, 201 Thirteenth Street, Oakland, California 94612,
5 Plaintiffs Leon Hillman, Craig Tucker, David Bitts, Karuk Tribe, Center for Biological
6 Diversity, Friends of the River, Klamath Riverkeeper, Pacific Coast Federation of Fishermen's
7 Associations, Institute for Fisheries Resources, and California Sportfishing Protection Alliance
8 (collectively, "Plaintiffs") seek a motion for preliminary injunction against Defendants
9 California Department of Fish and Game and Donald Koch, Director ("Defendants"). Plaintiffs
10 seek to enjoin Defendants from spending any money allocated from the State of California's
11 General Fund money on any activities that allows suction dredge mining to occur under the
12 Department's current regulations (14 California Code of Regulations §§228, 228.5) until the case
13 is heard on its merits.
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16 The grounds for this motion for preliminary injunction are Plaintiffs' allegations that
17 Defendants are in violation of California Code of Civil Procedure ("CCP") §526a because their
18 suction dredge mining program violates Fish and Game Code §§5653 and 5653.9; the California
19 Environmental Quality Act (Public Resources Code §21000, *et. seq.*) ("CEQA") and a prior
20 Court Order and Consent Judgment (*Karuk Tribe of California v. Dept. of Fish and Game*,
21 Alameda County Superior Court, Case No. RG 05211579), entered on December 20, 2006.
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23 This motion is based on this Notice of Motion and Motion of Preliminary Injunction,
24 Plaintiffs' Memorandum of Points and Authorities in Support of Plaintiffs' Motion for
25 Preliminary Injunction; the Declaration of Lynne R. Saxton in Support of Plaintiffs' Motion for
26 Preliminary Injunction; the [Proposed] Order Granting Plaintiffs' Preliminary Injunction, and all
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1 other papers and pleadings on file in this action.

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3 DATED: April 30, 2009

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ENVIRONMENTAL LAW FOUNDATION



LYNNE R. SAXTON

Attorneys for Plaintiffs

Leon Hillman, Craig Tucker, David Bitts, Karuk
Tribe, Center for Biological Diversity, Friends of
the River, Klamath Riverkeeper, Pacific Coast
Federation of Fishermen's Associations, Institute of
Fisheries Resources, and California Sportfishing
Protection Alliance