

1 JAMES L. BUCHAL (SBN 258128)
MURPHY & BUCHAL LLP
2 3425 SE Yamhill Street, Suite 100
Portland, OR 97214
3 Telephone: (503) 227-1011
Fax: (503) 573-1939
4 E-mail: jbuchal@mblp.com
Attorney for Plaintiffs and Petitioners Eimer et al.

5
6 SUPERIOR COURT OF THE STATE OF CALIFORNIA
7 COUNTY OF SAN BERNARDINO

8 Coordination Proceeding
Special Title (Rule 1550(b))

9
10 **SUCTION DREDGE MINING CASES**

11
12
13 **Included Actions:**

14
15 Karuk Tribe of California, *et al.* v. California
Department of Fish and Wildlife

16 Hillman, *et al.* v. California Department of Fish and
17 Wildlife

18 Karuk Tribe of California, *et al.* v. California
19 Department of Fish and Wildlife

20 Kimble, *et al.* v. Harris *et al.*

21 Public Lands for the People, Inc. *et al.* v. California
22 Department of Fish and Wildlife

23 The New 49ers *et al.* v. California Department of
Fish and Wildlife, *et al.*

24 Walker v. Harris, *et al.*

25 Foley *et al.* v California Department of Fish and
26 Wildlife, *et al.*

27 Eimer *et al.* v. California Department of Fish and
28 Wildlife, *et al.*

Case No. JCPDS4720

**PLAINTIFFS AND PETITIONERS'
NOTICE OF MOTION AND MOTION
FOR SUMMARY JUDGMENT**

Date: January 20, 2016

Time: 8:30 a.m.

Dept.: 33J

Judge: Hon. Gilbert Ochoa

Incl. Action Filed: July 6, 2015

RG 05211597 – Alameda County

RG 09434444 – Alameda County

RG 12623796 – Alameda County

CIVDS 1012922 – San Bernardino County

CIVDS 1203849 – San Bernardino County

SCCVCV 1200482 – Siskiyou County

34-2013-80001439 – Sacramento County

SCCVCV-13-00804 – Siskiyou County

CIVDS 1509427 – San Bernardino County

1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

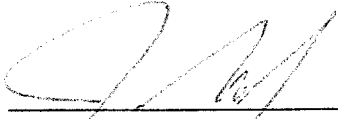
2 PLEASE TAKE NOTICE that on January 20, 2016, at 8:30 a.m. or as soon thereafter as
3 the matter may be heard before the Honorable Gilbert Ochoa, in Department 33J of the Superior
4 Court of San Bernardino County, located at 247 West Third Street, San Bernardino, California
5 92415, Plaintiffs and Petitioners Derek Eimer, Stephen Jones, David Guidero, Marvin Lampshire
6 II, and Dyton Gilliland will and hereby do move the Court, pursuant to § 437c of the Code of
7 Civil Procedure, for summary judgment declaring that:

8 1. Assembly Bill 120 violates Article IV, § 9 of the California Constitution (attached as
9 Ex. 2 to the Request for Judicial Notice filed herewith) insofar as it embraces more than one
10 subject; and

11 2. Senate Bill 1018 violates Article IV, § 9 of the California Constitution (attached as
12 Ex. 2 to the Request for Judicial Notice filed herewith) insofar as it embraces more than one
13 subject.

14 This motion is based on this Notice of Motion and Motion, the accompanying
15 Memorandum in Support of Motion for Summary Judgment, the Separate Statement of
16 Undisputed Material Facts in Support of Plaintiffs' Motion for Summary Judgment, and the
17 pleadings and papers on file in this action.

18 Dated: November 6, 2015.

19
20 
21 _____
22 James L. Buchal
23 MURPHY & BUCHAL LLP
24 *Attorney for Plaintiffs and Petitioners Eimer et al.*
25
26
27
28

1 PROOF OF SERVICE

2 I, Carole A. Caldwell, hereby declare under penalty of perjury under the laws of the State
3 of 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.

6 On November 6, 2015, I caused the following document to be served:

7 PLAINTIFFS AND PETITIONERS' NOTICE OF MOTION AND MOTION FOR SUMMARY
8 JUDGMENT

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

10 Honorable Gilbert Ochoa
11 Superior Court of California
12 County of San Bernardino
13 Rancho Cucamonga District, Civil Division
14 8303 Haven Avenue
15 Rancho Cucamonga, CA 91730
16 *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

14 Bradley Solomon
15 Deputy Attorney General
16 455 Golden Gate Avenue, Suite 11000
17 San Francisco, CA 94102-7004
18 E-mail: Bradley.Solomon@doj.ca.gov
19 *Via E-mail & U.S. Mail*

Marc Melnick
Office of the Attorney General
1515 Clay Street, Suite 2000
Oakland, CA 94612
E-mail: Marc.Melnick@doj.ca.gov
Via E-mail & U.S. Mail

18 John Mattox
19 Department of Fish & Game
20 1416 Ninth Street, 12th Floor
21 Sacramento, CA 95814
22 E-mail: jmattox@dfg.ca.gov
23 *Via E-mail & U.S. Mail*

James R. Wheaton
Environmental Law Foundation
1736 Franklin Street, 9th Floor
Oakland, CA 94612
E-mail: wheaton@envirolaw.org
E-mail: elfservice@envirolaw.org
Via E-mail & U.S. Mail

22 Glen Spain
23 Pacific Coast Federation of Fisherman's
24 Association
25 Southwest Regional Office
26 P.O Box 11170
27 Eugene, OR 97440
28 E-mail: fishlifr@aol.com
Via E-mail & U.S. Mail

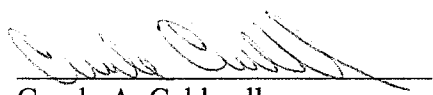
Jonathan Evans
351 California St., Suite 600
San Francisco, CA 94104
E-mail: jevans@biologicaldiversity.org
Via E-mail & U.S. Mail

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

E. Robert Wright
Friends of the River
1418 20th St., Suite 100
Sacramento, CA 95811
E-mail: bwright@friendsoftheriver.org
Via E-mail & U.S. Mail

Lynne R. Saxton
Saxton & Associates
912 Cole Street, #140
San Francisco, CA 94117
E-mail: lynne@saxtonlegal.com
Via E-mail & U.S. Mail

Keith Robert Walker
9646 Mormon Creek Road
Sonora, CA 95370
Via U.S. Mail


Carole A. Caldwell
Declarant