

EXHIBIT “EE”

Case 2:19-cv-02019-KJM-JDP Document 163 Filed 09/03/21 Page 1 of 3

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2 S. Zachary Fayne (CA Bar No. 307288)
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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

CALIFORNIA CHAMBER OF
COMMERCE,

Plaintiff,

v.

XAVIER BECERRA, IN HIS OFFICIAL
CAPACITY AS ATTORNEY GENERAL
OF THE STATE OF CALIFORNIA,

Defendant.

Civil Action No. 2:19-cv-02019-KJM-EFB

**DECLARATION OF HEATHER
WALLACE IN RESPONSE TO
INTERVENER COUNCIL FOR
EDUCATION AND RESEARCH ON
TOXICS' MOTION TO DISQUALIFY
THE HON. KIMBERLY J. MUELLER**

Case 2:19-cv-02019-KJM-JDP Document 163 Filed 09/03/21 Page 2 of 3

DECLARATION OF HEATHER WALLACE

I, Heather Wallace, declare as follows in response to the motion of Intervener Council for Education and Research on Toxics to disqualify the Hon. Kimberly J. Mueller in the above-captioned action:

1. I am Associate General Counsel for the California Chamber of Commerce (“CalChamber”). I have held this position since 2011.

2. CalChamber is a nonprofit business association with over 13,000 members, both individual and corporate. CalChamber’s members include several of the largest businesses in California. Seventy-five percent of its members, however, are small businesses with 100 or fewer employees. CalChamber’s members employ millions of Californians. CalChamber represents virtually every economic interest in the State of California. CalChamber acts on behalf of the California business community to improve the state’s economic and employment climate by representing business on a broad range of legislative, regulatory, and legal issues.

3. All litigation decisions in this action—from the decision to pursue this litigation in 2019 to decisions about litigation strategy and conduct throughout the pendency of this action—have been made by CalChamber. Specifically, these decisions have been and continue to be made by the Executive Team of CalChamber, in consultation with our inside and outside counsel.

4. The Court requested that CalChamber search its membership records for organizations and individuals with the name Vann or similar names. CalChamber does not disclose or otherwise make public the names of its members without their consent or unless the member has itself publicly confirmed its membership. This policy is not an issue with respect to the Court’s request because the Vann family (and businesses that, based on an internet search, appear to be part of the Vann family businesses) are not CalChamber members. Specifically, CalChamber searched for Vann Family; Vann Family Orchards; Vann Brothers Farming; Garnett Vann; William or Bill Vann; and Yolo Hulling & Shelling. These searches found no record of any of these individuals or entities ever having been members of CalChamber.

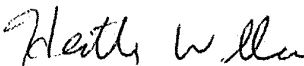
5. California has many local chambers of commerce. Each is its own separate organization with a separate board of directors, budget, and governance structure. These local

1 chambers of commerce are not subsidiaries or branches of CalChamber, but some are members of
2 CalChamber. For many years now, local chambers of commerce who are members of CalChamber
3 have been listed publicly in an online directory located at
4 <https://advocacy.calchamber.com/resources/local-chambers/>.

5 6. CalChamber searched its membership records for the North Sacramento Chamber of
6 Commerce and confirmed that it is not a current CalChamber member. The North Sacramento
7 Chamber of Commerce was a member of CalChamber at the time this litigation began in October
8 2019 but its membership has since lapsed.

9 7. CalChamber also searched its membership records for the Sacramento Metro Chamber
10 of Commerce and confirmed that it has been a member of CalChamber throughout the pendency of
11 this litigation.

12
13 I declare under penalty of perjury of the laws of the United States that the foregoing is true
14 and correct. Executed this 3rd day of September, 2021, at Sacramento, California.

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17 Heather Wallace
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EXHIBIT “FF”

Vann Family Orchards

[Companies](#)

[Vann Family Orchards](#)

[Vann Brothers Farming](#)

[Yolo Hulling & Shelling](#)

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[California Grown](#)

[History & Heritage](#)

[Our Mission](#)

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[Health Benefits](#)

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[Careers](#)

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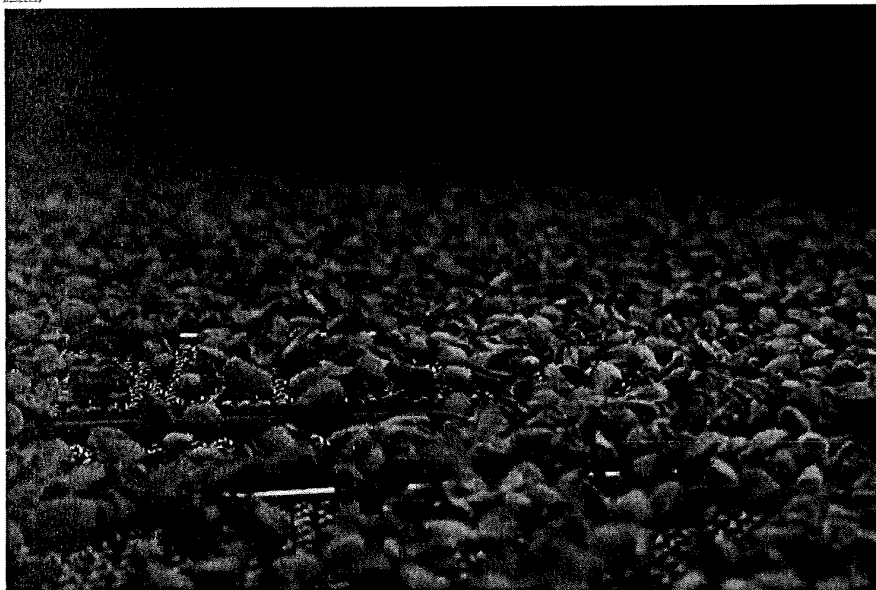
[Industry Resources](#)

[Grow With Us](#)

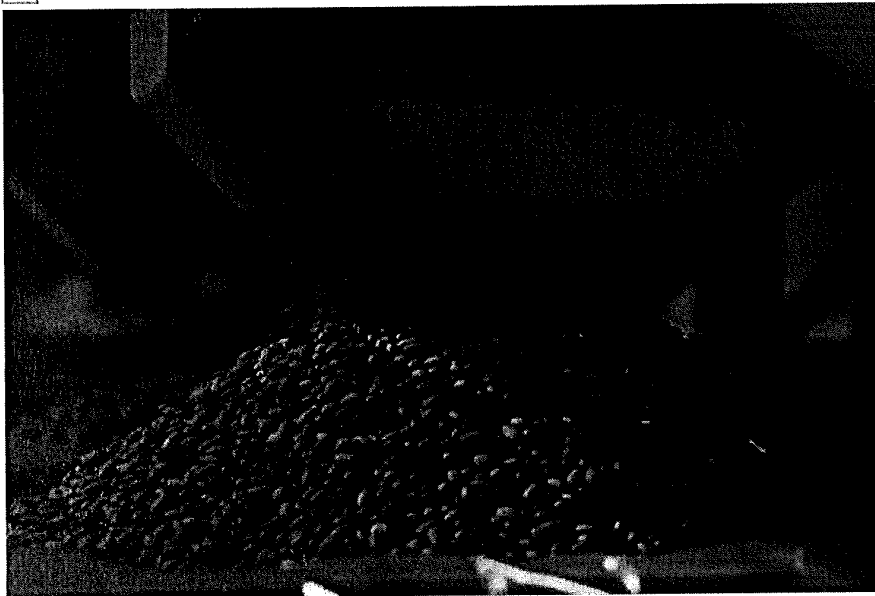
[Contact](#)

[Grower Login](#)

Vann Family Orchards



Vann Family Orchards



FROM OUR FAMILY'S FARM TO YOUR FAMILY'S TABLE

**We are a vertically integrated grower, buyer, and processor of almonds
dedicated to providing our global customer base with superior quality and
service.**

At Vann Family Orchards, we are firmly committed to being a leader in food safety and quality practices, maintaining a safe and healthy workplace, and protecting the environment. We believe that excellence in these core practices is not only vital to deepening customer relationships and building trust, but is necessary in preserving the legacy of our organization.

OUR END-TO-END INTEGRATION ENSURES QUALITY FROM THE TREE TO YOU

QUALITY ASSURANCE

I'M A GROWER

I'M A BUYER



[Back to Top](#)

Vann Family Orchards

Vann Family Orchards, 6141 Abel Road, Williams, CA, 95987, United States+1 (530) 473-3331 bsilveira@vforchards.com

[+1 530.473.3317](tel:+15304733317)

[+1 530.473.5787](tel:+15304735787)

[6141 Abel Road](#)
[Williams, CA 95987](#)
[USA](#)

- [Company](#)
- [About Us](#)
- [Quality Assurance](#)
- [For Buyers](#)
- [Grow With Us](#)
- [Contact Us](#)



EXHIBIT “GG”



Companies▼

Vann Family Orchards (/vann-family-orchards)
Vann Brothers Farming (/vann-brothers-farming)
Yolo Hulling & Shelling (/yolo-hulling-shelling)

About Us▼

California Grown (/california-grown)
History & Heritage (/history-heritage)
Our Mission (/our-mission)
Sustainability (/sustainability)
Affiliations (/affiliations)
Careers (/careers)
Quality Assurance▼

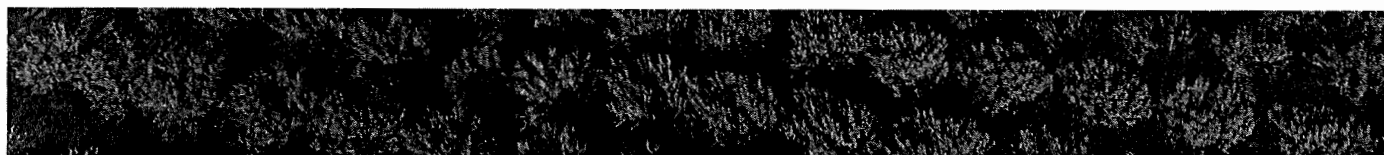
Purity & Quality (/purity-quality)
Health Benefits (/health-benefits)

For Buyers▼

Nutritional Values (/nutritional-values)
Industry Resources (/industry-resources)
Grow With Us (/grow-with-us)
Contact (/contact)

GROWER LOGIN

([HTTPS://ALMONDLOGIC.COM/PORTALS/GROWER/INDEX.PHP](https://almondlogic.com/portals/grower/index.php))



Companies

Vann Family Orchards
(/vann-family-orchards)

Vann Brothers Farming
(/vann-brothers-farming)

Yolo Hulling & Shelling
(/yolo-hulling-shelling)

Mission Statement

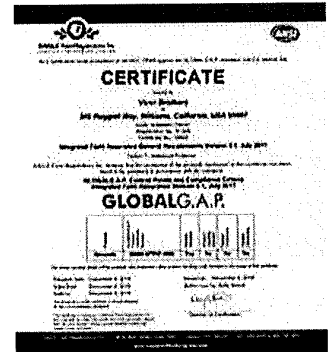
"At Vann Brothers we grow the highest quality almonds and walnuts. Farming sustainably and efficiently while attaining the highest level of food safety. Using an attention to detail we farm on a higher level for our environment and community. We grow happy trees."

About Us

Vann Brothers is a large farming operation located in Williams, California. In 1973, Garnett and Bill started farming forty acres of wheat. Since then, Vann Brothers has grown to farm more than 13,000 acres of almonds and walnuts.

In recent years, Garnett and Bill Vann have added an Almond Processing Facility and Huller Sheller to make Vann Brothers a true "farm to table" organization.

The Vann Family takes pride in the fact that they, and their more than 200 employees, are known for growing and processing top quality commodities that are shipped globally.



(/s/VB-Global-Gap-Cert-2019.pdf)

Location & Contact

365 Ruggieri Way
Williams, CA 95987

+1 530.473.2607 (tel:15304732607)

+1 530.473.3317
(tel:15304733317)

+1 530.473.5787

6141 (http://maps.google.com/maps?
Abel q=6141+Abel+Road+Williams,+CA+95987
Road
Williams,
CA
95987
USA

Company
(/vann-
family-
orchards)

About Us
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Assurance
(/quality-
assurance)

For Buyers
(/nutritional-
values)

Grow With
Us (/grow-
with-us)

Contact Us
(/contact)

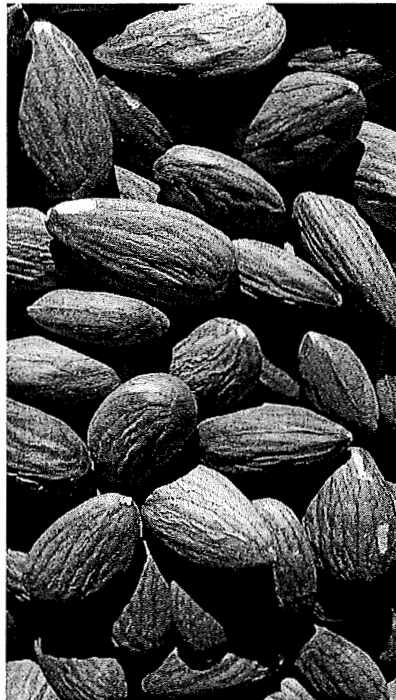


EXHIBIT “HH”

https://www.capitalpress.com/ag_sectors/orchards_nuts_vines/prominent-california-almond-grower-wife-and-friends-die-in-helicopter-crash/article_801d5ec2-f3ce-11eb-bf44-53dd478c1318.html

Prominent California almond grower, wife and friends die in helicopter crash

By SIERRA DAWN McCLAIN Capital Press
Aug 3, 2021



Almonds grown in California.

Capital Press File



A Robinson R66 helicopter like the one in which four people died Sunday near Colusa, Calif.

Alan Wilson/Flickr/Wikipedia

COLUSA, Calif. — Longtime almond grower Bill Vann, 67, his wife Susie Vann, 60, and two friends died in a helicopter accident Sunday in Colusa County, Calif.

"The accident and the loss of life is such a shock," Garnett Vann, Bill's brother and business partner at Vann Brothers, said in a statement Monday.

The helicopter was a Robinson R66, according to the Federation Aviation Administration. According to a statement from the Colusa County Sheriff's Office, the helicopter went down in a field near Highway 45 at Reservation Road around 1:15 p.m. Sunday, about 7 miles north of the city of Colusa. First responders declared the four occupants dead at the scene of the crash.

The cause of the crash is unknown, and the National Transportation Safety Board sent a team Monday to investigate.

Vann Brothers' executive administrator, Nikki Azevedo, said the family is grieving and does not wish to comment further at this time about the accident's details.

The Vann family is well-known in California's almond industry.

"The Vann family is a leader in the California almond business, and they have contributed much over the years to improving the industry's stature. We extend our heartfelt condolences to all Vann family members," Richard Waycott, president and CEO of the Almond Board of California, said in a statement.

The Vann family has been farming in Colusa County since the early 1900s.

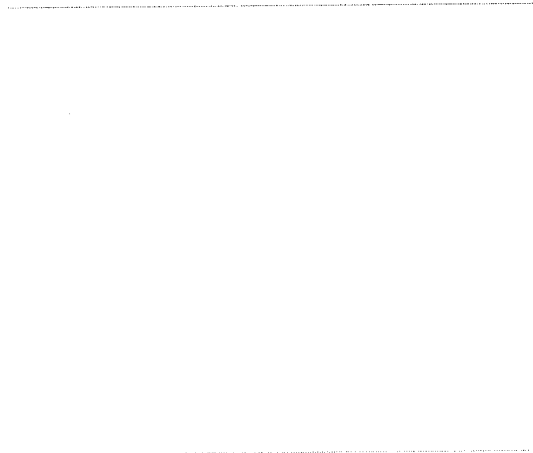
In 1973, Bill Vann partnered with his brother, Garnett, to farm 40 acres of wheat near their home in Williams under the name Vann Brothers.

"Bill was a hands-on partner who loved both farming and business," said his brother, Garnett. "For him, being actively involved in every step of the operation made him the happiest."

The Vanns eventually transitioned from row crops to nut orchards, focusing on almonds, walnuts and pistachios.

In 2012, the brothers added a processing facility, Vann Family Orchards, in a move to become vertically integrated. In 2017, the family constructed a huller and shelling facility, making the company totally vertically integrated as a grower, buyer and processor of nuts.

Today, the company is one of the largest almond processors in northern California and farms more than 17,000 acres in the Sacramento Valley. The farm's almonds are sold across the nation and world.



The Vann organization employs more than 200 people throughout the region and contracts with more than 100 growers. Garnett Vann said this weekend's accident came as "a shock" to his family, the company's employees and fellow growers.

Bill and Susie Vann are survived by their blended family of four children and seven grandchildren.

The names of the couple's two friends who died in the crash were Bobbie Lee Keaton, 62, and Charles Thomas Wilson, 71.

Services are currently being planned.

Garnett Vann said the family will continue moving forward to prepare for almond harvest.

Sierra McClain

Covering agricultural and rural news across the western U.S. Have a news tip? Contact me. 509-699-9099 or smcclain@capitalpress.com

EXHIBIT “II”

Official Records Database Document Detail

Colusa County Recorder's Office

Searchable Indices:
[Official Records](#)

Document Detail

☐ Document ID:	2009-0003874	☐ Assessor Parcel #:	None
☐ Recorded on:	9/25/2009 11:42:50 AM	☐ Book Page #:	No Book Page Found
☐ No. of Pages:	7	☐ Image:	Open Image

FIN STMT

Grantors:

SPRING VALLEY RANCH PARTNERSHIP ET AL
VANN-PETERSON FARMS PARTNERSHIP ET AL

Grantees:

METROPOLITAN LIFE INSURANCE COMPANY

Index Items:

None

References:

None

Page last updated 12/16/16



2009-0003874

Recorded	REC FEE	21.00
Official Records		
County of		
Colusa		
KATHLEEN MORAN		
Clerk-Recorder		

11:42AM 25-Sep-2009 JS Page 1 of 7

RECORDING REQUESTED BY:

FIRST AMERICAN TITLE COMPANY
NCS-354126

WHEN RECORDED MAIL TO:

Metropolitan Life Insurance Company
Agricultural Investments
7411 N. Cedar Suite 101
Fresno, CA 93720-3637

Space above this line for Recorders Use

UCC FINANCING STATEMENT

**THIS PAGE IS TO PROVIDE ADEQUATE SPACE FOR RECORDING
INFORAMTION PURSUANT TO GOVT. CODE 27361.6**

UCC FINANCING STATEMENT

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

A. NAME & PHONE OF CONTACT AT FILER [optional]

B. SEND ACKNOWLEDGMENT TO: (Name and Address)

Metropolitan Life Insurance Company
 Agricultural Investments
 Western Regional Office
 7411 N. Cedar, Suite 101
 Fresno, CA 93720-3637

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

1. DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (1a or 1b) - do not abbreviate or combine names

1a. ORGANIZATION'S NAME

Vann-Peterson Farms Partnership

OR

1b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

1c. MAILING ADDRESS

365 Ruggieri Way

CITY

Williams

STATE

CA

POSTAL CODE

95987

COUNTRY

USA

1d. TAX ID #: SSN OR EIN

ADD'L INFO RE
ORGANIZATION
DEBTOR

1e. TYPE OF ORGANIZATION

General partnership

1f. JURISDICTION OF ORGANIZATION

California

1g. ORGANIZATIONAL ID #, if any

☒ NONE2. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - insert only one debtor name (2a or 2b) - do not abbreviate or combine names

2a. ORGANIZATION'S NAME

OR

2b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

2c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

2d. TAX ID #: SSN OR EIN

ADD'L INFO RE
ORGANIZATION
DEBTOR

2e. TYPE OF ORGANIZATION

2f. JURISDICTION OF ORGANIZATION

2g. ORGANIZATIONAL ID #, if any

☐ NONE3. SECURED PARTY'S NAME (or NAME of TOTAL ASSIGNEE of ASSIGNOR S/P) - insert only one secured party name (3a or 3b)

3a. ORGANIZATION'S NAME

Metropolitan Life Insurance Company

OR

3b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

3c. MAILING ADDRESS

7411 N. Cedar, Suite 101

CITY

Fresno

STATE

CA

POSTAL CODE

93720-3637

COUNTRY

USA

4. This FINANCING STATEMENT covers the following collateral:

As described on Exhibit A and Exhibit B attached hereto and made a part hereof.

5. ALTERNATIVE DESIGNATION (if applicable): ☐ LESSEE/LESSOR ☐ CONSIGNEE/CONSIGNOR ☐ BAILEE/BAILOR ☐ SELLER/BUYER ☐ AG, LIEN ☐ NON-UCC FILING6. ☒ This FINANCING STATEMENT is to be filed (for record) (or recorded) in the REAL ESTATE RECORDS. Attach Addendum (if applicable) 7. Check to REQUEST SEARCH REPORT(S) on Debtor(s) (optional) ☐ All Debtors ☐ Debtor 1 ☐ Debtor 2

8. OPTIONAL FILER REFERENCE DATA

Colusa County, California Loan No. 193139

P1-2512986

FILING OFFICE COPY — NATIONAL UCC FINANCING STATEMENT (FORM UCC1) (REV. 07/29/98)

UCC FINANCING STATEMENT ADDENDUM

FOLLOW INSTRUCTIONS (front and back) CAREFULLY

9. NAME OF FIRST DEBTOR (1a or 1b) ON RELATED FINANCING STATEMENT

9a. ORGANIZATION'S NAME

Vann-Peterson Farms Partnership

OR

9b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME, SUFFIX

10. MISCELLANEOUS:

THE ABOVE SPACE IS FOR FILING OFFICE USE ONLY

11. ADDITIONAL DEBTOR'S EXACT FULL LEGAL NAME - Insert only one name (11a or 11b) - do not abbreviate or combine names

11a. ORGANIZATION'S NAME

OR

11b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

11c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

11d. SEE INSTRUCTIONS

ADD'L INFO RE
ORGANIZATION
DEBTOR

11e. TYPE OF ORGANIZATION

11f. JURISDICTION OF ORGANIZATION

11g. ORGANIZATIONAL ID #, if any

☐ NONE**12. ☐ ADDITIONAL SECURED PARTY'S or ☐ ASSIGNOR S/P'S NAME - Insert only one name (12a or 12b)**

12a. ORGANIZATION'S NAME

OR

12b. INDIVIDUAL'S LAST NAME

FIRST NAME

MIDDLE NAME

SUFFIX

12c. MAILING ADDRESS

CITY

STATE

POSTAL CODE

COUNTRY

13. This FINANCING STATEMENT covers ☐ timber to be cut or ☐ as-extracted collateral, or is filed as a ☒ fixture filing.

14. Description of real estate:

See attached Exhibit A.

16. Additional collateral description:

15. Name and address of a RECORD OWNER of above-described real estate
(If Debtor does not have a record interest):

Spring Valley Ranch Partnership

17. Check only if applicable and check only one box.

Debtor is a ☐ Trust or ☐ Trustee acting with respect to property held in trust or ☐ Decedent's Estate

18. Check only if applicable and check only one box.

☐ Debtor is a TRANSMITTING UTILITY☐ Filed in connection with a Manufactured-Home Transaction — effective 30 years☐ Filed in connection with a Public-Finance Transaction — effective 30 years

P1-2512988

FILING OFFICE COPY — UCC FINANCING STATEMENT ADDENDUM (FORM UCC1Ad) (REV. 05/22/02)

**EXHIBIT A
TO FINANCING STATEMENT**

Legal Description of the Premises

The real property described herein as the "Premises" is located in the unincorporated area of the County of Colusa, State of California, and consists of the approximately one hundred sixty (160) acres of real property that is marked as "Field 2," "Field 3," and "Field 4," on the drawing attached hereto as Schedule 1. The Premises is contained within the following described property:

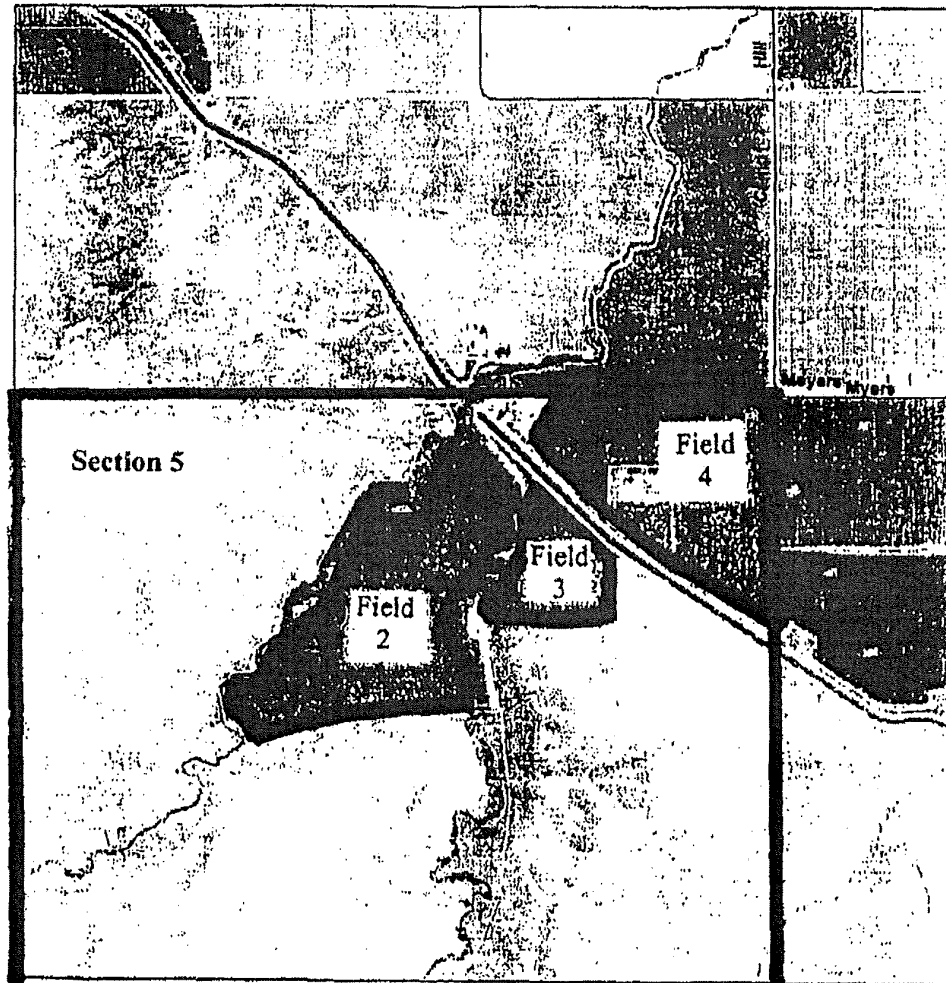
Real property in the unincorporated area of the County of Colusa, State of California, described as follows:



APN: 018-060-015, 018-060-016, 018-060-017 and 018-060-018

Exhibit A

PortInd1-2536977.1 0049689-00408



Tract 6112
Farm 776



Schedule 1 to Exhibit A

PortInd1-2536977.1 0049689-00408

**EXHIBIT B
TO FINANCING STATEMENT**

1. All crops growing or to be grown on, and farm products produced from, and all governmental payments relating to that real property (the "Real Property") that is located in Colusa County, California, and described in Exhibit A attached hereto and incorporated herein, all seed, products and supplies from or for all such crops, and all crop proceeds for the 2009 crop year and all subsequent crop years from crops grown on the Real Property;
2. All trees and other permanent plantings now or hereafter located on the Real Property.
3. All irrigation equipment, including without limitation all piping, pumps, motors, drip emitters, filters and wells now or hereafter located on the Real Property, whether such irrigation equipment is now owned or hereafter acquired.
4. All intellectual property rights with respect to trees now and hereafter growing on the Real Property, including without limitation, all patents and trademarks and patent and trademark licenses.
5. All rents, issues, profits and royalties arising out of the Real Property, whether now or hereafter due.
6. All rights to the use and enjoyment of water, whether surface or subsurface, whether riparian, appropriative, prescriptive or otherwise, and whether or not appurtenant, now or hereafter relating or available to the Real Property or used in connection with the Real Property, including: (a) all water allocations, distribution rights, delivery rights, and other water-related rights or entitlements, whether available through any public or private irrigation projects, companies, districts, agencies or otherwise, together with all shares of stock evidencing any such rights or entitlements, and all voting rights and other rights and privileges that now or hereafter may exist with respect to such stock or with respect to participation, membership, or other involvement in any such projects, companies, districts, or agencies; and (b) all easements, permits, licenses, contracts, grants, reservations and any other rights and entitlements, however created, to drill, install and maintain wells, pumps and pipeline systems, or to use, appropriate, pump, extract, receive, transport, store or transfer water.
7. All estates, tenements, hereditaments, privileges, easements, franchises, licenses, permits and other rights appurtenant to the Real Property, including: (a) all rights, permits, licenses, and other entitlements authorizing Debtor to use the Real Property as it presently is being used or as Debtor intends to use it, or both, (b) all rights of way used in connection therewith or as a means of access thereto, (c) the U.S. Department of Agriculture, Farm Services Agency ("FSA") crop base and any similar governmental entitlements from time to time allocated to the Real Property, (d) all rights to drain the Real Property and to dispose of irrigation water from the Real Property, together with all drainage easements and rights in drainage districts, (e) all rights in cooperative

PortInd1-2536977.1 0049689-00408

associations for milling, ginning, grinding, storage, and marketing of crops and produce from the Real Property.

8. All rights and/or interest arising under leases of the Real Property, including without limitation the following leases, including all options, extensions and amendments, renewals, modifications or replacements thereto or thereof, and any and all rights under or in connection therewith, including any options to purchase and rights of refusal.

9. Lease Agreement dated May 20, 2009, from Spring Valley Ranch Partnership, as landlord, and Vann-Peterson Farms Partnership, as tenant, covering the Real Property, a Memorandum of which Lease was recorded September 1, 2009 as Recorder's No. 2009-3583, Records of Colusa County, California.

10. All accessions, parts, or additions to and all replacements of and substitution for any of the property described in the preceding clauses and all proceeds of the foregoing.

EXHIBIT “JJ”



Technical Summary • July 2014

Acrylamide in Roasted Almonds

Introduction

Acrylamide is a chemical that forms in some carbohydrate-rich foods (e.g., potatoes, bakery products, cereals) during frying, roasting, and baking. In foods, most acrylamide is formed through a reaction between the free amino acid *asparagine* and the reducing sugars glucose and fructose. This reaction occurs mainly during the heating of food above 250°F (~120°C) in low moisture conditions and is part of the Maillard reaction (also known as non-enzymatic browning). Almonds contain free asparagine and reducing sugars, the precursors for acrylamide formation. Acrylamide can form in roasted almonds. Research has shown that acrylamide formation can be mitigated through optimization of roasting.^{I,II,III}

Highlights

- *Acrylamide can form in roasted almonds, but is not found in raw almonds.*
- *Roasting temperature has much greater impact on acrylamide formation than roasting time. Roasting at a temperature below 265°F (130°C) will minimize acrylamide formation in roasted almonds.*
- *It is advisable to roast almonds at a lowest temperature possible for a light or medium-roasted product to minimize acrylamide formation.*
- *Estimated dietary exposures of acrylamide from roasted almonds are very low.*

ABC Research Findings on Acrylamide

Since 2003, the Almond Board of California (ABC) has funded several research projects investigating acrylamide levels in almonds. These projects have ranged from commercial product surveys, analyses of acrylamide precursors in almond varieties, and studies on how roasting temperature and time may influence acrylamide levels.

Research on acrylamide formation in almonds has focused on the effects of the dry (hot air) roasting process. The acrylamide content of roasted almonds is highly dependent on the process temperature. Several studies have clearly demonstrated that control of the roasting temperature is the critical factor in limiting acrylamide formation in roasted almonds. Roasting at a temperature of 310°F (154°C) or above will lead to an exponential increase in acrylamide. Dark roasted almonds have strong roasting flavor notes that are considered desirable for some applications, but depending on the roasting temperature used, the acrylamide content may be very high (>1000 ppb). Acrylamide contents increased as roasting time increased at a certain roasting temperature, but the rate of increase is considerably greater at the higher roasting

Guangwei Huang, MS, Associate Director, Food Research and Technology

1150 Ninth St., Ste. 1500 • Modesto, CA 95354 USA • T: +1.209.549.8262 • F: +1.209.549.8267





temperatures. Roasting almonds at or below 265°F (129°C) to achieve light- or medium-roasted product will result in minimum acrylamide formation.

ABC also funded a project at the University of California, Davis, to survey acrylamide levels in commercially available roasted almonds.^{iv} From a total of 132 samples of both dry and oil roasted almonds, the researchers reported a mean value of 178 ppb acrylamide. Out of 89 dry roasted samples (ten flavored or seasoned products from nine brands), an average acrylamide level of 169 ppb (range from 4 to 726 ppb) was detected. Three brands of light roasted and salted almonds from China had the lowest level of acrylamide, less than 30 ppb. A mean value of 194 ppb (range from 28 to 544 ppb) was found in 41 oil roasted samples.

Estimation of Acrylamide Exposure from Roasted Almonds

Based on a survey of over 43,000 food samples analyzed since 2010, the European Food Safety Authority (EFSA) estimated that the average dietary exposure to acrylamide is 0.3–1.9 micrograms per kilogram body weight per day ($\mu\text{g}/\text{kg}$ bw per day) across various age groups.^v (Nuts were not surveyed as a separate food category)

Commercial roasted almonds surveyed by various groups have found acrylamide levels of 4–749 ppb with a mean value of 178ppb [FDA, 2006; Health Canada, 2012; Mitchell & Zhang, 2012]. To obtain an estimate of dietary exposure to acrylamide from roasted almonds, the mean value ($\sim 180 \mu\text{g}/\text{kg}$) and highest survey value obtained ($\sim 750 \mu\text{g}/\text{kg}$) are used in calculations as follows for various scenarios:

Scenario I for the highest per capita almond consumption country: Per capita U.S. almond consumption is 1.81 lb/person/year = 2.25 g/day/person or 0.00225 kg/day/person^{vi}. For an average American with a body weight of 65 kg (143lb), the daily acrylamide exposure from almond consumption would be: (1) at mean value: $(0.00225 \text{ kg} \times 180 \mu\text{g}/\text{kg})/(65 \text{ kg b.w.}) = 0.006 \mu\text{g}/\text{kg b.w.}$; (2) at the highest level: $(0.00225 \text{ kg} \times 750 \mu\text{g}/\text{kg})/(65 \text{ kg b.w.}) = 0.026 \mu\text{g}/\text{kg b.w.}$ The exposure would be lower if roasted almonds made up only a part of the daily almond consumption.

Scenario II for habitual almond consumers: Based on NHANES (2001–2010), daily almond consumption for a habitual American consumer is 29.5 g or 0.0295 kg^{vii}. For a consumer with a body weight of 65 kg (143lb), the daily acrylamide exposure from almonds would be: (1) at mean value level: $(0.0295 \text{ kg} \times 180 \mu\text{g}/\text{kg})/(65 \text{ kg b.w.}) = 0.08 \mu\text{g}/\text{kg b.w.}$; (2) at highest level: $(0.0295 \text{ kg} \times 750 \mu\text{g}/\text{kg})/(65 \text{ kg b.w.}) = 0.34 \mu\text{g}/\text{kg b.w.}$ As habitual American consumers tend to eat mostly unroasted almonds, the actual acrylamide exposure from almonds would be lower.

Regulatory Status

Acrylamide at concentrations found in some foods is a concern because the chemical is known to cause cancer in laboratory animals and also may be a human carcinogen. Acrylamide is considered by food safety authorities to be an undesirable but inevitable consequence of

This is a publication by the Almond Board of California. For more information, please contact the Almond Board at 209.540.8262 or staff@almondboard.com. The information reported in this document is correct to the best of our knowledge.

The Almond Board of California welcomes the participation of all industry members and does not discriminate on the basis of race, color, national origin, sexual orientation, gender, marital status, religion, age, disability or political beliefs.



baking, frying or roasting starchy foods. International research is ongoing to better understand acrylamide formation in foods and to develop strategies to reduce the levels [EFSA, 2013]. These efforts aim to reduce the potential health risks associated with exposure to this chemical. The U.S. Food and Drug Administration (FDA) issued a draft guidance document on acrylamide in foods [FDA, 2013]^{viii}. This document states:

"FDA is not suggesting maximum recommended levels for acrylamide at this time. We recommend that manufacturers be aware of acrylamide levels in their products, because knowledge of acrylamide levels is essential for determining the effectiveness of acrylamide reduction techniques."

ⁱ Zhang, G., G. Huang, L. Xiao, J. Selber, and A.E. Mitchell. 2011. Acrylamide formation in almonds (*Prunus dulcis*): Influences of roasting time and temperature, precursors, varietal selection, and storage. *J. Agricultural and Food Chemistry* 59:8225–8232.

ⁱⁱ Amrein, T.M., H. Lukac, L. Andres, R. Perren, F. Escher, and R. Amadò. 2005. Acrylamide in roasted almonds and hazelnuts. *J. Agricultural and Food Chemistry* 53:7819–7825.

ⁱⁱⁱ Amrein, T.M., L. Andres, B. Schönbächler, B. Conde-Pellit, F. Escher, and R. Amadò. 2005. Acrylamide in almond products. *European Food Research and Technology* 221:14–18.

^{iv} Mitchell, A. and Zhang, G., 2012, Commercial roasted almond acrylamide survey results presentation.

^v (EFSA) European Food Safety Authority. 2013. Acrylamide. Available at: <http://www.efsa.europa.eu/en/consultations/call/140701.pdf>

^{vi} Almond Board of California, Almanac 2013, 2011/12 USA per capita almond consumption USDA ERS.

^{vii} Papanikolaou, Y., O'Neill, C.E., Nicklas, T.A., Fulgoni, V.L. Consumption of almonds is associated with increased nutrient intake, better diet quality, and better physiological status in adult participants (19+ y) from the NHANES (2001-2010).

^{viii} (FDA) U.S. Food and Drug Administration, 2006. Survey data on acrylamide in food: Individual food products, 2002–2008. Available at: <http://www.fda.gov/Food/FoodborneIllnessContaminants/ChemicalContaminants/ucm053549.htm>

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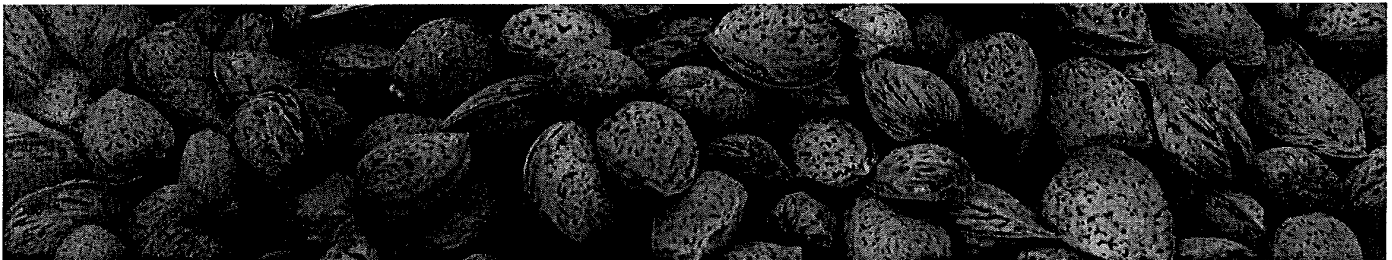
AlmondBoard.com

EXHIBIT “KK”



Companies▼
Vann Family Orchards (/vann-family-orchards)
Vann Brothers Farming (/vann-brothers-farming)
Yolo Hulling & Shelling (/yolo-hulling-shelling)
About Us▼
California Grown (/california-grown)
History & Heritage (/history-heritage)
Our Mission (/our-mission)
Sustainability (/sustainability)
Affiliations (/affiliations)
Careers (/careers)
Quality Assurance▼
Purity & Quality (/purity-quality)
Health Benefits (/health-benefits)
For Buyers▼
Nutritional Values (/nutritional-values)
Industry Resources (/industry-resources)
Grow With Us (/grow-with-us)
Contact (/contact)

GROWER LOGIN ([HTTPS://ALMONDLOGIC.COM/PORTALS/GROWER/INDEX.PHP](https://almondlogic.com/portals/grower/index.php))



About Us

California Grown
(/california-grown)

History & Heritage
(/history-heritage)

Our Mission (/our-
mission)

Sustainability
(/sustainability)

Affiliations
(/affiliations)

Careers (/careers)

Affiliations



(<http://www.almonds.com/>)

Almond Board of
California



(<https://safefoodalliance.com/>)

Safe Food Alliance



(<https://www.brcglobalst>)

BRC Global Standards



(<https://www.nutfruit.org/consumers>)

INC International Nut
& Dried Fruit

OUR END-TO-END INTEGRATION ENSURES
QUALITY FROM THE TREE TO YOU

QUALITY ASSURANCE
(/quality-assurance)

I'M A GROWER (/grow-with-us)

I'M A BUYER (/nutritional-
values)

+1 530.473.3317
(tel:15304733317)

+1 530.473.5787

Company
(/vann-family-
orchards)



EXHIBIT “LL”

UCC FINANCING STATEMENT AMENDMENT ADDENDUM
FOLLOW INSTRUCTIONS

11. INITIAL FINANCING STATEMENT FILE NUMBER: Bayview 2009, 1st on Amendment Note
2009-0003874 09/25/2009

12. NAME OF PARTY AUTHORIZING THIS AMENDMENT: Same as Item 8 of Amendment Note

12a. ORGANIZATION'S NAME

METROPOLITAN LIFE INSURANCE COMPANY

OR

12b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)/INITIAL(S)

SUFFIX

THE ABOVE SPACE IS FOR PRINCIPAL

13. Name of DEBTOR on related financing statement (Name of a current Debtor of record required for indexing purposes only in those filing offices that require Debtor name (13a or 13b) (use exact, full name; do not omit, modify, or abbreviate any part of the Debtor's name; see instructions if name does not fit)

13a. ORGANIZATION'S NAME

OR

13b. INDIVIDUAL'S SURNAME

FIRST PERSONAL NAME

ADDITIONAL NAME(S)

14. ADDITIONAL SPACE FOR ITEM 8 (Collateral):

15. This FINANCING STATEMENT AMENDMENT:

☐

covers timber to be cut

☐

covers as-extracted collateral

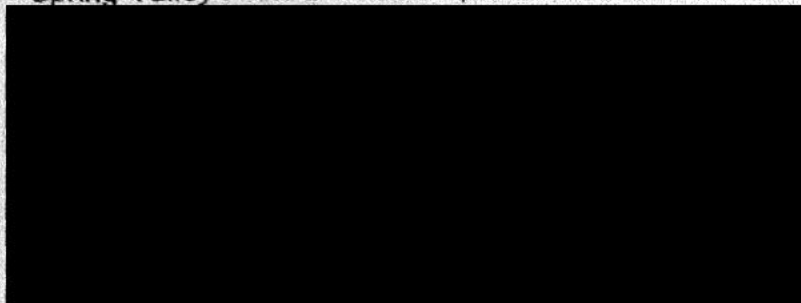
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is filed as a fixture filing

17. Description of real estate:
LEGAL DESCRIP

16. Name and address of a RECORD OWNER of real estate described in Item 17
(if Debtor does not have a record interest):

Spring Valley Ranch Partnership



APN:

018-060-015

018-060-016

018-060-017

018-060-018

First American Title Insurance Company

RECORDING REQUESTED BY

Calfee & Konwinski, PC

WHEN RECORDED, MAIL TO:

Calfee & Konwinski, PC
611 North Street
Woodland, CA 95693

NCS - 354126

MEMORANDUM OF AGRICULTURAL LEASE

(SPRING VALLEY RANCH PARTNERSHIP
and VANN-PETERSON FARMS PARTNERSHIP)

This Memorandum of Agricultural Lease is made this 20th day of May, 2020, between SPRING VALLEY RANCH PARTNERSHIP, a California general partnership (herein called "Landlord"), and VANN-PETERSON FARMS PARTNERSHIP, a California general partnership (herein called "Tenant"), who agree as follows:

1. Lease. Lessor hereby leases to Lessee and Lessee hereby leases from Lessor pursuant to the terms and conditions of that certain Agricultural Lease of even date herewith, by and between Landlord and Tenant ("Lease") that certain real property referred to in the Lease as the "Premises," which is more particularly described in Exhibit A attached hereto and incorporated herein by this reference.

2. Leasehold Financing. Subject to the provisions of the Lease, Tenant may encumber its leasehold interest in the Premises. The Lease contains provisions for the protection of a leasehold lender, including without limitation, that Landlord shall provide to such lender certain notices, cure rights and rights to obtain a new lease, and that Landlord shall not agree to any mutual termination nor accept any surrender of the Lease or the Premises (except on the expiration of the term of the Lease as provided for in the Lease, or except as ordered by a judge or arbitrator due to the Tenant's default under the Leases) nor shall Landlord consent to any material amendment or modification of the Lease, without the prior written consent of Lender, all as more specifically set forth in the Lease.

3. Purpose of Memorandum of Agricultural Lease. This Memorandum of Agricultural Lease is executed, prepared and recorded for the purpose of giving notice to all parties of the provisions of the Lease which affect the Premises. This Memorandum of Agricultural Lease is prepared for the purpose of recordation and notice, and it in no way modifies the provisions of the Lease, or any amendments thereto, the terms of which are incorporated herein by reference. In the event of any inconsistency between the terms and conditions of the Lease and the terms and conditions of this Memorandum of Agricultural Lease, the terms and conditions of the Lease shall control.

[Signatures On Next Page]

8/30/2021

20210830_105836.jpg

Executed as of the day and year first above written.

LANDLORD:

SPRING VALLEY RANCH,
a California general partnership

By: North Sacramento Land Co.,
a California corporation, its General Partner

By: 
Robert J. Stobe, President

TENANT:

VANN-PETERSON FARMS PARTNERSHIP,
A California general partnership

Signed In Counterpart

By: _____
Peter D. Peterson, its General Partner

Signed In Counterpart

By: _____
Patricia Peterson, its General Partner

By: VANN FAMILY TWO, LLC, a California limited
liability company, its General Partner

Signed In Counterpart

By: _____
William B. Vann, Manager
Signed In Counterpart

By: _____
Garnett A. Vann, Manager

EXHIBIT “MM”



2009-0002368

RECORDING REQUESTED BY
First American Title Insurance Company
National Commercial Services

**AND WHEN RECORDED MAIL DOCUMENT
AND TAX STATEMENT TO:**

Spring Valley Ranch Partnership


Recorded	REC FEE	20.00
Official Records		
County of	048 PCOR	20.00
Colusa		
KATHLEEN MORAN		
Clerk-Recorder		

12:05PM 04-Jun-2009 CS
Page 1 of 5

NO PCOR FILED

Space Above This Line for Recorder's Use Only

A.P.N.: 018-050-007 and 018-050-008 and 018-050-009 and 018-060-001
and 018-060-003 and 018-060-004 and 018-060-015 and 018-060-016
and 018-060-017 and 018-060-018 and 018-140-006 and 018-150-001
and 018-150-002 and 018-150-004 and 018-150-005 and 018-150-007
and 018-240-001

File No.: NCS-388526-SAC4 (AT)

GRANT DEED

The Undersigned Grantor(s) Declare(s): DOCUMENTARY TRANSFER TAX Undisclosed Separate Paper R&T 11932-11933

[X] computed on the consideration or full value of property conveyed, OR
[X] unincorporated area and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged,

North Sacramento Land Co., a California corporation who acquired title as North Sacramento Land Company, a corporation and North Sacramento Land Co, a corporation;

Carolyn Dean Slobe aka Carolyn D. Slobe

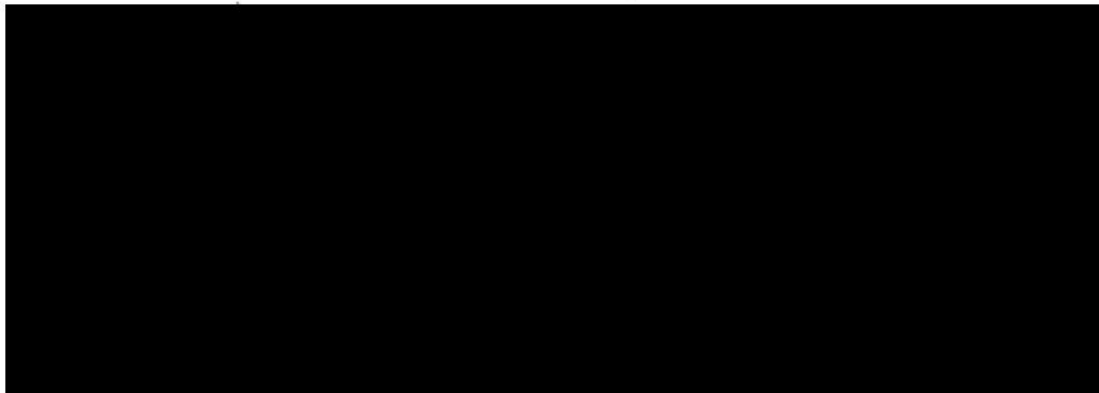
Steven D. James aka Steven James

Gary A. Slobe

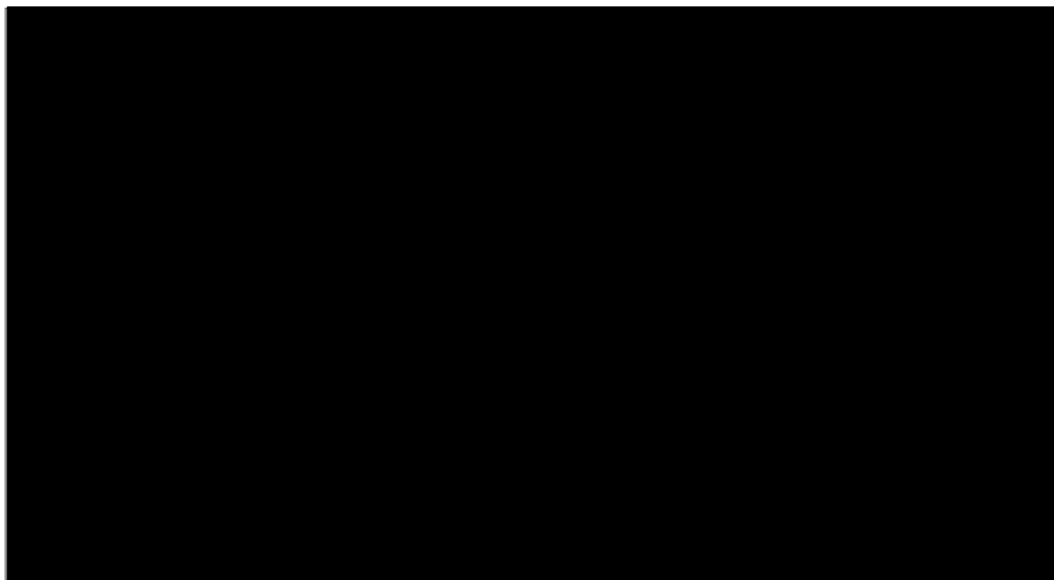
Robert J. Slobe

Wendy D. Blakemore aka Wendy D. Slobe

hereby GRANTS to **Spring Valley Ranch Partnership, a California general partnership**
the following described property in **unincorporated area**, County of **COLUSA**, State of **California**:

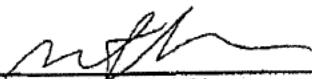


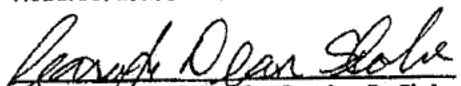
Mail Tax Statements To: **SAME AS ABOVE**

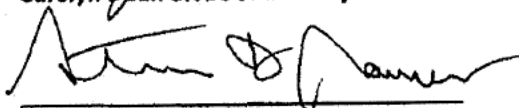


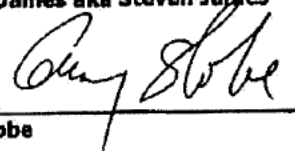
Dated: 03/26/2009

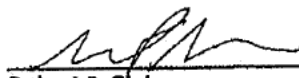
North Sacramento Land Co., a California corporation

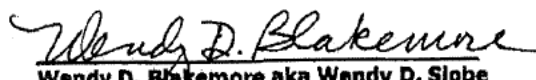

Robert J. Slobe – President


Carolyn Dean Slobe aka Carolyn D. Slobe


Steven D. James aka Steven James


Gary A. Slobe


Robert J. Slobe


Wendy D. Blakemore aka Wendy D. Slobe

Mail Tax Statements To: SAME AS ABOVE

Grant Deed - continued

Date: 03/26/2009

A.P.N.: 018-050-007 and 018-050-008 and 018-050-009 and 018-060-001
and 018-060-003 and 018-060-004 and 018-060-015 and 018-060-016
and 018-060-017 and 018-060-018 and 018-140-006 and 018-150-001
and 018-150-002 and 018-150-004 and 018-150-005 and 018-150-007
and 018-240-001

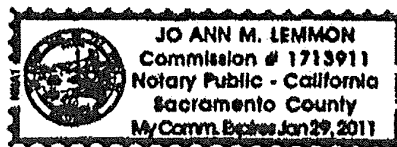
File No.: NCS-388526-SAC4 (AT)

STATE OF California)SS
COUNTY OF Sacramento)

On May 27, 2009, before me, Jo Ann M. Lemmon, Notary Public, personally appeared **Robert J. Slobe** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Jo Ann M. Lemmon

My Commission Expires: _____

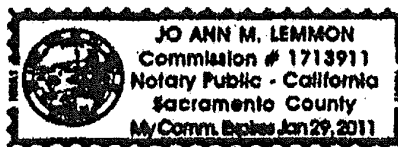
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STATE OF California)SS
COUNTY OF Sacramento)

On May 27, 2009, before me, Jo Ann M. Lemmon, Notary Public, personally appeared **Carolyn Dean Slobe** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature

Jo Ann M. Lemmon

My Commission Expires: 1/29/11

This area for official notarial seal

Grant Deed - continued

Date: 03/26/2009

STATE OF California)SS
COUNTY OF Sacramento)

On May 27, 2009, before me, Jo Ann M Lemmon, Notary Public, personally appeared **Steven D. James** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

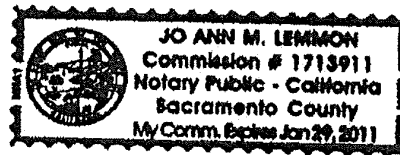
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Jo Ann M Lemmon

My Commission Expires: 1/29/11



This area for official notarial seal

STATE OF California)SS
COUNTY OF Sacramento)

On June 2, 2009, before me, Jo Ann M Lemmon, Notary Public, personally appeared **Gary A. Slobo** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

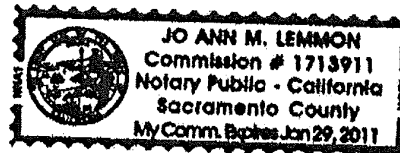
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Jo Ann M Lemmon

My Commission Expires: 1/29/11



This area for official notarial seal

Grant Deed - continued

Date: 03/26/2009

STATE OF California)SS
COUNTY OF Sacramento)

On June 1, 2009, before me, JO ANN M. LEMMON, Notary Public, personally appeared **Wendy D. Blakemore** who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

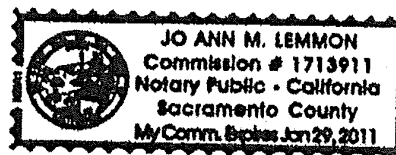
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature

Jo Ann M. Lemmon

My Commission Expires: 1/29/11



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EXHIBIT “NN”

S. HRG. 111-927

**NOMINATIONS HEARING OF U.S. CIRCUIT AND
U.S. DISTRICT JUDGES**

HEARING

BEFORE THE

**COMMITTEE ON THE JUDICIARY
UNITED STATES SENATE**

ONE HUNDRED ELEVENTH CONGRESS

SECOND SESSION

APRIL 16, 2010

Serial No. J-111-117

Printed for the use of the Committee on the Judiciary



426

Responses of Kimberly J. Mueller
Nominee to the U.S. District Court for the Eastern District of California
to the Written Questions of Senator Tom Coburn, M.D.

1. Some people refer to the Constitution as a “living” document that is constantly evolving as society interprets it. Do you agree with this perspective of constitutional interpretation?

Response: I would not use the word “living” to describe the Constitution. I believe its text is established as written.

2. Since at least the 1930s, the Supreme Court has expansively interpreted Congress’ power under the Commerce Clause. Recently, however, in the cases of *United States v. Lopez*, 514 U.S. 549 (1995) and *United States v. Morrison*, 529 U.S. 598 (2000), the Supreme Court has imposed some limits on that power.

- a. Do you believe *Lopez* and *Morrison* consistent with the Supreme Court’s earlier Commerce Clause decisions?

Response: Yes.

- b. Why or why not?

Response: I believe *Lopez* and *Morrison* are consistent with the Supreme Court’s earlier Commerce Clause decisions because the decisions themselves indicate as much and the Court in *Gonzales v. Raich*, 545 U.S. 1 (2005), confirmed it.

3. In *Roper v. Simmons*, 543 U.S. 551 (2005), Justice Kennedy relied in part on the “evolving standards of decency” to hold that capital punishment for any murderer under age 18 was unconstitutional. I understand that the Supreme Court has ruled on this matter, but do you agree with Justice Kennedy’s analysis?

Response: As a United States Magistrate Judge, I have not had occasion to consider the analysis referenced here. If confirmed and appointed as a District Judge, and called upon to reach this question in the future, I would undertake the analysis required to reach the result required by law.

- a. How would you determine what the evolving standards of decency are?

Response: If a dispute did require that I reach the question of what “evolving standards of decency” are, I would ascertain the holdings of the Supreme Court and relevant appellate court authority and apply that precedent to the facts of the case before me in a reasoned written decision.

- b. Do you think that a judge could ever find that the “evolving standards of decency” dictated that the death penalty is unconstitutional in all cases?

427

Response: As the Supreme Court has determined that the death penalty itself is Constitutional, a finding that it is not Constitutional is precluded by law.

c. What factors do you believe would be relevant to the judge's analysis?

Response: The only factors that should be relevant to a judge performing any such analysis are those required by the Supreme Court and the appellate court with jurisdiction over the trial court conducting the analysis in the first instance. To the extent there is no controlling circuit authority, it may also be appropriate to consider the decisions of other circuit courts.

4. In your view, is it ever proper for judges to rely on contemporary foreign or international laws or decisions in determining the meaning of the Constitution?

Response: I would not consider foreign or international law in determining a Constitutional question unless the Supreme Court or controlling authority from the circuit court required as much. If I am confirmed as a District Judge for the Eastern District of California, I expect to be applying the laws of the United States day in and day out.

a. If so, under what circumstances would you consider foreign law when interpreting the Constitution?

Response: If confirmed and appointed as a District Judge, I would not consider foreign law in interpreting the Constitution unless Supreme Court precedent or controlling appellate authority required it, and those precedents were implicated by a dispute before me.

b. Do you believe foreign nations have ideas and solutions to legal problems that could contribute to the proper interpretation of our laws?

Response: If presented with such an argument in a dispute before me, I would answer the question with reference to Supreme Court and controlling appellate court authority. As a United States Magistrate Judge, the only times I recall considering foreign law in any respect have been in the context of extradition proceedings or foreign governments' requests for assistance in carrying out criminal investigations.

c. Would you consider foreign law when interpreting the Eighth Amendment? Other amendments?

Response: If confirmed and appointed as a District Judge, I would not consider foreign law in interpreting any Constitutional amendment unless the Supreme Court or controlling appellate court authority required me to do so.

Responses of Kimberly J. Mueller
 Nominee to the U.S. District Court for the Eastern District of California
 to the Written Questions of Senator Jeff Sessions

1. In *Riel v. Woodford* (2003), a habeas proceeding, you considered a death row inmate's discovery request for data maintained by the California attorney general in support of his challenge to the constitutionality of the death penalty as applied in California. The inmate had presented a study that he claimed showed the death penalty was unconstitutionally applied because only 11.4% of those eligible for the death penalty received it and, therefore, was "cruel and unusual punishment" under the Eighth Amendment. While I understand that you ultimately denied the motion on the grounds that there was not good cause for the discovery request, before doing so, you discussed the Supreme Court's decision in *Furman v. Georgia*, 408 U.S. 238 (1972), which held that several death sentences violated the Eighth Amendment based on statistics showing that only a small percentage of convicted murderers and rapists were sentenced to death. Assuming the inmate's study was correct and only 11.4% of convicted murderers eligible for the death penalty in California actually received that punishment, do you believe the California death penalty law would constitute cruel and unusual punishment under the Eighth Amendment? Please explain your answer.

Response: Even though I denied the petitioner's discovery motion in *Riel*, I was reversed. As a result, the discovery is proceeding and has not yet been completed. As the Magistrate Judge to whom the *Riel* matter is referred for pre-dispositive purposes, I must at this point assume the discovery may be before me with respect to petitioner's claim alleging that the death penalty in California is applied disproportionately. I cannot prejudge how I would resolve the claim. In resolving the claim, I would ascertain all applicable provisions of the Constitution, as well as Supreme Court and Ninth Circuit precedent, and develop a clear sense of the entire record on the claim. I would apply the law to the facts in reaching the result required by law.

2. Justice Scalia, writing for himself and Justice Rehnquist in *Harmelin v. Michigan*, 501 U.S. 957 (1991), said the Cruel and Unusual Punishment Clause of the Eighth Amendment only "disables the Legislature from authorizing particular forms or 'modes' of punishment - specifically, cruel methods of punishment that are not regularly or customarily employed." The Clause does not, in his view, impose a requirement of proportionality of punishment to the severity and harm of the crime. I recognize that a majority of the Supreme Court has not adopted Justice Scalia's view. I also recognize that, if confirmed, you would be bound to apply the rule adopted by the majority of the Supreme Court.

429

a. What are your personal views of the meaning of the Cruel and Unusual Punishment Clause?

Response: In performing my duties as a United States Magistrate Judge I do not consider what my personal views are of any provision of the Constitution. Nor would I consider such views if confirmed as a District Judge. In resolving any application of the Cruel and Unusual Punishment Clause, I would start with the Clause itself, and review all Supreme Court and appellate court cases interpreting and applying the Clause in identical and analogous circumstances. Based on a conscientious review of the applicable law, and careful consideration of the record and the parties' briefs and arguments, I would prepare a decision reflecting my application of the law to the facts of the case.

b. In the same opinion, Justice Scalia wrote that "appellate review of sentencing that includes a proportionality analysis merely substitutes judges' subjective views of the gravity of offenses for legislative determinations." Do you agree that the proportionality analysis, by its very definition, permits unelected judges to substitute their judgment regarding appropriate punishments for that of the elected legislatures?

Response: I do not believe judges should substitute their opinions for any policy judgments that are properly the province of elected legislatures. If I am required to consider a proportionality analysis in the future, I will ascertain the controlling precedent with respect to the question before me and apply that precedent faithfully, in a written decision that makes clear the method and reasons for my analysis.

3. In 1995, you joined a group of students and law professors who opposed California's Proposition 209, which amended the state constitution to prohibit the state from discriminating based on race, color, gender, or ethnicity. At the time, you were quoted as saying that proponents of the initiative wanted "to devour our society's main way of achieving equal opportunity . . . under the pretense that discrimination no longer exists."

a. Do you still agree with that statement?

Response: I believe the statement referenced is from a press release that I did not prepare or approve. While I do not have notes of my remarks and do not recall precisely what I said during the one press conference opposing Proposition 209 that I attended, I participated in my capacity as a law student. I did so without performing the type of equal protection analysis I would today as a Magistrate Judge, or if confirmed as a District Judge, if required to resolve a legal dispute arising from alleged discrimination.

2

430

b. Do you believe Proposition 209 violates the federal constitution?

Response: Proposition 209 was passed by the California electorate and amended the California Constitution. The Ninth Circuit Court of Appeals has rejected challenges to the proposition's constitutionality. If called upon to consider a new case challenging the proposition, I would take account of all applicable Supreme Court and appellate law in reaching the decision required by law.

c. As recently as a few months ago, there were legal challenges to Proposition 209. If confirmed and presented with such a challenge, are you prepared to set aside your own personal views and rule based solely on the law?

Response: Yes.

4. During the 2008 presidential campaign, President Obama described the types of judges that he will nominate to the federal bench as follows:

"We need somebody who's got the heart, the empathy, to recognize what it's like to be a young teenage mom. The empathy to understand what it's like to be poor, or African-American, or gay, or disabled, or old. And that's the criteria by which I'm going to be selecting my judges."

a. Without commenting on what President Obama may or may not have meant by this statement, do you believe that you fit President Obama's criteria for federal judges, as described in his quote?

Response: Because I have been nominated by President Obama, I have to assume I satisfy the criteria he is applying in selecting a nominee to fill the current vacancy for a District Judge in the Eastern District of California.

b. During her confirmation hearing, Justice Sotomayor rejected this so-called "empathy standard" stating, "We apply the law to facts. We don't apply feelings to facts." Do you agree with Justice Sotomayor?

Response: I agree with the two sentences attributed to Justice Sotomayor here.

c. What role do you believe empathy should play in a judge's consideration of a case?

Response: I do not believe empathy should play a role in a judge's determination of how the law applies to the facts of a case. I do believe a judge must be a good listener and reader in order to properly ascertain the factual record and fully comprehend the legal positions of all the parties to a given dispute. The one setting in which I believe a judge may at times properly display some degree of empathy is when acting not as a judge of the law, but as a settlement judge.

3

431

- d. Do you think that it is ever proper for judges to indulge their own subjective sense of empathy in determining what the law means?

Response: No.

- i. If so, under what circumstances?

Response: Not applicable.

- ii. Please identify any cases in which you have done so.

Response: I have not indulged my own subjective sense of empathy in determining what the law means in any case.

- iii. If not, please discuss an example of a case where you have had to set aside your own subjective sense of empathy and rule based solely on the law.

Response: In every case that comes before me as a judge of the law, I set aside any personal views or feelings in identifying and then applying the controlling law to the facts of the dispute I am called to resolve.

- e. As you know, Justice Stevens recently announced his retirement. The President said that he will select a Supreme Court nominee with "a keen understanding of how the law affects the daily lives of the American people." Do you believe judges should base their decisions on a desired outcome, or solely on the law and facts presented?

Response: I believe a judge can be aware and communicate an awareness of the consequences for those affected by a decision. I do not believe such awareness should ever affect or dictate the outcome in any given decision. Any decision by a judge should reflect rigorous application of the law to the facts as established by the record in any given matter submitted for judicial determination.

5. Please describe with particularity the process by which these questions were answered.

Response: I received the questions on Friday, April 23rd. I worked on my responses over the weekend. I consulted briefly with representatives of the Department of Justice at one point regarding my responses, and then finalized them before authorizing their transmittal to the Committee.

6. Do these answers reflect your true and personal views?

Response: Yes.

4

129

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself *sua sponte*. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself *sua sponte*;
- b. a brief description of the asserted conflict of interest or other ground for recusal;
- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I participate in our Court's automatic recusal system by which I regularly provide the Clerk with a list of potential conflicts and screen cases during case assignment that could present conflicts based on this list. I also carefully evaluate each case—both at the time of initial reference and again if it is to be assigned to me for all purposes on consent of the parties. Whenever called for by the Code of Conduct for United States Judges, the recusal statutes, or a general interest in maintaining impartiality and the appearance of impartiality of the Court, I disclose relationships and/or recuse myself.

I have recused *sua sponte* in approximately .003 percent of all cases that have been assigned to me since I began service as a United States Magistrate Judge.

In the following cases, I recused because counsel for a party is affiliated with a law firm that provides legal services to my husband's business:

Cal. Shock Trauma Air Rescue v. State Comp. Ins. Fund, CIV-S-09-0090
Swarbrick v. Umpqua Bank, CIV-S-08-0532
Azucena Negrete v. Oldcastle APG West, Inc., CIV-S-08-0477
Golden Gate Beverage Co. v. DMH Ingredients, CIV-S-07-2247
Jonelle Lewis v. Starbucks Corp., CIV-S-07-490

27

In the following cases, I recused because I or a member of my chambers staff had a family relationship, friendship, or prior professional relationship with an attorney:

Fourscore Res. Capital, LLC v. Nat'l Credit Acceptance, Inc., CIV-S-09-0032
Reclamation Dist. No. 2116 v. Arcady Oil Co., CIV-S-96-1473
Sharon Martin v. Jennell Parks, CIV-S-07-2796
Johnson v. Roche, CIV-S-06-1676
Miller v. Butte County Sheriff's Dep't, CIV-S-06-489
Wilson v. Rebound Action Sport, CIV-S-00-1264

In the following cases, I recused because I, a member of my chambers staff, or a colleague on the bench had a family relationship, friendship, or prior professional relationship or imputed professional relationship with a litigant:

Cofield v. United States, CIV-S-06-1798
Hinton v. Pliler, CIV-S-01-1174
Acuna v. Hedgepeth, CIV-S-09-1538
Fields v. Tefeeries, CIV-S-05-2292
Tholmer v. Pliler, CIV-S-04-1368
Ware v. Sacramento County, CIV-S-06-913

In the following case, I recused because I either still had some law school loans with Sallie Mae, or had only recently paid off such loans:

Virgen v. Sallie Mae, CIV-S-06-341

In the following cases, I recused in order to avoid any appearance of a conflict, in light of my close involvement, until shortly before becoming a United States Magistrate Judge, with efforts to pass a bond measure, and to promote school district unification, both of which affected the school district parties in the cases:

Sparks v. North Sacramento School Dist., CIV-S-05-2496
Slade v. Grant Joint Union High School Dist., CIV-S-05-1483

In the following cases, I recused for reasons I am not able to determine at this time:

Hall v. Pliler, CIV-S-05-1556
Wong et al. v. Heinrich Props. Gen. Props. CIV-S-03-0050

The cases in which a party has requested my recusal, and in which I recused, are as follows:

Johnson v. Couturier, Jr., CIV-S-05-2046. I recused myself from presiding over a non-dispositive motion reference when a party requested my recusal based on one attorney having been my colleague when I was a law firm associate.

Pratt v. Cal. State Bd. of Pharmacy, CIV-S-05-345. I recused myself when a party requested by recusal based on an attorney having been my former neighbor.

131

The cases in which a party has requested my recusal, and in which I declined to recuse because I found no grounds for recusal after careful consideration of the factors prescribed by 28 U.S.C. § 455, are as follows:

Bowman v. Schwarzenegger, CIV-S-07-2164 (pro se prisoner's civil rights action)

Kirkland v. Levi, CIV-S-06-2596 (pro se prisoner's civil rights action)

Cohea v. Salter, CIV-S-06-2260 (pro se prisoner's civil rights action)

Penilton v. County of Sacramento, CIV-S-03-1966 (pro se prisoner's civil rights action)

Kenneth Driessen v. Tehama County, CIV-S-03-0069 (civil pro se plaintiff)

United States v. Sukup, 97-CR-0461 (federal habeas petition)

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I served from 2001-2003 as a public member of the Cal/OSHA Standards Board by appointment of Governor Gray Davis.

I served from 1987-1992 as a Councilmember for District 6 of the City of Sacramento. I was elected in a nonpartisan election in September 1987 and did not run for reelection. While a Councilmember, I served as Vice-Mayor in 1989, and was an appointee from the Council to the following other decision-making bodies: Metro Transportation Commission, Regional Transit Board, Sacramento Metropolitan Flood Protection Task Force (alternate), Sacramento Theatre Company Board of Directors, Sacramento Transportation Authority (Vice-Chair) and Sacramento/Yolo Port District/Board of Electors.

I served from approximately 1985 to 1987 as a member of the Sacramento City Toxics Commission by appointment of the Sacramento City Council.

I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

29

132

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

From 1998 to 2001, I was Treasurer for Education First for Grant, a general purpose county committee formed to support candidates for the Grant Joint Union High School District. From 2000 to 2002, I was Treasurer and Community Petition Chair for Families for Better Education from 2000 to 2002, an organization that worked to place a measure on the local ballot, through signature-gathering, to unify local elementary and high school districts. Also from 2000-2002, I was a Board Member of Leaders for Effective Government, a committee formed to support candidates for the California State Senate.

I was the candidate in my own campaign for Sacramento City Council in 1987. Prior to becoming a judge, I was an uncompensated volunteer without title in a number of campaigns. Typically, I walked precincts or stuffed envelopes, or lent my name in support. The specific campaigns in which I recall participating are:

Ray Tretheway for City Council (2001)
 Bill Farrell for City Council (2000)
 Rob Kerth for Mayor (2000)
 School Bond Measure, North Sacramento School District (approx. 2000)
 Lauren Hammond for City Council (1997)
 Deborah Ortiz for Sacramento City Council (1993)
 Rob Kerth for City Council (1992)
 Bill Clinton for President (1992)
 Jerry Brown for President (1992 (national convention delegate))
 Kate Karpilow for Sacramento City Council (1989)
 Grantland Johnson for County Supervisor (1986, 1990)
 Peter Keat for SMUD Board (1988)
 Leroy Greene for Senate (1986)
 Ed Smeloff for SMUD Board (1986)
 Joe Serna for Mayor (1982, 1986)
 Lloyd Connelly for Assembly (1982)
 Ann Evans for Davis City Council (1982)
 Peter McNamee for Yolo County Clerk-Recorder (1982)
 Tom Tomasi for Davis City Council (1982)
 John Anderson for President (1980)
 George McGovern for President (1972)

30

133

16. **Legal Career:** Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

In addition to my current position as United States Magistrate Judge in the Eastern District of California, the following information describes my law practice and legal experience since graduation from law school.

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have not served as clerk to a judge. During the spring semester 1994, I was a full-time judicial extern to then-United States District Judge David F. Levi of the Eastern District of California. I received academic credit and was not compensated.

- ii. whether you practiced alone, and if so, the addresses and dates;

2000-2003
Law Offices of Kim J. Mueller
451 Arden Way
Sacramento, California 95815
During 2000 located at 520 Calvados Avenue
Sacramento, California 95815

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1995-1999
Orrick, Herrington & Sutcliffe LLP
400 Capitol Mall, Suite 3000
Sacramento, California 95814
Associate

31

134

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have served as a settlement judge in numerous cases during my time as a U.S. Magistrate Judge. The 10 most significant matters are as follows:

1. Mediated a complex ERISA action involving more than a dozen parties, resulting in a proposed consent decree providing for \$8.8 million in cash payments and transfer of a multi-million dollar real estate asset.
2. Mediated to full settlement a case against a joint powers agency based on alleged wrongful termination based on race.
3. Mediated to full settlement a civil rights case brought by a prisoner under 42 U.S.C. § 1983, alleging correctional officers' Eighth Amendment violations for failure to provide constitutionally adequate medical treatment.
4. Through mediation efforts, laid foundation for ultimate full settlement of civil rights case against a county, alleging violations of due process and Fourth Amendment rights arising from the county's seizure of horses.
5. Mediated to full settlement a case brought by a railway worker against his employer railroad, seeking compensation for alleged work-related injury under the Federal Employers Liability Act.
6. Mediated to full settlement a case for assault and battery brought against state employees and the California Youth Authority, removed to federal court from state court.
7. Mediated to full settlement a civil rights case brought under 42 U.S.C. § 1981 against a private employer, alleging employment discrimination based on race.
8. Mediated, over eight months, a comprehensive global settlement of all claims in two related, complex Americans with Disabilities Act actions against the public entity operating the California State Fairgrounds and a private amusement ride operator, culminating in my entry, as the consent judge, of a consent decree resolving fully injunctive relief.
9. Mediated to full settlement a diversity case alleging, *inter alia*, violations of the Uniform Commercial Code in connection with allegedly unauthorized transfers of \$340,000 in funds from plaintiff's bank account to an account in Africa not controlled by plaintiff.

32

135

10. Mediated to full settlement, over the course of 13 months and subject to approval of minor's settlements, two related complex civil rights cases brought against a local municipality and the owner of publicly-subsidized apartments by Hmong residents of the apartment complex, alleging Fair Housing Act violations in the form of harassment amounting to housing discrimination by another apartment resident.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

As a sole practitioner from 2000-2003, my practice consisted primarily of intellectual property matters (copyright, trademark, trade secret) with approximately 30 percent litigation, 30 percent licensing and related contractual work, 30 percent proactive protection (registration and auditing) and 10 percent pro bono matters. My prior practice at Orrick, Herrington & Sutcliffe LLP from 1995-1999 also emphasized intellectual property work, although the percentage of litigation at Orrick was higher, in the range of 90 percent.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

When I managed my own practice, my client base consisted of small and medium-sized local and regional businesses, individuals, and other small to medium-sized law firms that did not have intellectual property capabilities in house. In my prior practice at Orrick, Herrington & Sutcliffe LLP, the client base consisted of larger, national and international corporate entities, with the exception of a few pro bono or sliding scale individual clients.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

When I was practicing, I appeared in court approximately 3 to 4 times per month.

- i. Indicate the percentage of your practice in:

1. federal courts: 60%
2. state courts of record: 30%
3. other courts: 10% (T.T.A.B.)
4. administrative agencies:

33

136

ii. Indicate the percentage of your practice in:

1. civil proceedings: 100%
2. criminal proceedings: 0%

d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

As a lawyer, I was on trial teams for three cases tried to a final judgment (two as associate counsel, and one as co-counsel).

i. What percentage of these trials were:

1. jury: 33.3%
2. non-jury: 66.6%

e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I did not practice before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

1. *Fed. Trade Comm'n v. Scott*, Case No. CIV-S-02-2120 (E.D. Cal.; filed Sept. 27, 2002; stipulated order of judgment entered Oct. 3, 2002). District Judge Lawrence K. Karlton. The Federal Trade Commission alleged defendant's violation of the Federal Trade Commission Act through sale of a marketing program involving the provision of bulk e-mail lists. I served as lead counsel representing the defendant, and negotiated a pre-filing settlement that resolved the case promptly upon filing.

34

137

Lead government counsel was Craig Tregillus, Federal Trade Commission, 600 Pennsylvania Ave., N.W., Room H-238, Washington, D.C. 20580; 202-332-0291.

2. *Eros Int'l v. Digital Entm't*, Case No. CIV-S-02-757 (E.D. Cal.; filed April 11, 2002; stipulated order of attachment entered July 5, 2002; consent judgment entered after my withdrawal in Mar. 2003 in anticipation of assuming my current position). District Judge William B. Shubb. I served as local counsel for plaintiff in this action to enforce a foreign judgment of copyright infringement. I assisted in securing a stipulated order for attachment of defendant's assets, and helped lay the groundwork for entry of a consent judgment to achieve plaintiff's litigation objectives.

Co-counsel included Steven H. Bazerman (now deceased) and Jason Drangel, Epstein, Drangel, Bazerman & James LLP, 60 E. 42nd Street, Suite 820, New York, N.Y. 10165; 212-292-5390; and Mark Leonard, Davis & Leonard LLP, 8880 Cal Center Drive, Suite 180, Sacramento, CA 95826; 916-362-9000. Opposing counsel was Gregory J. Roberts, Barrus & Roberts PC, 7111 N. Fresno St., Suite 210, Fresno, CA 93720; 559-431-6800.

3. *Millennium Integrated Servs., Inc. v. NutraStar, Inc.*, Case No. 02AS02006 (Sacramento County Superior Court; filed Apr. 2, 2002; case settled after my withdrawal in Mar. 2003 in anticipation of assuming current position). Judge Joe Gray (ret.) and Judge Judy Holzer Hersher. In this breach of contract action, which also included related claims, I served as lead counsel representing plaintiff in all aspects of case. With one associate whom I supervised, we obtained multiple writs of attachment and successfully levied on them shortly after filing suit, laying the groundwork for settlement of the case.

Co-counsel was Mark Leonard, Davis & Leonard, 8880 Cal Center Drive, Suite 180, Sacramento, CA 95826; 916-362-9000. Opposing counsel was Dale C. Campbell, Weintraub Genshlea Chediak, 400 Capitol Mall, Suite 1100, Sacramento, CA 95814; 916-558-6014.

4. *Gemstone Educ. Mgmt. v. Computerized Home Vision Therapy Sys.*, Case No. CIV-S-02-0460 (E.D. Cal.; filed Mar. 1, 2002; action dismissed Sept. 25, 2002). District Judge William B. Shubb. In this declaratory relief action filed after plaintiff's receipt of a cease and desist demand, I served as sole counsel representing plaintiff. I was able to settle the case favorably prior to the initiation of discovery.

Opposing counsel was Ronald H. Schechtman, Pryor Cashman, 410 Park Ave., New York, New York 10022; 212-326-0102.

35

138

5. *Nintendo v. Pooler*, Case No. CIV-S-00-1674 (W.D. Wash.; filed Oct. 3, 2000; dismissed Mar. 29, 2001). District Judge Thomas S. Zilly. In this trademark infringement action based on internet domain name registrations, I served as sole counsel representing an individual defendant. I succeeded in having the case dismissed for lack of jurisdiction, laying the groundwork for defendant to sustain his position for a sufficiently long period of time to obtain an acceptable business resolution. Plaintiff refiled the case in the Eastern District of California on Apr. 10, 2001 as Case No. CIV-S-01-704 (E.D. Cal.); it was dismissed following settlement on Dec. 3, 2001.

Co-counsel was Scott T. Wilsdon, Yarmuth Wilsdon Calflo PLLC, 925 Fourth Ave., Suite 2500, Seattle, WA 98104; 206-516-3871. Opposing counsel were Nicholas Peter Gellert and William Rava, Perkins Coie LLP, 1201 Third Ave., Suite 4800, Seattle, WA 98101-3099, 206-359-8680 & 206-359-6338.

6. *Kings Country Ownership Co. v. Micros Systems*, Case No. CIV-S-99-0384 (E.D. Cal.; filed Feb. 26, 1999; interlocutory appeal dismissed by 9th Cir. Feb. 1, 2000; case dismissed Mar. 8, 2000). District Judge David F. Levi. In this diversity action for breach of contract, I had day-to-day management of the case. I represented my client, one of the corporate plaintiffs, in motion practice. We prevailed in opposing a motion to compel arbitration. I also played an active role in settlement discussions convened by the district and appellate courts.

Co-counsel were Norman C. Hile and James E. Houpt, Orrick, Herrington & Sutcliffe LLP, 400 Capitol Mall, Suite 3000, Sacramento, CA 95814; 916-329-7900 and 916-329-7949, respectively. Opposing counsel was H. Ann Liroff, Kelly, Hockel & Klein, PC, 44 Montgomery Street, Suite 2500, San Francisco, CA 94101, 415-951-0535, James J. Long, Briggs & Morgan, 2400 IDS Center, 80 South Eighth St., Suite 2200, Minneapolis, MN 55402; 612-977-8582, and Honorable Raymond M. Cadei, Sacramento County Superior Court, Dept. 84, Carol Miller Justice Center, 320 Bicentennial Circle, Sacramento, CA 95826-2700; 916-875-7521.

7. *Cal. State R.R. Museum Found. v. Carlson, et al.*, Case No. 99AS03478 (Sacramento County Super. Ct.; filed June 22, 1999). In this trademark enforcement action alleging infringement of "Railfair" trademarks, I served as lead counsel representing plaintiff. I settled the case to the plaintiff's satisfaction following preliminary injunctive relief motion practice, avoiding extended, costly litigation.

The billing partner was Norm C. Hile, Orrick, Herrington & Sutcliffe LLP, 400 Capitol Mall, Suite 3000, Sacramento, CA 95814; 916-329-7900. Opposing counsel was Jeffrey L. Aran, P.O. Box 22833, Sacramento, CA 95822; 916-395-6000.

36

8. *Seminis Vegetable Seeds, Inc. v. Atlas Seeds, Inc.*, Case No. CIV-S-98-1499 DFL JFM (E.D. Cal.; filed Aug. 7, 1998; case dismissed Mar. 26, 1999). District Judge David F. Levi. In this unfair competition action involving hybridized seed, I served as local counsel for plaintiff, and assisted in early settlement of the case.

Lead co-counsel was Effie F. Anastassiou, Anastassiou and Associates, 242 Capitol St., P.O. Box 2210, Salinas, CA 93902, 831-754-2501. Opposing counsel was Pamela Jackson, 409 Boyd St., Vacaville, CA 95688; 707-446-2333.

9. *Berkla v. Corel*, Case No. CIV-S-98-1159 (E.D. Cal.; filed June 19, 1998; judgment entered Nov. 16, 1999). Magistrate Judge Gregory G. Hollows. In this Copyright Act action with pendent trade secret and unfair competition claims, I served as co-counsel representing plaintiff, who was the creator of a digital tool for use in creating graphic images. After substantial portions of plaintiff's case survived summary judgment, I served as co-counsel at a jury trial held from Oct. 25 to Nov. 8, 1999. Plaintiff succeeded in obtaining a liability verdict on all claims and a finding of willful conduct by defendant, and also obtained damages and punitive damages awards.

Co-counsel was Daniel P. Maguire, California Governor's Office, Legal Affairs, State Capitol, Sacramento, CA 95814, 916-445-0873. Opposing counsel were Brad Lewis, Barclays Global Investors, 400 Howard Street, Second Floor, San Francisco, CA 94105, 415-597-2311, and Patrick Premo, Fenwick & West LLP, 801 California Street, Mountain View, CA 94041, 650-335-7963.

10. *Info. for Public Affairs, Inc. v. Dow Jones & Co.*, Case No. 96AS05368 (Sacramento Superior Court; filed September 27, 1996; settled 1997). *See also* Case No. C024924 (Third District Court of Appeal; affirming Superior Court on July 24, 1997; unpublished decision). Superior Court Judge Earl Warren, Jr. (ret.); Appellate Justices Consuelo M. Callahan, Rodney Davis and Coleman Blease. My client, the plaintiff publisher of the *California Journal*, brought this trademark infringement and unfair competition action against the publisher of the *Wall Street Journal*, which had sought to create a new section using the *California Journal* name. I was lead associate and managed the litigation on a day-to-day basis. We succeeded in obtaining preliminary injunctive relief for our client, and in preserving the injunction on appeal.

Co-counsel were Norman C. Hile, Orrick, Herrington & Sutcliffe LLP, 400 Capitol Mall, Suite 3000, Sacramento, CA 95814; 916-329-7900, and Andrew W. Stroud, Mennemeier, Glassman & Stroud, 980 9th Street, Suite 1700, Sacramento, CA 95814; 916-551-2590. Lead opposing counsel was Rex Heinke, Akin Gump Strauss Hauer & Feld LLP, 2029 Century Park East, Suite 2400, Los Angeles, CA 90067; 310-229-1030.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

While in private practice, my most significant legal activity comprised complex civil litigation with a primary emphasis on intellectual property including copyright, trademark, trade secret and unfair competition and patent litigation matters.

As a sole practitioner, my legal activity continued to include civil litigation emphasizing intellectual property matters. At the same time I engaged in business counseling and assisted clients with intellectual property protection. Where possible, I strove to assist clients in resolving disputes without litigation or early on in litigation, in order to avoid the attendant time and costs. An example of a matter I was able to resolve prior to any litigation involved a Bay Area artist whose marble installation in the foyer of a downtown high rise was slated for removal; through negotiations with the building owner and the local Arts Commission, I assisted the artist client in preserving the artwork for future re-installation. In another example of a dispute I was able to resolve early on, in the cases of *Blue Ribbon Maint. v. Mercado and Hudson*, I represented the defendants in related trade secret misappropriation actions in which I succeeded in negotiating a stipulated dismissal prior to costly discovery. See Case Nos. 01AS06409, 01AS06410 (Sacramento County Superior Court; filed Oct. 19, 2001; case dismissed Aug. 2002).

I have never been a registered lobbyist and I did not perform lobbying activities for any clients or organizations. I recall meeting on a few occasions in the 1980s with state and local legislators regarding proposed legislation, as a community volunteer. Also, I recall appearing once each before the Sacramento City Council in support of a local ordinance and the Cal/OSHA Standards Board in my capacity as Health and Safety Director for the California Firefighter Foundation in support of a proposed health and safety standard.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

Pacific McGeorge School of Law
Federal Courts (Fall 2009), co-taught with Courtney J. Linn
Copyright Law (Spring 2001)
Computer and Internet Law (Spring 2000, Fall 2000)

University of California, Davis, King Hall School of Law
Cyberlaw 101 (Spring 1999), survey course on emerging Internet legal issues

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I do not expect to derive any deferred income or future benefit from prior business relationships.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

Pacific McGeorge School of Law has asked me to team-teach Federal Courts again in Fall 2010, and I have accepted. I have no other plans, commitments, or agreements to pursue outside employment. In addition to the Federal Courts class, I hope to continue to teach, provided that I can do so consistent with my obligations to the Court.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

I have a small number of direct and family ownership interests that may present occasional conflicts. My husband is President of the North Sacramento Land Company, which owns and manages a handful of local properties, and my husband and I own a commercial studio building in Sacramento. If these entities or properties were involved in a case I would recuse myself. It has been my practice to recuse myself in cases where attorneys have performed work for my

142

husband's company and I anticipate that, if confirmed, I would continue to do so whenever there might be a reasonable appearance of conflict.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed to serve as a District Judge, I will continue my present practice with respect to identifying conflicts and determining whether recusal is appropriate. I will carefully review disclosure statements and direct provision of additional information where necessary to identify and treat any conflict or circumstance that could give rise to the appearance of conflict. As a case moves forward, during the review of any pleadings or in presiding over a status conference or hearing, I will remain vigilant for any new information that might require a disclosure or recusal. At any time I identify a possible conflict, or at any time it is suggested by a litigant, I will carefully consider my obligations under 28 U.S.C. § 455 and under the Code of Conduct for United States Judges and disclose or recuse myself as required.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

When I operated my own law practice, I regularly provided pro bono and sliding scale services to individuals and nonprofit organizations, particularly in litigation and contract negotiation matters. I offered my services pro bono to "walk in" clients when appropriate, as well as through the California Lawyers for the Arts' legal referral panel. In some cases, I continued to represent paying clients after their ability to pay ran out. Previously, when I practiced at Orrick, Herrington & Sutcliffe, I obtained approval for work on pro bono matters referred by California Lawyers for the Arts.

As a United States Magistrate Judge, I have expanded resources and recruitment for our court's pro bono panel of attorneys available for appointment to cases in which the court determines that the claims of a pro se incarcerated civil rights plaintiff warrant counsel. I also serve on the Federal Courts Subcommittee of the California State Bar's Access to Justice Commission.

As a judge, I also have remained active in community activities consistent with the judicial canons, such as by participating in a mentorship program sponsored by the Rotary Club.

40

143

26. Selection Process:

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In response to Senator Boxer's call for applications for the current vacancy in the Eastern District of California, I completed and submitted an application to her Selection Committee for the District in February 2009. I interviewed with the Committee on April 27, 2009. On May 26, 2009, I met briefly with Congresswoman Doris Matsui at her invitation to discuss generally the fact that I had applied for the district judgeship position. Beginning in October 2009, I have been in contact with pre-nomination officials at the Department of Justice. On December 18, 2009, I interviewed in Washington with attorneys from the Department of Justice and the Office of White House Counsel. The President submitted my nomination to the Senate on March 10, 2010.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

41

144

AO 10 Rev. 1/2008		FINANCIAL DISCLOSURE REPORT NOMINATION FILING		<i>Report Required by the Ethics</i> <i>in Government Act of 1978</i> <i>(5 U.S.C. app. § 101-111)</i>
1. Person Reporting (last name, first, middle initial) Mueller, Kimberly J.		2. Court or Organization United States District Court Eastern District of California		3. Date of Report 03/10/2010
4. Title (Article III judges indicate active or senior status; magistrate judges indicate full- or part-time) US District Judge - Nominee		5a. Report Type (check appropriate type) ☒ Nomination, Date 3/10/2010 ☐ Initial ☐ Annual ☐ Final 5b. ☐ Amended Report		6. Reporting Period 01/01/2009 to 02/28/2010
7. Chambers or Office Address 8-230 United States Courthouse 501 I Street Sacramento, CA 95814-2322		8. On the basis of the information contained in this Report and any modifications pertaining therein, it is, in my opinion, in compliance with applicable law and regulations. Reviewing Officer _____ Date _____		
IMPORTANT NOTES: The instructions accompanying this form must be followed. Complete all parts, checking the NONE box for each part where you have no reportable information. Sign on last page.				

I. POSITIONS. (Reporting individual only; see pp. 9-11 of filing instructions.)☐ **NONE** (No reportable positions.)

POSITION	NAME OF ORGANIZATION/ENTITY
1. Member, Executive Committee	Eastern Dist Historical Society
2. Board Member, Vice Chair	Sacramento Trust for Historic Preservation
3. Member, Program Committee Co-Chair (Jan-Jun 2009)	Rotary Club of Sacramento
4. World Community Services Co-Chair (Jun 2009-Feb 2010)	Rotary Club of Sacramento
5.	

II. AGREEMENTS. (Reporting individual only; see pp. 14-16 of filing instructions.)☒ **NONE** (No reportable agreements.)

DATE	PARTIES AND TERMS
1.	
2.	
3.	

145

FINANCIAL DISCLOSURE REPORT
Page 2 of 6

Name of Person Reporting Muttler, Kimberly J.	Date of Report 03/10/2010
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III. NON-INVESTMENT INCOME (Reporting individual and spouse; see pp. 17-24 of filing instructions)**A. Filer's Non-Investment Income**☒ **NONE** (No reportable non-investment income.)

DATE	SOURCE AND TYPE	INCOME (yours, not spouse's)
1.		
2.		
3.		
4.		

B. Spouse's Non-Investment Income - If you were married during any portion of the reporting year, complete this section.
(Dollar amount not required except for honoraria.)☐ **NONE** (No reportable non-investment income.)

DATE	SOURCE AND TYPE
1. 2009-2010	North Sacramento Land Company, employee (salary)
2. 2009-2010	North Sacramento Land Company, director (director's fee)
3.	
4.	

IV. REIMBURSEMENTS - transportation, lodging, food, entertainment.
(Includes those to spouse and dependent children; see pp. 25-27 of filing instructions.)☐ **NONE** (No reportable reimbursements.)

SOURCE	DATES	LOCATION	PURPOSE	ITEMS PAID OR PROVIDED
1. Exempt				
2.				
3.				
4.				
5.				

146

FINANCIAL DISCLOSURE REPORT
Page 3 of 6

Name of Person Reporting Mueller, Kimberly J.	Date of Report 03/10/2010
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V. GIFTS. (Includes those to spouse and dependent children; see pp. 28-31 of filing instructions.)☐ NONE (No reportable gifts.)

	SOURCE	DESCRIPTION	VALUE
1. Exempt			
2.			
3.			
4.			
5.			

VI. LIABILITIES. (Includes those of spouse and dependent children; see pp. 32-33 of filing instructions.)☐ NONE (No reportable liabilities.)

	CREDITOR	DESCRIPTION	VALUE CODE
1. Glen Felt, Successor Trustee	Real estate mortgage		N
2. Golden One Credit Union	Personal loan		J
3.			
4.			
5.			

147

FINANCIAL DISCLOSURE REPORT
Page 4 of 6

Name of Person Reporting Mottler, Kimberly J.	Date of Report 03/10/2010
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VII. INVESTMENTS and TRUSTS — income, value, transactions (includes those of spouse and dependent children; see pp. 34-46 of filing instructions.)

☐ NONE (No reportable income, assets, or transactions.)

A. Description of Assets (including trust assets) Place "00" after each asset except from prior disclosure	B. Income during reporting period		C. Gross value at end of reporting period		D. Transactions during reporting period				
	(1) Amount Code 1 (A-V)	(2) Type (e.g., div., rent, or int.)	(1) Value Code 2 (J-Y)	(2) Value Method Code 3 (Q-W)	(1) Type (e.g., buy, sell, redemption)	(2) Date Month - Day	(3) Value Code 2 (J-Y)	(4) Gain Code 1 (A-V)	(5) Identity of buyer/seller (if private transaction)
1. Common Stock, North Sacramento Land Company		None	N	V	Exempt				
2. Partner in Spring Valley Ranch	C	Distribution	M	W					
3. Real estate, North Sacramento, CA	C	Rent	N	W					
4. Bank accounts, Golden One	A	Interest	J	T					
5. (905) Calvert Social Investment Balance - A	A	Interest	J	T					
6. Manulife 401(k) (no control)	C	Interest	M	T					
7. River City Bank accounts	A	Interest	J	T					
8. Real estate, Folsom, CA	F	Rent	P1	R					
9. Real estate, Broomfield, CO	P	Rent	P1	R					
10.									
11.									
12.									
13.									
14.									
15.									
16.									
17.									

1. Income Code (See Columns B1 and D1)	A = \$1,000 or less F = \$50,001 - \$100,000 J = \$15,000 or less N = \$250,001 - \$500,000 P1 = \$25,000,001 - \$50,000,000	B = \$1,001 - \$2,500 Q = \$100,001 - \$1,000,000 X = \$1,001 - \$50,000 Q = \$500,001 - \$1,000,000	C = \$2,501 - \$5,000 H = \$1,000,001 - \$5,000,000 L = \$50,001 - \$100,000 P = \$1,000,001 - \$5,000,000 P1 = More than \$50,000,000	D = \$5,001 - \$10,000 I1 = More than \$5,000,000 M = \$150,001 - \$250,000 P2 = \$25,000,001 - \$50,000,000	B = \$15,001 - \$50,000
2. Value Code (See Columns C1 and D1)					
3. Value Method Code (See Column C1)	Q = Appraised U = Book Value	R = Cost (Real Estate Only) V = Other	S = Assessed W = Estimated	T = Cash Market	

148

FINANCIAL DISCLOSURE REPORT
 Page 5 of 6

Name of Person Reporting Moxler, Kimberly J.	Date of Report 03/10/2010
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VIII. ADDITIONAL INFORMATION OR EXPLANATIONS. *(Indicate part of Report)*

Part III-A. Non-Investment Income. Non-reportable non-investment income was earned during the reporting period (salary from the US Government for services as a United States Magistrate Judge).

Part VII. Investments and Trusts. Re: Common Stock, North Sacramento Land Company. The valuation was based on the per share value resulting from the federal estate tax examination of a related shareholder who died in 1998, which is the most recent valuation available.

Part VII. Investments and Trusts. Re: Investment in real estate, Folsom, CA. The property was acquired for \$1,979,856 on 1/1/05.

Part VII. Investments and Trusts. Re: Investment in real estate, Broomfield, CO. The property was acquired for \$1,153,761 on 2/21/06.

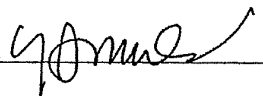
FINANCIAL DISCLOSURE REPORT
 Page 6 of 6

Name of Person Reporting Moxler, Kimberly J.	Date of Report 03/10/2010
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IX. CERTIFICATION.

I certify that all information given above (including information pertaining to my spouse and minor or dependent children, if any) is accurate, true, and complete to the best of my knowledge and belief, and that any information not reported was withheld because it met applicable statutory provisions permitting non-disclosure.

I further certify that earned income from outside employment and honoraria and the acceptance of gifts which have been reported are in compliance with the provisions of 5 U.S.C. app. § 501 et seq., 5 U.S.C. § 7253, and Judicial Conference regulations.

 Signature 

NOTE: ANY INDIVIDUAL WHO KNOWINGLY AND WILFULLY FALSIFIES OR FAILS TO FILE THIS REPORT MAY BE SUBJECT TO CIVIL AND CRIMINAL SANCTIONS (5 U.S.C. app. § 104)

FILING INSTRUCTIONS

Mail signed original and 3 additional copies to:

Committee on Financial Disclosure
 Administrative Office of the United States Courts
 Suite 2-301
 One Columbus Circle, N.E.
 Washington, D.C. 20544

149

FINANCIAL STATEMENT

NET WORTH

Provide a complete, current financial net worth statement which itemizes in detail all assets (including bank accounts, real estate, securities, trusts, investments, and other financial holdings) all liabilities (including debts, mortgages, loans, and other financial obligations) of yourself, your spouse, and other immediate members of your household.

ASSETS			LIABILITIES		
Cash on hand and in banks		5,000	Notes payable to banks-secured		
U.S. Government securities-add schedule			Notes payable to banks-unsecured		
Listed securities-add schedule			Notes payable to relatives		
Unlisted securities-add schedule		954,325	Notes payable to others		
Accounts and notes receivable:			Accounts and bills due		
Due from relatives and friends			Unpaid income tax		
Due from others			Other unpaid income and interest		
Doubtful			Real estate mortgages payable-add schedule		1,514,087
Real estate owned-add schedule		4,391,000	Chattel mortgages and other liens payable		
Real estate mortgages receivable			Other debts-itemize:		
Autos and other personal property		330,575			
Cash value-life insurance					
Other assets itemize:					
Retirement accounts		263,120			
			Total liabilities		1,514,087
			Net Worth		4,429,933
Total Assets		5,944,020	Total liabilities and net worth		5,944,020
CONTINGENT LIABILITIES			GENERAL INFORMATION		
As endorser, cosigner or guarantor			Are any assets pledged? (Add schedule)	No	
On leases or contracts			Are you a defendant in any suits or legal action?	No	
Legal Claims			Have you ever taken bankruptcy?	No	
Provision for Federal Income Tax					
Other special debt					

150

Financial Statement**Net Worth Schedules**Assets

Unlisted securities	
Common stock in North Sacramento Land Company	719,950
Partnership interest in Spring Valley Ranch	234,375
Total unlisted securities	<u>954,325</u>
Real estate owned	
Personal residence	615,000
Commercial property #1	650,000
Commercial property #2	1,974,000
Commercial property #3	<u>1,152,000</u>
Total real estate owned	<u>4,391,000</u>

Liabilities

Real estate mortgages payable	
Home equity line of credit	90,000
1st mortgage on home	499,000
1st mortgage on commercial property #1	322,754
1st mortgage on commercial property #2	<u>602,333</u>
Total real estate mortgages payable	<u>1,514,087</u>

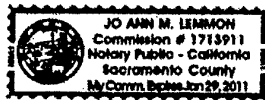
151

AFFIDAVIT

I, **KIMBERLY JO MUELLER**, do swear that the information provided in this statement is, to the best of my knowledge, true and accurate.

3/9/10
(DATE)

Kimberly Jo Mueller
(NAME)



Jo Ann M. Lemmon
(NOTARY)

EXHIBIT “OO”

[American Farmland Trust](#)
[Stewardship Profiles](#)



[American Farmland Trust's](#)

[Stewardship Profiles](#) [MENU](#)



SPRING VALLEY RANCH

Williams, CA

Situated in Colusa County, California, Spring Valley Ranch has seen a lot of changes in recent years. The land's inheritor, Robert Slobe, took over his great-grandfather's 7,500 acres in 1985 and has been on a journey to improve the land ever since. He has faced many challenges, including the ever-worsening need for water and threat of invasive weeds. Through the years, Bob has demonstrated that conservation grazing can still be possible in drought conditions; and it also works as a method for weed control while increasing carbon sequestration through the growth of healthy grasses.

PROBLEM

Encouraging biodiversity on a landscape that started out in an overgrazed and damaged state has not come without its obstacles, and Bob has encountered plenty of these since beginning his endeavor in the early 1980s. One recent example is his need to incorporate more integrated weed management practices (especially with the relentless Tamarisk weed) now that his land is certified organic and herbicide-free. Bob is continuously planting more beneficial plants throughout the ranch; such as Willow trees (which are easiest to propagate), purple needle grass, sedges, rushes, elderberry, and hibiscus. Bob and his partners utilize the strategy of planting these native and beneficial plants in order to lessen the impact of the non-native species that threaten the landscape. This process, coupled with the removal of unwanted non-native species through cattle grazing, is helping Spring Valley Ranch succeed in creating a more biodiverse and carbon-positive environment.

Another challenge is the constant need for good, reliable, and able-bodied help on the ranch. Much of ranching consists of moving the portable fencing that is required to manage the rotation of a large herd, which isn't easily done alone. "Frankly, I need the manpower," Bob remarked. Working closely with his partners, Tom and Matt Griffith, as well as various employees and interns throughout the years has allowed Bob to maintain the

manpower necessary to continue his operation. However, he's always on the lookout for more people to get involved. In the past, he has worked closely with various UC Davis graduate students and faculty, and is always happy when bright, young minds show an interest in what he does. All the collaborative work that Bob has participated in throughout the years has shown him that: "Doing this kind of work requires a lot of cooperation with the cattleman and ranch hands," which demonstrates how the business of rangelands conservation is a business that requires strong relationships.

SOLUTION IMPLEMENTATION & MANAGEMENT

John Anderson with Hedgerow Farms has had a strong presence and positive influence on Bob's career since his early days of cattle ranching. Through John, the concept of using cattle ranching as a method of conservation was first introduced, prompting Bob to begin incorporating these practices. Cattle grazing replaces controlled burns as a method of fire control. Grazing is preferable to burning when it comes to unwanted weed control on rangelands because cattle don't kill off the insects or destroy the small mammal and bird habitats like fires do. This is a beneficial strategy if the ultimate goal is to increase biodiversity, which Bob maintains. In addition, Bob builds bird boxes along the fencing throughout his property to encourage the presence of more bird species. When bird populations increase on the land, such as the tri-colored blackbird that he has been spotting, it promotes the growth of healthy plants due to birds' role of carrying seeds in their digestive tracts.

MEASURING SUCCESS

For Bob and the numerous partners and researchers he has collaborated with in the past, the difference in the amount of wildlife present on his land is obvious: "I had never seen quail or pheasants before, but now there is a lot of diversity in the species we see," he said. The management of his herd's rotation throughout the ranch requires having an understanding of the variety of plant species' differing growth patterns and grazing limits. By fencing off the riparian areas throughout his ranch and planting beneficial vegetation, he is able to let nature take its course alongside the cattle as they graze, rather than trade one for the other. Bob remarked, "Just by exclusion [of cattle], you get a lot of nature's processes to unfold."

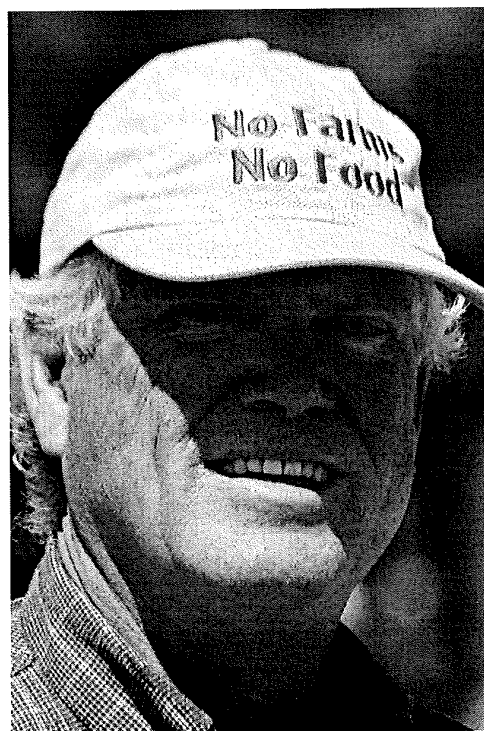
The impact of Bob's work is also reflected in Spring Valley Ranch's community outreach efforts. Bob hosts regular tours, which are arranged by California Rangeland Trust and sponsored by Raley's Markets, for Sacramento County high schoolers so they can experience California agriculture firsthand. The field trips to his ranch introduce students from a variety of backgrounds to the concepts of conservation ranching. During these visits, Bob highlights the benefits of his practices, such as climate change mitigation. The community outreach that Bob engages in allows him to set an example for high schoolers and hopefully motivate them to value land stewardship as well.

Among his many accomplishments, Bob was nominated for the Sand County Foundation Leopold Conservation Award, which has led to him receiving even more recognition for his work in rangelands conservation in California. In addition, Bob is a member of AFT California's Stewardship Council and has been a longtime supporter of the organization. When asked what is in store for his ranch's future, Bob is optimistic and believes

the legacy of environmentally sound ranching that he started at Spring Valley will continue for generations to come.

Contact Information

Phone: (916) 925-2721 Email: slobe@nlsco.com



Bob with American Farmland Trust hat

Listed Under

Biodiversity, Cattle, GHG Mitigation,
Habitat Restoration, Nutrient
Management, Pest Management, Soil
Health, Water Conservation

PROJECT PARTNERS



CENTER *for*
**LAND-BASED
LEARNING**

CALIFORNIA
RANGELAND
Trust



**sacramento valley
conservancy**
open space, for all.



Natural Resources Conservation Service



Spring Valley Ranch

This project was supported by the Specialty Crop Block Grant Program at the U.S. Department of Agriculture (USDA) through grant 14-SCBGP-CA-0006. Its contents are solely the responsibility of the authors and do not necessarily represent the official views of the USDA.



A Research Report of the
HELEN K. CAHILL CENTER FOR
FARMLAND CONSERVATION POLICY INNOVATION

American Farmland Trust

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EXHIBIT “PP”



**State of California
Kevin Shelley
Secretary of State**

LIMITED LIABILITY COMPANY - STATEMENT OF INFORMATION

Filing Fee \$20.00 - If Amendment, See Instructions

IMPORTANT - Read Instructions Before Completing This Form

FILED
SACRAMENTO, CALIF.

MAR 22 2004

Kevin Shelley
KEVIN SHELLEY
SECRETARY OF STATE

1. LIMITED LIABILITY COMPANY NAME: (Do not alter if name is preprinted.)

Vann Family, LLC
365 Ruggieri Way
Williams, CA 95987

nec

This Space For Filing Use Only

2. SECRETARY OF STATE FILE NUMBER
200404410028

3. STATE OR PLACE OF ORGANIZATION
California

4. PRINCIPAL EXECUTIVE OFFICE

STREET ADDRESS 365 Ruggieri Way
CITY Williams

STATE CA ZIP CODE 95987

5. CALIFORNIA OFFICE WHERE RECORDS ARE MAINTAINED (FOR DOMESTIC ONLY)

STREET ADDRESS 365 Ruggieri Way
CITY Williams

STATE CA ZIP CODE 95987

6. CHECK THE APPROPRIATE PROVISION BELOW AND NAME THE AGENT FOR SERVICE OF PROCESS

☒ AN INDIVIDUAL RESIDING IN CALIFORNIA.

☐ A CORPORATION WHICH HAS FILED A CERTIFICATE PURSUANT TO CALIFORNIA CORPORATIONS CODE SECTION 1505.

AGENT'S NAME: Garnett A. Vann

7. ADDRESS OF THE AGENT FOR SERVICE OF PROCESS IN CALIFORNIA, IF AN INDIVIDUAL

ADDRESS 365 Ruggieri Way
CITY Williams

STATE CA ZIP CODE 95987

8. DESCRIBE TYPE OF BUSINESS OF THE LIMITED LIABILITY COMPANY.

Farming

9. LIST THE NAME AND COMPLETE ADDRESS OF ANY MANAGER OR MANAGERS, OR IF NONE HAVE BEEN APPOINTED OR ELECTED, PROVIDE THE NAME AND ADDRESS OF EACH MEMBER. ATTACH ADDITIONAL PAGES, IF NECESSARY.

9a. NAME

ADDRESS

CITY

Please see attached.

STATE

ZIP CODE

9b. NAME

ADDRESS

CITY

Please see attached.

STATE

ZIP CODE

9c. NAME

ADDRESS

CITY

Please see attached.

STATE

ZIP CODE

10. CHIEF EXECUTIVE OFFICER (CEO), IF ANY

NAME Garnett A. Vann

ADDRESS 365 Ruggieri Way

CITY Williams

STATE CA

ZIP CODE 95987

11. NUMBER OF PAGES ATTACHED, IF ANY:

one (1)

12. THIS STATEMENT IS TRUE, CORRECT, AND COMPLETE.

Garnett A. Vann

TYPE OR PRINT NAME OF PERSON COMPLETING FORM

SIGNATURE

CEO
TITLE

2-19-04
DATE

ATTACHMENT TO LIMITED LIABILITY COMPANY
STATEMENT OF INFORMATION
VANN FAMILY, LLC
No. 9a, 9b, 9c

Garnett A. Vann, Manager
365 Ruggieri Way
Williams, CA 95987

William B. Vann, Manager
365 Ruggieri Way
Williams, CA 95987

Blake G. Vann
365 Ruggieri Way, Ste. A
Williams, CA 95987

Brent A. Vann
365 Ruggieri Way, Ste. A
Williams, CA 95987

Kelsey M. Vann
365 Ruggieri Way, Ste. B
Williams, CA 95987

Kerry K. Vann
365 Ruggieri Way, Ste. B
Williams, CA 95987

	State of California Bill Jones Secretary of State LIMITED LIABILITY COMPANY ARTICLES OF ORGANIZATION A \$70.00 filing fee must accompany this form. IMPORTANT – Read instructions before completing this form.	2 00404410028 FILED In the office of the Secretary of State of the State of California FEB 13 2004 <i>Kevin Shelley</i> KEVIN SHELLEY, SECRETARY OF STATE This Space For Filing Use Only															
1. Name of the limited liability company (end the name with the words "Limited Liability Company," "Ltd. Liability Co.," or the abbreviations "LLC" or "L.L.C.") VANN FAMILY, LLC																	
2. The purpose of the limited liability company is to engage in any lawful act or activity for which a limited liability company may be organized under the Beverly-Killea limited liability company act.																	
3. Name the agent for service of process and check the appropriate provision below: GARNETT VANN _____ which is ☒ an individual residing in California. Proceed to item 4. ☐ a corporation which has filed a certificate pursuant to section 1505. Proceed to item 5.																	
4. If an individual, California address of the agent for service of process: Address: 365 Ruggieri Way City: Williams State: CA Zip Code: 95987																	
5. The limited liability company will be managed by: (check one) ☐ one manager ☒ more than one manager ☐ single member limited liability company ☐ all limited liability company members																	
6. Other matters to be included in this certificate may be set forth on separate attached pages and are made a part of this certificate. Other matters may include the latest date on which the limited liability company is to dissolve.																	
7. Number of pages attached, if any:																	
8. Type of business of the limited liability company. (For informational purposes only) Agriculture																	
9. DECLARATION: It is hereby declared that I am the person who executed this instrument, which execution is my act and deed. <i>[Signature]</i> Signature of Organizer <i>Garnett A. Vann</i> Type or Print Name of Organizer 2/12/04 Date																	
10. RETURN TO: <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 25%;">NAME</td> <td style="width: 50%;">Alan E. Burchett, Esq.</td> <td style="width: 25%;"></td> </tr> <tr> <td>FIRM</td> <td>Stewart Humpherys et al.</td> <td></td> </tr> <tr> <td>ADDRESS</td> <td>P.O. 720</td> <td></td> </tr> <tr> <td>CITY/STATE</td> <td>Chico, CA 95927</td> <td></td> </tr> <tr> <td>ZIP CODE</td> <td></td> <td></td> </tr> </table>			NAME	Alan E. Burchett, Esq.		FIRM	Stewart Humpherys et al.		ADDRESS	P.O. 720		CITY/STATE	Chico, CA 95927		ZIP CODE		
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CITY/STATE	Chico, CA 95927																
ZIP CODE																	
SEC/STATE (REV. 12/99)		FORM LLC-1 – FILING FEE \$70.00 Approved by Secretary of State															

20-301373



Secretary of State **44**
Statement of Information –
No Change
 (Limited Liability Company)

LLC-12NC

FILED

Secretary of State
State of California

JAN 17 2020

IMPORTANT — This form can be filed online at bizfile.sos.ca.gov.

Read instructions before completing this form. This form may be used only if a complete Statement of Information has been filed previously and there has been no change.

Filing Fee – \$20.00

Copy Fee – \$1.00 per copy;
 Certification Fee – \$5.00 plus copy fee

Above Space For Office Use Only

- 1. Limited Liability Company Name** (Enter the **exact** name on file with the California Secretary of State. Note: If you registered in California using an alternate name, see instructions.)

VANN FAMILY, LLC

- 2. 12-Digit Secretary of State Entity (File) Number**

2	0	0	4	0	4	4	1	0	0	2	8
---	---	---	---	---	---	---	---	---	---	---	---

- 3. State, Foreign Country or Place of Organization**
 (only if formed outside of California)

- 4. No Change Statement** (Do not alter the No Change Statement. If there has been any change, file the Statement of Information online at bizfile.sos.ca.gov.)

There has been no change in any of the information contained in the previous complete Statement of Information filed with the California Secretary of State.

- 5. By signing, I affirm under penalty of perjury that the information herein is true and correct and that I am authorized by California law to sign.**

1-8-2020

Date

Jeff Schaap

Type or Print Name of Person Completing the Form

CFO

Title

Signature

EXHIBIT “QQ”



2021 Board Election: Meet the Candidates

5/4/2021



Estimated read time: 3 minutes

The annual Almond Board of California (ABC) Board of Directors election is underway. In fact, you may have already received your ballot as they were mailed last week to over 6,100 growers and 105 handlers.

This year brings another exciting election season as there are 15 candidates running, total, with eight open independent positions. On the grower side, there is a one-year grower member position and alternate position open and a three-year grower member position and alternate position open.

There are two candidates in the running for the one-year grower member position:

- **Paul Ewing** of RPAC in Los Banos. Ewing currently serves in this member position.
- **Ross Franson** of Woolf Farming & Processing in Fresno. Franson is a third-generation grower, and Woolf Farming & Processing grows almonds throughout the state.

There are two candidates for the one-year grower alternate position:

- **Michael Anderson** is a fourth-generation grower based in Vina. In addition to growing almonds in the North Valley, his family also owns and operates Andersen & Sons Shelling Inc.
- **Brandon Rebiero** is a first-generation grower in Modesto. In addition to growing, he is a PCA and CCA, and is also a graduate of the 2017 California Almond Leadership Program.

There are four candidates in the running for the three-year grower member position:

- **Dave DeFrank** is from Fresno and grows over 11,000 acres of almonds.
- **Joe Gardiner** is a third-generation grower from Earlimart and is currently serving as an alternate on ABC's Board of Directors.
- **Caleb Gervase** is a third-generation grower from Ripon and is currently serving as an alternate on ABC's Board of Directors.
- **Kash Gill** grows almonds in Sutter and Yolo counties. Gill is a banker by day who oversees agricultural lending.

There are two candidates for the three-year grower alternate position:

- **Dinesh Bajaj** is a grower from Orland. He has previously served as both a member and an alternate on ABC's Board of Directors.
- **Chris Bettencourt** is a third-generation grower from Westley.

There are also two independent handler member positions and two alternate positions open, with a total of five candidates.

The three-year member position candidates are:

- **Todd Meyer** of Bear Republic Nut. Meyer has been part of the almond industry for over 20 years and is currently serving in this member position.
- **Bob Silveira** of Vann Family Orchards has been an almond grower since 2004.

There is only one candidate for the three-year handler alternate position: incumbent **Dexter Long** of Hilltop Ranch in Ballico.

Regarding the second independent handler member position – which is a one-year position – one candidate is running: incumbent **Darren Rigg** of Minturn Nut Co. in Le Grand. Similarly, there is one candidate running for the one-year alternate position: incumbent **Chad DeRose** of Famoso Nut Company in McFarland.

In addition to the independent grower and handler positions open this year, there is also a cooperative grower member and alternate position open. Those positions will be filled by cooperative industry members.

Full candidate statements are included with the ballots that each grower and handler received. The Almond Board urges you to participate in this year's election by returning your ballot to ABC before the May 27 deadline. Ballots are opened and counted by a third-party auditor. The Almond Board then provides the results to USDA by June 1. The new Board will be seated on August 1, 2021.

If you have any questions or did not receive a ballot, please contact ABC's Senior Analyst in Government Affairs **Bunnie Ibrahim** at **bibrahim@almondboard.com** or 209-343-3228.

Topics: About the Almond Board

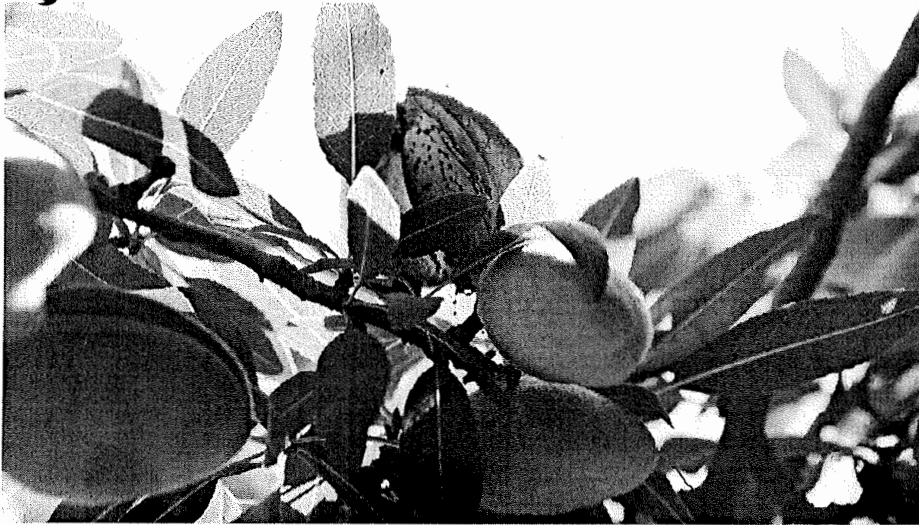


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EXHIBIT “RR”

NUTS | CROP PRODUCTION | CROP MANAGEMENT | TECHNOLOGY | POLICY & RESEARCH

NUT GROWER



JUN 2, 2021

Almond Board of California 2021 election results announced

The Almond Board of California has released election results for the Board of Directors positions whose terms of office begin Aug. 1, 2021.

As a governing body for the industry, the Almond Board of California (ABC) Board of Directors is comprised of five handler and five grower representatives who set policy and recommend budgets in several major areas, including production research, public relations and advertising, nutrition research, statistical reporting, quality control and food safety.

The names of the following nominees have been submitted to the U.S. Secretary of Agriculture for selection:

Independent Grower

LATEST NEWS

Fieldin raises \$30M Series B to make commercial farms autonomous
SEPTEMBER 2

USDA appoints members to new American Pecan Promotion Board
SEPTEMBER 1

California almond grower describes impact of limited water supply
SEPTEMBER 1

Pecans part of Texas ag commodities' global market assessment
SEPTEMBER 1

Grant opportunities set to accelerate transition to better pest management
AUGUST 31

New heirs' property relending program offered by USDA
AUGUST 30

[See All News »](#)

NUTS | CROP PRODUCTION | CROP MANAGEMENT | TECHNOLOGY | POLICY & RESEARCH

Alternate Position One:

Brandon Rebiero, Modesto

**Member Position Three (three-year term):**

Joe Gardiner, Earlimart

Alternate Position Three:

Chris Bettencourt, Westley

Independent Handler**Member Position Two (three-year term):**

Bob Silveira, Williams

Alternate Position Two:

Dexter Long, Ballico

Member Position Three (one-year term):

Darren Rigg, Le Grand

Alternate Position Three:

Chad DeRose, McFarland

Cooperative Grower**Member Position Two (three-year term):**

Christine Gemperle, Ceres

Alternate Position Two:

Kent Stenderup, Bakersfield

In addition, Lisa Giannini, Hickman, has been named to fill the Cooperative Grower Alternate Position One role.

Primary Business

Select...

State

Select One

☒ Weekly☒ Special Offers☐ I have read and agree to th

SUBMIT

Terms of

RELATED

EXHIBIT “SS”

Kate Hart
Natalie Kuffel
Darryl Lucien
Don Rose
John Sedlenick
Jay Ziegler
EMERITUS TRUSTEES
Russell Austin
Lynn Sadler
Dick Troy
Chris Unkel

ADVISORY COUNCIL

Beverly Sandeen

STAFF

Aimee B. Rutledge
Executive Director
Wendy Baty
Administrative Director
Lucie Adams
Stewardship Director
Kelly Hopkins
Communications & Marketing Director
Evan Griffiths
Stewardship & Camp Pollock Manager
Paulette Burgess
Administrative Assistant
Fred Tracy
Stewardship Manager
Harpreet Gidha
Accounting & Administrative Assistant
Fred Strickland
Program Assistant
Tim Fiock
Camp Pollock Caretaker
MAILING ADDRESS
P.O. Box 163351
Sacramento, CA 95816

The evening began with a formal ribbon cutting ceremony by SVC's founding Board Member, Bob Slobe, and SVC Executive Director Aimee Rutledge.



Founding Board member Bob Slobe shared his family's special connection to the space before a formal ribbon cutting ceremony on the new river deck.

Law Office of Alfred F. Jahns
The James and Susan McClatchy Fund
of the Sacramento Region Community
Foundation
North Sacramento Land Company
Teichert

... and over 300 attendees.

Some of this year's new silent auction items included native plants and trees, hand-made jewelry and more!



New SVC Board member, John Sedlenick, poses with friends in the newly remodeled Lodge.



EXHIBIT “TT”

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of California



California Chamber of Commerce

Plaintiff

v.

Rob Bonta

Defendant

Civil Action No. 2:19-CV-02019-KJM-EFB

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To: Custodian of Records of North Sacramento Land Company, and its President, Robert Slobe
400 Slobe Avenue, Sacramento, CA 95815
(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: Veritext, 1 Capitol Mall, Suite 240, Sacramento CA 95814	Date and Time: 09/24/2021 1:00 pm
---	-----------------------------------

The deposition will be recorded by this method: Stenographically

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See Attachment A

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/28/2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing *(name of party)* Council for Education and Research on Toxics, Defendant/Intervenor, who issues or requests this subpoena, are:

Raphael Metzger, 555 E. Ocean Blvd., Suite 800, Long Beach, CA 90802; rmetzger@toxicortorts.com; (562) 437-4499.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 2:19-CV-02019-KJM-EFB

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action (Page 3)

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

(i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.

(ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) Quashing or Modifying a Subpoena.

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) Claiming Privilege or Protection.

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) Contempt.

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

For access to subpoena materials, see Fed. R. Civ. P. 45(a) Committee Note (2013).

ATTACHMENT A

Definitions

“WRITINGS” means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

“YOU” refers to Robert Johnston Slobe, the North Sacramento Land Company, and all of its officers, directors, agents, employees and shareholders.

Requests

1. All WRITINGS which evidence or reflect any relationship between YOU and Vann Family, LLC.
2. All WRITINGS which evidence or reflect any relationship between YOU and Vann Family Orchards.
3. All WRITINGS which evidence or reflect any relationship between YOU and Vann Brothers.
4. All WRITINGS which evidence or reflect any relationship between YOU and Yolo Hulling and Shelling.
5. All WRITINGS which evidence or reflect any relationship between YOU and the California Chamber of Commerce.
6. All WRITINGS which evidence or reflect any relationship between YOU and the North Sacramento Chamber of Commerce.
7. All WRITINGS which evidence or reflect any relationship between YOU and the Sacramento Metro Chamber of Commerce.
8. All WRITINGS which evidence or reflect any relationship between YOU and any other Chambers of Commerce.
9. All WRITINGS which evidence or reflect any relationship between YOU and the Sacramento Host Committee.
10. All contracts between YOU and Vann Family, LLC.

11. All contracts between YOU and Vann Family Orchards.
12. All contracts between YOU and Vann Brothers.
13. All contracts between YOU and Yolo Hulling and Shelling.
14. All leases for land owned by YOU in Colusa County that has been used as an almond ranch.
15. All leases for other land owned by YOU that has been used as an almond ranch.
16. All leases for land owned by YOU that has been leased to the North Sacramento Chamber of Commerce.
17. All WRITINGS identifying all present and former residents of YOUR property located at 400 Slobe Avenue, Sacramento, CA 95815.
18. All WRITINGS identifying all present and former tenants of YOUR property located at 400 Slobe Avenue, Sacramento, CA 95815.
19. All checks from YOU to the California Chamber of Commerce.
20. All checks from YOU to the North Sacramento Chamber of Commerce.
21. All checks from YOU to the Sacramento Metro Chamber of Commerce.
22. All checks from YOU to any other Chambers of Commerce.
23. All checks from YOU to the Sacramento Host Committee.
24. All checks from YOU to Franklin Burris.
25. All checks from the California Chamber of Commerce to YOU.
26. All checks from the North Sacramento Chamber of Commerce to YOU.
27. All checks from the Sacramento Metro Chamber of Commerce to YOU.
28. All checks from any other Chambers of Commerce to YOU.
29. All checks from the Sacramento Host Committee to YOU.
30. All checks from Franklin Burris to YOU.

31. All WRITINGS between YOU and Mark Jansen which reference or pertain to the California Chamber of Commerce.

32. All WRITINGS between YOU and Mark Jansen which reference or pertain to the Sacramento Host Committee.

33. All other WRITINGS between YOU and Mark Jansen.

34. All WRITINGS regarding the California Chamber of Commerce.

35. All WRITINGS regarding the North Sacramento Chamber of Commerce.

36. All WRITINGS regarding the Sacramento Metro Chamber of Commerce.

37. All WRITINGS regarding any other Chambers of Commerce.

38. All WRITINGS regarding the Sacramento Host Committee.

39. All WRITINGS regarding any positions YOU have held in any Chamber of Commerce.

40. All WRITINGS which reference, reflect or pertain to YOUR involvement with any Chamber of Commerce.

41. All WRITINGS which reference, reflect or pertain to acrylamide in almonds and almond products.

42. All WRITINGS regarding Proposition 65.

43. All Notices of Violation of Proposition 65 that YOU have received.

44. All requests or demands from all persons to indemnify them for alleged violations of Proposition 65.

45. All WRITINGS regarding the lawsuit *California Chamber of Commerce v. Xavier Becerra (Rob Bonta)*, Case No. 2:19-CV-02019-KJM-EFB (U.S. District Court, Eastern District of California)

46. All photographs of YOU at any meetings of any Chamber of Commerce.

47. All photographs of YOU and any officers of any Chamber of Commerce.

48. All photographs of YOU and Mark Jansen, CEO of Blue Diamond Growers.

49. All photographs of YOU and Stuart Woolf, President and CEO of Woolf Farming & Processing.

50. All WRITINGS between YOU and Mark Jansen, CEO of Blue Diamond Growers.

51. All WRITINGS between YOU and Stuart Woolf, President and CEO of Woolf Farming & Processing.

52. All WRITINGS between YOU and any other producer, processor, or seller of almonds or almond products regarding Proposition 65.

53. All WRITINGS between YOU and any other producer, processor, or seller of almonds or almond products regarding acrylamide in almond products.

EXHIBIT “UU”

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action

UNITED STATES DISTRICT COURT

for the

Eastern District of California



California Chamber of Commerce

Plaintiff

v.

Rob Bonta

Defendant

Civil Action No. 2:19-CV-02019-KJM-EFB

SUBPOENA TO TESTIFY AT A DEPOSITION IN A CIVIL ACTION

To:

Custodian of Records of Vann Family, LLC and Garnett A. Vann, its Chief Executive Officer
365 Ruggieri Way, Williams, CA 95987

(Name of person to whom this subpoena is directed)

☒ **Testimony:** YOU ARE COMMANDED to appear at the time, date, and place set forth below to testify at a deposition to be taken in this civil action. If you are an organization, you must promptly confer in good faith with the party serving this subpoena about the following matters, or those set forth in an attachment, and you must designate one or more officers, directors, or managing agents, or designate other persons who consent to testify on your behalf about these matters:

Place: Veritext, 1 Capitol Mall, Suite 240, Sacramento CA
95814

Date and Time:

09/24/2021 9:00 am

The deposition will be recorded by this method: Stenographically

☒ **Production:** You, or your representatives, must also bring with you to the deposition the following documents, electronically stored information, or objects, and must permit inspection, copying, testing, or sampling of the material:

See Attachment A

The following provisions of Fed. R. Civ. P. 45 are attached – Rule 45(c), relating to the place of compliance; Rule 45(d), relating to your protection as a person subject to a subpoena; and Rule 45(e) and (g), relating to your duty to respond to this subpoena and the potential consequences of not doing so.

Date: 08/28/2021

CLERK OF COURT

OR

Signature of Clerk or Deputy Clerk

Attorney's signature

The name, address, e-mail address, and telephone number of the attorney representing (name of party) Council for Education and Research on Toxics, Intervenor/Defendant, who issues or requests this subpoena, are:

Raphael Metzger, 555 E. Ocean Blvd., Suite 800, Long Beach, CA 90802; rmetzger@toxictorts.com; (562) 437-4499.

Notice to the person who issues or requests this subpoena

If this subpoena commands the production of documents, electronically stored information, or tangible things before trial, a notice and a copy of the subpoena must be served on each party in this case before it is served on the person to whom it is directed. Fed. R. Civ. P. 45(a)(4).

AO 88A (Rev. 12/20) Subpoena to Testify at a Deposition in a Civil Action (Page 2)

Civil Action No. 2:19-CV-02019-KJM-EFB

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 45.)

I received this subpoena for *(name of individual and title, if any)* _____
on *(date)* _____.

☐ I served the subpoena by delivering a copy to the named individual as follows: _____
_____ on *(date)* _____; or

☐ I returned the subpoena unexecuted because: _____
_____.

Unless the subpoena was issued on behalf of the United States, or one of its officers or agents, I have also
tendered to the witness the fees for one day's attendance, and the mileage allowed by law, in the amount of
\$ _____.

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: _____

Server's signature

Printed name and title

Server's address

Additional information regarding attempted service, etc.:

Federal Rule of Civil Procedure 45 (c), (d), (e), and (g) (Effective 12/1/13)**(c) Place of Compliance.**

(1) *For a Trial, Hearing, or Deposition.* A subpoena may command a person to attend a trial, hearing, or deposition only as follows:

- (A) within 100 miles of where the person resides, is employed, or regularly transacts business in person; or
- (B) within the state where the person resides, is employed, or regularly transacts business in person, if the person
 - (i) is a party or a party's officer; or
 - (ii) is commanded to attend a trial and would not incur substantial expense.

(2) *For Other Discovery.* A subpoena may command:

- (A) production of documents, electronically stored information, or tangible things at a place within 100 miles of where the person resides, is employed, or regularly transacts business in person; and
- (B) inspection of premises at the premises to be inspected.

(d) Protecting a Person Subject to a Subpoena; Enforcement.

(1) *Avoiding Undue Burden or Expense; Sanctions.* A party or attorney responsible for issuing and serving a subpoena must take reasonable steps to avoid imposing undue burden or expense on a person subject to the subpoena. The court for the district where compliance is required must enforce this duty and impose an appropriate sanction—which may include lost earnings and reasonable attorney's fees—on a party or attorney who fails to comply.

(2) *Command to Produce Materials or Permit Inspection.*

(A) *Appearance Not Required.* A person commanded to produce documents, electronically stored information, or tangible things, or to permit the inspection of premises, need not appear in person at the place of production or inspection unless also commanded to appear for a deposition, hearing, or trial.

(B) *Objections.* A person commanded to produce documents or tangible things or to permit inspection may serve on the party or attorney designated in the subpoena a written objection to inspecting, copying, testing, or sampling any or all of the materials or to inspecting the premises—or to producing electronically stored information in the form or forms requested. The objection must be served before the earlier of the time specified for compliance or 14 days after the subpoena is served. If an objection is made, the following rules apply:

- (i) At any time, on notice to the commanded person, the serving party may move the court for the district where compliance is required for an order compelling production or inspection.
- (ii) These acts may be required only as directed in the order, and the order must protect a person who is neither a party nor a party's officer from significant expense resulting from compliance.

(3) *Quashing or Modifying a Subpoena.*

(A) *When Required.* On timely motion, the court for the district where compliance is required must quash or modify a subpoena that:

- (i) fails to allow a reasonable time to comply;
- (ii) requires a person to comply beyond the geographical limits specified in Rule 45(c);
- (iii) requires disclosure of privileged or other protected matter, if no exception or waiver applies; or
- (iv) subjects a person to undue burden.

(B) *When Permitted.* To protect a person subject to or affected by a subpoena, the court for the district where compliance is required may, on motion, quash or modify the subpoena if it requires:

(i) disclosing a trade secret or other confidential research, development, or commercial information; or

(ii) disclosing an unretained expert's opinion or information that does not describe specific occurrences in dispute and results from the expert's study that was not requested by a party.

(C) *Specifying Conditions as an Alternative.* In the circumstances described in Rule 45(d)(3)(B), the court may, instead of quashing or modifying a subpoena, order appearance or production under specified conditions if the serving party:

- (i) shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship; and
- (ii) ensures that the subpoenaed person will be reasonably compensated.

(e) Duties in Responding to a Subpoena.

(1) *Producing Documents or Electronically Stored Information.* These procedures apply to producing documents or electronically stored information:

(A) *Documents.* A person responding to a subpoena to produce documents must produce them as they are kept in the ordinary course of business or must organize and label them to correspond to the categories in the demand.

(B) *Form for Producing Electronically Stored Information Not Specified.* If a subpoena does not specify a form for producing electronically stored information, the person responding must produce it in a form or forms in which it is ordinarily maintained or in a reasonably usable form or forms.

(C) *Electronically Stored Information Produced in Only One Form.* The person responding need not produce the same electronically stored information in more than one form.

(D) *Inaccessible Electronically Stored Information.* The person responding need not provide discovery of electronically stored information from sources that the person identifies as not reasonably accessible because of undue burden or cost. On motion to compel discovery or for a protective order, the person responding must show that the information is not reasonably accessible because of undue burden or cost. If that showing is made, the court may nonetheless order discovery from such sources if the requesting party shows good cause, considering the limitations of Rule 26(b)(2)(C). The court may specify conditions for the discovery.

(2) *Claiming Privilege or Protection.*

(A) *Information Withheld.* A person withholding subpoenaed information under a claim that it is privileged or subject to protection as trial-preparation material must:

- (i) expressly make the claim; and
- (ii) describe the nature of the withheld documents, communications, or tangible things in a manner that, without revealing information itself privileged or protected, will enable the parties to assess the claim.

(B) *Information Produced.* If information produced in response to a subpoena is subject to a claim of privilege or of protection as trial-preparation material, the person making the claim may notify any party that received the information of the claim and the basis for it. After being notified, a party must promptly return, sequester, or destroy the specified information and any copies it has; must not use or disclose the information until the claim is resolved; must take reasonable steps to retrieve the information if the party disclosed it before being notified; and may promptly present the information under seal to the court for the district where compliance is required for a determination of the claim. The person who produced the information must preserve the information until the claim is resolved.

(g) *Contempt.*

The court for the district where compliance is required—and also, after a motion is transferred, the issuing court—may hold in contempt a person who, having been served, fails without adequate excuse to obey the subpoena or an order related to it.

ATTACHMENT A

Definitions

“WRITINGS” means handwriting, typewriting, printing, photostating, photographing, photocopying, transmitting by electronic mail or facsimile, and every other means of recording upon any tangible thing, any form of communication or representation, including letters, words, pictures, sounds, or symbols, or combinations thereof, and any record thereby created, regardless of the manner in which the record has been stored.

“YOU” refers to Vann Family, LLC; Vann Family Orchards, Vann Brothers, Yolo Hulling and Shelling, and all of their officers, directors, managing agents, members, and employees.

Requests

1. All WRITINGS which evidence or reflect any relationship between YOU and Kimberly J. Mueller.
2. All WRITINGS which evidence or reflect any relationship between YOU and Robert Johnston Slobe.
3. All WRITINGS which evidence or reflect any relationship between YOU and the North Sacramento Land Company.
4. All WRITINGS which evidence or reflect any relationship between YOU and the California Chamber of Commerce.
5. All WRITINGS which evidence or reflect any relationship between YOU and the North Sacramento Chamber of Commerce.
6. All WRITINGS which evidence or reflect any relationship between YOU and the Sacramento Metro Chamber of Commerce.
7. All WRITINGS which evidence or reflect any relationship between YOU and any other Chambers of Commerce.
8. All WRITINGS which evidence or reflect any relationship between YOU and the Sacramento Host Committee.
9. All contracts between YOU and the North Sacramento Land Company.
10. All contracts between YOU and Robert Johnston Slobe.

11. All leases for YOUR almond ranch in Colusa County.
12. All checks from YOU to Kimberly J. Mueller.
13. All checks from YOU to Robert Johnston Slobe.
14. All checks from YOU to the North Sacramento Land Company.
15. All checks from YOU to the California Chamber of Commerce.
16. All checks from YOU to the North Sacramento Chamber of Commerce.
17. All checks from YOU to the Sacramento Metro Chamber of Commerce.
18. All checks from YOU to any other Chambers of Commerce.
19. All checks from YOU to the Sacramento Host Committee.
20. All WRITINGS regarding Kimberly J. Mueller.
21. All WRITINGS regarding Robert Johnston Slobe.
22. All WRITINGS regarding the North Sacramento Land Company.
23. All WRITINGS regarding the California Chamber of Commerce.
24. All WRITINGS regarding the North Sacramento Chamber of Commerce.
25. All WRITINGS regarding the Sacramento Metro Chamber of Commerce.
26. All WRITINGS regarding any other Chambers of Commerce.
27. All WRITINGS regarding the Sacramento Host Committee.
28. All WRITINGS regarding any positions YOU have held in any Chamber of Commerce.
29. All WRITINGS which reference, reflect or pertain to YOUR involvement with any Chamber of Commerce.
30. All WRITINGS which reference, reflect or pertain to acrylamide in almonds and almond products.

31. All WRITINGS regarding Proposition 65.
32. All Notices of Violation of Proposition 65 that YOU have received.
33. All requests from any of YOUR customers to indemnify them or any retail sellers of YOUR almond products for alleged violations of Proposition 65.
34. All WRITINGS regarding the lawsuit *California Chamber of Commerce v. Xavier Becerra (Rob Bonta)*, Case No. 2:19-CV-02019-KJM-EFB (U.S. District Court, Eastern District of California)
35. All photographs of YOU and Kimberly J. Mueller.
36. All photographs of YOU and Robert Johnston Slobe.
37. All photographs of YOU at any meetings of any Chamber of Commerce.
38. All photographs of YOU and any officers of any Chamber of Commerce.
39. All WRITINGS between YOU and Mark Jansen, CEO of Blue Diamond Growers.
40. All WRITINGS between YOU and any other producer, processor, or seller of almonds or almond products regarding Proposition 65.
41. All WRITINGS between YOU and any other producer, processor, or seller of almonds or almond products regarding acrylamide in almond products.