

DOCKETED
12-CAI-4

SUM-100

SUMMONS
(CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):
Bottle Rock Power, LLC

TN # 68831
DEC. 10 2012

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

FILED
SUPERIOR COURT
COUNTY OF LAKE

JUN 15 2009

Mary E. Smith, Clerk

Deputy Clerk

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
The People of the State of California

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):
455 North Forbes Street
Lakeport, CA 95453

CASE NUMBER: **CV 406941**
(Número del Caso)

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:
(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Jon Hopkins, Lake County District Attorney; Elizabeth Strayer, Lake County Deputy District Attorney
255 North Forbes Street, Lakeport CA 95453; (707) 263-2251

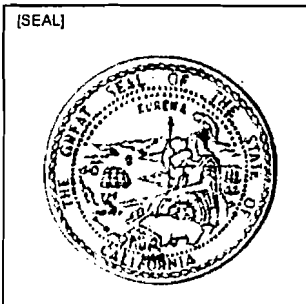
DATE: **JUN 15 2009**
(Fecha)

MARY E. SMITH *Mary Ann Padilla*, Deputy
Clerk, by *(Signature)* (Adjunto)
(Secretario)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

- as an individual defendant.
- as the person sued under the fictitious name of *(specify):*
- on behalf of *(specify):* Bottle Rock Power, LLC
under: CCP 416.10 (corporation) CCP 416.60 (minor)
 CCP 416.20 (defunct corporation) CCP 416.70 (conservatee)
 CCP 416.40 (association or partnership) CCP 416.90 (authorized person)
 other *(specify):*
- by personal delivery on *(date):*



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Jon Hopkins, Lake County District Attorney Elizabeth Strayer, Lake County Deputy District Attorney 255 North Forbes Street Lakeport, CA 95453 TELEPHONE NO.: (707) 263-2251 FAX NO. (Optional): E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): The People of the State of California	FOR COURT USE ONLY VIATKX FILED SUPERIOR COURT COUNTY OF LAKE JUN 24 2009 by <i>Mary E. Smith</i> , Clerk Deputy Clerk
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Lake STREET ADDRESS: 255 North Forbes Street MAILING ADDRESS: CITY AND ZIP CODE: Lakeport, CA 95453 BRANCH NAME: Lakeport	CASE NUMBER: CV406941
PLAINTIFF/PETITIONER: The People of the State of California DEFENDANT/RESPONDENT: Bottle Rock Power, LLC	Ref. No. or File No.:
PROOF OF SERVICE OF SUMMONS	

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. summons
 - b. complaint
 - c. Alternative Dispute Resolution (ADR) package
 - d. Civil Case Cover Sheet (served in complex cases only)
 - e. cross-complaint
 - f. other (specify documents): **Stipulated Judgment for Injunction, Civil Penalties, and Other Relief**
3. a. Party served (specify name of party as shown on documents served):
Bottle Rock Power, LLC
 - b. Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Edward Duckers, Attorney for Defendant
4. Address where the party was served:
980 Ninth Street, Suite 1900, Sacramento, CA 95814
5. I served the party (check proper box)
 - a. by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): **June 19, 2009** (2) at (time): **1:00 p.m.**
 - b. by substituted service. On (date): _____ at (time): _____ I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
 - (1) (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): _____ from (city): _____ or a declaration of mailing is attached.
 - (5) I attach a declaration of diligence stating actions taken first to attempt personal service.

PLAINTIFF/PETITIONER: The People of the State of California	CASE NUMBER: CV406941
DEFENDANT/RESPONDENT: Bottle Rock Power, LLC	

5. c. by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): _____ (2) from (city): _____
- (3) with two copies of the *Notice and Acknowledgment of Receipt* and a postage-paid return envelope addressed to me. (*Attach completed Notice and Acknowledgment of Receipt.*) (Code Civ. Proc., § 415.30.)
- (4) to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. by other means (*specify means of service and authorizing code section*):

Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. as an individual defendant.
- b. as the person sued under the fictitious name of (*specify*):
- c. as occupant.
- d. On behalf of (*specify*): **Bottle Rock Power, LLC**
under the following Code of Civil Procedure section:

- | | |
|---|---|
| <input type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input checked="" type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: **Lauren Estonilo**
- b. Address: **921 Eleventh Street, Suite 300, Sacramento, CA 95814**
- c. Telephone number: **(916) 443-2017**
- d. The fee for service was: **\$ 0.00**
- e. I am:

- (1) not a registered California process server.
- (2) exempt from registration under Business and Professions Code section 22350(b).
- (3) a registered California process server:
- (i) owner employee independent contractor.
- (ii) Registration No.:
- (iii) County:

8. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: June 19, 2009

Lauren Estonilo
(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)


(SIGNATURE)

1 **JON E. HOPKINS (SBN 52478)** ✓
2 District Attorney, County of Lake
3 **ELIZABETH STRAYER (SBN 259645)**
4 Deputy District Attorney, County of Lake
5 255 North Forbes Street
6 Lakeport, CA 95453
7 (707) 263-2251

[Plaintiff is exempt from filing fees
under Government Code § 6103]

FILED
SUPERIOR COURT
COUNTY OF LAKE

JUN 15 2009

Mary E. Smith, Clerk

Deputy Clerk

Attorneys for THE PEOPLE OF THE STATE OF CALIFORNIA

8 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
9
10 **IN AND FOR THE COUNTY OF LAKE**

11 **THE PEOPLE OF THE STATE OF**)
12 **CALIFORNIA,**)

13 Plaintiff,)

14 vs.)

15 **BOTTLE ROCK POWER, LLC,**)

16 Defendant.)
17

CASE NO. CV 406941

**COMPLAINT FOR CIVIL PENALTIES
AND OTHER RELIEF**

[Cal. Fish and G. Code § 1602(a) and Cal.
Bus. and Prof. Code § 17200 *et seq.*]

18 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, by and through JON E.
19 HOPKINS, District Attorney for the County of LAKE, by and through Deputy District Attorney
20 ELIZABETH STRAYER, allege as follows:

21
22 JURISDICTION AND VENUE

23 1. The authority of the District Attorney of the County of Lake to bring this action is
24 derived from the statutory laws of the State of California, specifically California Fish and Game
25 Code sections 1602(a) and 1615 and California Business and Professions Code section 17200 *et*
26 *seq.*

27 2. Defendant transacted business within the County of Lake. The alleged violations
28 of law hereinafter described were carried out within the County of Lake within the State of

1 California. Unless enjoined and restrained by an order of this court, defendant will continue to
2 retain the means to engage in the unlawful actions, practices, and courses of conduct set out
3 below.

4
5 DEFENDANT

6 3. Plaintiff is informed and believes that Defendant BOTTLE ROCK POWER, LLC
7 has conducted activities in violation of California Fish and Game Code and California Business
8 and Professions Code at or around the City of Cobb, in Lake County, California.

9 4. When, in this Complaint, reference is made to any act of Defendant, such
10 allegations shall be deemed to mean that the agents, employees or representatives of said
11 Defendant did or authorized such acts, and omitted to adequately or properly supervise, control
12 or direct their employees and agents while engaged in the management, direction, operation or
13 control of the affairs of Defendant and did so while acting within the course and scope of their
14 employment or agency.

15
16 FACTUAL BASIS

17 5. Defendant BOTTLE ROCK POWER, LLC owns and operates Bottle Rock Power
18 Plant, located at 7385 High Valley Road in Cobb, California, and is engaged in the business of
19 generating power. Two creeks, Cow Creek and Coleman Creek, run through Defendant's
20 property.

21 6. On or about September 4, 2008, Department of Fish and Game Environmental
22 Scientists (hereinafter "Environmental Scientists") inspected Defendant's property located at
23 7385 High Valley Road in Cobb, California.

24 7. During their inspection, the Environmental Scientists found that on or before
25 September 4, 2008, Defendant graded a road and installed fire breaks through Cow Creek,
26 ephemeral tributaries, Coleman Creek, and an adjacent wetland, substantially diverting the
27 natural flow of Cow Creek and Coleman Creek.

1 expenses incurred by agencies in the investigation and prosecution of the action, according to
2 proof;

3 3. That Defendant be permanently restrained and enjoined from engaging in or
4 performing, directly or indirectly, any and all environmental offenses including but not limited to
5 violations of California Fish and Game Code section 1602(a) and California Business and
6 Professions Code section 17200 *et seq.*;

7 4. That Plaintiff recover its costs, including expenses of investigation, and attorney
8 fees; and

9 5. That Plaintiff has such other and further relief as the nature of the case may
10 require, and the court deems proper, to fully and successfully dissipate the effects of Defendant's
11 violations of California Fish and Game Code section 1602(a) and California Business and
12 Professions Code section 17200 *et seq.*

13
14 Dated this 12 day of June, in the year 2009, in Lakeport, California.

15
16 Respectfully Submitted,

17 **JON E. HOPKINS**
18 **District Attorney**

19 By: Elizabeth Strayer
20 ELIZABETH STRAYER
21 Deputy District Attorney
22
23
24
25
26
27
28

JUN 15 2009

1 JON E. HOPKINS (SBN 52478)
2 District Attorney, County of Lake
3 ELIZABETH STRAYER (SBN 259645)
4 Deputy District Attorney, County of Lake
5 255 North Forbes Street
6 Lakeport, CA 95453
7 (707) 263-2251

[Plaintiff is exempt from filing fees
under Government Code § 6103]

FILED
SUPERIOR COURT
COUNTY OF LAKE

JUN 15 2009

Mary E. Smith, Clerk

Deputy Clerk

Attorneys for THE PEOPLE OF THE STATE OF CALIFORNIA

8 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 IN AND FOR THE COUNTY OF LAKE

11 THE PEOPLE OF THE STATE OF
12 CALIFORNIA,

13 Plaintiff,

14 vs.

15 BOTTLE ROCK POWER, LLC,

16 Defendant.

) CASE NO.:

CV 406941

) STIPULATED JUDGMENT FOR
) INJUNCTION, CIVIL PENALTIES, AND
) OTHER RELIEF

17)
18)
19)
20 Plaintiff, THE PEOPLE OF THE STATE OF CALIFORNIA, having filed their
21 Complaint herein, by and through their attorney JON E. HOPKINS, District Attorney for the
22 County of Lake, by and through ELIZABETH STRAYER, Deputy District Attorney for the
23 County of Lake, and Defendant BOTTLE ROCK POWER, LLC (hereinafter "Defendant"), by
24 and through ED DUCKERS of Stoel Rives LLP, counsel for Defendant, hereby stipulate and
25 consent to the entry of this injunction and final judgment pursuant to this Stipulation (hereinafter
26 "Stipulated Judgment"). The terms hereof are effective upon entry of this Stipulated Judgment
27 by the court (hereinafter "Effective Date"). This Stipulated Judgment shall not constitute
28 evidence of admission or concession by this named Defendant regarding any allegations of law

1 and fact alleged in the Complaint filed by the Plaintiff herein. This Stipulated Judgment is
2 entered into based in part on representations, made and reaffirmed by the named Defendant
3 herein, that certain penalty and other payments will be made according to the terms of this
4 Stipulated Judgment.

5 Upon the consent of the parties hereto, and it appearing to the Court that GOOD CAUSE
6 exists for the entry of this Stipulated Judgment,

7 IT IS ORDERED, ADJUDGED AND DECREED as follows:

8
9 JURISDICTION

10 1. This court has jurisdiction over the subject matter of this action and over each of
11 the parties hereto, and has jurisdiction to enter this Stipulated Judgment as a full and final
12 resolution of all claims that were alleged in the Complaint filed by the People of the State of
13 California (hereinafter "the People") based upon the facts alleged therein. This court will retain
14 said jurisdiction until final performance of this Stipulated Judgment under California Code of
15 Civil Procedure section 664.6.

16
17 APPLICABILITY

18 2. The provisions of this Stipulated Judgment, including the injunctive provisions
19 contained herein, are applicable to Defendant, its subsidiaries, divisions, alter egos and/or sole
20 proprietorships and any agent, employee, or representative thereof, and all persons, partners,
21 corporations, heirs, assigns, lessees, devisees or other entities acting by, through, under, or on
22 behalf of Defendant and all persons in concert with or participating with said Defendant, with
23 actual or constructive knowledge of this injunction, insofar as they are doing business in the
24 State of California.

25
26 RECITALS

27 3. The Lake County District Attorney, on behalf of the People, filed a Complaint
28 for Civil Penalties and Other Relief (hereinafter "Complaint") and stated causes of action for

1 violations of California Fish and Game Code section 1602(a), alleging that Defendant
2 substantially diverted or obstructed the natural flow of, or substantially changed or used any
3 material from the bed, channel, or bank of, a river, stream, or lake at its business located in
4 Cobb, California. The People allege the following facts in the Complaint:

5 Defendant owns and operates the Bottle Rock Power Plant in
6 Cobb, California, and is engaged in the business of generating power. On
7 or about September 4, 2008, Department of Fish and Game Environmental
8 Scientists (hereinafter "Environmental Scientists") inspected Defendant's
9 property located at 7385 High Valley Road, Cobb, California, in Lake
10 County, California. The Environmental Scientists found that on or before
11 September 4, 2008, Defendant graded a road and installed fire breaks
12 through both Cow Creek and Coleman Creek.

13 These fire breaks substantially altered the streambeds of Coleman
14 Creek and Cow Creek, which resulted in significant areas of impact to the
15 streambeds. Further, Defendants actions caused loose sediment to be
16 present in areas with high potential to enter the streambed and the bank of
17 Cow Creek. Defendant failed to notify the California Department of Fish
18 and Game (hereinafter "the Department") prior to conducting these
19 alterations.

20 4. The People's Complaint also states causes of action for violations of California
21 Business and Professions Code section 17200 *et seq.*, alleging that Defendant engaged in acts of
22 unfair business competition, predicated on violations of California Fish and Game Code section
23 1602(a).

24
25 INJUNCTION

26 5. Pursuant to California Fish and Game Code section 1615 and California Business
27 and Professions Code section 17203, which allow for injunctive relief, Defendant is prohibited
28

1 from violating the terms hereof for three (3) years following the effective date of this Stipulated
2 Judgment and is hereby required to:

- 3 (a) Abide by any and all environmental laws, including but not limited to
4 California Fish and Game Code section 1602(a);
- 5 (b) Prior to August 1, 2009, submit a Restoration Plan that addresses all
6 impacted areas of the property to the Department, obtain approval of said
7 Restoration Plan from the Department which approval shall not be
8 unreasonably withheld, and conduct all restoration work according to the
9 terms of said approved Plan;
- 10 (c) Prior to August 1, 2009, submit a Sediment and Erosion Control Plan that
11 addresses all impacted areas to the Department, obtain approval of said
12 Sediment and Erosion Control Plan from the Department which approval
13 shall not unreasonably withheld, and implement said approved Plan
14 according to its terms; and
- 15 (d) Make all payments for Civil Penalties as set forth in paragraph 8 herein
16 and for Cost Recovery Programs and Supplemental Environmental
17 Projects as set forth in paragraph 10 herein. Failure to make such
18 payments is considered a breach of this Stipulated Judgment, and will
19 trigger the stayed penalties as set forth in paragraph 8 herein.

20
21 IMPOSITION OF STAYED PENALTIES

22 6. In the event that, at any time following the Effective Date, the Lake County
23 District Attorney identifies one or more violations of the injunctive provisions of paragraph 5,
24 subsection (a), (b), (c), or (d), herein, the District Attorney shall file a motion with this Court
25 seeking imposition of the stayed penalties described in paragraph 8 herein.

26 7. In determining whether the Defendant has violated the terms of this Stipulated
27 Judgment, the Court shall have no discretion to determine the amount of stayed penalties
28

1 imposed on Defendant. Defendant shall be ordered to pay the full amount of the stayed penalties
2 upon determination of the Court that a breach of this Stipulated Judgment has occurred.

3
4 MONETARY RELIEF

5 8. Defendant shall pay the sum of TWENTY ONE THOUSAND FIVE HUNDRED
6 DOLLARS (\$21,500.00) in civil penalties, as follows:

7 (a) Defendant shall pay FIVE THOUSAND DOLLARS (\$5,000.00) in civil
8 penalties for violations of California Fish and Game Code section 1602(a),
9 pursuant to California Fish and Game Code section 1615, as follows:

10 (i) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)
11 to the Lake County Treasurer, for deposit into the Lake County
12 Fish and Wildlife Propagation Fund established pursuant to
13 California Fish and Game Code section 13100; and

14 (ii) TWO THOUSAND FIVE HUNDRED DOLLARS (\$2,500.00)
15 to the California Department of Fish and Game Preservation Fund.

16 (b) Defendant shall pay ONE THOUSAND FIVE HUNDRED DOLLARS
17 (\$1,500.00) in civil penalties for violations of California Business and
18 Professions Code section 17200 *et seq.*, pursuant to California Business
19 and Professions Code section 17206, as follows:

20 (i) ONE THOUSAND FIVE HUNDRED DOLLARS (\$1,500.00)
21 to the Lake County Treasurer, to be used for the enforcement of
22 consumer protection laws.

23 (c) Defendant shall also pay FIFTEEN THOUSAND DOLLARS
24 (\$15,000.00) as civil penalties which shall be **STAYED** for a period of
25 three (3) years, beginning on the Effective Date of this Stipulated
26 Judgment, and on the condition that no violation or breach of the
27 injunctive provisions of this Stipulated Judgment occur. If no violation or
28 breach occurs during the three (3) year period, the stay will become

1 permanent. If a violation or breach of this Stipulated Judgment occurs, the
2 Lake County District Attorney may file a regularly noticed civil motion
3 pursuant to California Code of Civil Procedure section 1005(b) to lift the
4 stay on the penalties set forth in this paragraph. This stayed FIFTEEN
5 THOUSAND DOLLAR (\$15,000.00) portion of the civil penalties shall
6 be immediately due and owed on this case if any violation or breach of
7 this Stipulated Judgment occurs. By signing this Stipulated Judgment,
8 Defendant waives the right to claim substantial performance as a defense
9 in a future motion to lift the stay on civil penalties, based on the above.

10 9. Plaintiff shall be entitled to reasonable fees and costs incurred in collecting the
11 payments set forth in paragraph 8 herein, if any, should Defendant fail to make any payments
12 pursuant to the terms of this Stipulated Judgment.

13 10. In addition to the civil penalties referenced in paragraph 8 herein, Defendant shall
14 pay the sum of EIGHT THOUSAND DOLLARS (\$8,000.00) to Supplemental Environmental
15 Projects and/or Cost Recovery Programs, to be paid as follows:

- 16 (a) FOUR THOUSAND DOLLARS (\$4,000.00) in supplemental
17 environmental projects for the future prosecution of environmental
18 violations in rural California counties made payable to the California
19 District Attorneys Association, Circuit Prosecutor Project.
20 (b) FOUR THOUSAND DOLLARS (\$4,000.00) for cost recovery related to
21 the investigation of the allegations set forth in the Complaint filed in this
22 action made payable to the California Department of Fish and Game
23 Preservation Fund.

24 11. Defendant shall also pay the sum of THREE HUNDRED FIFTY DOLLARS
25 (\$350.00) to the Clerk of the Lake County Superior Court for filing fees. **The filing fee is due**
26 **upon the date of signature and shall be delivered with this signed Stipulated Judgment.**

27 12. All checks shall be sent to the California District Attorneys Association,
28 Attention: Elizabeth Strayer, 921 Eleventh Street, Suite 300, Sacramento CA 95814. All

1 amounts, except the filing fee, are due within one hundred twenty (120) days of the
2 Effective Date of this Stipulated Judgment.

3
4 RELEASE AND CLAIMS COVERED

5 13. This Stipulated Judgment is a full, final, and binding resolution between the
6 People and the Defendant, of all claims raised in the People's Complaint, arising out of the facts
7 or conduct alleged therein. Nothing in this Stipulated Judgment shall prejudice, waive or impair
8 any right, remedy, or defense that the Lake County District Attorney or the Defendant may have
9 in any other ongoing or future legal proceedings unrelated to this Stipulated Judgment.
10 However, this paragraph shall not diminish or otherwise affect the obligations, responsibilities,
11 and duties of the parties under this Stipulated Judgment.

12
13 AUTHORITY TO AGREE TO STIPULATED JUDGMENT

14 14. Each signatory to this Stipulated Judgment certifies that he or she is fully
15 authorized by the party he or she represents to stipulate to this Stipulated Judgment and to enter
16 into and to execute the Stipulated Judgment on behalf of the party represented and to legally bind
17 that party.

18
19 COURT APPROVAL

20 15. This Stipulated Judgment shall be submitted to the Court for entry. If this

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1 ///
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3 ///

4 Stipulated Judgment is not approved by the Court, it shall be of no force or effect.

5 16. This Stipulated Judgment shall go into effect immediately upon entry hereof.

6 Entry is authorized immediately upon filing.

7
8 Approved as to form and substance:

9
10 Dated: 6/12/09

11 By: Edward C. Duckers
12 ED DUCKERS
13 Stoel Rives LLP
14 Counsel for Defendant

15 JON E. HOPKINS
16 District Attorney
17 County of Lake

18 Dated: 6/12/09

19 By: Elizabeth Strayer
20 ELIZABETH STRAYER
21 Deputy District Attorney
22 County of Lake

23 IT IS ORDERED, ADJUDGED AND DECREED.

24 Dated: 6/15/09

25 By: Robert L. Crone, Jr.
26 ~~Assigned~~
27 JUDGE OF THE SUPERIOR COURT
28 Crone