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of the State of California  
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8 Attorneys for the Plaintiff People of the State of California ex rel.  
Bill Lockyer, Attorney General of the State of California  
9

10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF MARIN  
12

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14 PEOPLE OF THE STATE OF CALIFORNIA ex rel.  
15 BILL LOCKYER, ATTORNEY GENERAL OF THE  
STATE OF CALIFORNIA,

16 Plaintiff,

17 v.

18 MARIN COUNTY BOARD OF SUPERVISORS,  
19 BUILDING & SAFETY DIVISION OF THE MARIN  
COUNTY COMMUNITY DEVELOPMENT  
20 AGENCY, AND DOES ONE THROUGH FIFTY,

21 Defendants,  
22

Case No.:

**JUDGMENT**

**(Pursuant to Stipulation)**

23 Pursuant to the Stipulation for Entry of Judgment (“Stipulation”) filed in this matter, IT  
24 IS ORDERED that judgment be entered in favor of the People of the State of California by Bill  
25 Lockyer, Attorney General of the State of California, and against defendants Marin County  
26 Board of Supervisors and the Building & Safety Division of the Marin County Community  
27 Development Agency (“Marin County”) as follows:

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**GENERAL PROVISIONS**

1. The injunction that is set forth in this Judgment shall remain in effect for a period of three years from the date of entry of judgment, unless such period of time is extended upon the motion of the Attorney General and by order of the Court for good cause shown. Upon Marin County’s full compliance with the terms of this Judgment, Marin County and the Attorney General shall enter into, and submit to the Court for its approval, a stipulation that dissolves the permanent injunction that is set forth in this Judgment.

2. The Attorney General and Marin County may jointly stipulate to make changes, modifications, and amendments to this Judgment which shall be effective 30 days after a joint motion is filed by the parties and granted by the Court.

3. This Judgment is binding upon the parties hereto by and through their officials, agents, employees, and successors. It is the intent of the parties that this Judgment is enforceable only by the parties. No person or entity is intended to be a third-party beneficiary of the provisions of this Judgment or Stipulation For Entry of Judgment on file herein for purposes of any civil, criminal, or administrative action. It is the further intent of the parties that no person or entity may assert any claim or right as a beneficiary or protected class under this Judgment or the Stipulation For Entry of Judgment on file herein.

4. The term “state disabled access laws and regulations” in this Judgment means Government Code section 4450 et seq., Health and Safety Code section 19955 et seq., and Title 24, Part 2, Volume 1 of the California Code of Regulations (“Title 24”).

**DUTIES AND RESPONSIBILITIES**

Defendant Marin County IS HEREBY ENJOINED TO TAKE THE FOLLOWING ACTIONS:

5. All plans, policies or procedures that are required to be developed and implemented by this Judgment shall be developed by Marin County and then shall be submitted to the Attorney General for his review and approval. The Attorney General agrees that he shall not arbitrarily or

1 capriciously deny approval of any plan, policy or procedure submitted by Marin County. If Marin  
2 County believes that the Attorney General has arbitrarily or capriciously denied approval of any  
3 plan, policy, or procedure, it may move the Court for an order approving the plan, policy, or  
4 procedure. The Court shall only approve the plan, policy, or procedure if it determines that the  
5 Attorney General has abused his discretion in refusing to grant such approval. All plans and/or  
6 policies or procedures that are required to be developed and implemented by this Judgment are  
7 subject to the requirements and procedures set forth in this paragraph and paragraph 6.

8 6. If Marin County desires to extend the time within which it must submit any plan, policy,  
9 or procedure to the Attorney General for his approval, it shall make such request to the Attorney  
10 General in writing. The Attorney General shall not arbitrarily or capriciously refuse to grant any  
11 request for a reasonable extension of time within which Marin County must submit any plan,  
12 policy, or procedure for his approval. If Marin County believes that the Attorney General has  
13 arbitrarily or capriciously denied any such request, it may apply to the Court for an order extending  
14 time. The Court shall only grant such application if it determines that the Attorney General has  
15 abused his discretion in refusing to grant Marin County's request for an extension of time within  
16 which to submit a plan, policy, or procedure.

17 7. Marin County shall, within 120 days of the entry of judgment, develop and submit to the  
18 Attorney General a written procedure for processing and resolving complaints lodged with Marin  
19 County which allege a violation of state disabled access laws and regulations with respect to  
20 publicly funded buildings, structures, sidewalks, curbs and related facilities that are constructed or  
21 altered with county funds, and with respect to privately funded public accommodations and  
22 facilities that are subject to the jurisdiction of Marin County. The written procedure shall be  
23 implemented by Marin County immediately upon approval by the Attorney General. The written  
24 procedure shall include requirements that:

25 a. Marin County investigate such complaints and that such investigations be  
26 completed within 30 days of receipt of the complaint;

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1                   b. Marin County take all actions necessary to correct any deviation from the state  
2 disabled access laws and regulations which it confirms as a result of any investigation within 90  
3 days of the confirmation of such deviation, unless the deviation or deviations are so substantial that  
4 they cannot be corrected within 90 days of confirmation. In such circumstances, the deviations  
5 shall be corrected within a reasonable period of time;

6                   c. Marin County inform the person who has lodged the complaint of the progress  
7 being made during the investigation and provide the complainant with a letter advising the  
8 complainant of the final resolution of the complaint. In any such instance where Marin County  
9 determines that any of the violations alleged in a complaint are unfounded, Marin County shall  
10 include in such letter the factual and legal basis for such determination; and

11                   d. Where the owner of a privately funded public accommodation whose building  
12 or facilities are subject to the provisions of Health and Safety Code section 19955 et seq. fails to  
13 correct a deviation found to exist by Marin County, Marin County shall refer the matter to its legal  
14 counsel for appropriate action.

15                   8. Marin County shall, within 120 days of entry of judgment, develop and submit to the  
16 Attorney General a written procedure for granting applications submitted to Marin County for  
17 exceptions that are authorized by Health and Safety Code section 19957, and for granting  
18 exceptions for publicly funded buildings and facilities that are authorized by Government Code  
19 section 4451, subdivision (f). The written procedure shall be implemented by Marin County  
20 immediately upon its approval by the Attorney General. The procedure shall comply with  
21 Government Code section 4450 et seq., Health and Safety Code section 19955 et seq., and Title 24.

22                   9. Marin County shall, within 120 days of entry of judgment, develop and submit to the  
23 Attorney General a plan to provide an initial training course on the enforcement of state disabled  
24 access laws and regulations to all persons who have responsibilities related to Marin County's  
25 enforcement of those laws and regulations. The plan shall be implemented by Marin County  
26 immediately upon its approval by the Attorney General. All persons who have responsibilities

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1 deviation, the County shall, within 30 days of the receipt of written notification from the Attorney  
2 General's that the County has abused its discretion, correct the deviation to the Attorney General's  
3 satisfaction or move the Court for an order declaring that the County has not abused its discretion.

4 12. Marin County shall pay the cost of a consultant to be employed by the Attorney General  
5 to assist him in monitoring compliance with this Judgment. Marin County shall cooperate with the  
6 Attorney General's consultant whose duties shall include:

7 a. to work jointly with the Attorney General and Marin County to monitor Marin  
8 County's compliance with the terms of this Judgment, including development of all required  
9 plans, policies and procedures;

10 b. to monitor Marin County's implementation and compliance with all plans  
11 required by this Judgment; and

12 c. to prepare and submit to the Attorney General reports assessing Marin County's  
13 compliance with this Judgment.

14 13. Marin County shall cooperate with the Attorney General's consultant in monitoring  
15 compliance with this Judgment. Marin County shall allow the Attorney General's consultant:

16 a. to interview, on a confidential basis or otherwise, any person who has  
17 responsibilities related to Marin County's enforcement of state disabled access laws and  
18 regulations. If the consultant in the performance of his or her duties finds it necessary to interview  
19 any Marin County employee other than a person who has responsibilities related to Marin County's  
20 enforcement of state disabled access laws and regulations, the Attorney General shall seek Marin  
21 County's authorization to conduct such interview. Marin County shall not unreasonably withhold  
22 such authorization. Marin County shall provide suitable facilities and shall arrange for such  
23 interviews to be conducted under conditions satisfactory to the Attorney General's consultant;

24 b. to request and obtain from Marin County the compilation of statistics, reports  
25 and/or information that may be directly related to the matters that are set forth in this Judgment;

26 c. to request and obtain access to the records, files, building plans, permits,  
27

1 applications and other documents maintained by Marin County to the extent that such access is  
2 directly related to the matters that are set forth in this Judgment. The Attorney General's consultant  
3 may obtain copies of all such relevant records, files, and papers; and

4 d. to request and obtain Marin County's assistance in accessing public and private  
5 property to conduct inspections to determine whether those properties are in compliance with state  
6 disabled access laws and regulations.

7 14. Nothing in paragraph 12 nor in any other provision of this Judgment shall be construed  
8 to limit the powers vested in the Attorney General by the California Constitution and state statutory  
9 law, including Government Code section 11180 et seq., which he may use to monitor Marin  
10 County's compliance with the terms of this Judgment.

11 15. Marin County shall pay for the costs incurred by the Attorney General for the services  
12 of his consultant. Within ten days of entry of judgment, Marin County shall deposit with the  
13 California Department of Justice the sum of \$25,000, which shall be held in an interest-bearing  
14 account. The Attorney General shall pay his consultant from this account. The Attorney General  
15 shall notify Marin County, in writing, any time that the balance in the account falls below \$10,000,  
16 and Marin County shall, within ten days of receiving such notice, deliver to the California  
17 Department of Justice sufficient funds to return the account's balance to \$25,000. When the  
18 injunction to be issued in this action is dissolved or otherwise expires, all funds remaining in this  
19 account shall be returned to Marin County.

20 16. The Attorney General's costs for the services of his consultant shall not exceed \$50,000  
21 for any one-year period. However, the Court shall retain jurisdiction to increase that amount for  
22 good cause shown and established by the Attorney General.

23 17. Upon full compliance with any provision of this Judgment, Marin County may request  
24 in writing that the Attorney General confirm that Marin County has complied. If the Attorney  
25 General agrees that Marin County has fully complied, he shall confirm that determination in writing  
26 to Marin County.



1 BILL LOCKYER, Attorney General  
of the State of California  
2 LOUIS VERDUGO, JR.  
Senior Assistant Attorney General  
3 SUZANNE AMBROSE  
Supervising Deputy Attorney General  
4 KATHLEEN W. MIKKELSON, State Bar No. 056896  
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8 Attorneys for the Plaintiff People of the State of California ex rel.  
Bill Lockyer, Attorney General of the State of California  
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10 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF MARIN  
12

13 PEOPLE OF THE STATE OF CALIFORNIA ex rel.  
BILL LOCKYER, ATTORNEY GENERAL OF THE  
14 STATE OF CALIFORNIA,  
15 Plaintiff,  
16 v.  
17 MARIN COUNTY BOARD OF SUPERVISORS,  
BUILDING & SAFETY DIVISION OF THE MARIN  
18 COUNTY COMMUNITY DEVELOPMENT  
AGENCY, AND DOES ONE THROUGH FIFTY,  
19 Defendants,  
20

Case No.:

**STIPULATION FOR ENTRY OF JUDGMENT**

21  
22 **GENERAL PROVISIONS**

23 1. In this action, plaintiff, the People of the State of California by Bill Lockyer, Attorney  
24 General of the State of California (“Attorney General”) has filed a Petition for Writ of Mandate and  
25 Complaint for Breach of Contract (“petition and complaint”) against the Marin County Board of  
26 Supervisors, and the Building & Safety Division of the Marin County Community Development  
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1 of any issue of law or fact, and, except as expressly provided herein, nothing herein shall prejudice,  
2 waive, or impair any right, remedy, or defense that Marin County may have in any legal proceeding  
3 other than a proceeding brought by the Attorney General to enforce the terms of the Judgment to  
4 be entered in this action pursuant to this Stipulation for Entry of Judgment.

5 5. Marin County denies each and every allegation of the Petition for Writ of Mandate and  
6 Complaint for Breach of Contract that is to be filed concurrently with this Stipulation for Entry of  
7 Judgment. Nothing in this Stipulation for Entry of Judgment shall be construed as an  
8 acknowledgment, admission, or evidence of liability under any federal, state, or local law,  
9 including but not limited to Government Code section 4450 et seq., Health and Safety Code section  
10 19955 et seq. or Title 24.

11 6. The Attorney General and Marin County, and their attorneys of record, stipulate and  
12 agree that the Court will enter judgment in this action pursuant to this Stipulation. The injunction  
13 that is to be embodied in the judgment that is to be entered pursuant to this Stipulation for Entry  
14 of Judgment shall remain in effect for a period of three years from the date of entry of judgment,  
15 unless such period of time is extended upon the motion of the Attorney General and by order of the  
16 Court for good cause shown. Upon Marin County's full compliance with the terms of this  
17 Stipulation and the judgment that is to be entered pursuant thereto, Marin County and the Attorney  
18 General shall enter into, and submit to the Court for its approval, a stipulation that dissolves the  
19 permanent injunction that is to be set forth in the Judgment Pursuant to Stipulation that is to be  
20 entered in this action.

21 7. The Attorney General and Marin County may jointly stipulate to make changes,  
22 modifications, and amendments to this Stipulation and to the judgment which will be entered  
23 pursuant to this Stipulation, which shall be effective 30 days after a joint motion is filed by the  
24 parties and granted by the Court.

25 8. This Stipulation shall constitute the entire integrated agreement of the parties. No prior  
26 drafts or prior or contemporaneous communications, oral or written, shall be relevant or admissible

1 for purposes of determining the meaning of any provisions herein in any litigation or any other  
2 proceeding.

3 9. This Stipulation is binding upon the parties hereto by and through their officials, agents,  
4 employees, and successors. This Stipulation and the judgment to be issued pursuant to this  
5 Stipulation are enforceable only by the parties. No person or entity is intended to be a third-party  
6 beneficiary of the provisions of this Stipulation and the judgment to be issued pursuant to this  
7 Stipulation for purposes of any civil, criminal, or administrative action. Accordingly, no person  
8 or entity may assert any claim or right as a beneficiary or protected class under this Stipulation and  
9 the judgment to be issued pursuant to this Stipulation.

10 **DUTIES AND RESPONSIBILITIES**

11 10. All plans, policies or procedures that are required to be developed and implemented by  
12 this Stipulation shall be developed by Marin County and then shall be submitted to the Attorney  
13 General for his review and approval. The Attorney General agrees that he shall not arbitrarily or  
14 capriciously deny approval of any plan, policy or procedure submitted by Marin County. If Marin  
15 County believes that the Attorney General has arbitrarily or capriciously denied approval of any  
16 plan, policy, or procedure, it may move the Court for an order approving the plan, policy, or  
17 procedure. The Court shall only approve the plan, policy, or procedure if it determines that the  
18 Attorney General has abused his discretion in refusing to grant such approval. All plans and/or  
19 policies or procedures that are required to be developed and implemented by this Stipulation are  
20 subject to the requirements and procedures set forth in this paragraph and paragraph 11.

21 11. If Marin County desires to extend the time within which it must submit any plan,  
22 policy, or procedure to the Attorney General for his approval, it shall make such request to the  
23 Attorney General in writing. The Attorney General shall not arbitrarily or capriciously refuse to  
24 grant any request for a reasonable extension of time within which Marin County must submit any  
25 plan, policy, or procedure for his approval. If Marin County believes that the Attorney General has  
26 arbitrarily or capriciously denied any such request, it may apply to the Court for an order extending  
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1 time. The Court shall only grant such application if it determines that the Attorney General has  
2 abused his discretion in refusing to grant Marin County's request for an extension of time within  
3 which to submit a plan, policy, or procedure.

4 12. Marin County shall, within 120 days of the entry of judgment, develop and submit to  
5 the Attorney General a written procedure for processing and resolving complaints lodged with  
6 Marin County which allege a violation of state disabled access laws and regulations with respect  
7 to publicly funded buildings, structures, sidewalks, curbs and related facilities that are constructed  
8 or altered with county funds, and with respect to privately funded public accommodations and  
9 facilities that are subject to the jurisdiction of Marin County. The written procedure shall be  
10 implemented by Marin County immediately upon its approval by the Attorney General. The  
11 written procedure shall include requirements that:

12 a. Marin County investigate such complaints and that such investigations be  
13 completed within 30 days of the receipt of the complaints;

14 b. Marin County take all actions necessary to correct any deviation from the state  
15 disabled access laws and regulations which it confirms as a result of any investigation within 90  
16 days of the confirmation of such deviation, unless the deviation or deviations are so substantial that  
17 they cannot reasonably be corrected within 90 days of confirmation. In such circumstances, the  
18 deviations shall be corrected within a reasonable period of time;

19 c. Marin County inform the person who has lodged the complaint of the progress  
20 being made during the investigation and provide the complainant with a letter advising the  
21 complainant of the final resolution of the complaint. In any such instance where Marin County  
22 determines that any of the violations alleged in a complaint are unfounded, Marin County shall  
23 include in such letter the factual and legal basis for such determination; and

24 d. Where the owner of a privately funded public accommodation whose building  
25 or facilities are subject to the provisions of Health and Safety Code section 19955 et seq. fails to  
26 correct a deviation found to exist by Marin County, Marin County shall refer the matter to its legal  
27

1 counsel for appropriate action.

2 13. Marin County shall, within 120 days of entry of judgment, develop and submit to the  
3 Attorney General a written procedure for granting applications submitted to Marin County for  
4 exceptions that are authorized by Health and Safety Code section 19957, and for granting  
5 exceptions for publicly funded buildings and facilities that are authorized by Government Code  
6 section 4451, subdivision (f). The written procedure shall be implemented by Marin County  
7 immediately upon its approval by the Attorney General. The procedure shall comply with  
8 Government Code section 4450 et seq., Health and Safety Code section 19955 et seq., and Title 24.

9 14. Marin County agrees, within 120 days of entry of judgment, to develop and submit to  
10 the Attorney General a plan to provide an initial training course on the enforcement of state  
11 disabled access laws and regulations to all persons who have responsibilities related to Marin  
12 County's enforcement of those laws and regulations. The plan shall be implemented by Marin  
13 County immediately upon its approval by the Attorney General. All persons who have  
14 responsibilities related to Marin County's enforcement of state disabled access laws and regulations  
15 on the date on which the Attorney General approves this plan shall attend the initial training course  
16 required by the plan within 45 days of such approval. All persons who in the future assume  
17 responsibilities related to Marin County's enforcement of state disabled access laws and regulations  
18 shall attend a training course that is comparable to the initial training course required by this plan.  
19 This plan shall require that, in addition to the initial training course to be provided under the plan,  
20 all persons having responsibilities related to Marin County's enforcement of state disabled access  
21 laws and regulations shall attend additional training courses on those laws and regulations. Such  
22 additional training shall be provided by Marin County every two years. This plan shall also include  
23 a provision that all persons who take the training courses required by the plan shall sign an  
24 acknowledgment form that documents that he or she has received the training. Copies of these  
25 signed acknowledgment forms shall be sent to the Attorney General within 30 days of the  
26 completion of the training described in this paragraph.

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1 compliance with the judgment entered in this action.

2 18. Marin County agrees to cooperate with the Attorney General's consultant in monitoring  
3 compliance with the judgment. Marin County agrees to allow the Attorney General's consultant:

4 a. to interview, on a confidential basis or otherwise, any person who has  
5 responsibilities related to Marin County's enforcement of state disabled access laws and  
6 regulations. If the consultant in the performance of his or her duties finds it necessary to interview  
7 any Marin County employee other than a person who has responsibilities related to Marin County's  
8 enforcement of state disabled access laws and regulations, the Attorney General shall seek Marin  
9 County's authorization to conduct such interview. Marin County agrees not to unreasonably  
10 withhold such authorization. Marin County shall provide suitable facilities and shall arrange for  
11 such interviews to be conducted under conditions satisfactory to the Attorney General's consultant;

12 b. to request and obtain from Marin County the compilation of statistics, reports,  
13 and or information that may be directly related to the matters that are set forth in this Stipulation;

14 c. to request and obtain access to the records, files, building plans, permits,  
15 applications and other documents maintained by Marin County to the extent that such access is  
16 directly related to the matters that are set forth in this Stipulation. The Attorney General's  
17 consultant may obtain copies of all such relevant records, files, and papers; and

18 d. to request and obtain Marin County's assistance in accessing public and private  
19 property to conduct inspections to determine whether those properties are in compliance with state  
20 disabled access laws and regulations.

21 19. Nothing in paragraph 18 nor in any other provision of this Stipulation shall be  
22 construed to limit the powers vested in the Attorney General by the California Constitution and  
23 state statutory law, including Government Code section 11180 et seq., which he may use to monitor  
24 Marin County's compliance with the terms of this Stipulation and the judgment that will entered  
25 pursuant to this Stipulation.

26 20. Marin County shall pay for all costs incurred by the Attorney General for the services  
27

1 of his consultant. Within ten days of entry of judgment, Marin County shall deposit with the  
2 California Department of Justice the sum of \$25,000, which shall be held in an interest-bearing  
3 account. The Attorney General shall pay his consultant from this account. The Attorney General  
4 shall notify Marin County, in writing, any time that the balance in the account falls below \$10,000,  
5 and Marin County shall, within ten days of receiving such notice, deliver to the California  
6 Department of Justice sufficient funds to return the account's balance to \$25,000. When the  
7 injunction to be issued in this action is dissolved or otherwise expires, all funds remaining in this  
8 account shall be returned to Marin County. The Attorney General's costs for the services of his  
9 consultant shall not exceed \$50,000 for any one-year period. However, the Court shall retain  
10 jurisdiction to increase that amount for good cause shown and established by the Attorney General.

11 21. Upon full compliance with any provision of this Stipulation and the corresponding  
12 provision in the judgment that is to be entered pursuant to this Stipulation, Marin County may  
13 request in writing that the Attorney General confirm that Marin County has so complied. If the  
14 Attorney General agrees that Marin County has fully complied, he shall confirm that determination  
15 in writing to Marin County.

16 22. Marin County agrees to pay to the Attorney General, within 30 days of the entry of  
17 judgment, the sum of \$5,000 for consultant fees, and the sum of \$\_\_\_\_\_ for other costs incurred  
18 by the Attorney General in this matter pursuant to Code of Civil Procedure section 1021.8.

19 23. Neither Marin County nor the Attorney General shall be deemed to be in violation of  
20 the Stipulation or the judgment to be entered pursuant thereto by reason of the failure to perform  
21 any of its obligations hereunder to the extent that such failure is due to unforeseen circumstances,  
22 including strikes, acts of God, acts of a court of competent jurisdiction, weather conditions, riots,  
23 civil disobedience, fire, insurrection, war, or any similar circumstances for which neither Marin  
24 County nor the Attorney General is responsible and which are within neither Marin County's nor  
25 the Attorney General's control.

26 24. Marin County agrees to pay the Attorney General's costs and attorney's fees for any  
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1 successful enforcement action brought by the Attorney General to obtain compliance with the  
2 judgment to be entered pursuant to this Stipulation.

3 25. A judgment that is consistent with this Stipulation for Entry of Judgment shall be  
4 submitted to this Court for its consideration, signature, and entry in the form attached as Exhibit  
5 1 hereto.

6 IT IS SO STIPULATED.

7 Marin County

8  
9 Dated: By \_\_\_\_\_  
10 Patrick Faulkner, Marin County Counsel

11  
12 Dated: By \_\_\_\_\_  
13 President, Marin County Board of Supervisors

14  
15 BILL LOCKYER, Attorney General  
16 of the State of California  
17 LOUIS VERDUGO, JR.  
18 Senior Assistant Attorney General  
19 SUZANNE AMBROSE  
20 Supervising Deputy Attorney General

21 Dated: By \_\_\_\_\_  
22 KATHLEEN W. MIKKELSON  
23 Deputy Attorney General  
24 Attorneys for Plaintiff People of the State of  
25 California ex rel. Bill Lockyer, Attorney  
26 General of the State of California