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22 SUPERIOR COURT OF CALIFORNIA  
 23 COUNTY OF SANTA CRUZ

COUNTY OF SANTA CRUZ and CITY OF SANTA CRUZ	Case No. 158516
Plaintiffs/Petitioners,  v.	<b>PEREMPTORY WRIT OF MANDATE</b>
CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE; A.G. KAWAMURA, in his official capacity as Secretary of the California Department of Food and Agriculture; and DOES 1 through 100, inclusive,	Dept: 4
Defendants/Respondents.	Assignment For All Purposes: Hon. Paul P. Burdick

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1 TO RESPONDENTS CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE  
2 AND SECRETARY A.G. KAWAMURA:

3 WHEREAS, the Court has ordered on this date that a peremptory writ of mandate be issued  
4 from this Court,

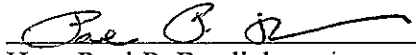
5 YOU ARE HEREBY ORDERED to immediately rescind the October 3, 2007, Notice of  
6 Exemption that is the subject of this action and set aside your determination that the aerial spraying  
7 Project at issue is exempt from CEQA under the statutory emergency and categorical exemptions.

8 Pursuant to Public Resources Code section 21168.9(b), YOU ARE HEREBY ORDERED  
9 to refrain from aerial spraying any pesticide or pheromone product in Santa Cruz County for the  
10 eradication of the light brown apple moth pursuant to an asserted CEQA exemption under Public  
11 Resources Code section 21080(b)(4) or California Code of Regulations, title 14, section 15308,  
12 until this writ is discharged.

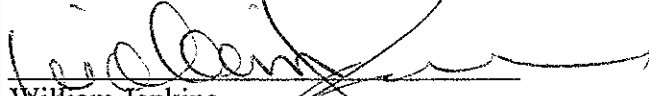
13 This Court will retain jurisdiction over Respondents' proceedings by way of a return to this  
14 peremptory writ of mandate until the Court has determined that Respondents have complied with  
15 it. Respondents are ordered to file a return to this writ no later than July 1, 2008.

16 Under Public Resources Code section 21168.9(c), this Court does not direct Respondents to  
17 exercise their lawful discretion in any particular way, including their discretion to determine the  
18 manner in which they comply with this writ upon remand.

19  
20 Dated: 5/12/08

  
21 Hon. Paul P. Burdick

22  
23  
24 WRIT APPROVED AS TO FORM:

25   
26 William Jenkins  
27 Deputy Attorney General  
28 **Attorney for Respondents**