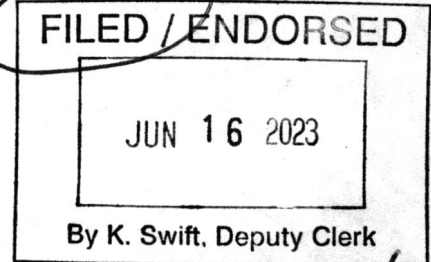


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14 *Ross, in her official capacity as Secretary of the*  
15 *California Department of Food and Agriculture, Dr.*  
16 *Tomás J. Aragón, in his official capacity as Director*  
17 *of the California Department of Public Health, and*  
18 *Rob Bonta, in his official capacity as Attorney*  
19 *General of California*

Exempt from filing fee per  
Gov. Code, § 6103



11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF SACRAMENTO

15 CALIFORNIA HISPANIC CHAMBERS  
16 OF COMMERCE; KRUSE & SON, INC.;  
17 CALIFORNIA GROCERS  
18 ASSOCIATION; CALIFORNIA  
19 RESTAURANT ASSOCIATION; and  
20 CALIFORNIA RETAILERS  
21 ASSOCIATION,

Petitioners and Plaintiffs,

22 v.

23 KAREN ROSS, in her official capacity as  
24 Secretary of the California Department of  
25 Food and Agriculture; TOMÁS J.  
26 ARAGÓN, in his official capacity as  
27 Director of the California Department of  
28 Public Health; ROB BONTA, in his official  
capacity as Attorney General of the State of  
California; and ANNE MARIE  
SCHUBERT, in her official capacity as the  
District Attorney of the County of  
Sacramento,

Respondents and Defendants.

Case No. 34-2021-80003765

**JOINT STIPULATION OF ALL  
PARTIES REQUESTING FURTHER  
LIMITED MODIFICATION OF  
FEBRUARY 2, 2022 JUDGMENT AND  
WRIT OF MANDATE**

Dept: 32  
Judge: The Honorable James Arguelles

Action Filed: November 10, 2021

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1 Sections 25990(b)(2) and 25991(e)(3) is not enforceable until 180 days after final regulations are  
2 enacted pursuant to Section 25993(a)” and further “enjoin[ed] Attorney General Bonta, District  
3 Attorney S[c]hubert, district attorneys statewide and city attorneys statewide from enforcing the  
4 prohibition on intrastate sales of whole pork meat (whether originating within or outside  
5 California) pursuant to Health and Safety Code Sections 25990(b)(2) and 25991(e)(3) until 180  
6 days after final regulations are enacted pursuant to Section 25993(a).” The Court “denie[d  
7 Petitioners’] request for a writ enjoining the same public prosecutors for a longer period of  
8 time[.]” (Judgment, ¶ 1; Prohibitory Writ of Mandate at 2.)

9 4. In its Judgment, the Court expressly retained jurisdiction over this matter “to modify  
10 the relief granted in light of changing circumstances.” (Judgment, ¶ 2.) Correspondingly, the  
11 Court included in its Order a provision permitting the parties to return to the Court “for any  
12 appropriate adjustment” to the 180-day period. (Feb. 2, 2022 Amended Final Order at 10.)

13 5. After this Court ruled, the United States Supreme Court granted certiorari in *National*  
14 *Pork Producers Council v. Ross* (March 28, 2022) 142 S. Ct. 1413, to determine whether  
15 petitioners National Pork Producers Council and American Farm Bureau Federation stated a  
16 claim that Proposition 12 violates the dormant Commerce Clause of the United States  
17 Constitution.

18 6. The State adopted final regulations implementing Proposition 12 on September 1,  
19 2022. (See Cal. Code Regs., tit. 3, §§ 1320-1327.3.) Those regulations took immediate effect,  
20 thereby triggering the start of the remaining 180 days of the injunction against enforcement that  
21 the Court granted in its Judgment and the Prohibitory Writ of Mandate. Accordingly, the  
22 injunction against enforcement was due to expire on February 28, 2023.

23 7. Whereas the injunction against enforcement was due to expire on February 28, 2023,  
24 and whereas *National Pork Producers Council v. Ross* was still pending before the U.S. Supreme  
25 Court and could have resulted in a decision that would generate controlling law that could have  
26 impacted Proposition 12’s implementation and enforcement, the parties stipulated to an extension  
27 of the Court’s initial injunction, from February 28, 2023 to July 1, 2023. The Court entered an  
28 order reflecting the parties’ stipulation on November 28, 2022, and continued to retain

1 jurisdiction over this matter to further modify the relief granted in light of changing  
2 circumstances.

3 8. The State has appealed the Court's decision in this matter, filing a Notice of Appeal  
4 on February 18, 2022, and initiating Case No. C095799 in the Third District Court of Appeal.  
5 However, on November 7, 2022, prior to filing any briefing on the merits, the State filed a request  
6 with the Court of Appeal asking that the appeal in this case be held in abeyance, which the  
7 Petitioners did not oppose. The Court of Appeal granted the State's request, in part, staying  
8 briefing in the matter until February 28, 2023, with a status update due to the Court by February  
9 1, 2023.

10 9. The State requested, and was granted, two additional stays in its pending appeal in the  
11 Third District Court of Appeal while *National Pork Producers Council v. Ross* was pending in  
12 the U.S. Supreme Court. At present, a status update is due to the Court on June 15, 2023, and  
13 briefing is due on July 3, 2023.

14 10. On May 11, 2023, the U.S. Supreme Court issued its decision in *National Pork*  
15 *Producers Council v. Ross*, upholding the constitutionality of Proposition 12.

16 11. The declaratory and injunctive relief against enforcement of the prohibition on  
17 intrastate sales of whole pork meat pursuant to Health and Safety Code Sections 25990(b)(2) and  
18 25991(e)(3), as imposed by the Court in its February 2, 2022, Judgment and Prohibitory Writ of  
19 Mandate, and as modified by the Court's November 28, 2022 Order, is set to expire on July 1,  
20 2023.

21 12. Following the U.S. Supreme Court's decision in *National Pork Producers Council v.*  
22 *Ross*, the California Department of Food and Agriculture (CDFA)'s Animal Care Program issued  
23 a guidance document entitled: *Guidance: Questions and Answers Related to Pork Sales in the*  
24 *Wake of the 2023 Supreme Court Decision.*<sup>1</sup> In that document, CDFA explained that, with  
25 respect to noncompliant whole pork meat in inventory that was purchased prior to July 1, 2023, it  
26  
27

28 <sup>1</sup> Available at: <[https://www.cdfa.ca.gov/AHFSS/AnimalCare/docs/sales\\_wakeofsupremecourt\\_decision.pdf](https://www.cdfa.ca.gov/AHFSS/AnimalCare/docs/sales_wakeofsupremecourt_decision.pdf)> (as of June 13, 2023).



1 did not intend to focus its limited implementation resources in the remainder of 2023 on covered  
2 products already in commerce:

3 **What do I do with noncompliant whole pork meat in inventory that was**  
4 **purchased prior to July 1, 2023?**

5 We recognize that current inventory is transient and as purchases of compliant  
6 products begin to be made after July 1, 2023, pork products in current stocks will  
7 eventually be cleared from freezers and retail stores in California. CDFA understands  
8 that there will necessarily be a period of transition. CDFA reiterates that for the  
9 remainder of 2023, we intend to focus our limited implementation resources, not on  
covered products already in commerce, but rather on 1) outreach to ensure that all  
distributors who are required to register do so; 2) accreditation of third-party  
certifying agents so that when third-party certification is required for producers and  
distributor registrations beginning on January 1, 2024, producers and distributors  
have more options; and 3) certification of producers and distributors.

10 In accordance with CDFA's guidance, THE PARTIES HEREBY STIPULATE AND  
11 AGREE AS FOLLOWS:

12 1. The declaratory and injunctive relief imposed by the Court in its February 2, 2022  
13 Judgment and Prohibitory Writ of Mandate, as modified by the Court's November 28, 2022  
14 Order, will expire on July 1, 2023, except with respect to noncompliant whole pork meat that:

- 15 a. as of July 1, 2023, is in the possession of an "end user" (Cal. Code Regs., tit. 3,  
16 § 1322, subd. (o)) or a "pork distributor" (*id.*, subd. (t)) or on the premises of an  
17 establishment at which mandatory inspection is provided under the Federal  
18 Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and that holds an  
19 establishment number (prefix "M") granted by the Food Safety Inspection  
20 Service of the United States Department of Agriculture ("federally-inspected  
21 entity");
- 22 b. is self-certified by the end user, pork distributor, or other federally-inspected  
23 entity to have been in their possession or was in the possession of another end  
24 user, pork distributor, or other federally-inspected entity as of July 1, 2023; and
- 25 c. is ultimately sold, transferred, exported, or donated on or before December 31,  
26 2023.


27 2. The stipulated injunction shall terminate, and the case shall be dismissed, with  
28 prejudice, at 11:59 p.m. on December 31, 2023, without further order of the court.

1           3.     Plaintiffs affirmatively waive any right to seek further relief against enforcement of  
2 Proposition 12 in this case.

3     Dated: June 15, 2023

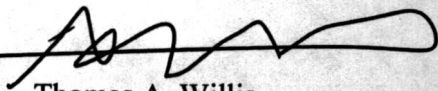
Respectfully Submitted,

4           ROB BONTA  
5           Attorney General of California  
6           R. MATTHEW WISE  
7           Supervising Deputy Attorney General

8           By:   
9                 Natasha Saggar Sheth  
10                Deputy Attorney General  
11                *Attorneys for State Respondents and*  
12                *Defendants*

11     Dated: June 15, 2023

OLSON REMCHO, LLP

13           By:   
14                 Thomas A. Willis  
15                *Attorneys for Petitioners and Plaintiffs*

16     Dated: June \_\_, 2023

OFFICE OF THE SACRAMENTO  
COUNTY COUNSEL


18           By:  
19                 Krista Whitman  
20                 Assistant County Counsel  
21                *Attorneys for Respondent and Defendant*  
22                Anne Marie Schubert

1           3.     Plaintiffs affirmatively waive any right to seek further relief against enforcement of  
2 Proposition 12 in this case.

3     Dated: June 15, 2023

Respectfully Submitted,

4           ROB BONTA  
5           Attorney General of California  
6           R. MATTHEW WISE  
7           Supervising Deputy Attorney General

8           By:   
9                 Natasha Saggar Sheth  
10                Deputy Attorney General  
11                *Attorneys for State Respondents and*  
12                *Defendants*


13     Dated: June \_\_, 2023

OLSON REMCHO, LLP

14           By:  
15                 Thomas A. Willis  
16                *Attorneys for Petitioners and Plaintiffs*

17     Dated: June 16, 2023

OFFICE OF THE SACRAMENTO  
COUNTY COUNSEL

18           By:  for  
19                 Krista Whitman  
20                Assistant County Counsel  
21                *Attorneys for Respondent and Defendant*  
22                Anne Marie Schubert

1 ~~PROPOSED~~ ORDER

2 Based on the foregoing, and good cause appearing, IT IS HEREBY ORDERED, in  
3 accordance with the parties' stipulation set forth above:

- 4 1. The declaratory and injunctive relief imposed by the Court in its February 2, 2022  
5 Judgment and Prohibitory Writ of Mandate, as modified by the Court's November  
6 28, 2022 Order, will expire on July 1, 2023, except with respect to noncompliant  
7 whole pork meat that:
- 8 a. as of July 1, 2023, is in the possession of an "end user" (Cal. Code Regs., tit. 3,  
9 § 1322, subd. (o)) or a "pork distributor" (*id.*, subd. (t)) or on the premises of an  
10 establishment at which mandatory inspection is provided under the Federal  
11 Meat Inspection Act (21 U.S.C. Sec. 601 et seq.) and that holds an  
12 establishment number (prefix "M") granted by the Food Safety Inspection  
13 Service of the United States Department of Agriculture ("federally-inspected  
14 entity");
- 15 b. is self-certified by the end user, pork distributor, or other federally-inspected  
16 entity to have been in their possession or was in the possession of another end  
17 user, pork distributor, or other federally-inspected entity as of July 1, 2023; and  
18 c. is ultimately sold, transferred, exported, or donated on or before December 31,  
19 2023.
- 20 2. The stipulated injunction shall terminate, and the case shall be dismissed, with  
21 prejudice, at 11:59 p.m. on December 31, 2023, without further order of the court.
- 22 3. Plaintiffs affirmatively waive any right to seek further relief against enforcement of  
23 Proposition 12 in this case.

24  
25 DATED: 16 Jun 2023



26 THE HON. JAMES P. ARGUELLES  
27 JUDGE OF THE SUPERIOR COURT  
28



**DECLARATION OF SERVICE BY E-MAIL**

Case Name: ***California Hispanic Chambers of Commerce, et al. v. Karen Ross, et al.***  
Case No.: **34-2021-80003765**

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar, at which member's direction this service is made. I am 18 years of age or older and not a party to this matter.

On June 16, 2023, I served the attached **JOINT STIPULATION OF ALL PARTIES REQUESTING FURTHER LIMITED MODIFICATION OF FEBRUARY 2, 2022 JUDGMENT AND WRIT OF MANDATE** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

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Aaron D. Silva, Esq.  
Deborah B. Caplan, Esq.  
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maysj@saccounty.gov

*Attorneys for Respondent Anne Marie  
Schubert, District Attorney of the County  
of Sacramento*

*Attorneys for Plaintiffs*

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on June 16, 2023, at San Francisco, California.

\_\_\_\_\_  
M. Mendiola  
Declarant

\_\_\_\_\_  
*M. Mendiola*  
Signature