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Supreme Court of California
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S271869

IN THE SUPREME COURT OF CALIFORNIA

CHEVRON U.S.A., INC., et al.

Plaintiffs and Respondents,

vs.

COUNTY OF MONTEREY, et al.

Defendants;

PROTECT MONTEREY COUNTY and DR. LAURA SOLORIO

Intervenors and Appellants.

After a Decision by the Court of Appeal
Sixth Appellate District, Case No. H045791
Appeal from a Judgment Entered in Favor of Plaintiffs
Monterey County Superior Court
Case No. 16-CV-3978 and consolidated cases
Honorable Thomas W. Wills, Judge

APPLICATION FOR LEAVE TO FILE AMICUS CURIAE BRIEF IN SUPPORT OF INTERVENORS AND APPELLANTS; PROPOSED BRIEF OF AMICUS CURIAE FORMER STATE SENATOR FRAN PAVLEY

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APPLICATION TO FILE BRIEF OF AMICUS CURIAE

TO THE HONORABLE CHIEF JUSTICE:

Proposed amicus curiae Former State Senator the Honorable Fran Pavley makes this application to file the accompanying brief in this case pursuant to California Rules of Court, Rule 8.520, subd. (f).[1]

The proposed amicus is currently the Environmental Policy Director for the USC Schwarzenegger Institute for State and Global Policy. Previously, she served 29 years in elected office in California, including 14 years in the California Assembly and the State Senate. Proposed amicus was a principal author for multiple climate bills and policies that directly relate to issues surrounding oil and gas drilling and production in this case, including California's 2002 Clean Car Standards (AB 1493 – known as the "Pavley law"), its landmark Global Warming Solutions Act of 2006 (AB 32), and its Global Warming Solutions Act of 2016: emissions limit (SB 32).

If adopted, Plaintiffs' interpretation of California law and policy would undermine significant ongoing state efforts to

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[1] Pursuant to California Rules of Court, Rule 8.520, subd. (f)(4), amicus confirms no party or counsel for any party in the pending appeal authored the proposed amicus brief in whole or in part, and no one other than amicus and their counsel of record made any monetary contribution intended to fund the preparation or submission of the brief.

address climate change and create substantial confusion. The proposed amicus has interest and expertise relevant to this Court's consideration of the relationship and effect of Measure Z on California policy related to oil and gas use and development, and the ability of the State to ensure its climate laws are effectively implemented.

As the proposed amicus may assist the Court through her extensive and unique experience, proposed amicus respectfully requests that this Court grant this application for leave to file an amicus curiae brief.

Dated: October 17, 2022

By: /s/ Noah Garrison

Noah Garrison
Counsel for *Amicus*
Former State Senator
Fran Pavley

[PROPOSED] AMICUS CURIAE BRIEF

I. Introduction

With the adoption of AB 32, the landmark Global Warming Solutions Act of 2006 (Nuñez/Pavley), California assumed the mantle of leadership in reducing greenhouse gas emissions in the United States. As the joint author of AB 32, as well as two other major pieces of climate-change legislation for California—AB 1493 (2002), the "Clean Car Bill" and SB 32 (2016), the "Emissions Limit" bill, which expanded on AB 32, amicus understands that California state policy does not encourage the development of oil and gas resources. Rather, as illustrated through multiple legislative acts and executive orders, often acting in concert, California has evinced a strong, clear policy aimed at reducing the demand, consumption, and ultimately production of oil in this state. This has culminated in the recent directive by Governor Gavin Newsom to phase out oil and gas production in California completely; as Governor Newsom stated, "California needs to move beyond oil." (Governor Gavin Newsom, press release regarding Action to Phase Out Oil Extraction in California, April 3, 2021 ("Phase Out Press Release").[2])

Measure Z, an initiative passed by voters in Monterey County that prohibits land uses that support new oil and gas

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[2] Available at <https://www.gov.ca.gov/2021/04/23/governor-newsom-takes-action-to-phase-out-oil-extraction-in-california/>

wells, supports California policy. But efforts to block Measure Z and to open California's lands to additional oil and gas drilling and production threaten the hard-fought progress California has made to address climate change. This court should reject Plaintiffs' claims, and recognize the important, legitimate role Measure Z plays in promoting California's clean energy future.

II. Discussion

A. Measure Z Furthers, Rather than Frustrates, the Legislature's Intent

For the better part of two decades, state policy and legislative acts codifying it have been aimed at reducing the demand, use, and ultimately, production of oil and gas in California. The Court of Appeals Opinion ("Opinion") found that Monterey County's "Measure Z" conflicts with section 3106 of the California Public Resources Code because it "ban[s] activities that section 3106 not only promotes and encourages, but also explicitly places the authority to permit in the hands of the State." (Opinion, at p. 16.) Plaintiffs go a step further in their briefs before this Court, claiming that section 3106 "mandates" that the state both maximize production and permit certain extraction methods and practices (See, e.g., Plaintiff Chevron U.S.A., Inc.'s Answering Brief, at p. 48; Plaintiff Eagle Petroleum, LLC's Answering Brief, at p. 37.)

Intervenors rightly point out in their Reply Brief that section 3106 does neither of these things. (See, e.g., Intervenor Protect Monterey County et al.'s Reply Brief ("Reply Brief") at pp.

17-20.). The Court of Appeals' and Plaintiffs' narrow focus on section 3106's call to "encourage" development of oil and gas resources, as well as on permitting authority, ignores not only that the statute calls for oil and gas development to be accomplished "wisely," but more pointedly that California state policy does not currently encourage oil and gas development at all. California instead articulates a clear policy to the contrary, calling in 2002 and 2006 for significant reductions in the use of fossil fuels, (See, e.g., AB 1493, codified at California Health and Safety Code, section 43018.5; AB 32, codified as Health and Safety Code sections 38500–38599 (Stats. 2006, ch. 488, § 1)), followed by, in 2021 and 2022, calling for the end of oil and gas development in the state entirely (See, e.g., Phase Out Press Release; Cal. Air Resources Bd., Draft 2022 Scoping Plan Update (May 10, 2022) ("2022 Scoping Plan").[3]) Rather than being thwarted by local government action, state policy relies on local government to ensure those aims are met.

This court should decline to view section 3106 in the same vacuum as Plaintiffs and the Court of Appeals. The iterative parade of legislative acts, executive orders, and state agency directives issued and adopted in the years since section 3106 was last visited encompass a broad, multi-sector, far reaching effort not to embrace oil and gas production, but to "move beyond" it.

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[3] Available at: <https://ww2.arb.ca.gov/sites/default/files/2022-05/2022-draft-sp.pdf>

1. Landmark California Laws and Policies Aim to Reduce Oil and Gas Use in California

a. California Law And Policy Have Addressed Emissions from Fossil Fuel Consumption in a Broad, Multi-Sector Approach For Twenty Years

On August 31, 2006, the California State Assembly passed Assembly Bill (AB) 32—the Global Warming Solutions Act of 2006. Signed into law by Governor Arnold Schwarzenegger one month later, the law made California the first state in the nation to place a cap on the emission of carbon dioxide and other greenhouse gases (GHGs), including those from automobile emissions, which result from combustion of fossil fuels. (*Golden Door Properties, LLC v. County of San Diego* (2018) 27 Cal. App. 5th 892, 895; Greenblatt, *Modeling California policy impacts on greenhouse gas emissions* (March 2015) 78 Energy Policy 158.[4]) Through AB 32, "our Legislature emphatically established as state policy the achievement of a substantial reduction in the emission of gases contributing to global warming" (*Center for Biological Diversity v. Dept. of Fish & Wildlife* (2015) 62 Cal. 4th 204, 215)—the long-term heating of the Earth's surface due to human activity, primarily fossil fuel burning, increasing carbon dioxide and other GHGs in the atmosphere.

Citing a host of risks that global warming posed to California, the Legislature stated

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[4] Available at: <https://doi.org/10.1016/j.enpol.2014.12.024>

> Global warming poses a serious threat to the economic well-being, public health, natural resources, and the environment of California. The potential adverse impacts of global warming include the exacerbation of air quality problems, a reduction in the quality and supply of water to the state from the Sierra snowpack, a rise in sea levels resulting in the displacement of thousands of coastal businesses and residences, damage to marine ecosystems and the natural environment, and an increase in the incidences of infectious diseases, asthma, and other human health-related problems.

(Cal. Health and Safety Code § 38501(a).) Governor Schwarzenegger touted AB 32's importance, stating, "[t]he success of our system will be an example for other states and nations to follow as the fight against climate change continues." (Lifsher and Rau, *State on Verge of Greenhouse Gas Restrictions*, Los Angeles Times (August 31, 2006).[5])

The Act called for an overall reduction in greenhouse gas emissions to 1990 levels by 2020. (Cal. Health and Safety Code § 38550.) Notably, AB 32 was preceded by Executive Order No. S-03-05 (June 1, 2005) from Governor Schwarzenegger, which established GHG reduction targets to 2000 levels by 2010, to 1990 levels by 2020 and to 80 percent below 1990 levels by 2050. (Sen. Rules Com., Off. of Sen. Floor Analyses, Analysis of Sen. Bill No. 32 (2015–2016 Reg. Sess.) as amended Aug. 19, 2016, p. 4.). Among other standards, AB 32 then codified the mid-level

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[5] Available at: <https://www.latimes.com/archives/la-xpm-2006-aug-31-fi-warm31-story.html>

target, to reach 1990 levels by 2020, demonstrating the synergy that often occurs between executive orders and legislative acts in the environmental sphere, a practice that continues today.[6]

AB 32 tasked the California Air Resources Board (CARB or Air Board) with developing a Scoping Plan or road map for the state to achieve the "maximum technologically feasible and cost-effective" reductions in GHG emissions by 2020. (*Center for Biological Diversity, supra*, 62 Cal. 4th at pp. 215-16; Health and Safety Code §§ 38550; 38560) As CARB explains, "[t]he full implementation of AB 32 will help mitigate risks associated with climate change, while improving energy efficiency, expanding the use of renewable energy resources, cleaner transportation, and reducing waste." (CARB, *AB 32 Global Warming Solutions Act of 2006* (September 28, 2018).[7])

Eighty-five percent of total GHG emissions in the U.S. are the result of fossil fuel combustion, a number that has held relatively stable since at least 1990. (See, U.S. Global Change Research Program, Impacts, Risks, and Adaptation in the United States, Fourth National Climate Assessment, Vol. II (2018), at p. 60[8]; U.S. EPA, Inventory of U.S. Greenhouse Gas Emissions and

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[6] See, e.g., discussion of Senate Bill (SB) 32 (2016) and Executive Order No. B-30-15 (April 29, 2015), below.

[7] Available at <https://ww2.arb.ca.gov/resources/fact-sheets/ab-32-global-warming-solutions-act-2006> (as of October 10, 2022).)

[8] Available at: <https://nca2018.globalchange.gov/downloads/NCA4_2018_FullReport.pdf>

Sinks: 1990-2020, EPA 430-R-22-003 (2022) at 2-11 to 2-13.[9]) A total of 186.5 million metric tons of carbon dioxide equivalents ($MMTCO_2E$) were emitted in the transportation sector of California in 2006 when AB 32 was adopted, marking it as the state's largest contributor to GHG emissions. (See, CARB, California Greenhouse Gas Emissions for 2000 to 2019: Trends of Emissions and Other Indicators (July 28, 2021).[10]) The vast majority of these emissions, 169.6 $MMTCO_2E$, were from on-road vehicles in the state, 156.6 $MMTCO_2E$ or 92 percent of which were the result of gasoline and diesel fuel combustion. (2000-2019 Emission Data, at Figs 5-7.) Almost by definition, the Legislature's direction to reduce emissions below 1990 levels required it to cut fossil fuels.

The State Air Board reached this same conclusion; CARB's 2009 Scoping Plan articulated that the state's approach to addressing global warming in California "*represents a concerted and deliberate shift away from fossil fuels* toward a more secure and sustainable future." (Cal. Air Resources Bd., Climate Change Scoping Plan (Dec. 2008) Executive Summary, at p. ES-2, italics

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[9] Available at <https://www.epa.gov/system/files/documents/2022-04/us-ghg-inventory-2022-main-text.pdf>

[10] Available at <https://ww2.arb.ca.gov/sites/default/files/classic/cc/inventory/2000_2019_ghg_inventory_trends_20220516.pdf>. Data taken from 2000–2019 GHG Emissions Trends Report Data (updated May 16, 2022) ("2000-2019 Emission Data"), at Figs. 5-7, available at: <https://ww2.arb.ca.gov/sites/default/files/classic/cc/inventory/2000_2019_ghg_inventory_trends_figures_20220516.xlsx>

added (2009 Scoping Plan).[11]) Far from encouraging oil and gas development, under AB 32 the State moved to actively curtail it.

The implications of a state policy renouncing oil and gas were not lost on the oil and gas producers themselves. Well aware that AB 32 represented an unambiguous state policy to reduce use and production of oil and gas, producers went to extreme lengths to eradicate it. In 2010, private individuals launched a campaign for a ballot measure known as Proposition 23, which would have suspended operation of AB 32 until unemployment in the state fell below 5.5% for four consecutive quarters. This condition had been met in California only three times since 1980. (Brownstein, California's New Energy Divide (July 2, 2010) National Journal.[12]) The ballot measure was billed by proponents as the "California Jobs Initiative," but quickly became known as the "Dirty Energy Proposition" due to its support and financing from major oil and gas companies. (Khan, *Sparks Fly on Climate Change as Californians Oppose Prop 23* (October 25, 2010) ABC News.[13])

Valero Energy Corporation and Tesoro Corporation, both Texas-based oil companies, along with other oil and gas operators

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[11] Available at: <https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/document/adopted_scoping_plan.pdf>
[12] Available at: < https://tinyurl.com/yc7r7nts>
[13] Available at <https://abcnews.go.com/Politics/vote-2010-election-proposition-23-californias-global-warming/story?id=11966185> [as of October 10, 2022]

and the National Petrochemical and Refiners Association, donated some $9 million to the campaign—more than 85% of the total contributions received in support.[14] Recognizing the drive as an attempt by producers to frustrate state policy to their own ends, Governor Schwarzenegger responded: "[t]he effort to suspend AB 32 is the work of greedy oil companies who want to keep polluting our state and making profits." (Whitcomb, *California may vote to freeze landmark climate law* (May 3, 2010) Reuters.[15])

The Legislature then made clear its intent to reduce the use and production of fossil fuels in California by doubling down on its support for the State Air Board with the adoption of Senate Bill (SB) 32 (Pavley)—the Global Warming Solutions Act of 2016: emissions limit. (Codified at Health and Safety Code § 38566.) Following CARB's declaration that state policy was to "deliberate[ly] shift away from fossil fuels," in the 2009 Scoping Plan, the Legislature charged the agency with building on previous efforts. Stating that "[c]ontinuing to reduce greenhouse gas emissions is critical for the protection of all areas of the state," (See, stats. 2016 ch. 249 § 1(c).) SB 32 requires that CARB

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[14] Data taken from California Secretary of State, Power Search Campaign Finance Database, available at: https://powersearch.sos.ca.gov/quick-search.php [search conducted October 6, 2022.]

[15] Available at: <https://www.reuters.com/article/us-climate-california/california-may-vote-to-freeze-landmark-climate-law-idUSTRE64303220100504>

"shall ensure that statewide greenhouse gas emissions are reduced to at least 40 percent below [1990 levels] no later than December 31, 2030."[16] (Health and Safety Code § 38566.) It was a directive the Legislature called "more stringent," (Stats. 2016 ch. 249 § 1(d).), and following CARB's push to shift away from oil and gas, unequivocally demonstrated Legislative intent to do just that.

To that end, SB 32 will reduce the demand for and use of oil and gas in California. CARB's analysis conducted for its 2017 Scoping Plan demonstrates that fossil fuel demand in California will decrease by more than 45 percent by 2030; California will use less gas and diesel fuel at the Legislature's direction. (Cal. Air Resources Bd., California's 2017 Climate Change Scoping Plan (November 2017) Executive Summary, p. ES 8.[17])

b. California Has Called for a Reduction of Oil and Gas Use In Specific Sectors Since 2022.

Even by 2002, California had begun passing laws targeting fossil fuel emissions across sectors contributing the largest share of GHGs. Recognizing that motor vehicles were "responsible for

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[16] Similar to AB 32 serving to codify previous Executive Order S-03-05 by Governor Schwarzenegger, SB 32 codified targets that had been included in Executive Order No. B-30-15 (April 29, 2015) by Governor Jerry Brown, which called for reducing GHG emissions to 40 percent below 1990 levels by 2030.

[17] Available at: <https://ww2.arb.ca.gov/sites/default/files/classic/cc/scopingplan/scoping_plan_2017.pdf>

approximately 40 percent of the total greenhouse gas pollution in the state," the Legislature passed AB 1493 (Pavley) in 2002. (See, stats 2002, ch. 200 § 1(e).) It tasked CARB with developing and adopting greenhouse gas limits for vehicles by January 1, 2005. (Health and Safety Code § 43018.5(a).)

In 2002, 93 percent of on-road emissions in California were the result of fossil fuel combustion. (2000-2019 Emissions Data, at Figs 5-7.) Similar to the effect of AB 32 on motor vehicles, reducing emissions from this sector to meet California's climate goals would necessarily result in a reduction in the use, of oil and gas.

California has steadfastly pursued emissions from this sector arising from fossil fuels. For example, in 2012, Governor Jerry Brown signed Executive Order B-16-12, instructing California agencies to "facilitate the commercialization of zero-emission vehicles" and, among other targets, set a goal of 1.5 million zero emission vehicles on the road in California by 2025. (Governor's Exec. Order No. B-16-12 (March 23, 2012).) Governor Brown noted that the increase in "clean, efficient vehicles will annually displace at least 1.5 billion gallons of petroleum fuels." Building on this mandate, Governor Gavin Newsom signed Executive Order N-79-20 in 2020, which set a goal of eliminating new petroleum-fueled car and truck sales entirely by 2035. Governor Newsom explicitly pointed out the effect California policies have had on oil production, stating "California's policies have contributed to an on-going reduction in in-state oil

extraction, which has declined by over 60 percent since 1985." (Governor's Exec. Order No. N-79-20 (September 23, 2020.)

c. California Recently Called for the Complete Phasing-Out of Oil and Gas Production.

Any remaining doubt regarding California's policy objectives regarding the demand, use, and production of oil and gas have been emphatically resolved over the last five years, culminating in the charge from Governor Newsom, subsequently adopted in state guidance, to phase out the production of oil and gas in the state altogether. On April 23, 2021, Governor Newsom directed state agencies to stop issuing new fracking permits within three years and phase out oil and gas drilling entirely by 2045. (Phase Out Press Release.) Proclaiming, "California needs to move beyond oil," Governor Newsom directed CARB to evaluate possible approaches to phasing out oil and gas production through the AB 32 Scoping Plan. As Governor Newsom stated, "[i]nclusion of the target in the Scoping Plan means that phasing out oil extraction becomes a part of California's blueprint to achieve economy-wide carbon neutrality by 2045." (Phase Out Press Release.)

On May 10, 2022, CARB released its Draft 2022 Scoping Plan Update. The 2022 Plan notes that some residual fossil fuel use is likely to continue in California, for example, from on-road vehicles. (See, e.g., 2022 Scoping Plan at p. 78.) But it also flatly states that "[t]he path forward must include ending dependence

on petroleum to achieve both air quality and climate goals." (*Ibid.*) It points out that "the total oil extracted in California peaked at 402 million barrels in 1986. Since then, California crude production has decreased . . . to about 200 million barrels in 2020." (*Id.* at 80.) From this point, even with some remaining fuel used by on-road vehicles, "with successful deployment of zero carbon fuels and non-combustion technology to phase down petroleum demand, the [remaining] oil and gas extraction GHG emissions could be reduced by approximately 85 percent in 2045 from 2020 levels." (*Id.* at p. 79.) California is focused on reducing its "dependency on petroleum to provide consumers with clean energy options that address climate change, improve air quality, and support economic growth and clean sector jobs." (*Id.* at p. i.)

2. CalGEM's Mission has Evolved Since Public Resources Code Section 3106 Was Adopted

Section 3106 was enacted in 1939 and subsequently amended in 1961 and again in 1972, at which time language stating: "[t]o best meet oil and gas needs in this state, the supervisor shall administer this division so as to encourage the wise development of oil and gas resources" was added. (Pub. Res. Code § 3106(d).) The Court of Appeals then interpreted that, "Section 3106 identifies the State's *policy* as '*encourag[ing]* the wise development of oil and gas resources,' and expressly provides that the State will supervise the drilling of oil wells 'so as to *permit*' the use of '*all*' practices that will increase the recovery of oil and gas." (Opinion at p. 9 (italics added by Court of Appeal).)

In addition to failing to acknowledge the broad range of California laws and policies adopted since section 3106 was enacted, the Court of Appeal's formulation ignores the subsequent evolution of the Public Resources Code. In 2019, the Legislature added section 3011 to the Resources Code through the adoption of AB 1057. (Among other actions, codified at Pub. Res. Code § 3011.) Section 3011 directs the supervisor responsible for managing the California Geologic Energy Management Division (CalGEM), "to coordinate with other state agencies . . . in furtherance of the goals of the California Global Warming Solutions Act of 2006 [AB 32] and to help support the state's clean energy goals." (Pub. Res. Code § 3011.) CalGEM's mandate, if any, is to reduce emissions stemming from oil and gas, not to encourage its development.

3. Local Government Action is Critical to State Efforts to Address Climate Change, it does not Frustrate State Efforts.

The Court of Appeals and Plaintiffs both hold that Measure Z is preempted by section 3106, in part because while it "'encourage[s] the wise development of oil and gas resources'" the statute "makes no mention whatsoever of any reservation to local entities of any power to limit the State's authority to permit well operators." (See, e.g., Opinion, at pp. 9-10.) Intervenors and other *amici* have both excellently demonstrated that this reasoning concerning local government action generally, and Measure Z specifically, is inapposite. (See Intervenors' Reply, at pp. 31-35.). But separate and in addition to those arguments, state policy

again invites, if not outright relies, on local government action to meet its climate goals, including through their "primary authority to plan, zone, approve, and permit how and where land is developed." (Scoping Plan, at p. 27.) As CARB noted:

> Local governments are essential partners in achieving California's goals to reduce greenhouse gas emissions. They have broad influence and, in some cases, exclusive authority over activities that contribute to significant direct and indirect greenhouse gas emissions through their planning and permitting processes, local ordinances, outreach and education efforts, and municipal operations. Many of the proposed measures to reduce greenhouse gas emissions rely on local government actions.

(2009 Scoping Plan, at 26; see also, *Center for Biological Diversity, supra*, 62 Cal. 4th at pp, 229-30, finding:

> Although transportation accounts for almost 40 percent of the state's greenhouse gas emissions . . . the Scoping Plan does not propose statewide regulation of land use planning but relies instead on local governments. . . . The Scoping Plan encourages local jurisdictions to develop " 'climate action plans' " or greenhouse gas " 'emissions reduction plans' " for their geographic areas."

The state's policy here encourages local government action to reduce emissions, and Measure Z is critical to that effort.

CONCLUSION

Measure Z does not conflict with section 3106 or the state's overall policy, which encourages the reduction and phasing out—not maximum development—of oil and gas in California. Amicus respectfully suggests that this Court the judgment below and remand for consideration of issues not yet addressed

Dated: October 17, 2022

By: /s/ Noah Garrison

Noah Garrison
Counsel for *Amicus*
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Fran Pavley

CERTIFICATE OF COMPLIANCE

(California Rules of Court 8.204(c)(1))

I hereby certify, pursuant to Rule 8.204(c)(1) of the California Rules of Court, the enclosed brief of a*micus curiae* Former State Senator Fran Pavley contains 3,452 words, not including tables of contents and authorities, the signature block, and this certificate, as counted by Microsoft Word, the computer program used to prepare this brief.

Dated: October 17, 2022

By: /s/ Noah Garrison

Noah Garrison
Counsel for *Amicus*
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Fran Pavley

PROOF OF SERVICE

CHEVRON U.S.A., INC., ET AL,. Plaintiffs and Cross-Appellants, vs. COUNTY OF MONTEREY, ET AL. Defendants and Cross-Respondents; PROTECT MONTEREY COUNTY and DR. LAURA SOLORIO, Intervenors, Appellants, and Cross-Respondents.

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen and am not a party to the within action; my business address is 2677 Centinela Ave, Unit 310, Santa Monica, CA 90405. On October 17, 2022, I served true copies of the following document(s) described as:

APPLICATION FOR LEAVE TO FILE AMICI CURIAE BRIEF IN SUPPORT OF INTERVENORS AND APPELLANTS; PROPOSED BRIEF OF AMICUS CURIAE FORMER STATE SENATOR FRAN PAVLEY

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On September 16, 2022, I also served a true copy of the above referenced document on the parties in this action as follows:

Hon. Thomas W. Wills
Courtroom 8
Monterey County Superior Court
240 Church Street
Salinas, CA 93901

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

Executed on October 17, 2022 at Santa Monica, California.

/s/ Noah Garrison
Noah Garrison

Supreme Court of California
Jorge E. Navarrete, Clerk and Executive Officer of the Court
Electronically FILED on 10/19/2022 by Robert Toy, Deputy Clerk

STATE OF CALIFORNIA
Supreme Court of California

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Case Number: **S271869**
Lower Court Case Number: **H045791**

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

10/17/2022

Date

/s/Noah Garrison

Signature

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