SUPERIOR COURT OF CALIFORNIA

COUNTY OF SACRAMENTO

DATE / TIME JUDGE	August 3, 2020 James P. Arguelles	DEPT. NO. CLERK	17 Slort
STOP QIP TAX COALITION, Plaintiff/Petitioner, v. CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, and DOES 1 through 100, inclusive, Defendants/Respondents, and CLOVERDALE DAIRY, LLC et al., Defendants/Respondents in Intervention.		Cases No.: 34-2019-80003273	
Nature of Proceedings:	Petition for Writ of Mandate and Complaint for Declaratory Relief – Final Ruling		

The petition for writ of mandate is DENIED.

The duplicative claims for declaratory relief are DISMISSED.

Petitioner Stop QIP Coalition's (Petitioner) objections to the Giacomazzi and Raudabaugh declarations are overruled. The balance of Petitioner's evidentiary objections are sustained.

The parties' requests for judicial notice are unopposed and granted.

Petitioner's request for leave to file a response to an amicus brief filed on July 2, 2020 is granted. The court has received the response, which is attached to Petitioner's request filed on July 13, 2020.

Introduction

This case presents a question of statutory interpretation. The California Legislature enacted the statute in question in 2017, when California dairy farmers decided to replace almost entirely the state's milk marketing and pooling scheme with an FMMO promulgated by the United States Department of Agriculture (USDA). The dairy farmers (sometimes "producers") opted for the FMMO to take advantage of generally higher pricing on raw milk. Most producers, however, did not want to abandon "quota," which under pre-existing state law was a transferable financial asset entitling producers holding it to premium prices from milk processors (sometimes "handlers" or "distributors"[1]). Respondent CDFA administered and enforced quota and continues to do so today.

The parties in this case hotly dispute the equities of the quota system. The merits of quota, though, are not for the court to resolve. The issue for decision is whether, after the California FMMO took effect, CDFA was authorized to establish a stand-alone quota program without first holding one or more hearings prescribed under the old legislative scheme. The answer to that question is "no."

Background

California's milk-pooling scheme is codified in Food and Agricultural Code[2] Section 62700 *et seq.* Few courts have been required to write about this scheme. In *Ponderosa Dairy v. Lyons* (9th Cir. 2001) 259 F.3d 1148,[3] the Court of Appeals provided the following summary:

> California has operated a unique milk price stabilization and marketing program since the 1930's. The program classifies milk products into five categories: Class 1 includes fluid products such as the several varieties of milk; Class 2 includes yogurt, cottage cheese and heavy cream; Class 3 includes frozen milk products; Class 4a includes butter and non-fat dry milk; and Class 4b includes cheeses. The program establishes minimum prices for raw milk depending upon the class of product for which the milk will be used. The program was created to address destructive trade practices that resulted because processors that predominantly made Class 1 products could afford to pay more for raw milk than could processors making other classes of products.
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> The California legislature enacted the Gonsalves Milk Pooling Act of 1967 to address market disparities that resulted from the existing price stabilization and marketing

[1] See Food and Agricultural Code Section 62723(a).

[2] Further statutory references are to the Food and Agricultural Code unless otherwise specified.

[3] The United States Supreme granted certiorari in *Ponderosa Dairy* and vacated the judgment on grounds not pertinent to the case at bench. (See *Hillside Dairy, Inc. v. Lyons* (2003) 539 U.S. 59, 156 L. Ed.2d 54, 123 S. Ct. 2142.)

program. California's pooling plan seeks to eliminate pricing inequalities by pooling the revenues generated by the sale of raw milk and redistributing the revenues among all producers according to a blended price that is based on milk usage across the state regardless of the use for which a particular producer's milk is purchased. At the same time, the minimum prices that are used to calculate each processor's obligation to the pool for raw milk ("pool obligation") vary according to the end-product produced. Accordingly, Class 1 processors typically have a larger pool obligation than do processors of other end products. In sum, the pooling system reduces the competition among dairy farmers for contracts with Class 1 processors and reduces the incentives Class 1 processors have to extract concessions from the dairies that supply their milk.

The pooling plan redistributes the pooled revenues according to a quota system that includes both a quota and an over-base price. California producers are allocated quota share based upon their historic Class 1 milk production. Quota shares can also be purchased from other producers. Owning quota is beneficial because quota price exceeds overbase price by $ 1.70/hundredweight and producers are paid at quota price for milk contributed to the pool up to the amount of quota shares they own. The lesser, overbase price is paid for milk contributed to the pool in excess of quota. Consequently, many producers have elected to purchase quota shares in order to maximize the price they receive for their raw milk.

Each month, the California Department of Food and Agriculture calculates the gross amount each processor owes its various producers. Processors are authorized to subtract from the gross amounts certain deductions such as transportation and regional quota allowances. Where the total value of milk that a processor uses is greater than the amount the processor owes its producers, the processor pays the difference into the pool equalization fund. Conversely, a processor is paid from the pool equalization fund when the total amount the processor owes its producers exceeds the value of the milk it used.

(*Ponderosa Dairy*, pp. 1151-1152, emphasis added, footnotes omitted.) When the Gonzalves Milk Pooling Act of 1967 (Act) became law, it authorized CDFA's director[4] to propose a pooling plan with the assistance of a "formulation committee." (See § 62704 ["He shall appoint fluid milk producers, and representatives of producers, to be the members and alternate members of a formulation committee, reasonably representative of all producers and areas to be included in the proposed pooling plan, which committee shall advise and assist the director in the establishment of the proposed pooling plan area and in the formulation of the proposed pooling plan"].) Items within the pooling plan necessarily included the establishment of one or more pools, production and class 1 usage bases, allocations and adjustments of quota, the

[4] The head of CDFA is now its "secretary." (See *Delano Farms Co. v. California Table Grape Com.* (2018) 4 Cal.5th 1204, 1217, fn. 6.) As used in this ruling, the terms "director" and "secretary" have the same meaning.

transferability of quota among producers, and "[a]ny and all other matters necessary and desirable to effectuate the provisions of th[e] chapter." (§ 62707.)

The Act required the director to hold "one or more public hearings" at which the proposed pooling plan was considered. (§ 62705.) Procedures governing these hearings were set forth elsewhere. (See § 61994 [describing the manners in which notice of hearings could be given]; § 61995 ["At the hearing, interested parties shall be heard and records kept of the proceedings of such hearing for determination by the director whether the plan proposed will accomplish the purposes of this chapter"]; see also 3 C.C.R. § 2080.4 [providing detailed hearing requirements].) Pursuant to Section 62716, the director then submitted the proposed pooling plan to producers for their approval in a statewide referendum. Thereafter, the director was entitled to amend or terminate the pooling plan after notice and hearing. (See § 62717; 3 C.C.R. §§ 2080.3(a), 2080.4.)

The Act also required the director to appoint a producer review board (PRB) "composed of no less than 12 members to advise him in the administration of the pool plan." (§ 62719.) The PRB members "shall have proportionate representation to all areas of the state, with due regard to the relative production and usage of fluid milk in the various areas of the state." (*Id.*) The director was also entitled to appoint one additional "public member," based on nomination from the PRB, to "represent the interests of the general public." (*Id.*)

The Legislature anticipated that the pooling plan might be replaced at some point with an FMMO. Section 62726 automatically suspends California's milk-pooling provisions to the extent they are inconsistent with or duplicative of an established FMMO. Section 62728 then requires the director to terminate any inconsistent or duplicative pooling plan altogether:

> The director shall terminate any pooling plan in effect in any marketing area without notice or hearing at any time that there ceases to be a stabilization and marketing plan in force and effect in such marketing area, establishing minimum prices to be paid to producers, unless minimum prices payable by distributors to producers for fluid milk in such marketing area are subject to a federal milk marketing agreement or order which is not in conflict with, or in duplication of, the pooling plan.[5]

In 2015, three major dairy cooperatives asked USDA to establish an FMMO for California. USDA responded in 2017 by proposing an FMMO, subject to California producers' approval, to supplant California's pooling plan -- except with respect to quota. (See Petitioner's RJN, Exh. 112.) USDA proposed allowing CDFA to continue administering and enforcing quota as a "stand-alone program." (See *id.*, Exh, 112, p. 782.)

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[5] In the 1990's, the Legislature created a new chapter in the statutory scheme that dictated certain pricing, including pricing on quota. (See § 62750, 62750.1.) Provisions in this chapter contain their own suspension provisions. (See §§ 62750, 62751 *et seq.*) Petitioner does not argue that these pricing or suspension provisions impact the outcome of this proceeding.

CDFA was concerned that litigation would ensue if it attempted to administer quota once the FMMO took effect. As a result, CDFA sponsored state legislation granting it authority to establish a stand-alone quota program in conjunction with the FMMO. The proposal was enacted into law with no amendments and, apparently, without much legislative scrutiny. The new law was codified in Section 62757 and reads:

> (a) If a federal milk marketing order is established in California, the secretary is authorized to establish a stand-alone quota program, the details of which shall be included in the pooling plan. The stand-alone quota program may be funded by an assessment on milk produced in the state.
>
> (b) The secretary may require handlers, including cooperative associations acting as handlers, to make reports necessary for the operation of the stand-alone quota program.
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> (c) The stand-alone quota program shall be pursuant to a recommendation by the review board established pursuant to Section 62719 and approved by a statewide referendum of producers conducted pursuant to Sections 62716 and 62717. (Underlining omitted.)

Section 65757 took effect in June 2017. Around the same time, the PRB held the first of several public meetings to discuss a stand-alone quota program. These meetings followed procedures under the Bagley-Keene Open Meeting Act, Government Code Sections 11120-11132. In September 2017, after receiving public comments and making revisions, the PRB forwarded a draft quota implementation plan (QIP) to CDFA's secretary. CDFA then mailed ballots for a producer referendum on the draft. Sixty-six percent of all producers participated, and 87 percent of the participants voted in favor of the QIP. After producers approved the FMMO by separate referendum, both the FMMO and the QIP took effect in November 2018.

Under the QIP, producers receive the price for quota that they received previously, and quota remains a transferrable asset. Other provisions in the QIP are new.

CDFA concedes that the hearings it held when drafting the QIP were not pursuant to pre-existing regulations.

Petitioner describes itself as an association of producers holding no quota or minimal quota. Pursuant to Code of Civil Procedure Section 1085, Petitioner seeks a writ invalidating the QIP on the ground that CDFA failed to hold hearings conforming to specified requirements. CDFA and the Intervenors[6] oppose and argue that Section 62757 did not incorporate such requirements.

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[6] The court granted the following parties leave to intervene: Cloverdale Dairy, LLC; Cuoco Creek Dairy, Inc.; De Jager Farms South; Double D. Dairy; Dover Dairy Farms; DYT Dairy; Fagundes Dairy; Felicita Dairy; Frank J. Borges Dairy; Goyenetche Dairy; McClelland's Dairy; Migliazzo & Sons Dairy; Milky Way Dairy – Visalia; Tillema Farms; Van Exel Dairy; Vierra Dairy Farms; and Vista Verde Dairy.

Although the petition contains (duplicative) declaratory relief claims, Petitioner's briefing makes no mention of them.

Legal Standards

> "'A traditional writ of mandate under Code of Civil Procedure section 1085 is a method for compelling a public entity to perform a legal and usually ministerial duty. [Citation.] The trial court reviews an administrative action pursuant to Code of Civil Procedure section 1085 to determine whether the agency's action was arbitrary, capricious, or entirely lacking in evidentiary support, contrary to established public policy, unlawful, procedurally unfair, or whether the agency failed to follow the procedure and give the notices the law requires.'"

(*Vallejo Police Officers Assn. v. City of Vallejo* (2017) 15 Cal.App.5th 601, 611.)

The rules of statutory construction are well-established. The court's "'primary task is to ascertain the Legislature's intent so as to effectuate the purpose of the law[,]'" according a "'reasonable and commonsense interpretation consistent with the Legislature's purpose.'" (*Department of Corrections & Rehab. v. Workers' Comp. Appeals Bd.* (2018) 27 Cal.App.5th 607, 618.) The court first considers the words in the statute and "'give[s] effect to the statute according to the usual, ordinary import of the language used in framing it.'" (*Id.*) "'When the language is clear and there is no uncertainty as to the legislative intent, [the court] look[s] no further and simply enforce[s] the statute according to its terms.'" (*Id.*) "If, however, the language is susceptible to more than one reasonable interpretation, then [the court] look[s] to 'extrinsic aids, including the ostensible objects to be achieved, the evils to be remedied, the legislative history, public policy, contemporaneous administrative construction, and the statutory scheme of which the statute is a part.'" (*Hoechst Celanese Corp. v. Franchise Tax Bd.* (2001) 25 Cal.4th 508, 519.)

Discussion

Section 62757 authorizes CDFA's director to establish a stand-alone quota program. The word "hearing" does not appear in the text of this section. Petitioner nonetheless construes Section 62757 as encompassing hearing requirements appearing elsewhere in the statutory scheme. Specifically, Petitioner points out that Section 62757(c) cites Sections 62716 and 62717: "The stand-alone program shall be ... approved by a statewide referendum of producers conducted pursuant to Sections 62716 and 62717." In Petitioner's view, the citation to Sections 62716 and 62717 was intended to incorporate the hearings referenced in those sections. The court, however, disagrees.

Section 62716 reads, in its entirety:

> Following the required hearing, the director shall submit the pooling plan to producers concerned for their approval or disapproval in a statewide referendum.

The approval or disapproval of individual producers voting in this referendum shall be kept confidential.

Each producer shall have one vote and such vote shall be individually cast so that there will be no block voting. The director shall prepare a ballot. The ballot form shall be substantially as follows:

Ballot.

Shall the proposed pooling plan be made effective?
Yes..... No.....

In addition, the ballot shall include a statement of the voter's total production during the calendar month next preceding the month of the commencement of the referendum period, where and to whom such production was sold or otherwise disposed, and the producer's name and address.

The director may reveal the names of producers whose votes have been received to both proponents and opponents of the plan.

The referendum shall be set for a period of 60 days. The director may at his own discretion or upon a proper showing, extend the referendum for a period not to exceed 30 days.

The text thus distinguishes between the hearing that precedes the referendum and the referendum itself. The referendum is the confidential vote to approve or disapprove a proposed pooling plan. The hearing occurs beforehand pursuant to procedures outlined in Section 62705. Section 62757, however, does not refer to Section 62705.

Section 62717 further describes the referendum process:

If the director finds that producers on a statewide basis have assented in writing to the proposed pooling plan submitted to them for assent, the director shall place the proposed pooling plan into effect. The director shall find that producers have assented to the plan if he finds on a statewide basis that not less than 51 percent of the total number of eligible producers in the state shall have voted in the referendum and finds one of the following:

(a) Sixty-five percent or more of the total number of eligible producers who voted in the referendum who produced 51 percent or more of the total amount of fluid milk produced in the state during the calendar month next preceding the month of the commencement of the referendum period by all producers who voted in the referendum approve the plan.

(b) Fifty-one percent or more of the total number of eligible producers who voted in the referendum who produced 65 percent or more of the total amount of fluid milk produced in the state during the calendar month next preceding the month of the commencement of the referendum period by all producers who voted in the referendum, approve the plan.

Section 62717 then describes pooling plan amendments:

> The director may amend the plan, after notice and public hearing has been given in the same manner as is provided in Chapter 2 (commencing with Section 61801) for stabilization and marketing plans, if he finds that the amendment is necessary to effectuate the purposes of this chapter. After the hearing, the director, upon his own motion, may make nonsubstantive amendments to the plan. The director may make substantive amendments to the plan only if producers assent to the proposed amendments at a referendum conducted in the same manner and in the same number as provided for the referendum approving the pooling plan. (Underlining omitted.)

Like Section 62716, these provisions distinguish hearings from referendums. And again, although Section 62717 cites other sections that describe hearings, Section 62757 does not cite such other sections.

The court in *Lewis v. Clarke* (2003) 108 Cal.App.4th 563 rejected an argument like the one Petitioner advances. The question in *Lewis* was whether Penal Code Section 1203.4, subdivision (c) incorporated a hearing requirement in Penal Code section 987.8. At the time *Lewis* was decided, Penal Code Section 1203.4(c) required persons petitioning to change a plea or set aside a verdict to reimburse the jurisdiction for services rendered, subject to an ability to pay: "Ability to make this reimbursement shall be determined by the court using the standards set forth in paragraph (2) of subdivision (g) of Section 987.8[.]" (*Lewis*, p. 569.) Penal Code Section 987.8, in turn, governs a criminal defendant's duty to reimburse for legal assistance. Penal Code Section 987.8(b) requires a hearing to determine the defendant's ability to pay for legal assistance. Subdivision (g)(2), in turn, enumerates factors informing the ability to pay. Subdivision (g)(2) contains references to the hearing required under subdivision (b), but it does not expressly impose a hearing requirement. Penal Code Section 987.8(g)(2) only enumerates standards for use at the hearing required under subdivision (b).

The *Lewis* court held that the incorporation of Penal Code Section 987.8(g) into Penal Code Section 1203.4(c) did not import the hearing requirement in Penal Code Section 987.8(b):

> Penal Code section 987.8, subdivision (b) requires "notice and a hearing" before a court determines a defendant's ability to pay for legal assistance. Penal Code section 1203.4, subdivision (c) does not incorporate the hearing requirement of Penal Code section 987.8, subdivision (b), however, but incorporates only the standards set forth in Penal Code section 987.8, subdivision (g)(2). [¶] The fact that in describing those standards Penal Code section 987.8, subdivision (g) twice refers to "the date of the hearing" as a time reference does not indicate that by incorporating those standards Penal Code section 1203.4, subdivision (c) also incorporates the hearing requirement of Penal Code section 987.8, subdivision (b).

Like Penal Code Section 1203.4(c), Section 62757(c) incorporates some statutory provisions and does not incorporate others. Section 62757(c) requires the stand-alone quota program to be "approved by a statewide referendum of producers," and the referendum must be "conducted pursuant to Sections 62716 and 62717." But referendums are not hearings, and the

incorporation of referendum provisions in Sections 62716 and 62717 should not be read as the incorporation of every other provision in these sections. As other sections in the statutory scheme demonstrate, the Legislature knows how to insert the word "hearing" into a statute and impose a hearing requirement when it wants. Because Section 62757 does not contain the word "hearing," and because it does not expressly incorporate any hearing requirement in another section within the scheme, it does not incorporate the hearing requirements on which Petitioner relies.

Next, Petitioner focuses on the term "the pooling plan" as it appears in Section 62757, subdivision (a): "If a federal milk marketing order is established in California, the secretary is authorized to establish a stand-alone quota program, the details of which shall be included in the pooling plan." Petitioner argues that the term "the pooling plan" can only refer to the state pooling plan in effect before the FMMO took effect. Based on this construction, Petitioner argues that the Legislature must have intended for the secretary to establish the stand-alone quota program by amending the pre-FMMO pooling plan under Section 62717 and, as a corollary, must have intended compliance with hearing procedures required for amendments.

Section 62717, however, empowers the director to amend the pooling plan if (s)he "find(s) that the amendment is necessary to effectuate the purposes of this chapter." Section 62757 was not enacted to effectuate purposes of the F&A Code chapter in question, Chapter 3 of Part 3, Division 21. (See § 62700 [stating the purpose of Chapter 3 to be the protection of the people's health and welfare given that the production and distribution of milk and cream affect the public interest]; see also § 62701 ["It is hereby declared that fluid milk and fluid cream are necessary articles of food for human consumption"]; § 62702.1 [purposes of 1977 amendments were to accelerate equalization, equalize holders of quota and production base, and allocate new quota].) Section 62757 was enacted to establish a quota program because the FMMO replacing the pooling plan did not include one. Once the FMMO took effect, it served many of the purposes that Chapter 3 had served previously. It is thus unlikely that the Legislature intended for the director to consult the purposes of Chapter 3, or make a finding in that regard, before establishing a stand-alone quota program under Section 62757. Like the hearing Petitioner invokes, no such finding is mentioned in Section 62757. That Section 62757 was not intended to incorporate the "finding" requirement in Section 62717 fortifies a conclusion that Section 62757 was only intended to incorporate the provisions in actually identifies.

Petitioner's notion that Section 62757 contemplated an amendment under Section 62717 also runs afoul of the termination provisions in Section 62728. As noted above, Section 62728 requires the director summarily to terminate a pooling plan conflicting with or duplicative of an FMMO. The question then becomes, Why would the Legislature require CDFA's director to include the stand-alone quota program in a pooling plan that she would then be required to terminate? (See *Santa Clara County Local Trans. Auth. v. Guardino* (1995) 11 Cal.4th 220, 235 ["'[I]t is presumed the Legislature intended reasonable results consistent with its expressed purpose, not absurd consequences"].)

In its reply brief, Petitioner suggests that Section 62728 only requires the director to terminate provisions in a pooling plan conflicting with an FMMO. Petitioner thus argues that the director could have created the stand-alone quota program by amending the existing pooling plan, which Section 62728 would have then whittled down to nothing but the quota program once the FMMO took effect. But Section 62728 requires the director to terminate "any pooling plan" conflicting with or duplicative of an FMMO, not merely conflicting or duplicative provisions. (Compare § 62726 [enactment of an FMMO automatically *suspends* conflicting or duplicative *provisions* in the pooling scheme].) Petitioner's contrary reading of Section 62728 does not explain how a stand-alone quota program included in the pre-existing pooling plan would survive termination under Section 62728.

Furthermore, Petitioner does not deny that the details of a stand-alone quota program could comprise "the pooling plan" under Section 62757. As Petitioner describes it, first CDFA should have enacted the stand-alone quota program as an amendment pursuant to Section 62717 and then should have inserted the details of the program into the existing pooling plan before the FMMO took effect. Petitioner adds that, to avoid being terminated along with the rest of the pooling plan, CDFA should have delayed the quota program's implementation, the suggestion being that CDFA could have technically included the quota program within the pre-existing pooling plan without subjecting it to termination.

The court doubts that the stand-alone quota program could have been nominally included in the pooling plan while remaining outside the plan for purposes of termination under Section 62728. The court likewise doubts that Section 62757 was intended to accommodate such a convoluted procedure without making any clear reference to it. (See *Polster v. Sacramento City Office of Educ.* (2009) 180 Cal.App.4th 649, 665 [constructions yielding mischief or absurdity should be rejected].) As noted above, if the Legislature wanted to require a hearing or amendment as part of the establishment of a stand-alone quota program as set forth in Section 62757, it seems much more likely that it simply would have inserted such requirements into the statute.

The parties discuss legislative history, but the judicially noticeable materials shed little if any light on the meaning of the term "the pooling plan" as used in Section 62757(a).[7] The bill enacted as Section 62757 (SB 92) was never revised, and the few legislative committees that addressed it simply noted that the bill would authorize CDFA to enact a stand-alone milk quota program. CDFA correctly observes, however, that the legislative history makes no reference to any hearing requirement.[8]

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[7] The term "pooling plan" appears in the CDFA bill enrollment report sent to the Governor, but only to indicate that both the federal government and state governments administer "pooling plans." (See Kirtley Decl., Exh. 36, p. PE-11.)

[8] In his testimony before the Assembly Budget Subcommittee on Resources and Transportation, then-CDFA Undersecretary Jim Houston expressed a belief in existing authority to implement quota. He qualified that he "was only one lawyer" and wanted to make sure: "We are simply clarifying and making

Notwithstanding any difficulty in the term "the pooling plan" in Section 62757(a), the court is satisfied that the Legislature did not intend to impose hearing requirements incorporated into Sections 62716 and 62717. The purpose of Section 62757 was to grant CDFA authority to establish a stand-alone quota program. The Legislature attached certain procedural requirements (PRB recommendation and producer referendum) to this authority, and did not attach others. Allowing the QIP to serve as "the pooling plan" does not subvert the object of the legislation. (*Cf. Griffin v. Oceanic Contractors, Inc.* (1982) 458 U.S. 564, 571 ["In rare cases the literal application of a statute will produce a result demonstrably at odds with the intentions of its drafters, and those intentions must be controlling"].) And, as noted above, construing Section 62757 as requiring amendments to the pre-FMMO pooling plan leads to an absurd result, namely the termination of the same amendments. (See *Santa Clara County Local Trans. Auth.*, p. 235.)

For all these reasons, the petition is denied.

Because it rejects the petition on the merits, the court does not address affirmative defenses.

Disposition

The petition for writ of mandate is denied.

Petitioner's duplicative declaratory relief claims are dismissed.

Counsel for CDFA shall lodge for the court's signature a proposed judgment that incorporates this ruling as an exhibit.

SO ORDERED.

Dated: August 3, 2020

Hon. James P. Arguelles
California Superior Court Judge,
County of Sacramento

Unless otherwise ordered, any administrative record, exhibit, deposition, or other original document offered in evidence or otherwise presented at trial, will be returned at the conclusion of the matter to the custody of the offering party. The custodial party must

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sure that it is certain to any future court that we have the authority to assess the producers and to use that to pay for quota." (See Supp. Wilcox Decl., Exh. C at 3:17-4:1.) Elsewhere he stated that the bill was intended as "a clarification of existing statute" with "[s]ome other tidbits." (*Id.*, Exh. C at 3:23.) Insofar as Petitioner contends that this testimony somehow reflects a legislative intent to plant the stand-alone quota program within existing amendment provisions, or to require hearing requirements incorporated into such provisions, the court disagrees.

maintain the administrative record and all exhibits and other materials in the same condition as received from the clerk until 60 days after a final judgment or dismissal of the entire case is entered.

CERTIFICATE OF SERVICE BY MAILING
(C.C.P. Sec. 1013a(4))

I, the undersigned deputy clerk of the Superior Court of California, County of Sacramento, do declare under penalty of perjury that I did this date place a copy of the above entitled **Minute Order** in envelopes addressed to each of the parties, or their counsel of record as stated below, with sufficient postage affixed thereto and deposited the same in the United States Post Office at Sacramento, California.

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Dated: August 3, 2020

Superior Court of California,
County of Sacramento

By: S. Slort,
Deputy Clerk