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8 California Air Resources Board, et al.

ENDORSED  
FILED  
San Francisco County Superior Court

MAY 23 2011

CLERK OF THE COURT  
BY: J. KONG  
Deputy Clerk

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF SAN FRANCISCO  
11

12  
13 ASSOCIATION OF IRRITATED  
RESIDENTS, an Unincorporated  
14 Association; CALIFORNIA  
COMMUNITIES AGAINST TOXICS, an  
15 Unincorporated Association;  
COMMUNITIES FOR A BETTER  
16 ENVIRONMENT, a Non-profit  
Corporation; COALITION FOR A SAFE  
17 ENVIRONMENT, a Non-profit  
Corporation; SOCIETY FOR POSITIVE  
18 ACTION, an Unincorporated Association;  
WEST COUNTY TOXICS COALITION, a  
19 Non-profit Corporation; ANGELA  
JOHNSON MESZAROS; CAROLINE  
20 FARRELL; HENRY CLARK; JESSE N.  
MARQUEZ; MARTHA DINA  
21 ARGUELLO; SHAVAKA HERU; TOM  
FRANTZ; in their Individual Capacities,

22 Plaintiffs and Petitioners,  
23

24 v.

25 CALIFORNIA AIR RESOURCES BOARD,  
MARY D. NICHOLS, in her official  
26 capacity as Chairman of the Board; and  
DANIEL SPERLING, KEN YEAGER,  
27 DORENE D'ADAMO, BARBARA  
RIORDAN, JOHN R. BALMES, M.D.,  
28 LYDIA H. KENNARD, SANDRA BERG,

Case No. CPF-09-509562

DEFENDANTS' AND RESPONDENTS'  
NOTICE OF APPEAL

[California Code of Civil Procedure §  
904.1; Exempt from Filing Fees pursuant  
to Govt. Code 6103]

Judge: The Honorable Ernest H.  
Goldsmith  
Civic Center Courthouse  
Dept. 613  
400 McAllister Street  
San Francisco, CA 94102

Trial Date: December 20, 2010  
Action Filed: June 10, 2009

1 **RON ROBERTS, JOHN G. TELLES,**  
2 **RONALD O. LOVERIDGE, in their official**  
3 **capacities as members of the Air Resources**  
4 **Board,**

5  
6 Defendants and  
7 Respondents.

8 TO THE CLERK OF THE ABOVE ENTITLED COURT:

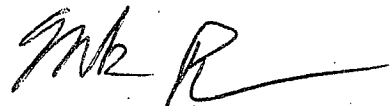
9 Defendants and Respondents California Air Resources Board, Mary D. Nichols, in her  
10 official capacity as Chairman of the Board, and Daniel Sperling, Ken Yeager, Dorene D'Adamo,  
11 Barbara Riordan, John R. Balmes, M.D., Lydia H. Kennard, Sandra Berg, Ron Roberts, John G.  
12 Telles, Ronald O. Loveridge, in their official capacities as members of the Air Resources Board,  
13 appeal to the Court of Appeal of the State of California, First Appellate District, from the  
14 Judgment entered on May 20, 2011, in Department 613 of this Court, and related orders of the  
15 Superior Court in this action, including the Peremptory Writ of Mandate, entered on or about May  
16 20, 2011, and the Statement of Decision: Order Granting in Part Petition for Writ of Mandate,  
17 filed on March 18, 2011.

18 Notice of Entry of Judgment was served on the California Air Resources Board, through its  
19 counsel of record, on May 20, 2011, by the Clerk of the Superior Court, attaching the Judgment.

20 Dated: May 23, 2011

21 Respectfully Submitted,

22 KAMALA D. HARRIS  
23 Attorney General of California  
24 ROBERT W. BYRNE  
25 Supervising Deputy Attorney General

26   
27 MARK W. POOLE  
28 Deputy Attorney General  
*Attorneys for Defendants and Respondents  
California Air Resources Board, et al.*

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DECLARATION OF SERVICE BY U.S. MAIL

Case Name: *AIR, et al. v. ARB, et al.*  
No.: **CPF-09-509562**

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. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service that same day in the ordinary course of business.

On May 23, 2011, I served the attached **DEFENDANTS' AND RESPONDENTS' NOTICE OF APPEAL** by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Alegria De La Cruz, Esq.  
Brent Newell, Esq.  
Center on Race, Poverty & Environment  
47 Kearny Street, Suite 804  
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*Attorneys for Plaintiffs and Petitioners  
Association for Irritated Residents, et al.*

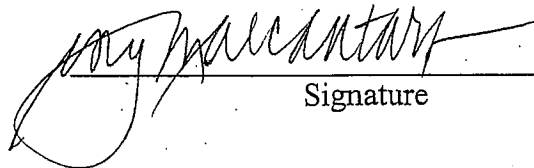
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South Pasadena, CA 91030  
*Attorney for Martha Dina Arguello*

I declare under penalty of perjury under the laws of the State of California the foregoing is true and correct and that this declaration was executed on May 23, 2011, at San Francisco, California.

Corazon M. Alcantara  
\_\_\_\_\_  
Declarant

  
\_\_\_\_\_  
Signature