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8 **SAVE THE PLASTIC BAG COALITION**

9  
10 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
11 FOR THE COUNTY OF LOS ANGELES – CENTRAL DISTRICT

12 SAVE THE PLASTIC BAG COALITION, ) Case No. BS115845  
13 an unincorporated association, )  
14 ) **VERIFIED PETITION FOR WRIT OF**  
15 ) **MANDATE UNDER THE CALIFORNIA**  
16 ) **ENVIRONMENTAL QUALITY ACT AND**  
17 ) **REQUEST FOR DECLARATORY RELIEF**  
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22 Petitioner, SAVE THE PLASTIC BAG COALITION, an unincorporated association  
23 (“Petitioner”), for its Verified Petition for Writ of Mandate alleges as follows:

24 1. This is an action seeking a writ of mandate to set aside, void, annul, and  
25 terminate the implementation and enforcement of the “Single Use Bag Reduction and  
26 Recycling Program” (the “Program”) adopted by resolution of the BOARD OF  
27 SUPERVISORS OF THE COUNTY OF LOS ANGELES (the “Board”) on January 22, 2008  
28 (the “Resolution”). Respondents completely disregarded their obligations under the California

1 Environmental Quality Act (“CEQA”) prior to adopting the Program. Pub. Res. Code § 21000,  
2 *et seq.*

3 2. This is also an action for declaratory relief seeking a judicial declaration that  
4 Respondents have no power to ban plastic bags.

5 3. The Program is the initial phase of a County ban of plastic bags provided to  
6 consumers at the point of sale. The Program boosts the use of paper carryout bags as a  
7 substitute for plastic bags. (Such plastic and paper carryout bags are hereinafter referred to as  
8 “plastic bags” and “paper bags,” respectively.)

9 4. Respondents claim that the Program will benefit the environment. However,  
10 substantial evidence exists that by favoring paper bags over plastic bags, the program will result  
11 in significant adverse environmental impacts. Petitioner maintains a website at  
12 [www.savetheplasticbag.com](http://www.savetheplasticbag.com) which discusses said impacts.

13 5. Respondents abused their discretion by ignoring the CEQA mandate to prepare  
14 an Environment Impact Report (“EIR”) prior to adoption of the Program.

15 6. Petitioner strongly objects to plastic bag suppliers and retailers being forced by  
16 the County to take action that will increase paper bag usage in the name of protecting the  
17 environment. Paper bags are substantially worse for the environment than plastic bags. If the  
18 County would have prepared an EIR prior to adopting and implementing the Program, the  
19 Board and the electorate would have known the true facts.

20 7. One of the key purposes of an EIR is to “[d]isclose to the public the reasons why  
21 a governmental agency approved the project in the manner the agency chose if significant  
22 environmental effects are involved.” 14 Code. Cal. Reg. §15002(a)(4). The following  
23 quotations from judicial opinions are found in the CEQA Guidelines. 14 Code. Cal. Reg.  
24 §15003.

25 “The EIR requirement is the heart of CEQA.”

26 “The EIR serves not only to protect the environment but also to  
27 demonstrate to the public that it is being protected.”

28

1 “The EIR is to demonstrate to an apprehensive citizenry that the  
2 agency has, in fact, analyzed and considered the ecological  
3 implications of its action.”

4 “The EIR process will enable the public to determine the  
5 environmental and economic values of their elected and appointed  
6 officials thus allowing for appropriate action come election day  
7 should a majority of the voters disagree.”

8 8. The public has being denied such information by Respondents.

9 9. Accordingly, Petitioner requests that this Court issue a writ mandate to set aside,  
10 void, and annul the Resolution, and terminate the implementation and enforcement of the  
11 Program.

12 10. Petitioner also requests preliminary and permanent injunctive relief to maintain  
13 the status quo as necessary to prevent significant harm to the environment, unless and until  
14 Respondents comply with CEQA.

### 15 **PARTIES AND STANDING**

16 11. The SAVE THE PLASTIC BAG COALITION is an unincorporated association.  
17 Its members include, but are not limited to, plastic bag manufacturers and distributors directly  
18 affected and prejudiced by the Program. Some of the member companies sell and distribute  
19 plastic bags to retailers and other businesses within the County of Los Angeles, including but  
20 not limited to unincorporated parts thereof, and other nearby cities and communities. On behalf  
21 of its member companies and retailers and other residents of the County of Los Angeles,  
22 Petitioner challenges the City’s adoption and implementation of the Program.

23 12. Petitioner’s membership includes, but is not limited to, the following: (i) Elkay  
24 Plastics Co., Inc., (ii) Crown Poly, Inc., and (iii) Grand Packaging, Inc. doing business as  
25 “Command Packaging.” All of these companies supply plastic bags to businesses in Los  
26 Angeles County.

27 13. Petitioner is a party beneficially interested in the issuance of the requested writ  
28 of mandate, because in accordance with Public Resources Code § 21177(c), Petitioner is an  
organization formed after the adoption of the Program to maintain an action against  
Respondents under CEQA. Petitioner was formed on June 3, 2008.

1           14.     There was no public comment period prior to adoption of the Program pursuant  
2 to CEQA (Division 13 of the Public Resources Code) and no issuance of a notice of  
3 determination pursuant to CEQA. Respondents stated on the record at the public hearing on the  
4 Resolution on January 22, 2008 that all CEQA compliance would be deferred to a future date,  
5 after the launch of the Program. This means that the public comment period under CEQA has  
6 not yet commenced.

7           15.     Petitioner has standing as an association to bring this action, because (i) its  
8 members would otherwise have standing to sue on their own behalf; (ii) the interests Petitioner  
9 seeks to protect in this lawsuit are germane to the organization’s purpose; and (iii) neither the  
10 claims asserted herein, nor the relief requested, require participation of the members in this  
11 lawsuit. This action involves public rights, and Petitioner’s objective in bringing this action is  
12 that of an interested citizen seeking to procure enforcement of Respondents’ public duties and  
13 its compliance with applicable state and local laws.

14           16.     CEQA applies to all “governmental agencies at all levels” in California,  
15 including “local agencies.” CEQA states that: “[I]t is the policy of the state that public agencies  
16 should not approve projects as proposed if there are feasible alternatives or feasible mitigation  
17 measures available which would substantially lessen the significant environmental effects of  
18 such projects, and that the procedures required by this division are intended to assist public  
19 agencies in systematically identifying both the significant effects of proposed projects and the  
20 feasible alternatives or feasible mitigation measures which will avoid or substantially lessen  
21 such significant effects.” Pub. Res. Code § 21002.

22           17.     The County is a political subdivision of the State of California exercising  
23 government power. It is the “lead agency” responsible for compliance with CEQA, including  
24 but not limited to preparation of an EIR. The Program is a “project” under CEQA.

25           18.     The Board is the legislative body duly authorized under the California  
26 Constitution and the laws of the State of California to act on behalf of the County. The Board is  
27 responsible for complying with CEQA.

28           19.     The COUNTY OF LOS ANGELES DEPARTMENT OF PUBLIC WORKS

1 (“DPW”) is the “lead agency” responsible for complying with CEQA regarding the Program.

2 20. The Program is a “project” subject to CEQA. Code. Cal. Reg. §§ 15378(a)(1).

3 21. Petitioner is ignorant of true names and capacities of DOES named herein as  
4 DOES 1 through 20, inclusive, and therefore sues said Respondents by such fictitious names.  
5 Petitioner will amend this Petition to allege their true names and capacities when ascertained.  
6 Petitioner is informed and believes and thereon alleges that each of these fictitiously named  
7 Respondents were, and continue to be, responsible in some manner for the acts or omissions  
8 herein alleged.

9 22. Petitioner is informed and believes and thereon alleges that at all times relevant,  
10 each Respondent, including the DOE Respondents, were the agents, employees, or partners of  
11 each of the other Respondents, and were at all times acting within the purpose and scope of  
12 their employment, agency or partnership, or at the direction of the other Respondents.

13 **JURISDICTION AND VENUE**

14 23. This Court has jurisdiction over the matters alleged in this Petition pursuant to  
15 Code of Civil Procedure § 1085, and/or § 1094.5, and Public Resources Code § 21167.

16 24. Venue is proper in this Court under § 394(a) of the Code of Civil Procedure.

17 **STATEMENT OF FACTS**

18 **The County Staff Report**

19 25. In August 2007, County staff prepared a document entitled “An Overview of  
20 Carryout Bags in Los Angeles County” (the “Staff Report”).

21 26. The Staff Report stated various justifications for restricting or banning plastic  
22 bags.

23 27. The Staff Report was totally one-sided anti-plastic bag advocacy document and  
24 was not an objective or accurate assessment of the situation regarding plastic bags.

25 28. If plastic bag usage is restricted, paper bag usage will increase. The Staff Report  
26 did not contain any information whatsoever regarding any of the negative environmental  
27 impacts of paper bags.

28 29. The Staff Report is not and does not meet the requirements for an EIR under

1 CEQA.

2 **Alternative 5**

3 30. By letter dated January 22, 2008 to the Board, the Chief Executive Officer of the  
4 County identified five alternatives for the Board's consideration at the Board's January 22,  
5 2008 meeting. A true and correct copy of the letter is attached hereto as Exhibit A and  
6 incorporated herein by reference.

7 31. Alternative 5 was described in the letter as follows:

8 The County, in partnership with large supermarkets and retail stores,  
9 the plastic bag industry, environmental organizations, recyclers, and  
10 other key stakeholders, will implement a voluntary "Single Use Bag  
11 Reduction and Recycling Program" to: promote reusable bags,  
12 increase at-store recycling of plastic bags, reduce consumption of  
13 single use bags, increase post-consumer recycled content of paper  
14 bags, and promote public awareness of litter impacts and consumer  
15 responsibilities.

16 Alternative 5 is the recommended course of action since it creates a  
17 framework similar to Alternative 4, but triggers action to establish a  
18 ban (subject to the adoption of an ordinance by your Board) on the  
19 use of plastic bags at large supermarkets and retail stores if  
20 benchmarks -- 35 percent by 2010 and 70 percent by 2013 -- are not  
21 achieved. In addition, Alternate (sic) 5 provides for consideration of  
22 "good faith" efforts by stakeholders to achieve the benchmarks,  
23 along with additional measures of success such as participation  
24 levels, successful implementation of store-specific programs, and  
25 reduction of litter. Specifically, the [County Recycling] Workgroup  
26 may recommend to your Board a one-year extension to meet the  
27 benchmarks, provided that the achieved reduction is within five  
28 percentage points of benchmark goals and all components of the  
framework are developed and implemented.

32. A true and correct copy of "Alternative 5" is attached hereto as Exhibit B and  
incorporated herein by reference. It states that the County working group will work  
collaboratively towards the following goals, which will serve to measure the success of the  
Program. Using total consumption for Fiscal Year 2007-08 as the baseline, the goals are to  
reduce the "disposal rate" of plastic bags by:

- 1 a. A minimum of 35 percent by the end of Fiscal Year 2009-10.
- 2 b. A minimum of 70 percent by the end of Fiscal year 2012-13.

3 The term “disposal rate” is not defined in the document, but Petitioner understands that it means  
4 a combination of reduction and recycling.

5 33. Despite the fact that Alternative 5 is described as a “voluntary” program, it  
6 contains a section entitled “Enforcement” which reads as follows:

7 Enforcement. To ensure the success of the Bag Reduction and  
8 Recycling Program, County Counsel, with input from the County  
9 working group, will draft an ordinance by April 1, 2009 banning  
10 plastic carryout bags at large supermarkets and retail stores, upon  
11 completion of any necessary environmental review in compliance  
12 with the California Environmental Quality Act. This ban, which  
would require Board of Supervisors’ prior approval of the  
ordinance, could be effective as early as July 1, 2010, if either of the  
above County Goals are not met by the prescribed deadlines.

13 **The January 22, 2008 Board meeting**

14 34. On January 22, 2008, the Board held a meeting to consider action on plastic  
15 bags, including Alternative 5.

16 35. At the meeting, the Board considered an amendment to Alternative 5 proposed  
17 by Supervisors Antonovich and Knabe (the “Amendment”). A true and correct copy of the  
18 Amendment is attached hereto as Exhibit C and incorporated herein by reference.

19 36. The Amendment provides in part as follows:

- 20 a. The benchmarks in Alternative 5 would be changed to 30% by the end of  
21 Fiscal Year 2009-10 and 65% by the end of Fiscal Year 2012-13.
- 22 b. There would be a “forgiveness” rate of 3%.
- 23 c. The completion date of a draft ordinance banning plastic bags would be  
24 changed from April 1, 2009 to April 1, 2010 “with an understanding that  
25 staff will initiate and complete the required California Environmental Quality  
26 Act review in advance of the 2010 target date.”

27 37. At the January 22, 2008 meeting, the Board adopted Alternative 5 and the  
28 Amendment, which together constitute the Program. A true and correct copy of the Resolution

1 is attached hereto as Exhibit D and incorporated herein by reference.

2 **Respondents misdescribed the Program as “voluntary”**

3 38. Prior to the January 22, 2008 Board meeting, Respondents represented to the  
4 public that Alternative 5 was “voluntary.”

5 39. The public reasonably and justifiably relied on Respondent’s misdescription and  
6 mischaracterization of the Program as “voluntary.” As a result, the kinds of public comments,  
7 debate, and formal objections that would have preceded a program described as mandatory or a  
8 ban were never presented to Respondents.

9 40. At the January 22, 2008 hearing, Cathy Browne testified on behalf of her  
10 employer, Crown Poly, Inc., which is a member of Petitioner and a major supplier of plastic  
11 bags to retailers covered by the Program in the unincorporated parts of Los Angeles County.

12 41. Ms. Browne reasonably and justifiably relied on Respondents description of the  
13 Program as “voluntary” and for that reason did not object to the lack of an EIR prior to adoption  
14 of the Program. If the Program would have been described as mandatory, she would have  
15 formally objected to the lack of an EIR prior to adoption of the Program on behalf Crown Poly,  
16 Inc.

17 42. After Ms. Browne had testified and the public comment period had ended, the  
18 following exchange took place on the Board:

19 Supervisor Molina: I have tried to understand this debate and this  
20 discussion and I am at a total loss. And maybe you can explain it too  
21 [Supervisor] Burke, because I really don't understand it. It is my  
22 understanding that as this workgroup worked out these various  
23 alternatives, it was considered by the workgroup that instead of an  
24 out-and-out ban, that they would create this set of voluntary goals.  
25 And I think they are voluntary. If I'm not mistaken. Are they  
26 mandatory, or voluntary?

24 Supervisor Burke, chair: These would be mandatory.

25 Supervisor Molina: These would be mandatory, is that correct?

26 DPW Director Wolfe: They would be mandatory to the point that if  
27 they didn't meet those goals, then your board would impose a ban. In  
28 other words, there would be no penalty, criminal penalty for not  
meeting the goals, but the penalty would be that your board would



1 **Supervisors' admissions regarding their intent to ban**

2 48. At the January 22, 2008 Board meeting, Supervisor Burke stated as follows:

3 No matter how this is resolved, I think the most important thing is  
4 that everyone has been very, very concerned and working hard to  
5 move forward for something that we all know we have to minimize  
6 and one day eliminate all of the plastic bags. And I think we can all  
7 agree on that.

8 49. At the January 22, 2008 Board meeting, Supervisor Knabe stated as follows:

9 We were under the impression that there was agreement on this  
10 particular proposal, to move forward and get it on the books and  
11 start doing what we need to do, and that's to eliminate plastic bags.

12 50. At the January 22, 2008 Board meeting, Supervisor Yaroslavsky stated as  
13 follows:

14 Personally, if it was up to me - and of course it isn't up to me, but if  
15 it was up to me - if it was up to me, there would be a ban on plastic  
16 bags.

17 51. The foregoing statements by Supervisors Burke, Knabe and Yaroslavsky  
18 confirm that the intent of the Program is to lead to a ban of plastic bags.

19 **The parallel scheme in Assembly Bill 2058**

20 52. Assembly Bill 2058 ("AB 2058") is pending in the California Legislature. The  
21 County and Heal the Bay are sponsors of the bill. It has been passed by the Assembly and the  
22 Senate Environment Committee.

23 53. The bill as presently drafted would, after July 1, 2011, prohibit a store from  
24 providing plastic bags to customers unless the store demonstrates an increased "diversion" rate  
25 of 70% in the number of plastic carryout bags provided by the store during a specified period.  
26 The bill would require a store that does not achieve the 70% benchmark to charge customers  
27 not less than 25 cents per bag. "Diversion" means reduction or recycling.

28 54. The structure of the AB 2058 scheme is the same as the County's Program: the  
creation of a benchmark and a sanction for failure to achieve it. The fact that the 70%  
benchmark and a sanction are both in AB 2058 shows that this type of approach is a single  
scheme.



1 Plastic bags generate 39% less greenhouse gas emissions than  
2 uncomposted paper bags, and 68% less greenhouse gas emissions  
3 than composted paper bags. The plastic bags generate 4,645 tons of  
4 CO2 equivalents per 150 million bags; while uncomposted paper  
bags generate 7,621 tons, and composted paper bags generate  
14,558 tons, per 100 million bags produced.

5 Plastic bags consume less than 6% of the water needed to make  
6 paper bags. It takes 1004 gallons of water to produce 1000 paper  
7 bags and 58 gallons of water to produce 1500 plastic bags.

8 Plastic grocery bags consume 71% less energy during production  
9 than paper bags. Significantly, even though traditional disposable  
10 plastic bags are produced from fossil fuels, the total non-renewable  
11 energy consumed during their lifecycle is up to 36% less than the  
non-renewable energy consumed during the lifecycle of paper bags  
and up to 64% less than that consumed by biodegradable plastic  
bags.

12 Using paper sacks generates almost five times more solid waste than  
13 using plastic bags.

14 After four or more uses, reusable plastic bags are superior to all  
15 types of disposable bags -- paper, polyethylene and compostable  
16 plastic -- across all significant environmental indicators.

17 Legislation designed to reduce environmental impacts and litter by  
18 outlawing grocery bags based on the material from which they are  
19 produced will not deliver the intended results. While some litter  
20 reduction might take place, it would be outweighed by the  
21 disadvantages that would subsequently occur (increased solid waste  
22 and greenhouse gas emissions). Ironically, reducing the use of  
traditional plastic bags would not even reduce the reliance on fossil  
fuels, as paper and biodegradable plastic bags consume at least as  
much non-renewable energy during their full lifecycle.

23 61. Paper bags degrade in landfills while plastic bags do not. Decomposing paper  
24 produces methane, a potent greenhouse gas.

25 62. Paper bags attract cockroaches, including the German cockroach, while plastic  
26 bags do not. This is a significant negative environmental impact in houses, apartment blocks,  
27 restaurants and food service establishments, and other places.

1 **THE OAKLAND DECISION**

2 63. In July 2007, the City of Oakland adopted an ordinance banning plastic bags.

3 64. In August 2007, the “Coalition To Support Plastic Bag Recycling” filed a  
4 lawsuit against the City of Oakland and the City Council of Oakland in the Alameda County  
5 Superior Court for failure to prepare an Environmental Impact Report pursuant to CEQA prior  
6 to adopting the ordinance. *Coalition To Support Plastic Bag Recycling v. City of Oakland, et*  
7 *al.*, Case No. RG07-339097.

8 65. At the January 22, 2008 Board meeting, Supervisor Wolfe stated that “[i]t’s very  
9 likely the outcome of [the Oakland] case will tell us a lot about what we’re going to have to do.”

10 66. In April 2008, the Alameda County Superior Court issued a writ of mandate  
11 against the City of Oakland and invalidated the ordinance, because the city had failed to prepare  
12 an Environmental Impact Report pursuant to CEQA. The court found that there was a  
13 possibility that the ordinance would have a significant adverse environmental impact because  
14 the banning of plastic bags would result in increased paper bag usage. The court based its ruling  
15 on the Scottish Government and ULS reports referenced above.

16 67. While the ruling of the Alameda County Superior Court is not binding on this  
17 Court, it is nevertheless persuasive authority.

18 68. Now that the Board knows about the Alameda Superior Court ruling, it should  
19 suspend the Program before it is implemented and prepare an EIR.

20 **CEQA PROCEDURES NOT FOLLOWED**

21 69. The County indicated that it would comply with CEQA procedures after the  
22 Program was launched. However, it should have done so before the Program was adopted.

23 70. In order to afford the fullest possible environmental protection, an analysis of the  
24 Program’s potential environmental impacts pursuant to CEQA is appropriate and necessary.  
25 Given the adverse impacts to the environment as outlined above, Respondents’ reliance on the  
26 Staff Report evades the intent of the Legislature under CEQA. Respondents’ failure to comply  
27 with CEQA before adopting the Program necessitates the need for this Court to issue a writ of  
28 mandate to set aside, void, annul, and terminate the enforcement and implementation of the

1 Program”).

2 **NO ADEQUATE REMEDY AT LAW**

3 71. Petitioner has no plain, speedy or adequate remedy at law and will suffer  
4 irreparable harm, in that if enforcement of the Program is not immediately enjoined, the  
5 significant negative environmental impacts of increased usage of paper bags will occur.

6 72. It is necessary for this Court to provide provisional and permanent remedies to  
7 Petitioner by means of an injunction and a writ of mandate to prevent Respondents, and each of  
8 their agents, officers, employees, representatives, duly elected officials, and all persons acting  
9 in concert or participating with them, from implementing or continuing to implement the  
10 Program.

11 **ATTORNEY’S FEES**

12 73. Petitioner brings this action under Code of Civil Procedure § 1021.5, and other  
13 applicable laws, which entitle Petitioner to an award of attorney’s fees in actions to enforce an  
14 important right affecting the public interest, such as the CEQA violation here in question.

15 74. In addition to § 1021.5, or in the alternative, Petitioner brings this action on the  
16 basis of Government Code § 800, which entitles Petitioner to an award of attorney’s fees to  
17 overturn Respondents’ arbitrary and capricious approval of the Program.

18 **FIRST CAUSE OF ACTION**

19 (Non-compliance with CEQA against both Respondents)

20 75. Petitioner realleges and incorporates herein each and every allegation contained  
21 in the above paragraphs.

22 76. Respondents have abused their discretion and failed to act in a manner required  
23 by CEQA with respect to the Program, because they have failed to adequately address, analyze,  
24 or otherwise consider the environmental impacts, necessary or foreseeable mitigation measures,  
25 or a reasonable range of alternatives to the Program.

26 77. Respondents abused their discretion by adopting the Program without prior  
27 compliance with CEQA, including but not limited to preparation of an EIR.

28 78. Said abuse of discretion by Respondents is prejudicial to Petitioner and the

1 interests that it represents in this action.

2 **SECOND CAUSE OF ACTION**

3 (Declaratory relief against both Respondents)

4 79. Petitioner realleges and incorporates herein each and every allegation contained  
5 in the above paragraphs.

6 80. An actual controversy has arisen and now exists between Petitioner and  
7 Respondent.

8 81. Petitioner contends that the County has no power to ban plastic bags.

9 82. Petitioner contends that the County has no power to ban an item on the ground  
10 that it sometimes becomes litter.

11 83. Respondents dispute said contentions in that they have threatened to pass an  
12 ordinance banning plastic bags if the Program benchmarks are not met.

13 84. Pursuant to Code. Civ. Proc. § 1060, Petitioner requests a judicial determination  
14 and declaration that said contentions are legally correct.

15 **PRAYER FOR RELIEF**

16 WHEREFORE, Petitioner prays for:

17 A. A peremptory or alternative writ of mandate directing:

18 i. Respondents to set aside, void, annul, and terminate the enforcement and  
19 implementation of Program and the resolution adopting the Program for  
20 failure to comply with CEQA;

21 ii. Respondents to comply with CEQA, including the preparation of a legally  
22 adequate EIR before taking any action that would limit plastic bag usage;  
23 and

24 iii. A stay of all action preventing Respondents from implementing or enforcing  
25 the Program, pending final resolution of this action.

26 B. For preliminary and permanent injunctive relief.

27 C. A judicial determination and declaration that:

28 i. The County has no power to ban plastic bags; and

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ii. No power to ban an item on the ground that it sometimes becomes litter.

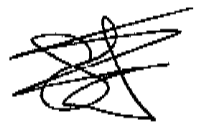
D. For reasonable attorney fees.

E. For costs of this suit incurred herein.

F. For other such further relief as the Court may deem just and proper.

DATED: July 16, 2008

STEPHEN L. JOSEPH



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Attorney for Petitioner  
SAVE THE PLASTIC BAG COALITION

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**VERIFICATION**

I, Stephen L. Joseph, declare:

1. I am an attorney at law duly admitted and licensed to practice in the State of California.
2. I am one of the attorneys of record for Petitioner, SAVE THE PLASTIC BAG COALITION, in the above-entitled matter.
3. I have read the foregoing VERIFIED PETITION FOR WRIT OF MANDATE UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND REQUEST FOR DECLARATORY RELIEF and know the contents thereof.
4. I am informed and believe that the matters stated therein are true and, on that ground, I allege that the matters stated therein are true.

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

Executed at Tiburon, California on July 16, 2008.

STEPHEN L. JOSEPH



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