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8 *Attorneys for Respondents California*
9 *Fish and Game Commission and*
10 *California Department of Fish and Game*

11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN FRANCISCO

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16 **CENTER FOR BIOLOGICAL
DIVERSITY, A NON-PROFIT ORGANIZATION,**

17 **PETITIONER,**

18 **v.**

19 **CALIFORNIA FISH AND GAME
20 COMMISSION, A STATE AGENCY,
21 CALIFORNIA DEPARTMENT OF FISH
AND GAME, A STATE AGENCY,**

22 **RESPONDENTS,**

23 **and,**

24
25 **CALIFORNIA FORESTRY
26 ASSOCIATION,**

27 **INTERVENOR-RESPONDENT.**
28

Case No.: CGC-10-505205

**NOTICE OF ENTRY OF ORDER
CLARIFYING TIMING AND SCOPE OF
WRIT OF MANDATE**


1 **TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

2 **PLEASE TAKE NOTICE** that, on March 15, 2013, the above Court entered its Order
3 Clarifying Timing and Scope of Writ of Mandate, a true and correct copy of which is attached
4 hereto as **Exhibit A**.

5 Dated: March 21, 2013

Respectfully Submitted,

KAMALA D. HARRIS
Attorney General of California
ROBERT W. BYRNE
Senior Assistant Attorney General
GAVIN G. MCCABE
Supervising Deputy Attorney General



DANIEL S. HARRIS
Deputy Attorney General
*Attorneys for Respondents California Fish
and Game Commission and California
Department of Fish and Game*

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EXHIBIT A

ATTORNEY GENERAL-
OFFICE COPY

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*Attorneys for Respondents California
Fish and Game Commission and
California Department of Fish and Game*

**ENDORSED
FILED**
San Francisco County Superior Court

MAR 15 2013

CLERK OF THE COURT
BY: CYNTHIA S. HERBERT
Deputy Clerk

SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN FRANCISCO

**CENTER FOR BIOLOGICAL
DIVERSITY, A NON-PROFIT ORGANIZATION,**

PETITIONER,

v.

**CALIFORNIA FISH AND GAME
COMMISSION, A STATE AGENCY,
CALIFORNIA DEPARTMENT OF FISH
AND GAME, A STATE AGENCY,**

RESPONDENTS,

and,

**CALIFORNIA FORESTRY
ASSOCIATION,**

INTERVENOR-RESPONDENT.

Case No.: CGC-10-505205
**[PROPOSED] ORDER CLARIFYING
TIMING AND SCOPE OF WRIT OF
MANDATE**

Date: February 8, 2013
Time: 2:30 p.m.
Dept: 302
Judge: Hon. Harold E. Kahn
Action Filed: November 9, 2010

1 Respondent California Fish and Game Commission's ("Commission") **Motion** for
2 Clarification of Timing and Scope of Writ of Mandate ("Motion") came on **regularly** for hearing
3 on February 8, 2013 before the Honorable Judge Harold E. Kahn in Department 302 of the above
4 Court. All parties appeared at the hearing through counsel.

5 Upon consideration of the Motion, the papers submitted in response **and** reply to the
6 Motion, the pleadings and records of this action, and the argument of counsel **at** the hearing, and
7 for other good cause appearing, the Court adopts its revised tentative ruling of **February 7, 2013**
8 as its order: "The Commission acted in accordance with the writ and judgment **by** setting aside
9 the Notice of Findings at its November 2012 meeting and that, as a result of **doing** so, the fisher is
10 restored to the list of candidate species per the Commission's prior decision **without** need for any
11 further action on the part of the Commission."

12 The adoption of the above tentative ruling as the order of the Court is **intended** to clarify
13 the Court's intent to restore the *status quo ante* that existed before the Commission rejected the
14 petition to list the Pacific fisher, including reinstating the Pacific fisher's **candidate** status and the
15 applicable provisions of Article 3 of the California Endangered Species Act (**Fish & Game Code**
16 section 2080 et seq.), and is not intended to prevent the Commission from **taking** such further
17 action, if any, as the Commission deems appropriate to provide notice that the **Pacific** fisher is
18 reinstated to candidate status pending the Commission's reconsideration of a **new** peer-reviewed
19 status report on the Pacific fisher from the Department of Fish and Wildlife, as **previously** ordered
20 by this Court, including publication of such notification in the California **Regulatory** Notice
21 Register.

22 **IT IS SO ORDERED.**

HAROLD KAHN

23 Dated: February , 2013

24 3/14/13

25 _____
26 Hon. Harold E. Kahn
27 JUDGE OF THE SUPERIOR COURT

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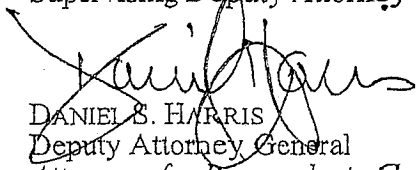
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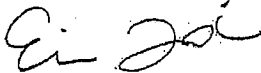
Dated: February 15, 2013

KAMALA D. HARRIS
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ROBERT W. BYRNE
Supervising Deputy Attorney General


DANIEL S. HARRIS
Deputy Attorney General
*Attorneys for Respondents California Fish
and Game Commission and California
Department of Fish and Game*

Dated: February 14, 2013

EARTHJUSTICE
GREG LOARIE
JUSTIN AUGUSTINE


ERIN TOBIN
*Attorneys for Petitioner Center for
Biological Diversity*

Dated: February __, 2013

MORRISON & FOERSTER, LLP

CHRISTOPHER J. CARR
*Attorneys for Intervenor-Respondent
California Forestry Association*

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APPROVED AS TO FORM:

Dated: February __, 2013

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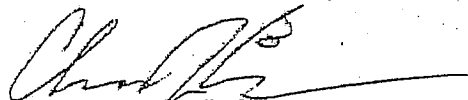
Dated: February __, 2013

EARTHJUSTICE
GREG LOARIE
JUSTIN AUGUSTINE

ERIN TOBIN
*Attorneys for Petitioner Center for
Biological Diversity*

Dated: February 14, 2013

MORRISON & FOERSTER, LLP


CHRISTOPHER J. CARR
*Attorneys for Intervenor-Respondent
California Forestry Association*

SF2010202898

DECLARATION OF SERVICE BY E-MAIL and U.S. MAIL

Case Name: **Center for Biological Diversity v. Fish & Game Commission, et al.**
Case No.: **CGC-10-505205**

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 March 21, 2013, I served the attached **NOTICE OF ENTRY OF ORDER CLARIFYING TIMING AND SCOPE OF WRIT OF MANDATE** by transmitting a true copy via electronic mail. In addition, I placed a true copy thereof enclosed in a sealed envelope, in the internal mail system of the Office of the Attorney General, addressed as follows:

Erin Tobin, Esq. Gregory Loarie, Esq. Earth Justice - California 426 17th Street, 5th Floor Oakland, CA 94612-2807 etobin@earthjustice.org	Christopher J. Carr, Esq. Morrison & Forester, LLP 425 Market Street San Francisco, CA 94105-2482 ccarr@mofoc.com
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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 March 21, 2013, at San Francisco, California.

Carmelita Gonzales

Declarant



Signature