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*Exempt from filing fees pursuant to
Gov. Code, § 6103*

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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF SAN JOAQUIN
13

14 **THE PEOPLE OF THE STATE OF
15 CALIFORNIA ex rel. VAL DOLCINI,
16 Director of the California Department of
17 Pesticide Regulation, and XAVIER
BECERRA, Attorney General of California,**

18 Plaintiffs,

19 v.

20 **ALPINE HELICOPTER SERVICE, INC., a
California corporation; JOEL C.
21 DOZHIER; WILLIAM C. HEPPE II;
22 CHARLES HEPPE; and DOES 1 through
20, inclusive,**

23 Defendants.
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Case No. STK-CV-UCC-2020-0009229

**[PROPOSED] ORDER GRANTING
PEOPLE'S MOTION FOR
PRELIMINARY INJUNCTION
AGAINST ALPINE HELICOPTER
SERVICE, INC. AND JOEL C. DOZHIER**

Date: April 28, 2021
Time: 9:00 a.m.
Dept.: 10D
Judge: Hon. Barbara Kronlund

Complaint Filed: October 30, 2020
Trial Date: None set

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California Department of Pesticide Regulation*

1 On April 28, 2021, at 9:00 a.m. and on May 5, 2021, at 10:00 a.m., the Court heard
2 plaintiffs People of the State of California ex rel. Director Val Dolcini and Attorney General Rob
3 Bonta's (People) motion for a preliminary injunction against defendants Alpine Helicopter
4 Service, Inc. and Joel C. Dozhier. Appearing and arguing for the People were David M. Meeker,
5 Rica V. Garcia, and John D. Butterfield. Appearing and arguing for defendants was David M.
6 Leath.

7 For the reasons stated on the record, the Court grants the motion and enjoins defendants
8 Alpine Helicopter Service, Inc. and Joel C. Dozhier (Alpine) and their employees, agents, and
9 persons acting with them or on their behalf from conducting any aerial pesticide application while
10 this litigation remains pending unless and until Alpine complies with all of the following
11 requirements:

12 (1) notify, in writing, the California Department of Pesticide Regulation's (DPR) Legal
13 Office, via email to pesticidenotice@cdpr.ca.gov, of all pesticide applications at least 48 hours in
14 advance, and include in such notice: (i) the name of the pilot(s) conducting the application; (ii)
15 the location of the areas to be treated; (iii) the crop or commodity to be treated, or if there is no
16 crop or commodity, the site to be treated; (iv) the approximate acres to be treated; (v) the
17 pesticide(s) to be applied; (vi) the dilution, volume per acre, and dosage of the pesticide(s) to be
18 applied; (vii) the pests to be controlled; (viii) the date and approximate time the intended
19 application is to commence; and (ix) whether any portion of the target treatment area is within
20 500 feet of each of the following: (a) any field where field workers will be present; (b) any
21 natural or human-made waterway, including but not limited to rivers, creeks, streams, lakes,
22 ponds, and wetlands; or (c) the property boundary of any property that is a sensitive site, which is
23 defined as any property frequented by people, including, but not limited to, all property with
24 buildings occupied by people for residential or commercial purposes, such as, but not limited to,
25 homes, apartments, garages, farmworker housing, schools, daycare centers, nursing homes,
26 hospitals, parking lots, and retail stores; pedestrian sidewalks; outdoor recreational areas or parks;
27 and any other area defined as a sensitive site by the label of the pesticide(s) being applied. This
28 written notice shall be emailed to pesticidenotice@cdpr.ca.gov;

1 (2) for any pesticide application for which the local county agricultural commissioner's
2 office notifies Alpine at least 24 hours in advance of the application that an employee of that
3 office intends to observe the application, not conduct such an application unless and until the
4 employee of the local county agricultural commissioner's office is present at the application site
5 or informs Alpine that Alpine may proceed with the application without observation;

6 (3) for each aerial pesticide application made by Alpine, a person holding a current
7 Qualified Applicator Certificate issued by DPR, who is not Joel C. Dozhier, William C. Hepe II,
8 Charles Hepe, Khaythan Chamberlain, Stephen Brunskill, or John Latham, must observe the
9 application from the ground, and such person shall have a means to communicate instantaneously
10 with the pilot conducting the application and shall have the authority to require the application
11 pilot to immediately cease the application if pesticide drift is observed or becomes reasonably
12 likely to occur. This designated observer must, within 72 hours after the application, submit a
13 signed statement to the local CAC's office and DPR's Legal Office certifying, under penalty of
14 perjury, that: (a) the person was present at the application site on the ground, (b) the person
15 monitored the entirety of the application, (c) the person did not observe any pesticide drift onto
16 nontarget persons or property, or other unintended contamination during the application, or if
17 drift, exposure, or contamination was observed, describing with specificity all facts observed,
18 including, at minimum, weather and wind conditions, names and contact information of persons
19 affected, and description and nature of property drifted upon, and (d) the person did not observe
20 any departure from the exercise of due care by the applicator during the application, or if any
21 departures were observed, all facts relating to any observed departures;

22 (4) use global positioning system software to capture and record throughout any pesticide
23 application: (a) the position of any aircraft used during the pesticide application, (b) the speed of
24 any such aircraft, and (c) whether the pesticide application system control valve is open or closed;
25 maintain the native log file data captured by such software for five (5) years from the date of the
26 application; and provide such native log file data upon request to the local CAC's office, DPR's
27 Legal Office, any county District Attorney's Office, or the California Attorney General's Office;
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(5) comply with all existing laws and regulations.

IT IS SO ORDERED.

HON. BARBARA A. KRONLUND
Judge of the Superior Court

Approved As To Form:

DAVID M. LEATH
*Counsel for Defendants Alpine Helicopter
Service, Inc. and Joel C. Dozhier*