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FILED Butte County FILED
Superior Court
MAY 07 2009
Sharol Strickland, Clerk
By S. BEST Deputy

9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF BUTTE

12 **Tehama Market Associates LLC and**
13 **Albert Garland,**
14
Petitioners,
15
v.
16
17 **Central Valley Regional Water Quality**
Control Board,
18
Respondent.

Case No. 141395
~~PROPOSED~~ FINAL JUDGMENT
Hearing Date: March 13, 2009
Dept: C07
Judge: Hon. Stephen E. Benson
Action Filed: October 24, 2007

21 Pursuant to the Court's Ruling on Petition for Writ of Mandate, final judgment is hereby
22 entered:
23 (1) The Court denies relief on petitioners' first cause of action (Abuse of Discretion);
24 (2) The Court denies relief on petitioners' second cause of action (Statute of Limitations);
25 (3) The Court grants the peremptory writ of mandate on petitioners' third cause of action
26 (Laches). The Court finds that there was insufficient evidence to support parts of findings 10 and
27 28 contained in the Board's Administrative Civil Liability Order No. R5-2007-0054, in which the
28 Board found that, based on unclean hands and/or estoppel, laches was not available as a defense

1 to the complaint. On petitioners' third cause of action, the Clerk is directed to issue a Writ as
2 follows: "Pursuant to this Court's Final Judgment entered _____, 2009,
3 respondent Central Valley Regional Water Quality Control Board is hereby commanded to vacate
4 its Administrative Civil Liability Order No. R5-2007-0054, adopted June 21, 2007. This matter is
5 remanded for further administrative proceedings consistent with the Court's April 6, 2009, ruling,
6 and Code of Civil Procedure section 1094.5, subdivision (f). Respondent shall file a return to the
7 Writ with 60 days of its issuance."

8 Any motions for recovery of costs and/or attorneys fees shall be filed within 30 days of the
9 filing of the Notice of Entry of Judgment.

10 IT IS SO ORDERED.

11
12 Date: MAY 07 2009 , 2009.

13 **STEPHEN E. BENSON**

14 _____
The Honorable Stephen E. Benson

15 Submitted By:

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23 Approved By:
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27 SA2007304647
28 Proposed Final Judgment