

REPRESENTATIVE LIST OF CASES

Association of Irrigated Residents v. USEPA. 790 F.3d 934 (2015). Represented coalition of industry and agricultural groups in successful defense of EPA retroactive approval of relaxed permitting rules that apply to large agricultural sources of air pollution.

Communities for Better Environment v. San Joaquin APCD (Bakersfield Crude Terminal/Plains Oil Exploration). 5th District Appeals F073517 (2016) (pending). Successfully represented District in CEQA challenge to permitting of a large rail terminal/crude oil shipping operation in Kern County. Appeal pending.

American Coatings Assn. v. South Coast AQMD. 54 Cal.4th 446 (2012). Filed amicus brief in Supreme Court supporting ability of District to adopt “technology forcing” regulations. District prevailed.

Confidential. (2016). Represented major engineering firm before county grand jury re: environmental spill.

Building Industry Association v. District. 178 Cal.App.4th 120 (2009). Successfully defended challenge by statewide building industry to San Joaquin Valley Air Pollution District Rule 9510 which regulates land development. Allegations included illegal tax under Proposition 13; equal protection violations; CEQA preemption claims; lack of nexus claims. Petition for review by Supreme Court denied.

National Association of Homebuilders v. District. 627 F.3d 730 (9th Cir. 2010). Successfully defended federal court challenges to District’s Rule 9510 on grounds that rule constitutes a preempted engine emissions standard under federal Clean Air Act.

Western United Dairymen v. District. Fresno Superior Court. Successfully defended challenge to District’s implementation of Senate Bill 700 which requires air pollution permitting for large dairy farms and confined animal facilities.

Association of Irrigated Residents v. District. 423 F.3d 989 (9th Cir. 2005). Successfully defended challenge to District’s serious PM10 attainment plan under Federal Clean Air Act.

Latino Issues Forum v. EPA (District Intervenor). 558 F.3d 936 (9th Cir. 2009). Successfully defended Federal Clean Air Act challenge by environmental groups to District Rule 4550 which regulates agricultural operations.

Association of Irrigated Residents v. District. Sacramento Superior Court. Successfully defended CEQA challenge to District’s decision to request change in San Joaquin Valley ozone designation from “severe” to “extreme” under Federal Clean Air Act.

Latino Issues Forum v. EPA (District Intervenor). 9th Circuit Court of Appeals. Successfully defended challenge by environmental groups to EPA finding Valley attained PM10 air quality standard under Federal Clean Air Act.

Association of Irrigated Residents v. District. 168 Cal.App.4th 535 (2008). Successfully defended challenge by environmental groups to District rule 4570 which regulates large dairies and confined animal operations.

Latino Issues Forum v. EPA (District Intervenor). 9th Circuit Court of Appeals. Successfully defended challenge to approval of District's fugitive dust regulation under Federal Clean Air Act.

People v. World Oil. Kern County Superior Court. Air pollution case dealt with an explosion and death at an oil refinery. Successfully mediated case and obtained \$3 million in civil penalties and \$2.8 million in facility improvements.

SJVUAPCD v. State of California Air Resources Board. Sacramento Superior Court. Action against CARB to require strengthening of regulations controlling transported air pollution from the San Francisco Bay Area to the San Joaquin Valley.

SJVUAPCD v. State of California Air Resources Board (CARB II). Sacramento Superior Court. Action against Air Resources Board to further mitigate air pollution transported from Bay Area to San Joaquin Valley and to enact enhanced smog check program for vehicles in Bay area.

Dunn-Edwards, et al. v. Technical Review Group, et al. Court of Appeals Los Angeles. Successfully defended CEQA and takings challenges by nationwide paint manufacturers to District regulation controlling content of paint and architectural coatings.

Friends of Lower Kings River. City of Sanger. Fresno Superior Court. Defended CEQA challenge in connection with approval of "biomass to energy" power plant.

Citizens for Healthy Environment, Sierra Club, et al. v. Environmental Protection Agency. Federal District Court, Eastern District. Defended Federal Clean Air Act case brought by environmental group to force EPA to promulgate clean air plan for Fresno County, impose construction ban on major sources, and cutoff federal highway funds.

City of Mendota v. Hodel. Federal District Court, Eastern District. Challenged Department of Interior's decision to close down drainage facilities to farms in western Fresno County due to selenium pollution at Kesterson Reservoir.

Westlands Water District v. U.S.A. Federal District Court, Eastern District. Intervened in federal case challenging Interior Department decision to cutoff of water deliveries to the San Joaquin Valley and effects on air quality.

San Joaquin River Committee v. County of Fresno (Ball Ranch). Defended CEQA/General Plan challenge to County approval of major subdivision in San Joaquin River bottom.

Concerned Citizens v. County (Kesterson). Defended CEQA challenge in connection with County approval of major subdivision.

City of Kingsburg v. County of Fresno. Defended claim by City that County should be required to adopt more stringent air pollution regulations concerning proposed power plants. Successfully obtained dismissal of the lawsuit.

Responsible Citizens v. Board of Supervisors. Fresno Superior Court. CEQA challenge to County approval of reclamation plan for existing rock, sand, and gravel operation in San Joaquin river bottom.

Medical Advocates v. EPA (District Intervenor). Federal District Court, Northern District. Defended action by environmental groups to force EPA to adopt Federal Clean Air Act contingency measures in San Joaquin Valley.

Medical Advocates v. EPA (District Intervenor). Federal District Court, Northern District. Defended Federal Clean Air Act case by environmental groups to force EPA to take action on District PM10 plan.

Air Pollution Violation Cases.

Obtained civil penalties and facility improvements in several California Clean Air Act enforcement cases. These include \$2.2 million from a foam packaging manufacturer; \$4.25 million from a major oil refinery; \$2.1 million from a major oil producer; \$4.45 million from a biomass power plant; several other cases in the over \$500,000 range.

OTHER CASES OF INTEREST

Kern County Employees Association v. San Joaquin Valley APCD. Defended lawsuit by labor union claiming failure to bargain in good faith under Meyers Millias Brown Act.

County of Fresno v. California Nurses Association. Obtained injunction preventing nurses from striking at regional trauma center.

Department of Fair Employment and Housing v. County of Madera. Represented County in sex discrimination trial brought on behalf of jail matrons at county jail.

Sparks v. Board of Supervisors. Constitutional claim challenged one year durational residency requirement for medically indigent health care.

Madera Community Hospital v. County of Madera. Court of appeal case challenging eligibility standards for indigent health care.

Rocha v. Board of Supervisors. Defended class action lawsuit brought by welfare recipients challenging delays in benefits.