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12 IN THE UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF CALIFORNIA
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16 **DELACROIX CORP., LOUISIANA**
17 **LANDOWNERS ASSOCIATION, INC.,**
18 **and LOUISIANA WILDLIFE AND**
FISHERIES COMMISSION,
19 Plaintiffs,
20
21 **v.**
22 **XAVIER BECERRA, in his official capacity**
as Attorney General of California,
23 Defendant.
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Case No. 2:19-cv-02488-KJM-CKD

**STIPULATION AND ORDER
REGARDING MOTION FOR
TEMPORARY RESTRAINING ORDER
AND MOTION FOR PRELIMINARY
INJUNCTION**

Judge: Hon. Kimberly J. Mueller
Trial Date: None set
Action Filed: December 12, 2019

1 commercial purposes, possession with intent to sell, or sale of alligator and crocodile dead bodies,
2 or parts or products thereof undertaken by the Defendant while the Temporary Restraining Order
3 is in effect. Should Defendant initiate any enforcement actions under this Stipulation while the
4 Temporary Restraining Order is in effect, Defendant will promptly notify Plaintiff of such action
5 and explain how such enforcement action is consistent with this Stipulation.

6 4. The Parties further agree that if there is a dispute among the Parties regarding whether
7 any specific enforcement action is subject to the Temporary Restraining Order issued under this
8 stipulation, the Court shall retain jurisdiction to decide the dispute, notwithstanding any claim of
9 abstention or sovereign immunity. The Parties agree to confer in good faith about such dispute,
10 and agree to facilitate the prompt determination of any such dispute, including by agreeing to
11 resolution of such dispute on shortened notice.

12 5. The Parties further agree to, and request that the Court approve, the following briefing
13 schedule for the Motion for Preliminary Injunction:

14 March 13, 2020: Opposition to Motion for Preliminary Injunction due;

15 April 10, 2020: Reply in Support of Motion for Preliminary Injunction due;

16 April 24, 2020, at 10:00 a.m.: Hearing on Motion for Preliminary Injunction

17 6. The Parties further agree that Defendant's obligation to answer or otherwise respond to
18 the First Amended Complaint shall be stayed until 21 days after the Court's decision on
19 Plaintiffs' Motion for Preliminary Injunction.

20 7. The Parties further agree that all discovery—including but not limited to the initial
21 scheduling conference under Federal Rules of Civil Procedure, Rule 26(f)—shall be stayed until
22 after the Court's decision on Plaintiffs' Motion for Preliminary Injunction.

23 8. The Parties further agree that any Temporary Restraining Order shall remain in force
24 until 30 days after any entry of any full or partial denial of Plaintiffs' motions for a preliminary
25 injunction or a final judgment adverse to Plaintiffs, whichever comes first.

26 9. This stipulation shall not be construed as a waiver or concession regarding any issue or
27 argument. This stipulation and order is the product of mutual drafting and negotiation, such that
28 any ambiguity shall not be construed against any party.

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IT IS SO STIPULATED.

Dated: December 20, 2019

CALIFORNIA DEPARTMENT OF JUSTICE

/s/ John W. Killeen
XAVIER BECERRA
Attorney General of California
RANDY L. BARROW
Supervising Deputy Attorney General
BENJAMIN M. GLICKMAN
Supervising Deputy Attorney General
LINDA L. GANDARA
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ALI A. KARAOUNI
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JOHN W. KILLEEN
Deputy Attorney General
*Attorneys for Defendant California Attorney
General Xavier Becerra*

1 Dated: December 20, 2019

LOUISIANA DEPARTMENT OF JUSTICE

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*/s/ Joseph S. St. John (signature used by
permission granted 12/20/19)*

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ELIZABETH B. MURRILL
Solicitor General of Louisiana

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Jordan M. Call

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10

*Attorneys for Plaintiff Louisiana Wildlife and
Fisheries Commission*

11

12 Dated: December 20, 2019

DELACROIX CORP.

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14

*/s/ Melinda Benge Brown (signature used by
permission granted 12/20/19)*

15

MELINDA BENGE BROWN
Attorneys for Plaintiff Delacroix Corp.

16

17 Dated: December 20, 2019

CARVER DARDEN KORETZKY TESSIER FINN
BLOSSMAN & AREAUX LLC

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*/s/ M. Tayler Darden (signature used by
permission granted 12/20/19)*

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M. TAYLOR DARDEN
*Attorneys for Plaintiff Louisiana Landowners
Association*

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1 **ORDER**

2 Having reviewed the Parties' stipulation, and good cause appearing, it is ordered that:

3 1. Based on Defendant's non-opposition to Plaintiffs' Motion for Temporary Restraining
4 Order, the Motion for Temporary Restraining Order is GRANTED. Defendant BECERRA,
5 together with his successors, agents, employees, representatives, and other persons under his
6 supervision, are ENJOINED from enforcing California Penal Code Sections 653o and 653r with
7 respect to any dead body, or any part or product thereof, of any crocodile or alligator.

8 2. Notwithstanding paragraph 1, the California Department of Fish and Wildlife may
9 enforce the provisions of California Penal Code sections 653o(b)(1) and 653r pertaining to the
10 importation for commercial purposes, possession with intent to sell, or sale of alligator and
11 crocodile dead bodies, or parts or products thereof, during the pendency of the case, against
12 activities that are not authorized or otherwise permitted under the Endangered Species Act or its
13 regulations.

14 3. This Order applies to all enforcement of the provisions of California Penal Code sections
15 653o(b)(1) and 653r pertaining to the importation for commercial purposes, possession with
16 intent to sell, or sale of alligator and crocodile dead bodies, or parts or products thereof
17 undertaken by the Defendant while the Temporary Restraining Order is in effect. Should
18 Defendant initiate any enforcement actions under this Stipulation while the Temporary
19 Restraining Order is in effect, Defendant shall promptly notify Plaintiff of such action and explain
20 how such enforcement action is consistent with this Order.

21 4. If there is a dispute among the Parties regarding whether any specific enforcement action
22 is subject to this Temporary Restraining Order, the Court shall retain jurisdiction to decide the
23 dispute, notwithstanding any claim of abstention or sovereign immunity. The Parties shall confer
24 in good faith about such dispute and shall facilitate the prompt determination of any such dispute,
25 including by agreeing to resolution of such dispute on shortened notice.

26 5. This Temporary Restraining Order shall remain in force until 30 days after any entry of
27 any full or partial denial of Plaintiffs' motions for a preliminary injunction or a final judgment
28 adverse to Plaintiffs, whichever comes first.

1 6. The Motion for Preliminary Injunction is set for briefing and hearing according to the
2 following schedule:

3 March 13, 2020: Opposition to Motion for Preliminary Injunction due;

4 April 10, 2020: Reply in Support of Motion for Preliminary Injunction due;

5 April 24, 2020, at 10:00 a.m.: Hearing on Motion for Preliminary Injunction

6 7. Defendant's obligation to answer or otherwise respond to the First Amended Complaint
7 shall be stayed until 21 days after the Court's decision on Plaintiffs' Motion for Preliminary
8 Injunction.

9 8. All discovery—including but not limited to the initial scheduling conference under
10 Federal Rules of Civil Procedure, Rule 26(f)—shall be stayed until after the Court's decision on
11 Plaintiffs' Motion for Preliminary Injunction.

12 9. Plaintiffs are not required to post a bond.

13 IT IS SO ORDERED.

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15 DATED: December 22, 2019.

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19 UNITED STATES DISTRICT JUDGE
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