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STOP QIP TAX COALITION

By Fax

DAVIS WRIGHT TREMAINE LLP

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF SACRAMENTO

UNLIMITED JURISDICTION

STOP QIP TAX COALITION, Plaintiff/Petitioner, v. CALIFORNIA DEPARTMENT OF FOOD AND AGRICULTURE, and Does 1 through 100, inclusive, Defendants/Respondents.	Case No. ____________________ **VERIFIED PETITION FOR WRIT OF MANDATE AND COMPLAINT FOR DECLARATORY RELIEF AND/OR OTHER EXTRAORDINARY RELIEF** **IMMEDIATE ACTION REQUESTED [Cal. Code Civ. Proc. §§ 526, 1085, 1094.5, 1102]**

COME NOW Plaintiff/Petitioner Stop QIP Dairy Tax Coalition ("Plaintiff/Petitioner"), for its Complaint and Petition alleges as follows:

I. INTRODUCTION

1. This action challenges the Quota Implementation Program/Quota Administration Program ("QIP"), a copy of which is attached hereto as Attachment A. The California Department of Food and Agriculture ("CDFA") presently administers the QIP as a method of reallocating a portion of the proceeds from the sale of milk among California Grade A dairy farmers.

2. The grounds for these challenges are that the QIP is an underground regulation and is not enforceable by CDFA as it is not law.

3. Through this action, Plaintiff/Petitioner seeks an order from the Court declaring that CDFA adopted the QIP in violation of California Food and Agriculture Code §§ 62716, 62717 and 62757 and that the QIP in its present form is invalid, and issuing a peremptory writ of mandate ordering the CDFA to vacate the QIP and cease all QIP operations.

II. PARTIES

4. The Stop QIP Dairy Tax Coalition is a California dairy farmer unincorporated association. Its approximately 30 members are California dairy farmers; pursuant to the QIP CDFA intercepts and reallocates a portion of the proceeds from the sale of their milk. The members of STOP QIP are all net payers under the QIP. STOP QIP was formed to gather support for the termination of the QIP and thus establish a level playing field for all California dairy farmers.

5. The California Department of Food and Agriculture ("CDFA") is a government agency duly organized and operating in California.

III. JURISDICTION AND VENUE

6. This Court has jurisdiction over this action pursuant to Code of Civil Procedure sections 1060 and 1085.

7. Venue is proper in this Court pursuant to Code of Civil Procedure sections 393(b) and 395(a) because the effects of the CDFA's actions took place in the County of Sacramento and will be felt within the County of Sacramento, as well as other counties throughout the State of California. In addition, the County of Sacramento is a proper venue for an action against the CDFA.

IV. GENERAL ALLEGATIONS

8. The current iteration of the QIP exists after a long and complex milk regulatory regime in California.

A. History of Federal and State Milk Marketing Regulations

9. The State of California, and now the federal government, regulates the marketing of raw milk in California in order to stabilize prices and assure adequate supply. *See, e.g.,* Attachment B, Brief for the United States as Amicus Curiae Supporting Petitioners, *Hillside Dairy*

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Inc. v. Lyons, 2003 WL 673075 (U.S.), 2 (U.S. Amicus Brief, 2003) (hereinafter "Solicitor General Brief").

10. The historical justification for the government to regulate milk marketing arises due to two phenomena: 1) a pricing structure that permits different returns for raw milk of the same quality depending upon its end use (e.g., as fluid milk, powdered milk, or an ingredient for a product like cheese); and 2) a continual production process with fairly stable overall demand for milk used in all products, which requires farmers to maintain sufficiently large herds to meet the fluctuating demand for fluid milk production even in the leaner fall and winter periods of production. *Id.* at 2.

11. When these features were not regulated, the market was thought to become unstable. For example, as to the first phenomena, raw milk used for fluid milk (e.g., the gallon of milk one buys at the grocery store) can be sold by farmers for a higher price than raw milk used for other uses (e.g., powdered milk or milk products like cheese or yogurt). Thus, competition for fluid milk sales can become disruptive to the market. *Id.* at 4.

12. In an effort to "restore order to the market and boost the purchasing power of farmers," Congress enacted the Agricultural Adjustment Act, ch. 25, 48 Stat. 31, which later formed the basis of the Agricultural Marketing Agreement Act of 1937 (AMAA), 7 U.S.C. 607.

13. The AMAA authorizes the Secretary of Agriculture to "establish and maintain such orderly marketing conditions… as will establish, as the price to farmers, parity prices." 7 U.S.C. 602(1). It accordingly empowers the Secretary of Agriculture to issue "marketing orders" that regulate minimum prices that dairy farmers may receive in certain defined geographic areas. Under the orders, milk is classified according to its end use (in other words, the ultimate product into which a processor turns the milk). Processors (called "handlers") must account to a regional pool for each class of milk that they purchase. USDA then announces for each regional order a uniform or "blend price" that blends the various different class prices the processors owe into a single, uniform price. Handlers whose total obligation exceeds the minimum blend price, pay the minimum blend price directly to their dairy farmers and the remainder to a regional pool. Handlers whose total obligation to farmers falls short of the minimum blend price receive money

from the regional pool and then pay their dairy farmers the minimum price based upon what they owed for how their milk was used and how much they receive from the regional pool. In this way, the regional pool blends all proceeds and through the handlers pays farmers a uniform "blend price" for each unit of milk sold without regard for how that particular farmer's milk was used by the handler to whom they sold their milk.

14. Not every geographical area in the United States has adopted a federal marketing order. Federal Milk Marketing Orders are "opt-in" orders, meaning states can decide to proceed under their own system and would only move to a federal system if the dairy farmers in that state or region vote to join a federal order.

15. Until November 1, 2018, the California dairy industry never participated in such an order. Instead, the State adopted its own regulatory program to stabilize the market for raw milk and later pool the proceeds of such stabilization through two separately adopted programs pursuant to CDFA's process: (1) the setting of minimum classified prices for all market milk for prices paid by handlers to dairy farmers (Stabilization and Marketing Plan for Market Milk for Northern California and the Stabilization and Marketing Plan for Market Milk for Southern California – hereafter the "Stabilization Plans" – Attachment C); and (2) the Pooling Plan for Market Milk ("California Pooling Plan" or "Pooling Plan" – Attachment D). As with the federal orders, the California Stabilization Plans and (once adopted in 1969) the Pooling Plan guaranteed California dairy farmers a uniform minimum return for their raw milk, regardless of the end use to which the handler puts the milk. California also classified milk based on its end use under the Stabilization Plans. And like in other federally regulated markets, "Class 1, which consists of raw milk used to produce fluid milk products, typically demands the highest price. Other classes, such as raw milk used to produce butter (Class 4a) and cheese (Class 4b), typically demanded lower prices." Solicitor General Brief, at 3-4. Like federal orders, CDFA adopted and amended the Stabilization Plans and the Pooling Plan after public hearings. Cal. Code Regs. §§ 2080.2, 2080.3.

16. Until November 1, 2018, CDFA "establishe[d] a minimum price for each component of raw milk (butterfat, solids-not-fat, [1] and fluid carrier) depending on the class of

[1] The components of milk are solids-not-fat, butterfat and water ("fluid carrier"). Solids-not-fat is protein, lactose, casein, minerals (ash), and whey.

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product into which the raw milk is to be processed. A handler that purchases raw milk for processing into fluid milk is obligated to pay at least the Class 1 price, while a handler that purchases raw milk for processing into cheese is obligated to pay at least the Class 4b price." Solicitor General Brief, at 4. These amounts, though, are not necessarily equal to the price that the dairy farmer receives for the raw milk (as the farmer will receive the blended price). Producer prices for milk are based on hundred pound increments or "cwt" (hundredweight).

17. As in federal milk marketing orders, in order to account for the higher value of raw milk used to produce fluid milk products and then share that value amongst farmers, beginning in 1969 California used a pooling mechanism to reconcile the varying minimum amounts that handlers are required to pay for raw milk with the uniform minimum amounts that farmers are guaranteed to receive for raw milk. "The pooling mechanism among handlers, which results in a transfer of funds from handlers of raw milk for higher-priced uses (e.g., fluid milk) to handlers of raw milk for lower-priced uses (e.g., butter and cheese), reconciles the uniform price guaranteed by handlers depending upon the uses that they make of the raw milk. In order to determine each handler's obligation to the pool, CDFA calculates an 'in-plant blend price' for each handler, which is based on the particular use or uses that the handler makes of the raw milk that it purchases... The handler's in-plant blend price is then multiplied by the total amount of raw milk that the handler has purchased to determine the handler's 'gross pool obligation.' The handler must account to the pool based on that amount, subject to certain adjustments. If the total amount of a handler's payments to dairy farms is less than its pool obligation (as is typically the case for handlers that primarily produce Class 1 fluid milk...), the handler pays the difference to the pool. If the total amount of a handler's payments to dairy farms exceeds its pool obligation (as is typically the case for handlers that primarily produce butter or cheese...), the handler draws on the pool to recover the difference." Solicitor General Brief at 5-6.

18. In this process, after 1969 the California regulatory program functioned fairly similarly to Federal Milk Marketing Orders ("FMMOs"). However, there is one enormous difference between the two programs – the California Quota program.

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B. California Quota

19. Quota arose during the transition from having just the Stabilization Plans that set minimum classified prices in California to include the California Pooling Plan. At the time of adoption of the Pooling Plan in 1969, California farmers who had fluid milk contracts were reticent to give them up through pooling. Essentially, those farmers were moving from enjoying all of the higher price of milk used for fluid milk to a system that shared that higher price amongst all farmers. In order to address these issues and make the program politically palatable, California created a system whereby over time two blend prices are determined – the "quota" price and the "overbase" price.

20. "The quota price, which is the higher of the two, is paid for an amount of production that was originally determined for California dairy farms based on their respective shares in the 1960s of the market for raw milk used to produce fluid milk and that has been subject to certain adjustments in subsequent years. The overbase price is paid for a California dairy farm's milk in excess of any quota." Solicitor General Brief at 5.

21. Quota was originally issued to farmers who enjoyed fluid milk (or Class 1) sales under contracts, but now can be bought and sold amongst active dairy farmers. Quota entitles a farmer to a payment of a fixed differential of $1.70 per hundredweight over the overbase price for the amount of milk the farmers sells covered by their quota on a solids-not-fat basis (a payment then adjusted by the farmer's geographic location). *See* Cal. Food & Agric. Code § 62750 ("After taking into consideration the effect of regional quota adjusters, the solids not fat announced quota price for those areas in which there is no regional quota adjuster shall be nineteen and one-half cents ($0.195) per pound greater than the announced solids not fat price for all milk produced in excess of pool quota.").[2]

22. In terms of impact on the CDFA pool prior to November 1, 2018, after all of the proceeds from the handlers were accounted for, CDFA would announce the quota and overbase prices. Then funds would be distributed first to California dairy farmers based upon each individual dairy farmer's quota pounds of solids-not-fat owned, with the overbase price being paid

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[2] $0.195 per pound of solids-not-fat converts to $1.70 per cwt.

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to all farmers from the remainder of the funds. Quota payments (with a quota price and an overbase price) are not features found in Federal Milk Marketing Orders and are unique to California.

23. In 1967, the California legislature set out the structure for establishing a California Pooling Plan in Chapter 3 (California Food and Agriculture Code §§ 62700 – 62731). In this Chapter, the legislature required CDFA to create a formulation committee to develop proposals. Then, per § 62705, "[a]fter the director, with the advice and assistance of the formulation committee, has formulated the proposed plan, he shall hold one or more public hearings in each proposed pooling area to be affected by the proposed plan for the purposes of considering modification of the proposed boundaries and formulating the pooling plan which will best accomplish the purposes of this chapter" (emphasis added).

24. In conjunction, § 62716 states, "[f]ollowing the required hearing, the director shall submit the pooling plan to producers concerned for their approval or disapproval in a statewide referendum" (emphasis added). Then the farmers will participate in a referendum to either approve or reject the plan.

25. Section 62717 details the referendum process. It then states, "[t]he director may amend the plan, after notice and public hearing has been given…" (emphasis added).

C. Changes to the California Regulatory Programs

26. In 2014, a number of California dairy farmers began to pursue a California Federal Milk Marketing Order which would supplant the California regulatory system. This ultimately culminated, after a lengthy formal rulemaking process including 40 days of public hearing, in the United States Department of Agriculture proposing on April 2, 2018 a California Federal Milk Marketing Order. *See* Attachment E. Such a California FMMO was subject to a producer referendum just as had been the case in California for the state programs. 7 U.S.C. §608c(9).

27. As is customary in all FMMOs, the California Federal Milk Marketing Order did not include provisions for administering the quota program. Instead, the Order defined the California Quota Program ("the applicable provisions of the California Food and Agriculture Code, and related provisions of the pooling plan administered by the California Department of

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Food and Agriculture ("CDFA")"; *see* § 1051.11) and USDA only permitted those quota deductions as authorized by the CDFA California Quota Program (*see* § 1051.73(a)(2)(viii)).

28. USDA's Final Decision, published on April 2, 2018 (83 Fed. Reg. 14110, 14130 c. 2-3 (April 2, 2018) *see* https://www.govinfo.gov/content/pkg/FR-2018-04-02/pdf/2018-06167.pdf), described the treatment of quota under the new California FMMO as follows:

> The record reflects that the California quota program is funded by California producers. All handlers regulated through the CSO pay minimum classified use values, and it is only once those values have been pooled that the quota value is deducted from the pool. Data on the record indicates that all California dairy farmers, including quota holders, receive $0.37 per cwt less, on average, for all of their milk marketings in order to fund the $0.195 per pound of quota SNF payment to quota holders.
>
> This decision continues to find the California quota program could be maintained, administered, and enforced by CDFA and that a California FMMO should operate as a stand-alone program. As is currently done in all FMMOs, handlers would pay classified use values into the pool, and all producers, both in-state and out-of-state, would receive a FMMO blend price reflective of the market's use values. It is through this structure that California FMMO could ensure the uniform payment and trade barrier provisions of the AMAA are upheld.
>
> Should CDFA determine it can continue to operate the California quota program through the use of producer monies, as is the current practice, the proposed California FMMO could recognize quota values through an authorized deduction by handlers from the payments due to producers for those dairy farmers determined by CDFA to be participants in the state-administered California quota program. The amount of the deduction would be determined and announced by CDFA.
>
> Currently, FMMOs allow for authorized deductions, such as the Dairy Promotion and Research Program assessment, from a producer's milk check. The proposed California FMMO would similarly authorize a deduction for the state-administered California quota program. The California FMMO would allow regulated handlers to deduct monies, in an amount determined and announced by CDFA, from blend prices paid to California dairy farmers for pooled milk, and send those monies to CDFA to administer the quota program. CDFA would in turn enforce quota payments to quota holders.
>
> In essence, this decision proposes that the California quota program could continue to operate in essentially the same manner as it currently does. The record reflects that the California quota program already assesses California producers to pay quota values to quota holders. While producers may not see this as an itemized deduction on their milk checks, their overbase price is lower than it otherwise would be if there was no quota program. This is a result of deducting the quota value from the pool prior to calculating the overbase price.

29. In February 2017, USDA issued a recommended decision for the California

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FMMO that mirrored its Final Decision. With quota not included directly in the California FMMO as discussed in paragraph 28 above, California dairy farmers sought assurances that the quota system would be retained by CDFA.

30. After USDA's February 2017 recommended decision was issued and in anticipation of the Final Decision in 2018, in July 2017, the California legislature adopted state budget "trailer bill language" to address the potential move to a Federal Milk Marketing Order. This additional statutory framework, found in Chapter 3.5 at California Food and Agriculture Code § 62757(a), states, "if a federal milk marketing order is established in California, the secretary is authorized to establish a stand-alone quota program, <u>the details of which shall be included in the pooling plan</u>" (emphasis added).

31. Furthermore, part (c) of that same section states: "The stand-alone quota program shall be pursuant to a recommendation by the review board established pursuant to Section 62719 and approved by a statewide referendum of producers conducted pursuant to Sections 62716 and 62717."

32. As described in Paragraphs 33 through 36, below, prior to California farmers voting to move to a federal milk marketing order, CDFA proceeded to adopt a stand-alone quota program, the QIP. However, it did so outside of the California Pooling Plan, and did not amend the Pooling Plan – and proceeded without any public hearing as had been held for the adoption and all amendments to the Stabilization Plans and Pooling Plan over the decades of California regulation of milk. The concept of the QIP was to function together with the FMMO as CDFA had operated previously with quota in the Pooling Plan. Since quota was to be treated equivalently and as this was the only piece of milk price regulation remaining with CDFA rather than with the FMMO, the quota revenue pool needed to be subjected to the same rigorous regulatory program process as had been done before.

33. On June 7, 2018, California farmers approved adoption of the Federal Milk Marketing Order in the State of California, to replace the California Stabilization Plans and Pooling Plan. Per the California Pooling Plan, the Plan is automatically suspended if a federal marketing order is adopted that conflicts with the Plan. *See* Cal. Food & Agric. Code § 62726

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("Notwithstanding other laws to the contrary, in the event a milk marketing order under the jurisdiction of the United States Department of Agriculture or other appropriate federal agency, is created by referendum or under the applicable laws and procedures relating thereto, in this state or in any geographical area within this state, the provisions of this chapter or any part thereof which is in conflict with such federal order, or which is unnecessary or is a duplication thereof, shall be suspended in the geographical area covered by and during the existence of such federal order.").

34. On November 1, 2019, the QIP began operating independently of any state Pooling Plan. Quota funds under the QIP total approximately $12,000,000 per month.

D. Unlawful Adoption of the Quota Implementation Program

35. CDFA adopted a stand-alone Quota Implementation Program on January 5, 2018. However, the QIP is invalid, cannot be enforced and must be terminated as being an underground regulation without any force or effect.

36. The Secretary, per the trailer bill language, charged the Producer Review Board to develop a recommendation outlining the provisions for a stand-alone quota program. However, the Secretary never held the "required hearing," and instead proceeded straight to recommending the QIP on September 21, 2017. The Secretary then held a referendum without ever having held a public hearing pursuant to § 62716 or § 62717. The referendum was certified in favor of adopting the QIP on January 5, 2018.

37. During this entire time, the only pooling plan that existed was the long-standing California "Pooling Plan for Market Milk"; the Federal Milk Marketing Order would not go into effect until 10 months later. The Secretary adopted the QIP after the referendum, but did not include the details of the QIP "in the pooling plan," per § 62757. To do so, would have required a public hearing pursuant to the statute and regulations. *See* Cal. Food & Agric. Code §§ 62716, 62717; Cal. Code Regs. §§ 2080.2, 2080.3.

38. It appears CDFA adopted the QIP outside of the Pooling Plan because at least some farmers wanted to understand how quota would operate in the proposed California Federal Milk Marketing Order prior to voting to adopt it and no one considered adopting an amendment to the Pooling Plan that would have had a contingent effective date once the Federal Milk Marketing

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Order became effective. Thus, CDFA pushed forward with establishing the QIP prior to the vote on the Federal Milk Marketing Order and prior to its adoption, all without the public hearing required under §§ 62712 and 62716 and the applicable regulations. As the California Pooling Plan would only be effective up until October 31, 2018 (when CDFA would have to suspend the Pooling Plan as being in conflict with the new Federal Milk Marketing Order under California Food and Agriculture Code § 62726), the QIP needed to become contingently effective prior to this date, but also continue after it.

39. After an affirmative vote of the affected dairy farmers, the California FMMO became effective on November 1, 2018.

40. As such, California moved from the California Stabilization Plans and the Pooling Plan to the Federal Milk Marketing Order on November 1, 2018. The Pooling Plan was suspended as of that date, and the QIP sprang into operation, but without legal authority.

41. CDFA could have amended the California Pooling Plan (and thus complied with the requirement to make the QIP part of the pooling plan), but such an amendment would have also required a public hearing per California Food & Agriculture Code §§ 62716 and 62717.

42. The failure to hold the public hearing makes the QIP a legal nullity which cannot and should not be enforced. The payment of quota is controversial in California. While it previously was part of a package deal with pooling (which was seen to benefit all farmers), as a standalone program its only function is to take proceeds from all farmers and distribute them to a select group based on quota ownership. *See*, e.g., Attachment F (memorandum drafted by dairy economist Matt Gould for United Dairy Families of California) ("Prior to joining the Federal Milk Marketing Order system, the California quota program was coupled with state pooling. This meant that termination of quota would also bring about the end of state pooling, which continues to be an unpopular idea in the industry. Because of the coupling, the quota program was at relatively low risk of termination. But the risk of termination increased following the approval of the California Federal Milk Marketing Order (FMMO) which de-coupled quota from state pooling. Alongside the approval of the FMMO, came a petition to terminate quota and quota prices plummeted from above $500/lb to around $300/lb of solids not fat".).

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43. This controversial program is "enforced" by CDFA through the QIP; however the QIP has no legal existence. CDFA unlawfully avoided a necessary and required public hearing on the new quota program, where a hearing officer and panel would oversee exhibits, testimony of witnesses, questioning by the panel, written statements, briefs and a hearing transcript regarding the need and desire amongst farmers to continue this antiquated redistribution program. The avoidance of such a hearing makes the subsequent program, the QIP, unlawful.

44. Plaintiff on October 29, 2019 sent a letter to CDFA demanding that CDFA cease and desist operating the QIP for the same reasons as stated in this Writ. *See* Attachment G. On November 14, 2019, CDFA responded, declining to take any action. *See* Attachment H.

FIRST CAUSE OF ACTION

Writ of Mandate [CCP § 1085] / Declaratory Relief [CCP § 1060] — Quota Implementation Program Violates Cal. Food & Agric. Code § 62757(a)

45. Plaintiffs/Petitioners incorporate by reference; as though fully set forth herein, the allegations contained in paragraphs 1 through 44, inclusive.

46. California Food and Agriculture Code § 62757(a) requires CDFA to include the details of the QIP in "the pooling plan".

47. CDFA did not include the details of the QIP in the pooling plan.

48. Based on the foregoing, Plaintiffs/Petitioners request an order from the Court declaring the QIP invalid and improper because the CDFA adopted the QIP in violation to the enabling legislation. Plaintiffs/Petitioners further request a peremptory writ of mandate ordering the CDFA to vacate the QIP and cease all QIP operations.

SECOND CAUSE OF ACTION

Writ of Mandate [CCP § 1085] / Declaratory Relief [CCP § 1060] — Quota Implementation Program Violates Cal. Food & Agric. Code § 62757

49. Plaintiffs/Petitioners incorporate by reference; as though fully set forth herein, the allegations contained in paragraphs 1 through 48, inclusive.

50. California Food and Agriculture Code §§ 62716 and 62717 require CDFA to have a public hearing prior to holding a referendum.

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51. California Food and Agriculture Code § 62757 requires, through incorporation of §§ 62716 and 62717, CDFA to have a public hearing prior to a referendum on the issue of adopting or modifying a free-standing quota program, like QIP.

52. CDFA did not have a public hearing prior to adopting the QIP.

53. Based on the foregoing, Plaintiffs/Petitioners request an order from the Court declaring the QIP invalid and improper because the CDFA adopted the QIP in violation to the enabling legislation. Plaintiffs/Petitioners further request a peremptory writ of mandate ordering the CDFA to vacate the QIP and cease all QIP operations.

THIRD CAUSE OF ACTION

Declaratory Relief (CCP § 1060) – Quota Implementation Program Violates Cal. Food & Agric. Code §§ 62717 and 62757

54. Plaintiffs/Petitioners incorporate by reference, as though fully set forth herein, the allegations contained in paragraphs 1 through 53 inclusive.

55. QIP violates state law because it a) is not included in "the pooling plan under Section 62757," b) was not adopted after a public hearing per Section 62717, and/or c) was not adopted after a public hearing per Section 62757. The QIP is an underground regulation and cannot be enforced by CDFA.

56. An actual controversy has arisen and does exist regarding the validity of the QIP.

57. Based on the foregoing, Plaintiffs/Petitioners request an order from the Court declaring that the QIP is invalid.

V. PRAYER FOR RELIEF

Wherefore, Petitioner prays for judgment on all causes of action of this Petition as follows:

1. For an order from the Court declaring QIP invalid;
2. For an order from the Court suspending the implementation of QIP, including halting the collection and distribution of all fees;
3. For a determination that the QIP is invalid, illegal, void, and of no effect;
4. For costs of suit;
5. For reasonable attorneys' fees; and

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6. For such other relief as the Court deems just and proper.

DATED: December 3, 2019

Respectfully submitted,

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By: ______________________
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VERIFICATION

I, A.J. Bos, am the owner of Maple Dairy LP and am authorized to verify this Petition as a founding member of the STOP QIP TAX COALITION. I have read this Verified Petition for Writ of Mandate in *Stop QIP Tax Coalition v. California Department of Food and Agriculture* and am informed, and do believe, that the matters herein are true. On that ground I allege that the matters stated herein are true.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 3, 2019

A.J. Bos