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17 IN THE SUPERIOR COURT OF SAN BENITO COUNTY

18 STATE OF CALIFORNIA

19 ORGANIC PASTURES DAIRY)
20 COMPANY, LLC, and)
21 CLARAVALE FARM, INC.,)

22 Plaintiffs,)

23 v.)

24 STATE OF CALIFORNIA and)
25 A.G. KAWAMURA, Secretary of California)
26 Department of Food and Agriculture,)

27 Defendants.)
28)

Case No.: CU-07-00204

**DECLARATION OF RUSTY AREIAS
IN SUPPORT OF PLAINTIFFS'
MOTION FOR TEMPORARY
RESTRAINING ORDER**

29 I, Rusty Areias, declare and say on my own personal knowledge and belief, the following:

30 1. I am employed as a Consultant with the firm of California Strategies, LLC ("CS"), located
31 in Sacramento, California.

32 2. I have been a member of CS in this capacity since 2003.

33 3. As part of my duties and responsibilities as a Consultant with CS, I develop strategies on
34 behalf of various clients for legislation and regulation that is favorable to them and that does not
35 impose undue regulatory burdens on the operation of the client's business.

1 4. Prior to my employment with CS, I was a Member of the California State Legislature
2 representing San Benito, Santa Cruz, Monterey and Merced counties; Chairman of the
3 Agriculture Committee; Chairman of the California Coastal Commission; Chairman of the
4 Consumer Protection Committee; and Director of State Parks.

5 5. I have been involved in the California political process since 1982.

6 6. AB 1735 was suggested by the California Department of Food and Agriculture (CDFA)
7 but did not receive prior approval from the Governor's Office. Normal procedure would have
8 been for the Governor's office to approve the proposed legislation before gaining sponsorship
9 from the Committee on Agriculture as a committee bill.

10 7. AB 1735 was recommended by the Agriculture committee staff for the consent calendar,
11 a process that is reserved only for legislation that is believed to have unanimous support and is
12 without controversy.

13 8. The Agriculture committee staff provided an analysis of AB 1735 that was inconsistent
14 with what the bill actually did and thus contributed to an atmosphere which suggested justified
15 consent and removed all controversy.

16 9. The consent designation and misleading analysis was used and depended upon at all
17 subsequent committee hearings and in the Governor's office to attain his signature.

18 10. In all my years of working in the Capitol (nearly 30) I have never seen a department of the
19 government (CDFA) sponsor legislation under false pretenses and actively misrepresent what
20 that Legislation enacts (AB 1735).

21 11. CFDA regulates, inspects, issues and reviews permits to the two raw milk dairies in
22 California, the Plaintiffs in this case, and failed to notify them of the implications of the
23 sponsored legislation.

24 12. I have read and am familiar with numerous pieces of legislation being considered or about
25 to be considered which would rescind AB 1735 and substitute a different, less restrictive testing
26 standard.

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1 13. One of these bills is sponsored by Assemblywoman Parra, the original author of AB 1735
2 who has often said in public testimony that she was misled by CDFA staff on AB 1735. Another
3 proposed bill is by Senator Dean Florez, the Chairman of the Committee on Foodborne Illness,
4 and yet a third bill which proposes that direct samples be taken from the bulk tank is sponsored
5 by Assemblyman Tom Berryhill, who has been very critical of the very department, CDFA, that
6 his father once directed.

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8 I declare under penalty that the foregoing is true and correct of my own knowledge, and
9 that if called to testify I could and would do so competently. I further declare that this document
10 was executed on March 11, 2008 in Sacramento, California.

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Rusty Areias

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