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FILED
ALAMEDA COUNTY
 JUN - 4 2008
 CLERK OF THE SUPERIOR COURT

6 Attorneys for Petitioner
 7 COALITION TO SUPPORT PLASTIC BAG
 8 RECYCLING

9 SUPERIOR COURT OF CALIFORNIA
 10 COUNTY OF ALAMEDA

11 COALITION TO SUPPORT PLASTIC
 12 BAG RECYCLING, an unincorporated
 association,

CASE NO. RG07339097

**STIPULATION REGARDING POST-
 DECISION MATTERS**

13 Petitioner,

ASSIGNED FOR ALL PURPOSES TO:
 JUDGE: FRANK ROESCH
 DEPARTMENT: 31

14 v.

15 CITY OF OAKLAND, a municipal
 16 corporation, CITY COUNCIL OF THE
 17 CITY OF OAKLAND, collectively and in
 their official capacities, and DOES 1
 through 20 inclusive,

18 Respondents.

19
 20 Petitioner COALITION TO SUPPORT PLASTIC BAG RECYCLING ("Coalition" or
 21 "Petitioner") and Respondents CITY OF OAKLAND and CITY COUNCIL OF THE CITY OF
 22 OAKLAND (collectively, "City"), by and through their counsel of record, stipulate as follows:

- 23 1. Petitioner waives its right to move this Court for an order granting it attorneys' fees
 24 as a prevailing party under section 1021.5 of the Code of Civil Procedure or any other statutory or
 25 common law authority.
- 26 2. The City waives its right to appeal the final judgment of this Court in this action.
- 27 3. The City waives its right to specify controverted issues or to make proposals not
 28 covered in the Court's Statement of Decision, dated April 17, 2008.

BY FAX

1 4. Those portions of the Court's Statement of Decision, dated April 17, 2008,
2 discussing Kevin Kelly's opinion that there is not enough biodegradable resin in the United States
3 to support the demand that would be generated by the ordinance, which was the subject of this
4 litigation, do not preclude the City from submitting contrary evidence in or establishing facts to
5 the contrary in, a subsequent administrative or other proceeding.

6 5. This Stipulation is not an admission of liability by any party as to the merits of the
7 issues addressed herein.

8 6. This Stipulation may be executed in counterparts, and photo or facsimile copies
9 shall constitute good evidence of such execution.

10
11 DATED: ~~May~~ ^{June} 3, 2008

DOWNEY BRAND LLP

12
13 By: Michael N. Mills
14 MICHAEL N. MILLS
15 Attorneys for Petitioner
16 COALITION TO SUPPORT
17 PLASTIC BAG RECYCLING

18 DATED: May 7, 2008

19 JOHN A. RUSSO, City Attorney
20 BARBARA J. PARKER, Assistant City Attorney
21 MARK WALD, Deputy City Attorney
22 KEVIN D. SIEGEL, Deputy City Attorney

23 By: Kevin D. Siegel
24 KEVIN D. SIEGEL
25 Attorneys for Respondents
26 CITY OF OAKLAND and CITY COUNCIL OF THE
27 CITY OF OAKLAND
28

1 **PROOF OF SERVICE**

2 I am a resident of the State of California, over the age of eighteen years, and not a party to
3 the within action. My business address is Downey Brand LLP, 555 Capitol Mall, Tenth Floor,
4 Sacramento, California, 95814-4686. On June 4, 2008, I served the within document(s):

4 **STIPULATION REGARDING POST-DECISION MATTERS**

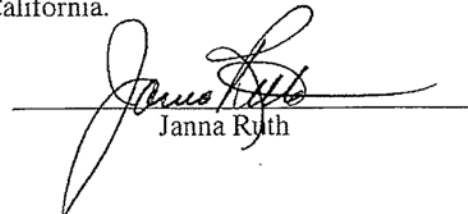
- 5 **BY FAX:** by transmitting via facsimile the document(s) listed above to the fax
6 number(s) set forth below on this date before 5:00 p.m.
- 7 **BY HAND:** by personally delivering the document(s) listed above to the person(s)
8 at the address(es) set forth below.
- 9 **BY MAIL:** by placing the document(s) listed above in a sealed envelope with
10 postage thereon fully prepaid, in the United States mail at Sacramento, California
11 addressed as set forth below.
- 12 **BY OVERNIGHT MAIL:** by causing document(s) to be picked up by an
13 overnight delivery service company for delivery to the addressee(s) on the next
14 business day.
- 15 **BY PERSONAL DELIVERY:** by causing personal delivery by _____ of
16 the document(s) listed above to the person(s) at the address(es) set forth below.
- 17 **VIA E-MAIL DELIVERY:** at the email address(es) set forth below.

15 Kevin Drake Siegel
16 Mark Wald
17 Oakland City Attorney's Office
18 City Hall, 6th Floor
19 1 Frank Ogawa Plaza
20 Oakland, CA 94612

19 I am readily familiar with the firm's practice of collection and processing correspondence
20 for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same
21 day with postage thereon fully prepaid in the ordinary course of business. I am aware that on
22 motion of the party served, service is presumed invalid if postal cancellation date or postage
23 meter date is more than one day after date of deposit for mailing in affidavit.

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

24 Executed on June 4, 2008, at Sacramento, California.

25 
26 Janna Ruth

27 891450.4