

No. S180720

**IN THE SUPREME COURT OF
THE STATE OF CALIFORNIA**

SAVE THE PLASTIC BAG COALITION,

Petitioner and Respondent

v.

CITY OF MANHATTAN BEACH,

Respondent and Appellant

**(Court of Appeal, Second Appellate Dist., Div. Five No. B215788)
(Superior Court for the County of Los Angeles Case No. BS116362)**

**APPLICATION TO FILE AMICUS CURIAE BRIEF
OF CALIFORNIANS AGAINST WASTE
IN SUPPORT APPELLANT
CITY OF MANHATTAN BEACH;
ORDER**

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CALIFORNIANS AGAINST WASTE**

**APPLICATION OF CALIFORNIANS AGAINST WASTE FOR LEAVE TO
FILE BRIEF AS AMICUS CURIAE**

On appeal from the Judgment of the Superior Court of Los Angeles County of the
State of California, Honorable David P. Yaffe, Judge

To the Honorable Ronald M. George, Chief Justice:

This application of Californians Against Waste respectfully shows:

1. The applicant is Californians Against Waste, a non-profit environmental research and advocacy organization dedicated to conserving resources, preventing pollution, and protecting California's environment through the development, promotion, and implementation of waste reduction and recycling policies and programs. Californians Against Waste identifies, develops, promotes, and monitors policy solutions to pollution and conservation problems posing a threat to public health and the environment. Founded in 1977, Californians Against Waste is the nation's oldest, largest, and most effective non-profit environmental organization advocating for the implementation of waste reduction and recycling policies and programs.

Californians Against Waste is concerned about the proliferation of plastic bags in our environment, and the enormous public costs associated with their proper and improper disposal. A important source of urban litter, plastic bags are a threat to wildlife, a source of urban blight, and are a major component of oceanic pollution. Californians Against Waste has been encouraging local agencies to adopt a restriction on single-use bags for over a decade, and has prepared a model ordinance designed for use by local agencies to ban environmentally-damaging plastic bags. To address these concerns, municipalities have adopted ordinances prohibiting the distribution of plastic bags by retailers at point of sale.

2. The applicant's proposed brief, in summary, sets forth a detailed recitation of the facts, as well as the case law in light of those facts that has not been fully presented by the parties.

A. Californians Against Waste presents a detailed presentation of the facts, with citations to the record, as relevant to the concerns that were the impetus for the ordinance. Californians Against Waste, as an entity that has been engaged for over a decade in the analysis of plastic bag waste, and the practical means to effectively deal with waste, has a full grasp of these issues. With due respect to the parties, Californians Against Waste believes that the facts have not been completely presented to the Court. Californians Against Waste contends that the facts as presented by the parties do not fully elucidate the problems created by plastic bags.

B. Within the context of the detailed facts presented, Californians Against Waste focuses on whether substantial evidence in the record supports a fair-argument that significant impacts may occur as a result of the ordinance at issue. As explained in its brief, Californians Against Waste contends that the generic studies cited by Respondent Save the Plastic Bag Coalition do not provide substantial evidence that the *City of Manhattan Beach's* ordinance may have significant impacts.

C. Californians Against Waste's proposed brief is relevant to the disposition of this case because it presents a more comprehensive view of the facts—especially from the viewpoint of an organization particularly concerned about waste and the environmental impacts that result from waste—and a unique perspective on the applicable law, as informed by these facts. Californians Against Waste focuses on these issues, but supports and joins in the arguments propounded

by the City of Manhattan Beach and Amici Curiae League of California Cities and California State Association of Counties.

D. No party or counsel for any party in the pending appeal authored any part of the proposed brief or made any monetary contribution intended to fund the preparation or submission of the proposed brief.

WHEREFORE, Californians Against Waste respectfully requests leave to file a brief as amicus curiae in the above entitled cause.

Dated: August 5, 2010 Respectfully submitted,

REMY, THOMAS, MOOSE and MANLEY, LLP

By: James G. Moose / by WAM
JAMES G. MOOSE

By: Ashle T. Crocker / by WAM
ASHLE T. CROCKER

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Attorneys for Amicus Curiae
CALIFORNIANS AGAINST WASTE

ORDER

The application of Californians Against Waste for permission to file a brief as amicus curiae having been read and filed, and good cause appearing therefore,

IT IS HERBY ORDERED that Californians Against Waste be, and hereby is, permitted to file a brief as amicus curiae herein.

August ____, 2010

HONORABLE RONALD M. GEORGE,
CHIEF JUSTICE

Save the Plastic Bag Coaliton v. City of Manhattan Beach
Supreme Court Case No. S180720
(California Court of Appeal, Second Appellate District, Case No. B215788)

PROOF OF SERVICE

I am a citizen of the United States, employed in the City and County of Sacramento. My business address is 455 Capitol Mall, Suite 210, Sacramento, California 95814. I am over the age of 18 years and not a party to the above-entitled action.

I am familiar with Remy, Thomas, Moose and Manley, LLP's practice whereby the mail is sealed, given the appropriate postage and placed in a designated mail collection area. Each day's mail is collected and deposited in a U.S. mailbox after the close of each day's business.

On August 5, 2010, I served the following:

APPLICATION TO FILE AMICUS CURIAE BRIEF OF CALIFORNIANS AGAINST WASTE IN SUPPORT APPELLANT CITY OF MANHATTAN BEACH; ORDER

- On the parties in this action by causing a true copy thereof to be placed in a sealed envelope with postage thereon fully prepaid in the designated area for outgoing mail addressed as follows; or
- On the parties in this action by causing a true copy thereof to be delivered via Federal Express to the following person(s) or their representative at the address(es) listed below; or
- On the parties in this action by causing a true copy thereof to be delivered by facsimile machine number (916) 443-9017 to the following person(s) or their representative at the address(es) and facsimile number(s) listed below; or
- On the parties in this action by causing a true copy thereof to be electronically delivered via the internet to the following person(s) or representative at the address(es) listed below:

SEE ATTACHED SERVICE LIST

I declare under penalty of perjury that the foregoing is true and correct and that this Proof of Service was executed this 5th day of August 2010, at Sacramento, California.

Valorie Wood

Save the Plastic Bag Coaliton v. City of Manhattan Beach
Supreme Court Case No. S180720
California Court of Appeal, Second Appellate District, Case No. B215788

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