1	NIELSEN MERKSAMER PARRINELLO)
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3	JAMES R. PARRINELLO (SBN 063415) ERIC J. MIETHKE (SBN 133224) SEAN P. WELCH (SBN 227101) KURT R. ONETO (SBN 248301) 2350 Kerner Blvd., Suite 250 San Rafael, CA 94901 TELEPHONE: (415) 389-6800	
	KURT R. ONETO (SBN 248301)	•
4	2350 Kerner Blvd., Suite 250 San Rafael. CA 94901	
5	TELEPHONE: (415) 389-6800 FAX: (415) 388-6874	
6	TAX. (415) 300-00/4	
7	Email: jparrinello@nmgovlaw.com Email: emiethke@nmgovlaw.com Email: swelch@nmgovlaw.com Email: koneto@nmgovlaw.com	
	Email: swelch@nmgovlaw.com	
8		
9	Attorneys for Petitioners/Plaintiffs Lee Schmeer, Salim Bana, Jeff Wheeler, Chris Kucma, Hilex Poly Co. L	
10	Wheeler, Chris Kucma, Hilex Poly Co. L	LC
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	SUPERIOR COURT OF	PHE CTATE OF CALLEODNIA
12		THE STATE OF CALIFORNIA
13	COUNTY O	F LOS ANGELES
14	LEE SCHMEER, SALIM BANA, JEFF ?	Case No.: BC470705
15	WHEELER, CHRIS KUCMA, and	PETITIONERS' APPENDIX
16	HILEX POLY CO. LLC,	(DECLARATIONS IN SUPPORT OF MOTION FOR WRIT OF
	Petitioners/Plaintiffs,	MANDATE)
17	vs.	DATE: March 15, 2012
18	}	TIME: 9:30 a.m.
19	COUNTY OF LOS ANGELES,	DEPT: 85
20	CALIFORNIA; GAIL FARBER in her official capacity as Los Angeles Co.	JUDGE: Hon. James C. Chalfant
	Director of Public Works; KURT	·
21	FLOREN in his official capacity as Los	
22	Angeles Co. Director of the Dept. of	
23	Agricultural Commissioner/Weights and Measures; DR. JONATHAN	
24	FIELDING in his official capacity as	
	Los Angeles Co. Director of Public	
25	Health; and DOES 1-10,	
26	Respondents/Defendants.	
27	Respondents/Defendants.	
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Pursuant to Los Angeles Superior Court Local Rule 3.231, Petitioners LEE SCHMEER, SALIM BANA, JEFF WHEELER, CHRIS KUCMA and HILEX POLY CO. LLC, submit the following Petitioners' Appendix with respect to Petitioners' Motion for Writ of Mandate in the above-captioned matter:

PETITIONERS' APPENDIX

Tab	Description of Evidence
Declaration of Chris Kucma in Support of Motion for Mandate	
2	Declaration of Salim Bana in Support of Motion for Writ of Mandate
Declaration of Lee Schmeer in Support of Motion for Wr Mandate	
Declaration of Jeff Wheeler in Support of Motion for Writ of Mandate	
5	Declaration of Phillip Rozenski in Support of Motion for Writ of Mandate

Dated: February , 2012

NIELSEN MERKSAMER PARRINELLO GROSS & LEONI, LLP

By:

James R. Parrinello Attorneys for Petitioners

1 2 3 4 5 6 7 8	NIELSEN MERKSAMER PARRINELLO GROSS & LEONI, LLP JAMES R. PARRINELLO (SBN 063415 ERIC J. MIETHKE (SBN 133224) SEAN P. WELCH (SBN 227101) KURT R. ONETO (SBN 248301) 2350 Kerner Blvd., Suite 250 San Rafael, CA 94901 TELEPHONE: (415) 389-6800 FAX: (415) 388-6874 Email: jparrinello@nmgovlaw.com Email: swelch@nmgovlaw.com Email: swelch@nmgovlaw.com Email: koneto@nmgovlaw.com)
9	Attorneys for Petitioners/Plaintiffs Lee Schmeer, Salim Bana, Jeff Wheeler, Chris Kucma, Hilex Poly Co. I	LLC
11		
12	SUPERIOR COURT OF	THE STATE OF CALIFORNIA
13	COUNTY O	F LOS ANGELES
14 15 16	LEE SCHMEER, SALIM BANA, JEFF WHEELER, CHRIS KUCMA, and HILEX POLY CO. LLC,	Case No.: BC470705 DECLARATION OF CHRIS KUCMA IN SUPPORT OF MOTION FOR WRIT OF MANDATE
17 18	Petitioners/Plaintiffs, vs.	DATE: March 15, 2012 TIME: 9:30 a.m.
19	COUNTY OF LOS ANGELES, CALIFORNIA; GAIL FARBER in her	DEPT: 85 JUDGE: Hon. James C. Chalfant
20	official capacity as Los Angeles Co. Director of Public Works; KURT	
22	FLOREN in his official capacity as Los Angeles Co. Director of the Dept. of	
23	Agricultural Commissioner/Weights	
24	and Measures; DR. JONATHAN FIELDING in his official capacity as	
25	Los Angeles Co. Director of Public	
	Health; and DOES 1-10,	
26	Respondents/Defendants.	
		3
28	H	

CHRISTINE KUCMA declares under penalty of perjury as follows:

- 1. I am a petitioner/plaintiff in the action noted above and make this declaration in support of my motion for a writ of mandate. The facts set forth below are known to me personally, except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could and would testify competently, under oath to such facts.
- 2. I am a resident and taxpayer of the County of Los Angeles, California.
- 3. On or about September 28, 2011, I went to the Ralphs grocery store on Lake Avenue in Altadena, located in the County of Los Angeles, California, where I purchased groceries. Upon checkout and payment, I was charged 10 cents (\$0.10) for the paper carryout bag provided. The clerk initially did not include the 10 cent charge on my receipt, but then gave me a second receipt just for the ten cent charge. I paid this fee, which is reflected on the receipt. True and correct copies of both receipts are attached hereto as Exhibit A.
- 4. I oppose the County ordinance which requires retail merchants to charge 10 cents for every paper carryout bag provided. Before this ordinance went into effect on July 1, 2011, to the best of my recollection I had never been separately charged for a paper or plastic carryout bag.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and of my own personal knowledge except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto.

Executed on //////, at //asalin_, California

CHRISTÍNE KUCMA

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1 2 3 4 5 6 7 8 9 10	NIELSEN MERKSAMER PARRINELLO GROSS & LEONI, LLP JAMES R. PARRINELLO (SBN 063415) ERIC J. MIETHKE (SBN 133224) SEAN P. WELCH (SBN 227101) KURT R. ONETO (SBN 248301) 2350 Kerner Blvd., Suite 250 San Rafael, CA 94901 TELEPHONE: (415) 389-6800 FAX: (415) 388-6874 Email: jparrinello@nmgovlaw.com Email: emiethke@nmgovlaw.com Email: swelch@nmgovlaw.com Email: koneto@nmgovlaw.com Attorneys for Petitioners/Plaintiffs Lee Schmeer, Salim Bana, Jeff Wheeler, Chris Kucma, Hilex Poly Co. L	
11		
12	SUPERIOR COURT OF	THE STATE OF CALIFORNIA
13	COUNTY O	F LOS ANGELES
14 15 16	LEE SCHMEER, SALIM BANA, JEFF } WHEELER, CHRIS KUCMA, and HILEX POLY CO. LLC, Petitioners/Plaintiffs, vs.	Case No.: BC470705 DECLARATION OF SALIM BANA IN SUPPORT OF MOTION FOR WRIT OF MANDATE DATE: March 15, 2012
18	COUNTY OF LOS ANGELES, CALIFORNIA; GAIL FARBER in her	TIME: 9:30 a.m. DEPT: 85 JUDGE: Hon. James C. Chalfant
20	official capacity as Los Angeles Co. Director of Public Works; KURT	
21	FLOREN in his official capacity as Los	
22	Angeles Co. Director of the Dept. of Agricultural Commissioner/Weights	
23	and Measures; DR. JONATHAN	
24	FIELDING in his official capacity as Los Angeles Co. Director of Public Health; and DOES 1.10)))
26	Health; and DOES 1-10,))
27	Respondents/Defendants.	
28		
	,	

SALIM BANA declares under penalty of perjury as follows:

- 1. I am a petitioner in this action and make this declaration in support of my motion for a writ of mandate. The facts set forth below are known to me personally, except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could and would testify competently, under oath to such facts.
- 2. I am an employee of Hilex Poly Co. LLC.
- 3. On or about September 23, 2011, I went to the Albertsons grocery store at 19725 Colima Road, Rowland Heights, CA. 91745, located in the County of Los Angeles, California, where I purchased groceries. Upon checkout and payment, I was charged 10 cents (\$0.10) for each paper carryout bag provided. I paid this fee, which is reflected on my receipt. A true and correct copy of that receipt is attached hereto as Exhibit A.
- 4. I oppose the County ordinance which imposes on retail merchants the legal duty to charge 10 cents for every paper carryout bag provided.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and of my own personal knowledge except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto.

Executed on October 31, 2011, at ORANGE, California

SALIM BANA



19725 CO_IMA RD. ROWLAND HEIGHTS, CA 91745 Phone # (909) 869-7886 Store Director - Versia Hodges

Cashier:Karess 3

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Thank You For Shopping At ALBERTSONS

Pharmacy Phone # (909) 869-0070

www.alpertsons.com

Customer Questions or Party Tray Orders 1-877-932-7948

EXHIBIT



1 2 3 4 5 6 7 8 9	NIELSEN MERKSAMER PARRINELLO GROSS & LEONI, LLP JAMES R. PARRINELLO (SBN 063415) ERIC J. MIETHKE (SBN 133224) SEAN P. WELCH (SBN 227101) KURT R. ONETO (SBN 248301) 2350 Kerner Blvd., Suite 250 San Rafael, CA 94901 TELEPHONE: (415) 389-6800 FAX: (415) 388-6874 Email: jparrinello@nmgovlaw.com Email: emiethke@nmgovlaw.com Email: swelch@nmgovlaw.com Email: koneto@nmgovlaw.com Attorneys for Petitioners/Plaintiffs Lee Schmeer, Salim Bana, Jeff Wheeler, Chris Kucma, Hilex Poly Co. L		
11	Wheeler, chiris Ruchia, finex Fory Co. I.		
12	SUPERIOR COURT OF T	THE STATE OF CALIFORNIA	
13	COUNTY OF LOS ANGELES		
14 15 16 17 18 19 20 21 22 23 24	LEE SCHMEER, SALIM BANA, JEFF } WHEELER, CHRIS KUCMA, and HILEX POLY CO. LLC, Petitioners/Plaintiffs, vs. COUNTY OF LOS ANGELES, CALIFORNIA; GAIL FARBER in her official capacity as Los Angeles Co. Director of Public Works; KURT FLOREN in his official capacity as Los Angeles Co. Director of the Dept. of Agricultural Commissioner/Weights and Measures; DR. JONATHAN FIELDING in his official capacity as	Case No.: BC470705 DECLARATION OF LEE SCHMEER IN SUPPORT OF MOTION FOR WRITT OF MANDATE DATE: March 15, 2012 TIME: 9:30 a.m. DEPT: 85 JUDGE: Hon. James C. Chalfant	
25262728	Los Angeles Co. Director of Public Health; and DOES 1-10, Respondents/Defendants.		

LEE SCHMEER declares under penalty of perjury as follows:

- 1. I am a petitioner in this action and make this declaration in support of my motion for a writ of mandate. The facts set forth below are known to me personally, except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could and would testify competently, under oath to such facts.
- 2. I am an employee of Hilex Poly Co. LLC.
- 3. On or about September 23rd, 2011, I went to the Albertsons grocery store at 19725 Colima Rd in Rowland Heights, located in the County of Los Angeles, California, where I purchased groceries. Upon checkout and payment, I was charged 10 cents (\$0.10) for each paper carryout bag provided. I paid this fee, which is reflected on my receipt. A true and correct copy of that receipt is attached hereto as Exhibit A.
- 4. I oppose the County ordinance which imposes on retail merchants the legal duty to charge 10 cents for every paper carryout bag provided.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and of my own personal knowledge except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto. Executed on October 28,2011, at Los Alamitos, California.

LEE SCHMEER



19725 COLIMA RD. ROWLAND HEIGHTS, CA 91745 Phone # (909) 869-7886 Store Director - Versia Hodges

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Thank You For Shopping At ALBERTSONS

Trx:155 Open 117 Term: 1 Store: 6537

Pharmacy Phone # (909) 869-0070

www.alperisons.com.

Customer Questions on Party Tray Orders 1-877-932-7948

EXHIBIT

1 2 3 4 5 6 7 8 9	NIELSEN MERKSAMER PARRINELLO GROSS & LEONI, LLP JAMES R. PARRINELLO (SBN 063415) ERIC J. MIETHKE (SBN 133224) SEAN P. WELCH (SBN 227101) KURT R. ONETO (SBN 248301) 2350 Kerner Blvd., Suite 250 San Rafael, CA 94901 TELEPHONE: (415) 389-6800 FAX: (415) 388-6874 Email: jparrinello@nmgovlaw.com Email: emiethke@nmgovlaw.com Email: swelch@nmgovlaw.com Email: koneto@nmgovlaw.com Attorneys for Petitioners/Plaintiffs Lee Schmeer, Salim Bana, Jeff Wheeler, Chris Kucma, Hilex Poly Co. L	
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12	SUPERIOR COURT OF T	THE STATE OF CALIFORNIA
13	COUNTY O	F LOS ANGELES
14 15 16 17 18 19 20 21 22	LEE SCHMEER, SALIM BANA, JEFF \ WHEELER, CHRIS KUCMA, and \ HILEX POLY CO. LLC, Petitioners/Plaintiffs, vs. COUNTY OF LOS ANGELES, CALIFORNIA; GAIL FARBER in her official capacity as Los Angeles Co. Director of Public Works; KURT FLOREN in his official capacity as Los Angeles Co. Director of the Dept. of Agricultural Commissioner/Weights	Case No.: BC470705 DECLARATION OF JEFF WHEELER IN SUPPORT OF MOTION FOR WRIT OF MANDATE DATE: March 15, 2012 TIME: 9:30 a.m. DEPT: 85 JUDGE: Hon. James C. Chalfant
23	and Measures; DR. JONATHAN	
24	FIELDING in his official capacity as	
25	Los Angeles Co. Director of Public Health; and DOES 1-10,	
26	Respondents/Defendants.	
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JEFF WHEELER declares under penalty of perjury as follows:

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Where You Always "GET MORE FOR LESS!"

Whittier (562) 941-7711 ******* MANAGER ******* Lave Lafarga Store # 15

Cashier: Amber A

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11		
12	SUPERIOR COURT OF T	THE STATE OF CALIFORNIA
13	COUNTY OF	F LOS ANGELES
14	LEE SCHMEER, SALIM BANA, JEFF }	Case No.: BC470705
15	WHEELER, CHRIS KUCMA, and {	DECLARATION OF PHILLIP
16	HILEX POLY CO. LLC,	ROZENSKI IN SUPPORT OF MOTION FOR WRIT OF MANDATE
17	$Petitioners/Plaintiffs, $ $\}$	DATE: March 15, 2012
18	vs.	DATE: March 15, 2012 TIME: 9:30 a.m.
	COUNTY OF LOS ANGELES, {	DEPT: 85 JUDGE: Hon. James C. Chalfant
19	CALIFORNIA; GAIL FARBER in her	JUDGE: Hon. James C. Chairant
20	official capacity as Los Angeles Co. Director of Public Works; KURT	
21	FLOREN in his official capacity as Los	
22	Angeles Co. Director of the Dept. of	
23	Agricultural Commissioner/Weights and Measures; DR. JONATHAN	
24.	FIELDING in his official capacity as	
	Los Angeles Co. Director of Public 🔰	
25	Health; and DOES 1-10,	•
26	Respondents/Defendants.)	
27]	
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PHILIP ROZENSKI declares under penalty of perjury as follows:

- I am the Director of Marketing and Sustainability for Petitioner Hilex Poly Co. LLC ("Hilex"). The facts set forth below are known to me personally, except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could and would testify competently, under oath to such facts.
- 2. Hilex is a manufacturer of plastic bags. As such, it closely followed the legislative process before the Los Angeles County Board of Supervisors culminating in the adoption of Ordinance no. 2010-0059 which is the subject of this lawsuit. I was the lead person at Hilex monitoring those proceedings, and studied and am very familiar with the history and background of the ordinance.
- 3. The Ordinance was passed by a 4-1 vote of the Board of Supervisors, as reflected in Board of Supervisors minutes of their meeting of November 23, 2010.
- 4. The Ordinance became operative for large retail stores, which the County staff estimated to be 67 in number, on July 1, 2011. The Ordinance is to become operative for approximately 1024 smaller retail stores (by County staff estimate) on January 1, 2012. Prior to the operative date(s) of the Ordinance, retail stores in the County routinely provided paper and plastic carryout bags to customers without any separately stated charge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and of my own personal knowledge except for those matters stated on information and belief and, as to those matters, I believe them to be true. If called as a witness, I could competently testify thereto.

Executed on 2 Nov 2011, at Shiloh, 1L

PHILIP ROZENSKI