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**Exempt from filing fees under
Government Code § 6103**

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9 SUPERIOR COURT OF THE STATE OF CALIFORNIA
10 COUNTY OF SAN FRANCISCO
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12 CALIFORNIA SOLAR ENERGY
13 INDUSTRIES ASSOCIATION, INC., dba
14 CALIFORNIA SOLAR and STORAGE
ASSOCIATION,

15 Petitioner and Plaintiff,

16 v.

17 CONTRACTORS STATE LICENSE
18 BOARD; and DAVID FOGT, in his official
19 capacity as Registrar of Contractors; and
DOES 1-20, inclusive,

20 Respondents and Defendants.
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Case No. CGC-21-594911

STIPULATION

Hearing Date: October 21, 2021
Time: 9:30 A.M.
Dept: 302
Judge: Hon. Ethan P. Schulman

1 WHEREAS, on July 27, 2021, Respondent-Defendant Contractors State License Board
2 acted to preclude the C-46 Solar license classification from installing Battery Energy Storage
3 Systems, rescind all prior staff opinions to the contrary, and provide a 90-day grace period to
4 educate the industry on its decision (the “July 27, 2021 decision”);

5 WHEREAS, on August 12, 2021, Respondent-Defendant David Fogt, in his official
6 capacity as Registrar of Contractors, issued industry bulletin numbered CSLB 21-14, entitled
7 *CSLB Announces Contractor Classifications Authorized to Install Battery Energy Storage*
8 *Systems*, and on September 2, 2021 he issued industry bulletin numbered CSLB 21-15, entitled
9 *CSLB Holds Online BESS Workshop and Answers Frequently Asked BESS Questions*
10 (collectively the “accompanying industry bulletins”);

11 WHEREAS, on September 28, 2021, Petitioner-Plaintiff California Solar Energy Industries
12 Association, Inc., doing business as California Solar and Storage Association filed in this Court a
13 Motion for Preliminary Injunction seeking to enjoin Respondents-Defendants from enforcing or
14 otherwise implementing the July 27, 2021 decision and accompanying industry bulletins; and

15 WHEREAS, to avoid the need to litigate the Motion, Respondents-Defendants have
16 determined to not enforce or implement the July 27, 2021 decision and accompanying industry
17 bulletins until this action is finally resolved, and Petitioner-Plaintiff has agreed to withdraw its
18 motion in exchange.

19 NOW, THEREFORE, the Parties, do hereby stipulate, through their counsel of record, as
20 follows:

21 1. Respondents-Defendants stipulate to not enforce or implement the July 27, 2021
22 decision and accompanying industry bulletins numbered CSLB 21-14 and CSLB 21-15, until the
23 above-captioned action, including any appeals, is resolved.

24 2. In exchange, Petitioner-Plaintiff agrees to withdraw without prejudice its pending
25 Motion for Preliminary Injunction, scheduled for hearing in this Department on October 21, 2021,
26 at 9:30 a.m.


27 3. This stipulation may be enforced by appropriate motion, including if necessary an ex
28 parte application, of any Party.

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4. This stipulation may be executed in counterparts transmitted by facsimile or email.

SO STIPULATED:

Dated: October 1, 2021



CARTER OTT
STATE OF CALIFORNIA, OFFICE OF THE
ATTORNEY GENERAL
Attorneys for Respondents-Defendants

Dated: October 1, 2021



HEATHER M. MINER
SHUTE, MIHALY & WEINBERGER LLP
Attorneys for Petitioner-Plaintiff

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DECLARATION OF SERVICE BY CERTIFIED MAIL AND FIRST CLASS MAIL

(Separate Mailings)

Case Name: ***California Solar Energy Industries Association, Inc. dba California Solar and Storage Association v. CSLB, et. al.***

Case No.: ***CGC-21-594911***

I declare:

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

On October 4, 2021, I served the attached **NOTICE OF APPEARANCE AND STIPULATION** by placing a true copy thereof enclosed in a sealed envelope as certified mail with return receipt requested, and another true copy of the **NOTICE OF APPEARANCE AND STIPULATION** was enclosed in a second sealed envelope as first class mail in the internal mail collection system at the Office of the Attorney General at 455 Golden Gate Avenue, Suite 11000, San Francisco, CA 94102-7004, addressed as follows:

Heather M. Minner
Shute, Mihaly & Weinberger LLP
396 Hayes Street
San Francisco, CA 94102-4421

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on October 4, 2021, at San Francisco, California.

D. Garcia

Declarant



Signature