

OCT 18 2017

ENDORSED FILED

YUBA COUNTY SUPERIOR COURT  
BONNIE SLOAN  
SUPERIOR COURT CLERK

BY K. RICE  
COURT CLERK

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**SUPERIOR COURT OF CALIFORNIA, COUNTY OF YUBA**

**PEOPLE OF THE STATE OF CALIFORNIA  
ex rel. THE STATE AIR RESOURCES BOARD,**

**Plaintiff,**

**vs.**

**H & H TRENCHING, INC.; PAUL G. HAWES;  
EUGENE R. HAWES, et al.,**

**Defendants.**

Case No. CV CV 16-0000015

AMENDED JUDGMENT NUNC PRO TUNC

The Court hereby issues its Amended Judgment Nunc Pro Tunc:

This matter was tried to the Court on June 6 and 7, 2017.

Attached hereto and incorporated herein by this reference as Exhibit "A" is the court's Statement of Decision.

In accordance with the Court's Statement of Decision, the Court hereby ORDERS, ADJUDGES and DECREES that:

Plaintiff shall have and recover judgment jointly and severally against Defendants the sum of \$17,335, plus costs of suit in the amount of \$ 7,481.77. Further, Defendants shall be restrained and enjoined as follows:

- 1) Defendants shall immediately cease all use or operation of the three trucks at issue in this litigation until they are replaced with a 2010 model year or newer engine or retired.
- 2) Defendants shall demonstrate that they are not using their trucks by sending statements of the odometer readings and dates, under oath, to ARB, every two months until they either upgrade or retire them.
- 3) Defendants shall permit ARB to inspect all of Defendants' records, trucks, and off-road equipment at such times that ARB deems necessary, from Monday through

1 Friday, 9:00 a.m. to 5:00 p.m. excepting State holidays, in order to check for  
2 compliance with the Off-Road Regulation, the Truck and Bus Regulation, and the  
3 Periodic Smoke Inspection Program.

4 DATED: October 18, 2017

5 STEPHEN W. BERRIER  
6 STEPHEN W. BERRIER  
7 JUDGE OF THE SUPERIOR COURT  
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1 PROOF OF SERVICE

2 I, the undersigned, hereby declare that I am a citizen of the United States, over the age  
3 of eighteen years, and not a party to the within action. I am employed at Yuba County  
4 Superior Court and my business address is 215 5<sup>th</sup> Street, Marysville, California.

5 On October 18, 2017, I served the within AMENDED JUDGMENT NUNC PRO  
6 TUNC on the named parties by placing a true copy thereof enclosed in a sealed envelope with  
7 postage thereon fully prepaid, in the central depository for mail collection for Yuba County,  
8 located at 215 Fifth Street, Marysville, California, addressed as follows:

9 ATTORNEY GENERAL OF CALIFORNIA Counsel for plaintiff  
10 NICHOLAS STERN  
11 DEPUTY ATTORNEY GENERAL  
12 PO BOX 944255  
13 SACRAMENTO CA 94244-2550

12 KELLY SMITH Counsel for defendant  
13 WAGGOMAN & SMITH  
14 A PROFESSIONAL LAW CORPORATION  
15 1215 PLUMAS STREET STE 1800  
16 YUBA CITY CA 95991

15 I declare under penalty of perjury under the laws of the State of California that the  
16 foregoing is true and correct.

17 I declare under penalty of perjury that the foregoing is true and correct.

18 Executed on October 18, 2017, at Marysville, California.

19 BONNIE SLOAN  
20 CLERK OF THE SUPERIOR COURT

21 By: K. RICE  
22 Court Clerk  
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