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California Fish & Game Commission, et al.

Exempt from fees
Pursuant to Gov. Code, § 6103

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA
9 COUNTY OF SACRAMENTO
10
11

12 **PATRICK SMOTHERMAN WRIGHT,**

13
14 Petitioner,

15 v.

16 **CALIFORNIA FISH AND GAME**
17 **COMMISSION; CALIFORNIA**
18 **DEPARTMENT OF FISH AND**
19 **WILDLIFE; and DOES 1-20,**

20
21
22
23
24
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26
27
28 Respondents.

Case No. 26WM000073

**REQUEST FOR JUDICIAL NOTICE IN
SUPPORT OF RESPONDENTS'
DEMURRER REPLY**

Date: October 2, 2026
Time: 11:00 a.m.
Dept: 16B
Judge: The Honorable Shelleyanne
W.L. Chang
Trial Date: None
Action Filed: March 17, 2026

1 Pursuant to Evidence Code sections 453 and 452 and California Rule of Court, rules
2 3.1113(l) and 3.1306(c), respondents, California Fish and Game Commission (Commission) and
3 the California Department of Fish and Wildlife (Department), request this Court take judicial
4 notice of the fact that the decision in *Marshall Farms USA, Inc. v. Cal. Fish & Game Com.*
5 (Super. Ct. San Diego County, 1998, No. 706133) was reversed, and the appellate court held that
6 the Commission could not be compelled by writ of mandate to undertake the discretionary
7 function of conducting a hearing to consider amending the existing regulation.

8 This fact is judicially noticeable because it is reflected in state court records. (See Evid.
9 Code, § 452, subd. (d).) Here, the state court records are two unpublished appellate opinions, one
10 of which was litigated by the petitioner in this action. A true and correct copy of the appellate
11 decision, *Marshall Farms USA, Inc. v. California Fish & Game Commission* (Sep. 2, 1999,
12 D030929) is attached as **Exhibit A**. This fact is also reflected in *Wright v. Fish and Game*
13 *Commission* (Aug. 26, 2003, D040685) 2003 WL 22007258, at *3 fn. 4.

14 Judicial notice of an unpublished opinion is proper to prevent re-litigation of the same
15 issue. (See *Western Mutual Ins. Co. v. Yamamoto* (1994) 29 Cal.App.4th 1474, 1485, citing Evid.
16 Code, § 452, subd. (d).)

17 Dated: September 10, 2026

Respectfully submitted,

18 ROB BONTA
19 Attorney General of California
20 SIERRA S. ARBALLO
Supervising Deputy Attorney General

21 

22 MARGARET V. TIDES
23 Deputy Attorney General
24 *Attorneys for Respondents*
25 *California Fish & Game Commission, et al.*
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Exhibit A

Oct. Exec. Session

RECEIVED
CALIFORNIA
FISH AND GAME
COMMISSION

8 SEP 99 11 41 AM

NOT TO BE PUBLISHED IN OFFICIAL REPORTS

COURT OF APPEAL, FOURTH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

FILED
Stephen M. Kelly, Clerk

SEP 2 - 1999

MARSHALL FARMS USA, INC.,

D030929

Court of Appeal Fourth District

Plaintiff and Respondent,

v.

(Super. Ct. No. 706133)

CALIFORNIA STATE FISH AND GAME
COMMISSION,

Defendant and Appellant.

APPEAL from a judgment of the Superior Court of San Diego County, Judith D. McConnell, Judge. Affirmed as modified.

The California State Fish And Game Commission (the Commission) rejected a request to legalize possession in California of the domesticated ferret. (*M. Furo*¹); the Commission concluded it did not have authority to grant the request. Marshall Farms USA, Inc. (Marshall Farms) filed this proceeding seeking a writ of mandate to compel the Commission to determine

¹ We refer to the domesticated Ferret as *M. Furo*, an abbreviated version of its scientific name of Mustelidae *Furo*.

whether *M. Furo* is "normally domesticated" in California under Fish and Game Code² section 2116 et seq. The trial court granted the writ of mandate³ and the Commission filed this appeal.

The propriety of the trial court's judgment requires resolution of whether the 1974 amendments to section 2116 impose on the Commission a mandatory duty to determine whether *M. Furo* is a "normally domesticated" animal in California. If the Commission has that mandatory duty, the subsidiary issue is whether it satisfied that duty by adoption in 1975 of former California Administrative Code, title 14, section 671.⁴

I

STATUTORY EVOLUTION

A review of the historical development of the laws governing the importation and possession of "wild animals" in

² All further statutory references are to the Fish and Game Code unless otherwise specified.

³ Marshall Farms's complaint also sought a declaration that *M. Furo* is not a wild animal under section 2116 and therefore not subject to regulation. The trial court rejected this claim, and Marshall Farms has not appealed this ruling.

⁴ Effective January 1, 1988, the California Administrative Code was renamed the California Code of Regulations. However, for ease of reference, in this opinion we refer to the Code by its former name.

California, currently codified in section 2116 et seq., will assist in assessing the propriety of the trial court's order.

The original legislation regulating "wild animals" was adopted in 1933. (See Stats. 1933, ch. 76, pp. 515-517.) Section 1 of the 1933 Act made it unlawful to import into California any "wild bird or animal" of identified species, including *M. Furo*, unless the Commission first issued a permit for importation. (Stats. 1933, ch. 76, §§ 1, 2, pp. 515-516.) The 1933 Act required the Commission each year to publish a list of species that could not be imported into California.⁵ (Stats. 1933, ch. 76, § 3, p. 516.) Section 7 of the 1933 Act defined a "wild bird or animal" as one "which is either not normally domesticated [in] or not normally native" to California.

In 1953, the 1933 act was restructured and codified as sections 1165-1168. (Stats. 1953, ch. 178, pp. 1105-1108.) The 1953 act retained the 1933 definition of "wild animals." It also retained a list of banned animal species, and banned "such other species . . . which may be subsequently designated by [the Commission] when such species are proved undesirable and a menace to the native wild life or to the agricultural interests of [California]." (Former § 1165.2.)

⁵ By 1945, the Commission had adopted regulations that prohibited importing *M. Furo*. (Cal. Admin. Code (1945), tit. 14, § 700.)

In 1961 the Legislature recodified the statutory scheme. (Stats. 1961, ch. 617, pp. 1770-1775.) The 1961 Act retained and codified the original definition of "wild animals" (former § 2116) and retained the ban on identified species, although it changed the listing from species to class and family. The 1961 Act also retained the ban on other animals "which may be designated by [the Commission] . . . when such [animals are] proved undesirable and a menace to native wildlife or the agricultural interests of [California]." The 1961 Act specified that animals could be added to or deleted from the section 2118 list of banned animals by Commission regulations. (Former §§ 2118, 2119.)

II

THE 1974 ACT AND REGULATIONS

In 1974, the Legislature again amended the statutory scheme. (Stats. 1974, ch. 1503, pp. 3296-3302.) The definition of "wild animal" in section 2116 was amended to include "any animal [of specified classes, including the class of which *M. Furo* is a member] which is not normally domesticated in this state as determined by the commission." The introductory paragraph of section 2118 was amended to provide: "It is unlawful to import, transport, possess, or release alive into this state, except under a revocable, nontransferable permit as provided in this chapter and the regulations pertaining thereto,

any wild animal of the following species:" Section 2118 retained the class and family list of banned animals, but section 2118, subdivision (b) was amended to provide that "animals of the [family Mustelidae, of which *M. Furo* is a member] are restricted because such animals are undesirable and a menace to the native wildlife, the agricultural interests of [California], or to the public health or safety." The 1974 Act retained (1) the ban on animals subsequently designated by the Commission "when such [animals are] proved undesirable and a menace to the native wildlife or to the agricultural interests of [California]," and (2) the authority of the Commission to issue regulations adding or deleting animals from the list of banned animals. (§§ 2118, 2119.)

On January 24, 1975, a few weeks after the 1974 Act became effective, the Commission amended its regulations to provide: "The following species of the families which are prohibited or for which a permit is required are determined to be not normally domesticated in this state" The regulation included mammals of the family Mustelidae, of which *M. Furo* is a member. (Cal. Admin. Code, tit. 14, § 671, Register 75, No. 4 (Jan. 25, 1975).)

III

ADMINISTRATIVE PROCEEDINGS

In March 1995 the California Domestic Ferret Association (CDFA) asked the Commission to legalize *M. Furo* in California. At the Commission's August 3, 1995, meeting, the CDFA presented its reasons why *M. Furo* should be considered normally domesticated and legalized in California.

In November 1995, the Commission concluded it had the authority under section 2116 to determine whether *M. Furo* was normally domesticated in California, and voted to publish a notice of intent to amend California Administrative Code, title 14, section 671 to legalize *M. Furo* in California. However, at the Commission's August 1996 meeting, the Commission's counsel expressed doubt that the Commission had authority to legalize *M. Furo*.⁶ At the Commission's November 1996 meeting, counsel for the Commission reiterated his opinion that the Legislature's declaration in section 2118 that the family Mustelidae was restricted "because such animals are undesirable and a menace to native wildlife, the agricultural interests of the state, or to public health and safety" precluded the Commission from removing

⁶ Counsel acknowledged section 2116 provided the Commission with the power to determine which animals are "normally domesticated" in California, but believed that the list of restricted animals in section 2118 could limit the power of the Commission to legalize *M. Furo*.

M. Furo from the restricted list. The Commission's counsel advised, and the Commission agreed, that the Commission did not have jurisdiction to legalize M. Furo, and the Commission removed the matter from its agenda.

IV

THE LAWSUIT

Marshall Farms's complaint sought a peremptory writ of mandate (Code Civ. Proc., § 1085) ordering the Commission to fulfill its alleged mandatory statutory duty to determine whether M. Furo is an animal that is normally domesticated in California. The complaint alternatively sought a judicial declaration that the Commission had the statutory authority to deregulate M. Furo.⁷ In opposition, the Commission argued it had no mandatory duty to adopt regulations determining the domesticated status of M. Furo. The Commission alternatively argued that even assuming section 2116 created a mandatory duty to adopt regulations to determine the domesticated status of the listed animals, it had satisfied that duty by its 1975 adoption

⁷ Marshall Farms also asserted it was entitled: (1) to a declaration that M. Furo was in fact normally domesticated in California; and (2) a writ of administrative mandamus ordering the Commission to determine M. Furo is an animal that is "normally domesticated" in California. Both of these claims were abandoned at trial.

of California Administrative Code, title 14, section 671, and had no mandatory duty to amend that regulation.⁸

The trial court ruled section 2116 imposed on the Commission a mandatory duty to determine the domesticated status of the animals listed in section 2118, and granted a writ of mandate ordering the Commission to make a determination, pursuant to section 2116, whether *M. Furo* is a normally domesticated animal in California.

V

ANALYSIS

A

The 1974 Act Authorized And Required the Commission to Determine Which Animals Were Not "Normally Domesticated" In California

A writ of mandate will issue only "to compel the performance of an act which the law specially enjoins, as a duty resulting from an office, trust or station. [Citations.] Mandate will lie if the [agency] has a clear, present and usually ministerial duty . . . [but not] to control the [agency's] discretion." (*Residents for Adequate Water v.*

⁸ The Commission also argued it did not have jurisdiction to deregulate *M. Furo* because of the legislative scheme. The trial court's grant of the petition for mandamus necessarily contains a subsidiary determination that the Commission has jurisdiction to deregulate *M. Furo* under the statutory scheme, and the Commission on appeal does not contest the validity of that subsidiary determination.

Redwood Valley County Water Dist. (1995) 34 Cal.App.4th 1801, 1806.) The requisite mandatory duty arises when a statutory scheme by express language imposes on an administrative agency a duty to adopt regulations implementing the statutory scheme. (*Newland v. Kizer* (1989) 209 Cal.App.3d 647, 654-656 [mandate issued to compel administrative agency to adopt regulations where statute provided agency "shall adopt regulations" to implement statute]; *California Assn. Of Health Facilities v. Kizer* (1986) 178 Cal.App.3d 1109, 1113.) The mandatory duty also arises, even absent explicit mandatory language in the statute, when the structure of the statutory scheme shows a legislative intent to impose a mandatory duty on the agency. (*Residents for Adequate Water v. Redwood Valley County Water Dist.*, *supra*, at pp. 1806-1807.) A mandatory duty arises even when the statutory obligation is couched in permissive language when the context shows an intent to impose a mandatory obligation. (*Hollman v. Warren* (1948) 32 Cal.2d 351, 356; *Mass v. Board of Education* (1964) 61 Cal.2d 612, 622-623.)

Under the current statutory scheme, section 2118 bans importing or possessing "any wild animal" of the listed classes and families, which include the class and family of which *M. Furo* is a member. The term "wild animal," however, is defined in section 2116, which provides: "As used in this chapter, 'wild animal' means any animal [of eight classes] which is not

normally domesticated in this state as determined by the commission." To avoid making portions of the statutory scheme surplusage (*People v. Woodhead* (1987) 43 Cal.3d 1002, 1010), we construe sections 2116 and 2118 together to mean that before an animal is a "wild animal" subject to the restrictions of section 2118, the Commission must first determine under section 2116 that the animal is "not normally domesticated." The Commission's construction that section 2118's list is self-executing without a section 2116 determination of domestication for animals listed in section 2118 makes section 2118's reference to "wild" animals mere surplusage; all animals listed in section 2118 would be restricted. Moreover, the Commission's construction makes section 2116 superfluous; section 2116's proscription that the Commission determine if an animal is a "wild animal" would never be operative because section 2118's list would alone determine the identity of restricted animals.

The legislative history of the 1974 Act also shows the section 2116 domestication determination is a predicate to the application of section 2118. The 1974 Act was enacted when the Legislature adopted Senate Bill 1766. Under that bill, as amended in April 1974, proposed section 2116 provided that wild animal meant any animal "designated in section 2118 or regulations of [the Commission] adopted pursuant to this chapter." (Sen. Amend. to Sen. Bill No. 1766 (1973-1974 Reg.

Sess.), April 18, 1974.) On April 30, 1974, proposed section 2116 was further amended to define "wild animal" as any animal "designated in section 2118 or regulations of [the Commission] adopted pursuant to this chapter and which is not normally domesticated in this state and is not normally native to this state as determined by [the Commission]." (Sen. Amend. to Sen. Bill No. 1766 (1973-1974 Reg. Sess.) Apr. 30, 1974.) Under both of these proposed versions, animals listed in section 2118 were deemed "wild" animals without any action by the Commission. However, the Legislature subsequently amended SB 1766 to delete references to section 2118's list, and instead defined a "wild animal" as any animal "which is not normally domesticated in this state as determined by [the Commission]." (Assem. Amend. to Sen. Bill No. 1766 (1973-1974 Reg. Sess.) Aug. 28, 1974.) Thus, the evolution of the bill suggests a legislative intent that the Commission's determination of domestication, not the section 2118 list, triggers treatment of an animal as "wild" under the statute.⁹ (*Rich v. State Board of Optometry* (1965))

⁹ The bill analysis confirms the legislative intent that the Commission's domestication determination would trigger treatment of an animal as wild and subject to restrictions under the statutory scheme. The analysis states the bill "modifies the definition of 'wild animal' and requires [the Commission] to determine which animals are not normally domesticated," and "also provides that animals restricted pursuant to Fish and Game regulations are to be those not normally domesticated in the State and not normally native to the State." (Assem. Com. on Natural Resources and Conservation, Analysis of Sen. Bill No.

235 Cal.App.2d 591, 607 ["[t]he rejection by the Legislature of a specific provision contained in an act as originally introduced is most persuasive to the conclusion that the act should not be construed to include the omitted provision."])

Because the statutory scheme and the legislative history demonstrate an intent that only animals determined by the Commission to be not normally domesticated are wild animals within the restrictions of the remaining provisions of the act, we conclude the Commission had a mandatory duty to make a determination of which animals are regulated by the act.

B

*Adoption Of The 1975 Regulations Satisfied the
Commission's Statutory Obligations*

On January 24, 1975, the Commission adopted an amendment to California Administrative Code, title 14, section 671 that identified the classes and families of animals "determined to be not normally domesticated in this state. . .". (See Cal. Admin. Code, tit. 14, § 671, Register 75, No. 4 (Jan. 25, 1975).) The Commission argues, and we agree, that adoption of this regulation satisfied its obligations under the statute. The Legislature required the Commission to determine which animals were not normally domesticated, and the parties do not dispute

1766 (1973-1974 Reg. Sess.) as amended August 21, 1974, pp. 2-3.)

that the Commission's determinations are properly made by enacting appropriate regulations. On its face, the 1975 adoption of California Administrative Code, title 14, section 671 satisfied this requirement.

Marshall Farms argues that the Commission has not yet satisfied its mandatory duty because the 1975 regulation merely parroted preexisting determinations and there is no evidence in the record that the Commission made any "determinations" in 1975.¹⁰ We are not persuaded by Marshall Farms's attack on the validity of the 1975 regulation. Our scope of review on the validity of an administrative regulation is limited to determining whether its adoption was an abuse of discretion or inconsistent with legally required procedures. The agency abuses its discretion if the adopted regulation is arbitrary, capricious, or entirely lacking in evidentiary support.

(*California Assn. of Psychology Providers v. Rank* (1990) 51 Cal.3d 1, 11.) The agency's action "comes before the court with a presumption of correctness and regularity, which places the

¹⁰ Marshall Farms argues the trial court made a factual finding that the Commission had not made any determination whether *M. Furo* is normally domesticated within the meaning of section 2116, and that we must affirm this factual finding if supported by substantial evidence. As we discuss below, the only evidence in the record is that the Commission made the necessary determinations in 1975, and the only bases for any contrary finding are Marshall Farms's arguments, which are unsupported by any law or fact.

burden of demonstrating invalidity upon the assailant."

(*California Assn. Of Nursing Homes etc., Inc. v. Williams* (1970) 4 Cal.App.3d 800, 810.) It is therefore Marshall Farms's burden to plead and prove either that the Commission did not follow the procedure and give the notices required by law before enacting the 1975 regulation, or that the 1975 regulation was arbitrary, capricious, or entirely lacking in evidentiary support. (*Credit Ins. Gen. Agents Assn. v. Payne* (1976) 16 Cal.3d 651, 657.)

Because Marshall Farms introduced no evidence below demonstrating that the Commission did not follow the required procedures or give the required notices when it adopted the 1975 regulation, or acted arbitrarily, capriciously or without any evidentiary basis, we reject Marshall Farms's attack on the validity of the 1975 regulation.¹¹ (*Geftakys v. State Personnel Board* (1982) 138 Cal.App.3d 844, 867.)

¹¹ Marshall Farms argues no evidence was necessary because the Commission purportedly admitted at trial that it made no animal domestication determinations in 1975. Marshall Farms cites the Commission's statement at trial that "the 1974 adoption in effect only continued a regulation adopted in 1945." Although this statement may characterize the practical effect of the Legislature's 1974 enactment of Senate Bill No. 1766, it makes no mention of the Commission's 1975 action in adopting California Administrative Code, title 14, section 671. Marshall Farms also asserts the Commission admitted below that it had "never determined" whether *M. Furo* is normally domesticated, but the pages of the clerk's transcript cited by Marshall Farms to support this alleged admission contain the opposite statements. Marshall Farms finally argues that the Commission may not rely on the 1975 regulation to show it had made the required domestication determination because, during the 1995

*Because The Trial Court's Judgment Has The Effect
Of Ordering the Commission To Consider Amending An
Existing Regulation, The Judgment Must Be Reversed*

The trial court's writ of mandate ordered the Commission "immediately . . . to make a determination, pursuant to Section 2116 [], whether [M. Furos] are or are not 'normally domesticated' in California." Because that determination was made by the Commission in 1975, compliance with the trial court's judgment requires the Commission to reconsider its earlier determination.

A court may not by writ of mandate compel a legislative body to undertake discretionary functions. (*Sklar v. Franchise Tax Board* (1986) 185 Cal.App.3d 616, 624.) In *Sklar*, the court noted that the formulation and promulgation of tax regulations is a legislative function, and that the agency had a mandatory duty to prescribe rules and regulations. However, the court held the separation of powers doctrine precludes a court from using mandamus to compel an agency to prescribe particular rules and regulations "in situations where mandamus is sought to

administrative proceedings involving the *M. Furo*, it had acceded to its counsel's opinion that it lacked authority to make that determination. However, *Marshall Farms* cites no authority to support the argument that an erroneous legal opinion from counsel for an agency can retroactively invalidate actions taken by the agency 20 years earlier.

overcome legislative inaction." (Id. at 624-625.) Here, the effect of the trial court's order is to overcome legislative inaction and to compel the Commission to undertake a discretionary function: to consider whether to amend an existing regulation as to a particular animal. In *Hutchinson v. City of Sacramento* (1993) 17 Cal.App.4th 791, the court concluded mandamus would not issue to compel a legislative body to consider amending an existing speed limit ordinance. *Hutchinson* explained at page 796 that:

"[T]he enactment or amendment of a speed limit ordinance is not a ministerial act, but a legislative one involving the exercise of discretion. A necessary prelude to that legislative act is the completion and consideration of an engineering and traffic survey [Citation]. Absent legislative action by a city, the speed limit remains either as prescribed by Vehicle Code section 22352 or as previously established by ordinance under Vehicle Code section 22357. Whether and when the City should resort to the legislative process to establish or amend a speed limit is not addressed in the statute. The City's authority to decide whether and when to reevaluate an established speed limit implicates its legislative power and is not subject to review as a ministerial duty. [Citation.]"

Similarly, the Commission's decision whether to amend an existing regulation to delete *M. Furo* from the list of animals determined to be "not normally domesticated" requires it to decide whether to devote the time and resources necessary to conduct studies and hold hearings on the merits of Marshall Farms's claim concerning the proper status of *M. Furo*. Although

the Commission has discretion to conduct hearings on an application to amend its regulations to remove *M. Furo* from the list of restricted animals, it has no mandatory duty to do so.¹²

DISPOSITION

We conclude the Commission has the authority to add or delete animals from the restrictions imposed by section 2116 et seq. based on its determination under section 2116 that an animal is or is not normally domesticated in California, and that it may make this determination by regulation. However, the Commission cannot be compelled to amend or repeal existing regulations. Because the trial court's judgment, as well as our opinion, suffices as a declaration of the rights of the parties (*Newby v. Alto Riviera Apartments* (1976) 60 Cal.App.3d 288, 304, disapproved on other grounds in *Marina Point, Ltd. v. Wolfson* (1982) 30 Cal.3d 721, 740, fn. 9), we direct that the judgment be amended (*Cinmark Investment Co. v. Reichard* (1966) 246 Cal.App.2d 498, 502-503) to provide:

¹² The procedures for the Commission to adopt, amend or repeal regulations are governed by the general provisions of the Administrative Procedures Act (Gov. Code, § 11346 et. seq., herein the "APA"); except insofar as the particular provisions of the Fish and Game Code are repugnant to and therefore supersede the general provisions of the APA. (§§ 200-250; 10 Ops.Cal.Atty.Gen. 275, 278-279 (1947).) Under the APA, Marshall Farms may file a petition asking the Commission to amend or repeal the regulation and the Commission may either deny the petition summarily or schedule the matter for public hearing. (Gov. Code, §§ 11340.6, 11340.7.) The choices of action given to the Commission under the APA demonstrate there is no mandatory duty to conduct hearings on Marshall Farms's application.

"The California State Fish and Game Commission has the authority to consider whether *M. Furo* is normally domesticated within the meaning of Fish and Game Code section 2116 for purposes of determining whether *M. Furo* should remain subject to Fish and Game Code section 2118 et seq. In all other respects, judgment shall be in favor of defendant and against plaintiff."

As so modified, the judgment is affirmed. Each party shall bear its own costs on appeal.

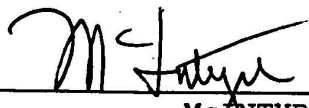


McDONALD, J.

WE CONCUR:



HALLER, Acting P.J.



McINTYRE, J.

70:44 2-85563

DECLARATION OF ELECTRONIC SERVICE AND SERVICE BY U.S. MAIL

Case Name: Wright v. California Fish and Game Commission, et al.
Case Number: 26WM000073
Party Represented: California Fish and Game Commission, et al.

Declaration of Electronic Service

1. I am at least 18 years of age and not a party to this matter.
2. I am employed in the Office of the Attorney General of the State of California. My business address is 1300 I Street, Suite 125, Sacramento, CA 95814, County of Sacramento.
3. My electronic service address is Valerie.Tamulevich@doj.ca.gov.
4. On September 10, 2026, I electronically served a courtesy copy of the following document[s]:
 - a. **REPLY IN SUPPORT OF DEMURRER OF RESPONDENTS
CALIFORNIA FISH AND GAME COMMISSION AND CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE**
 - b. **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF RESPONDENTS'
DEMURRER REPLY**
5. I electronically served the aforementioned document[s] by emailing them to the following individual[s]:

Mr. Patrick Smotherman Wright
4515 Panorama Drive
La Mesa, CA 91941
E-Mail Address: pat@pan.sdcoxmail.com

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on September 10, 2026.

Valerie A. Tamulevich
Declarant

/s/ Valerie A. Tamulevich
Signature

Declaration of Service by U.S. Mail

1. I am at least 18 years of age and not a party to this matter.
2. I am employed in the Office of the Attorney General of the State of California. My business address is 1300 I Street, Suite 125, Sacramento, CA 95814, County of Sacramento.
3. On September 10, 2026, I served the following document[s]:
 - a. **REPLY IN SUPPORT OF DEMURRER OF RESPONDENTS
CALIFORNIA FISH AND GAME COMMISSION AND CALIFORNIA
DEPARTMENT OF FISH AND WILDLIFE**
 - b. **REQUEST FOR JUDICIAL NOTICE IN SUPPORT OF RESPONDENTS'
DEMURRER REPLY**
4. I served the aforementioned documents by mailing them to the following individual[s]:

Mr. Patrick Smotherman Wright
4515 Panorama Drive
La Mesa, CA 91941

5. I am readily 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. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid.
6. On September 10, 2026, I enclosed the documents identified in paragraph [3] in a sealed envelope or package addressed to the persons at the address listed in paragraph [4] and placed the envelope for collection and mailing, following our ordinary business practices.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct, and that this declaration was executed on September 10, 2026.

Kristi Dykstra

Declarant

/s/ Kristi Dykstra

Signature

SA2026302057